



# Cortland County Legislature

## Legislative Session

Legislative Chambers  
Cortland, NY 13045  
<https://www.cortlandcountyny.gov>

~ Minutes ~

Thursday, March 27, 2025

6:00 PM

Board Room

### Public Hearings

1. Local Law "A" of 2025 - Authorize Long-Term Lease Agreement for County-Owned Property at Dwyer Park

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CLOSED [UNANIMOUS]</b>                                                                                                                                |
| <b>MOVER:</b>    | Beau Harbin, Minority Leader                                                                                                                             |
| <b>SECONDER:</b> | Joseph Nauseef, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

2. Local Law "B" of 2025 - a Local Law Establishing Term Limits and Appointment Procedures for the CSB

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CLOSED [UNANIMOUS]</b>                                                                                                                                |
| <b>MOVER:</b>    | Joseph Nauseef, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

3. Local Law "C" of 2025 - Repeal Local Law 7 of 2024, Local Law Overriding Tax Levy Limit for 2025

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CLOSED [UNANIMOUS]</b>                                                                                                                                |
| <b>MOVER:</b>    | Beau Harbin, Minority Leader                                                                                                                             |
| <b>SECONDER:</b> | Jason Prentice, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

### Call to Order

The meeting was called to order at 6:01 PM by Chair of the Legislature Kevin Fitch

### Salute to the Flag

### Roll Call

| Attendee Name     | Organization    | Title           | Status  | Arrived |
|-------------------|-----------------|-----------------|---------|---------|
| Douglas Bentley   | Cortland County | Legislator      | Present |         |
| Cathy Bischoff    | Cortland County | Legislator      | Present |         |
| Reed Cleland      | Cortland County | Legislator      | Present |         |
| Mitchel Eccleston | Cortland County | Legislator      | Present |         |
| Beau Harbin       | Cortland County | Minority Leader | Present |         |
| Paul Heider       | Cortland County | Majority Leader | Present |         |
| Linda Jones       | Cortland County | Legislator      | Present |         |

|                    |                 |                          |         |  |
|--------------------|-----------------|--------------------------|---------|--|
| Dominick Mantella  | Cortland County | Legislator               | Present |  |
| William McGovern   | Cortland County | Legislator               | Present |  |
| Joseph Nauseef     | Cortland County | Legislator               | Present |  |
| Christopher Newell | Cortland County | Legislator               | Present |  |
| Jason Prentice     | Cortland County | Legislator               | Present |  |
| Sandra Price       | Cortland County | Legislator               | Present |  |
| Ronald J. Van Dee  | Cortland County | Legislator               | Present |  |
| Keith VanGorder    | Cortland County | Legislator               | Present |  |
| Eugene Waldbauer   | Cortland County | Legislator               | Present |  |
| Kevin Fitch        | Cortland County | Chair of the Legislature | Present |  |

## Approval of Minutes

1. Cortland County Legislature - Legislative Session - Feb 27, 2025 6:00 PM

|                                |
|--------------------------------|
| <b>RESULT:</b> <b>APPROVED</b> |
|--------------------------------|

2. Cortland County Legislature - Special Meeting - Mar 13, 2025 4:00 PM

|                                |
|--------------------------------|
| <b>RESULT:</b> <b>APPROVED</b> |
|--------------------------------|

## Privilege of the Floor

## Proclamations & Recognitions

1. 2025 Ag Day/Month Proclamation

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

2. April 2025 Donate Life Month Proclamation

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

3. April 2025 Child Abuse Prevention Month

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

4. March 2025 Women's History Month

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

5. David Rutherford, Cooperative Extension of Cortland County Retirement Proclamation

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

## Presentation of Petitions, Communications, Presentations and Notices

1. Transportation Training Presentation - Melissa Potter, Mobility Manager

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

2. Audit Overview Presentation - Stephen Trobert, Manager of Audit and Financial Projects

|                                 |
|---------------------------------|
| <b>RESULT:</b> <b>COMPLETED</b> |
|---------------------------------|

## Reports of Standing, Special and Ad Hoc Committees

## Receive and File

1. Annual Probation Report 2024

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECEIVE AND FILE [UNANIMOUS]</b>                                                                                                                      |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

## Articles Postponed to Day Certain

## Unfinished Business

## New Business

## **Resolutions**

### **Resolutions from the Chair**

AGENDA ITEM NO. 1 – Appoint Members: Labor-Management Safety Committee

|                  |                                                                                                                                                                |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                                     |
| <b>MOVER:</b>    | Kevin Fitch, Chair of the Legislature                                                                                                                          |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                                   |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella,<br>McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder,<br>Waldbauer, Fitch |

**ON MOTION OF FITCH**

**RESOLUTION NO. 48-25**

#### **Appoint Members: Labor-Management Safety Committee**

WHEREAS, Section 71 of the New York State Workers' Compensation Law directs the Chief Elected Official of a county electing to operate its Workers' Compensation Plan ("Plan") on an experience rating basis to create and appoint a Labor-Management Safety Committee ("Committee"); AND

WHEREAS, the purposes of the Committee shall be to educate public employees of the Plan participants in proper health and safety procedures in the work places of the participants, and to design such additional programs as may be appropriate to the development of a safe working environment in participants' facilities and job sites; AND

WHEREAS, the Committee shall accomplish these purposes by establishing and maintaining such employee safety and health programs as it deems appropriate and by publicizing the availability of such programs; AND

WHEREAS, the Committee, which shall be appointed by the Chief Elected Official, shall be comprised of an equal number of employer and employee representatives consisting of not less than three (3) nor more than five (5) representatives each of the employer and of the employees, respectively; AND

WHEREAS, the following employee candidates have been submitted by employee organizations recognized or certified to represent employees of the participants pursuant to Article Fourteen of the Civil Service Law:

Melissa Norton - CSEA #6550  
Elisabeth Schmitt-Bacani - NYSNA  
Michael Gates - Police Association  
Scott Magee - Dispatch (DOERC)  
Kyle Knickerbocker - Corrections

; AND

WHEREAS, the Chief Elected Official, or person designated by him, shall act as the chairperson of the committee, but shall not be entitled to vote on any Committee business; AND

WHEREAS, the members of the Committee shall serve without salary, but shall be entitled to reimbursement for reasonable and necessary expenses incurred in the performance of their official duties pursuant to this section; AND

WHEREAS, the Committee shall meet at least four (4) times a year, with at least one meeting in each calendar quarter; AND

WHEREAS, the chairperson shall designate the dates of the meeting, and shall give at least ten (10) days written notice to each Committee member of each meeting; AND

WHEREAS, the costs and expenses of the Committee and its health and safety programs shall be an administrative expense of the Plan; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature be and hereby formally establishes a Labor-Management Safety Committee; AND BE IT FURTHER

RESOLVED, that the following be appointed in conformance with Workers' Compensation Law Section 71:

| Name                     | Capacity                                                    | Term Expiration |
|--------------------------|-------------------------------------------------------------|-----------------|
| Melissa Norton           | CSEA #6550                                                  | 12/31/2025      |
| Elisabeth Schmitt-Bacani | NYSNA                                                       | 12/31/2025      |
| Michael Gates            | Police Association                                          | 12/31/2025      |
| Scott Magee              | Dispatch (DOERC)                                            | 12/31/2025      |
| Kyle Knickerbocker       | Corrections                                                 | 12/31/2025      |
| Jason DeRaiche           | Management (Safety Director)                                | 12/31/2025      |
| Pamela Abbott            | Management (Deputy Personnel Officer)                       | 12/31/2025      |
| Wendy Canfield           | Management (Executive Assistant to County Administrator)    | 12/31/2025      |
| Chad Burhans             | Management (Undersheriff)                                   | 12/31/2025      |
| Ed Darling               | Management (Highway Engineering and Maintenance Supervisor) | 12/31/2025      |

; AND BE IT FURTHER

RESOLVED, that Pamela Abbott be and hereby is appointed as chairperson of the Labor-Management Safety Committee.

AGENDA ITEM NO. 2 – Appoint Member to the Central New York Regional Planning and Development Board

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Kevin Fitch, Chair of the Legislature                                                                                                                    |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF FITCH

RESOLUTION NO. 49-25

**Appoint Member to the Central New York Regional Planning and Development Board**

WHEREAS, Legislator Christopher Newell has resigned from the Central New York Regional Planning and Development Board as of March 27, 2025; NOW THEREFORE BE IT

RESOLVED, that Legislator Reed Cleland of 18 Nixon Ave, Homer NY 13077, be appointed in conformance with the Regional Planning and Development Board By-Laws to fill in and complete the term ending 12/31/25.

## Referred from Building & Grounds Committee

AGENDA ITEM NO. 3 – Local Law "A" of 2025 - A Local Law to Authorize a Long-Term Lease Agreement for County-Owned Property at Dwyer Park Main Pavilion

|                  |                                                                                                                               |
|------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [14 TO 2]</b>                                                                                                      |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                  |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Van Dee, VanGorder, Waldbauer, Fitch |
| <b>NAYS:</b>     | Mitchel Eccleston, Sandra Price                                                                                               |
| <b>RECUSED:</b>  | Reed Cleland                                                                                                                  |

ON MOTION OF HEIDER

RESOLUTION NO. 50-25

### **Local Law "A" of 2025 - A Local Law to Authorize a Long-Term Lease Agreement for County-Owned Property at Dwyer Park Main Pavilion**

BE IT ENACTED, by the Cortland County Legislature, as follows:

#### SECTION 1. LEGISLATIVE INTENT

Cortland County is the owner of Dwyer Memorial County Park, located at 6799 Little York Lake Rd, Preble, NY 13141, which includes the building generally known as the Dwyer Park Pavilion (hereinafter referred to as the “Main Pavilion”). The County seeks to ensure that the Main Pavilion is utilized in a manner that benefits the public by supporting cultural, recreational, and community activities.

To achieve this goal, the County issued a Request for Proposals (RFP) for the lease of the Main Pavilion, including the management of the first-floor rentals. Following the competitive selection process, Cortland Repertory Theatre (CRT), of 24-26 Port Watson Street, Cortland, NY 13045, was determined to be the successful bidder.

#### SECTION 2. AUTHORIZATION OF LEASE AGREEMENT

The Chair of the Cortland County Legislature is hereby authorized to execute a long-term lease agreement with Cortland Repertory Theatre (CRT), of 24-26 Port Watson Street, Cortland, NY 13045, for the lease of the Main Pavilion at Dwyer Memorial County Park. The lease shall include provisions for CRT to manage the rental of the first floor for public use while utilizing the second floor for community-based arts, cultural, and recreational programming.

#### SECTION 3. LEASE TERMS

The lease agreement shall include, but not be limited to, the following terms:

- A lease term not to exceed ten (10) years, subject to renewal upon mutual agreement and legislative approval.
- A rental payment structure to be determined in accordance with fair market value and the County’s financial policies.
- Requirements for maintenance, utilities, and upkeep of the facility.
- Compliance with all applicable laws, regulations, and safety standards.

- Provisions for public access to the facility's first-floor rental spaces.
- Performance expectations and periodic reviews to ensure compliance with lease obligations.

#### SECTION 4. REVENUE DEPOSIT

All proceeds from the lease payments shall be deposited into Account No. A71105.42410, Rental of Real Property.

#### SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

AGENDA ITEM NO. 4 – Rescind Resolution No. 24-25 - Authorizing Agreement for Sprinkler System at Cortland County Recycling Center

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF HEIDER**

**RESOLUTION NO. 51-25**

**Rescind Resolution No. 24-25 - Authorizing Agreement for Sprinkler System at Cortland County Recycling Center**

WHEREAS, Resolution No. 24-25 authorized the entering into an agreement with Petcosky Fire Protection, Inc. for the repair or replacement of the sprinkler system at the Cortland County Recycling Center for an amount not to exceed \$55,000; AND

WHEREAS, it has been determined that there is a need to rescind the resolution and put out a Request for Proposals (RFP) for the project; NOW THEREFORE BE IT

RESOLVED, that Resolution No. 24-25 be and hereby is rescinded.

AGENDA ITEM NO. 5 – Authorize Agreement with Pathfinder, Now IMEG, for Cortland County Courthouse HVAC Project

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF HEIDER**

**RESOLUTION NO. 52-25**

## **Authorize Agreement with Pathfinder, Now IMEG, for Cortland County Courthouse HVAC Project**

WHEREAS, Cortland County has received, on behalf of Assemblymember Anna Kelles, \$2.2 Million in funding through the Community Resiliency, Economic Sustainability and Technology (CREST) Program; AND

WHEREAS, these funds will support capital costs associated with replacing the HVAC system in the Cortland County Courthouse; AND

WHEREAS, the County solicited for Statement of Qualifications (SOQ) from consultants for the Courthouse HVAC Project; AND

WHEREAS, upon evaluation of the submitted SOQ's, ratings and interviews, Pathfinder, now IMEG, was selected by a committee consisting of members of the Building and Grounds Committee, the Superintendent and Deputy Superintendent of Highways; AND

WHEREAS, the Buildings and Grounds Committee of the Cortland County Legislature recommends entering into an agreement with Pathfinder, now IMEG, to perform a feasibility study for a ground source heat pump system, alternate system(s), and provide an engineer's estimate; AND

WHEREAS, the fee for the feasibility studies and engineer's estimate for said project is \$67,840; AND

WHEREAS, the funds will be appropriated in Account No.HH16205.54055.CHINT; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes and approves entering into an agreement with Pathfinder, now IMEG, to perform a feasibility study for a ground source heat pump system, alternate systems, and an engineer's estimate for a cost not to exceed \$70,000; AND BE IT FURTHER

RESOLVED, that the Cortland County Administrator, upon review and approval, by the County Attorney or designee, is hereby authorized to enter into an agreement with Pathfinder, now IMEG, to perform a feasibility study for a ground source heat pump System, alternate system(s), and provide an engineer's estimate, for a cost not to exceed \$70,000.

## **Referred from Highway Committee**

AGENDA ITEM NO. 6 – Adopting Safety Standards for Playgrounds Owned and Maintained by Cortland County

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Christopher Newell, Legislator                                                                                                                           |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF NEWELL**

**RESOLUTION NO. 53-25**

## **Adopting Safety Standards for Playgrounds Owned and Maintained by Cortland County**

WHEREAS, the safety and well-being of children and families utilizing playgrounds owned and maintained by Cortland County is of the utmost importance; AND

WHEREAS, national safety standards for playgrounds, including those established by the Consumer Product Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM), provide critical guidelines to ensure the design, installation, inspection, and maintenance of playgrounds meet the highest safety benchmarks; AND

WHEREAS, it is in the best interest of Cortland County to formally adopt these national safety standards, as may be amended in the future, to guide the development and oversight of playgrounds owned by Cortland County; AND

WHEREAS, any playground installed, owned, and maintained for or by Cortland County may also be subject to additional site-specific standards or requirements, which shall be maintained and upheld by Cortland County to ensure continued compliance and safety; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby adopts the national safety standards for playgrounds, including but not limited to those established by the CPSC and ASTM, as may be amended from time to time; AND BE IT FURTHER

RESOLVED, that any playground owned by Cortland County shall be subject to both these national safety standards and any site-specific standards that may be established, with the County responsible for ensuring compliance and enforcement of such standards; AND BE IT FURTHER

RESOLVED, that the appropriate County departments shall implement procedures to ensure ongoing adherence to these safety standards, including regular inspections, maintenance, and updates as necessary.

AGENDA ITEM NO. 7 – Resolution Urging the Enactment of the Packaging Reduction and Recycling Infrastructure Act (S.1464/A.1749)

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Christopher Newell, Legislator                                                                                                                           |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF NEWELL

RESOLUTION NO. 54-25

**Resolution Urging the Enactment of the Packaging Reduction and Recycling Infrastructure Act  
(S.1464/A.1749)**

WHEREAS, New York State faces an imminent waste management crisis, with the state's largest landfill set to reach capacity in 2025, remaining landfills projected to have only 16 years of capacity, and municipalities struggling to maintain recycling programs due to increasing costs; AND

WHEREAS, over 860,000 tons of potentially recyclable materials are trashed annually in New York State due to confusion about what is recyclable and a lack of proper infrastructure; AND

WHEREAS, implementing comprehensive Extended Producer Responsibility (EPR) legislation for packaging and printed paper would provide multiple benefits to municipalities and residents, including:

- Providing approximately \$300 million in annual cost relief to local governments and taxpayers
- Creating dedicated funding for recycling infrastructure investments

- Establishing consistent statewide standards for recyclable materials to reduce consumer confusion
- Incentivizing producers to design packaging that is more recyclable and contains more recycled content
- Prohibiting toxic chemicals in packaging, including PFAS, phthalates, and heavy metals
- Boosting recycling rates from the current 18 percent to over 70 percent, as demonstrated in other jurisdictions with EPR
- Reducing contamination in recycling streams to improve material quality and marketability
- Creating green jobs in collection, processing, and manufacturing with recycled materials

; AND

WHEREAS, five (5) states have already enacted packaging EPR laws, and such programs have been successfully implemented for decades throughout Canada and Europe, achieving recycling rates as high as 78 percent; AND

WHEREAS, the Packaging Reduction and Recycling Infrastructure Act (PRRIA), S.1464 (Harckham)/A.1749 (Glick) establish an WPR program for packaging in New York State and should be expanded to include printed paper given its significant contribution to municipal recycling costs and material volume; NOW THEREFORE BE IT

RESOLVED, the Cortland County Legislature commends Senator Pete Harckham and Assemblymember Deborah Glick for their steadfast leadership in sponsoring the Package Reduction and Recycling Infrastructure Act; AND BE IT FURTHER

RESOLVED, the Cortland County Legislature urges Senator Harckham and Assemblymember Glick to amend this legislation to include printed paper in recognition of its significant contribution to greenhouse gas emissions and municipal recycling costs; AND BE IT FURTHER

RESOLVED, the Cortland County Legislature calls on the Senate and Assembly to pass and the Governor to sign S.1464 (Harckham)/A.1749 (Glick) during the 2025 Legislative Session; AND BE IT FURTHER

RESOLVED, the Cortland County Legislature shall forward copies of this resolution to Governor Kathy Hochul, the New York State Legislature, the Commissioner of New York State Department of Environmental Conservation, and all others deemed necessary and proper.

AGENDA ITEM NO. 8 – Authorize Memorandum of Understanding with Centro of Cortland, Inc. for the Utilization of the Cortland County Highway Fuel Farm

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Christopher Newell, Legislator                                                                                                                           |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF NEWELL

RESOLUTION NO. 55-25

**Authorize Memorandum of Understanding with Centro of Cortland, Inc. for the Utilization of the Cortland County Highway Fuel Farm**

WHEREAS, Cortland County elected to become a participating member of the Central New York Regional Transportation Authority by Resolution No. 145-24; AND

WHEREAS, in order for Centro of Cortland, Inc. to provide cost efficient public transportation services they wish to utilize the Cortland County fuel farm located at the Highway Department to refill vehicles and equipment used for the Centro of Cortland, Inc. public transportation; AND

WHEREAS Centro of Cortland Inc. will be billed and make payments in accordance with the agreement set forth; AND

WHEREAS, Centro of Cortland, Inc. will pay the price for fuel at the fuel farm including the \$0.25 per gallon increase per Resolution No. 152-24; NOW THEREFORE BE IT

RESOLVED, that Centro of Cortland, Inc. shall utilize the Cortland County Highway Fuel Farm located at 4267 Traction Drive, Cortland, NY 13045 for the period of one year from the approval of this agreement; AND BE IT FURTHER

RESOLVED, that the County Administrator, upon approval by the County Attorney or designee, be and hereby is authorized to execute a Memorandum of Understanding with Centro of Cortland, Inc. for the utilization of the Cortland County Highway Fuel Farm.

## Referred from Government Operations Committee

AGENDA ITEM NO. 9 – Establishing a Formal Proclamation Policy for Cortland County

|                  |                                                                                                                                                |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>REFER TO COMMITTEE-VOTE [16 TO 1]</b>                                                                                                       |
|                  | <b>Next: 4/8/2025 11:00 AM</b>                                                                                                                 |
| <b>MOVER:</b>    | Beau Harbin, Minority Leader                                                                                                                   |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                       |
| <b>AYES:</b>     | Bentley, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |
| <b>NAYS:</b>     | Cathy Bischoff                                                                                                                                 |

ON MOTION OF NAUSEEF

RESOLUTION NO.

### Establishing a Formal Proclamation Policy for Cortland County

WHEREAS, the Cortland County Legislature recognizes the importance of issuing proclamations to commemorate significant events, achievements, and contributions that positively impact the County and its residents; AND

WHEREAS, the issuance of proclamations should follow a uniform process to ensure fairness, transparency, and efficiency in granting such recognitions; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby establishes the following policy for the issuance of proclamations:

- 1. Purpose:** Proclamations are honorary, non-legally binding documents issued by the Cortland County Legislature to recognize individuals, organizations, events, or causes of countywide significance. **Proclamations shall not be issued for divisive political issues, personal, business, or political endorsements.**
- 2. Request Process:**
  - a) Requests for proclamations must be submitted in writing to the Clerk of the Legislature at least 14 days prior to the intended issuance date.

- b) Requests should include the proposed text, the reason for recognition, and any supporting documentation.
- c) Requests shall be reviewed by the Chair of the Legislature or their designee to determine eligibility.
- d) Proclamations may only be requested by residents or organizations that have representation with Cortland County.

### **3. Approval Process:**

- a) Proclamations deemed appropriate will be scheduled for presentation at a legislative session or an appropriate public event.
- b) The Chair of the Legislature retains the discretion to approve, modify, or deny any request.
- c) Proclamations do not require a vote by the full Legislature but shall be noted in the legislative record.

### **4. Format and Presentation:**

- a) Proclamations shall follow a standard format as established by the Clerk of the Legislature.
- b) The document shall be signed by the Chair of the Legislature and may be co-signed by other legislators if deemed appropriate.
- c) Proclamations may be presented in person at an event held within Cortland County, in person at a legislative meeting, or picked up in the office of the Clerk of the Legislature.
- d) Requests for legislative attendance at events for presentation of Proclamations must be included in the submission to the Clerk of the Legislature, but does not guarantee attendance.

### **5. Restrictions:**

- a) Proclamations shall not be issued for divisive political issues, personal, business, political endorsements, or personal milestones such as birthdays and weddings, except for those of exceptional public service.
- b) Proclamations should be aligned with the values and mission of Cortland County.

### **6. Public Access:**

- a) Information about the proclamation policy and request procedures shall be made available to the public through the official Cortland County website and the Clerk of the Legislature's office.

; AND BE IT FURTHER

RESOLVED, that this policy shall take effect immediately upon adoption and shall be reviewed periodically for necessary amendments.

## **Referred from Judiciary & Public Safety Committee**

AGENDA ITEM NO. 10 – Authorize HVAC Maintenance Contract - Emergency Response & Communications

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**Authorize HVAC Maintenance Contract - Emergency Response & Communications**

WHEREAS, through competitive bidding Cortland County's Department of Emergency Response & Communications purchased an HVAC system for its 911 facility at 22 West Court Street; AND

WHEREAS, Cortland County's Department of Emergency Response & Communications is seeking to have preventative maintenance completed on the HVAC units twice a year in line with manufacturer recommendations, by a certified contractor and in keeping with the established warranty; AND

WHEREAS the Department has funding in account A30205.54015 for the 2025 budget year; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval of the County Attorney or designee, is authorized to execute a purchase order and contract agreement with Modular Mechanical Service, 5860 Belle Isle Road, Syracuse, NY 13209 in the amount of \$11,208.00.

AGENDA ITEM NO. 11 – A Resolution Calling on the Governor and State Legislature to Reconsider Executive Order 47.3, Repeal the HALT Act, and Support Fair Employment and Working Conditions for Corrections Officers

|                |                  |
|----------------|------------------|
| <b>RESULT:</b> | <b>NO ACTION</b> |
|----------------|------------------|

**A Resolution Calling on the Governor and State Legislature to Reconsider Executive Order 47.3, Repeal the HALT Act, and Support Fair Employment and Working Conditions for Corrections Officers**

WHEREAS, corrections officers across New York State perform an essential and difficult job, maintaining safety and order in correctional facilities while facing increasing challenges in their work environment; AND

WHEREAS, the number of reported assaults on corrections officers has reached unprecedented levels, with over 1,700 incidents reported in 2023; more than double the number recorded a decade ago, while inmate-on-inmate violence has surged by 169% since 2021; AND

WHEREAS, the enactment of the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act in 2022 has led to increased violence in state-run correctional facilities, restricting the ability of officers to discipline violent offenders and creating unsafe conditions for both staff and inmates; AND

WHEREAS, the chronic understaffing of correctional facilities has exacerbated these dangers, with some facilities reporting shortages of up to 30% of necessary staffing levels, forcing officers into mandatory overtime, extended shifts, and unsafe working conditions; AND

WHEREAS, the recent enactment of Executive Order No. 47.3 by the Governor of New York State imposes employment restrictions on former Department of Corrections and Community Supervision (DOCCS) employees, prohibiting them from being hired by county and local correctional facilities and other municipal agencies, further straining staffing shortages in correctional institutions; AND

WHEREAS, this executive order unfairly penalizes experienced corrections officers, preventing them from continuing their service in local facilities, while contradicting New York State's broader

efforts to promote second chances through initiatives such as the Clean Slate Act; AND

WHEREAS, counties, including Cortland County, rely on the ability to recruit qualified and trained personnel to maintain safe and effective operations within their correctional facilities, and the combination of restrictive employment policies and understaffing poses significant risks to public safety; AND

WHEREAS, the cost of addressing staffing shortages through emergency measures, including the deployment of National Guard personnel, has imposed an unnecessary financial burden on taxpayers, with estimated costs reaching \$3.5 million per day; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature stands in support of corrections officers and all public employees who deserve fair treatment, safe working conditions, and continued employment opportunities within the public sector; AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature strongly urges Governor Kathy Hochul to reconsider and rescind Executive Order 47.3 to ensure that qualified and experienced individuals are not arbitrarily barred from employment with local and county governments; AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature urges the New York State Legislature and Governor Hochul to repeal the HALT Act, recognizing the urgent need to restore discipline and security within state correctional facilities; AND BE IT FURTHER

RESOLVED, that the Cortland County Legislature calls upon the Governor and State Legislature to take immediate action to address correctional facility staffing shortages by ensuring adequate hiring, reasonable overtime policies, and improved workplace protections for corrections officers; AND BE IT FURTHER

RESOLVED, that copies of this resolution be sent to the Honorable Kathy Hochul, Governor of New York State; members of the New York State Legislature; the New York State Department of Corrections and Community Supervision; and all others deemed necessary and proper.

## **Referred from Agriculture/Planning/Environment Committee**

AGENDA ITEM NO. 12 – Amend 2025 Budget/Accept New York State Operating Assistance (STOA) SFY 2024-25 Additional “Clean Up”

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Beau Harbin, Minority Leader                                                                                                                             |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF HARBIN**

**RESOLUTION NO. 57-25**

**Amend 2025 Budget/Accept New York State Operating Assistance (STOA) SFY 2024-25 Additional “Clean Up”**

WHEREAS, the Public Transportation Bureau has sent vouchers to the New York State Comptroller that distributes the SFY 2024-2025 State Wide Mass Transportation Operating Assistance (STOA) “Clean Up” payments to the upstate formula bus systems; AND

WHEREAS, these payments distribute the remaining 2024-2025 STOA appropriation balances for the upstate formula bus systems; AND

WHEREAS, Resolution No. 245-24 authorized Cortland County to amend the 2024 budget to fund an agreement with First Transit, Inc., dba Transdev, to provide public transportation services during the County’s transition to Centro; AND

WHEREAS, Cortland County has received SFY 2024-2025 STOA “Clean-Up” funds in the amount of \$302,042.50 from the New York State Department of Transportation under the State Wide Mass Transportation Operating Assistance, which will go back into the fund balance; NOW THEREFORE BE IT

RESOLVED, the 2025 budget be amended as follows:

Increase:

|               |                           |              |
|---------------|---------------------------|--------------|
| A563044-43589 | MISC STATE TRANSPORTATION | \$302,042.50 |
| A390900       | FUND BALANCE              | \$302,042.50 |

AGENDA ITEM NO. 13 – Authorization to Apply for Empire State Development (ESD) County Infrastructure Grant – Cortlandville Water Infrastructure Project – Planning Department

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Beau Harbin, Minority Leader                                                                                                                             |
| <b>SECONDER:</b> | Joseph Nauseef, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF HARBIN

RESOLUTION NO. 58-25

**Authorization to Apply for Empire State Development (ESD) County Infrastructure Grant – Cortlandville Water Infrastructure Project – Planning Department**

WHEREAS, Empire State Development (ESD) is offering a County Infrastructure Grant Program which provides funding to support infrastructure improvements that promote economic development, housing, and community well-being; AND

WHEREAS, Cortland County recognizes the importance of investing in critical infrastructure to support economic growth, housing, and public health; AND

WHEREAS, Empire State Development requires that the County apply for said grant funding directly or on behalf of any other municipalities within the County; AND

WHEREAS, the Town of Cortlandville has identified the need to develop a new groundwater supply well to enhance its water system’s capacity; AND

WHEREAS, the Town of Cortlandville has agreed to contribute all local match associated with the grant; AND

WHEREAS, Cortland County seeks to apply for \$1,000,000 in funding through Empire State Development County Infrastructure Grant Program on the Town of Cortlandville’s behalf to assist in financing the development of the proposed water infrastructure project; NOW THEREFORE BE IT

RESOLVED, that the Chair of the Legislature, County Administrator and/or appropriate Department Head is hereby authorized and directed to file an application for the County Infrastructure Grant Program from Empire State Development.

## Referred from Health & Human Services Committee

AGENDA ITEM NO. 14 – Local Law 3 of 2025 - a Local Law Establishing Term Limits and Appointment Procedures for the Cortland County Community Services Board

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF VAN DEE

RESOLUTION NO. 59-25

### Local Law 3 of 2025 - a Local Law Establishing Term Limits and Appointment Procedures for the Cortland County Community Services Board

WHEREAS, the Section 41 (11) of the New York State Mental Hygiene Law states that “No person may serve as a member of a board of a subcommittee for more than two terms consecutively unless otherwise provided by local law”; AND

WHEREAS, it is the recommendation of the Health and Human Services Committee of the Cortland County Legislature to enact a local law to allow for an additional one-year term for Community Services Board members and/or its subcommittees, if approved and recommended by unanimous vote of the Community Services Board, upon a finding by the Cortland County Legislature that an extension is necessary for the effective operation of the Community Services Board; NOW THEREFORE

BE IT ENACTED by the Legislature of the County of Cortland as follows:

#### SECTION 1. LEGISLATIVE INTENT

Pursuant to the authority granted under the New York State Mental Hygiene Law, the Cortland County Legislature hereby establishes term limits and appointment procedures for the Cortland County Community Services Board to ensure effective governance and continuity of service.

#### SECTION 2. APPOINTMENTS AND TERMS OF SERVICE

- A. Following the initial staggered terms as provided by law, each member of the Cortland County Community Services Board shall be appointed for a four-year term.
- B. All terms shall commence on the first day of the year of the appointment.
- C. Any vacancies occurring on the Community Services Board shall be filled for the remainder of the unexpired term.

#### SECTION 3. TERM LIMITS

- A. No person may serve as a member of the Community Services Board or any of its subcommittees for more than two consecutive terms.
- B. A former member who has reached the term limit may be reappointed after a minimum one-year absence from the Board or subcommittee.
- C. Exceptions to the term limit may be made for one additional one-year term, if approved and recommended by unanimous vote of the Community Services Board, upon a finding by the Cortland County Legislature that an extension is necessary for the effective operation of the Community Services Board.

#### SECTION 4. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

## SECTION 5. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law, or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part thereof directly involved in the controversy in which such order or judgment shall have been rendered.

### AGENDA ITEM NO. 15 – Appoint/Reappoint Community Services Board and Subcommittee Members - Mental Health Department

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

#### ON MOTION OF VAN DEE

#### RESOLUTION NO. 60-25

#### **Appoint/Reappoint Community Services Board and Subcommittee Members - Mental Health Department**

WHEREAS, the Bylaws of the Cortland County Community Services Board (CSB), Article 3, Section 1, states that membership of the organization shall consist of (15) fifteen members appointed by the Cortland County Legislature, and Article 7, Section 1 states that the membership of the Mental Health (MH), Developmental Disabilities (DD) and Substance Use Disorder (SUD) Subcommittees shall consist of nine (9) members each, appointed by the Cortland County Legislature; AND

WHEREAS, a typical full term of each member of the Board and Subcommittees shall be four years except when completing the term created by a member resignation or death; AND

WHEREAS, members may serve for a maximum of two consecutive terms unless no recruitment is available; AND

WHEREAS, individuals have been nominated to fill vacancies on the Community Services Board and all the Subcommittees; NOW THEREFORE BE IT

RESOLVED, that the following members be and hereby are appointed / reappointed to the Cortland County Community Services Board and three Subcommittees for terms beginning March 27, 2025, and ending as reflected below:

#### **COMMUNITY SERVICES BOARD (CSB):**

##### **APPOINT:**

|                     |                                   |                        |            |
|---------------------|-----------------------------------|------------------------|------------|
| Alaina Zapf, Psy.D. | 9 Forrest Ave, Cortland NY, 13045 | Medical - Psychologist | 12/31/2028 |
| Michele Gravel      | 16 Lora Lane, Homer NY, 13077     | IDD Agency             | 12/31/2028 |

##### **REAPPOINT:**

|                    |                                          |                      |            |
|--------------------|------------------------------------------|----------------------|------------|
| Alexandra Mikowski | 98 Owego St, Cortland NY, 13045          | Advocacy Agency      | 12/31/2028 |
| *Kathryn Reynolds  | 4385 Cosmos Hill Rd., Cortland NY, 13045 | Ret. CSE/Therapy dog | 12/31/2025 |

**\*Special Term - one year extension - 12/31/2025**

#### **MENTAL HEALTH SUBCOMMITTEE (MH):**

**APPOINT:**

|                     |                                  |                        |            |
|---------------------|----------------------------------|------------------------|------------|
| Alaina Zapf, Psy.D. | 9 Forrest Ave, Cortland NY 13045 | Medical - Psychologist | 12/31/2028 |
|---------------------|----------------------------------|------------------------|------------|

**REAPPOINT:**

|                     |                                      |                         |            |
|---------------------|--------------------------------------|-------------------------|------------|
| Christopher Bergene | 795 Pheasant Run, Cortland NY, 13045 | State Agency - Children | 12/31/2028 |
|---------------------|--------------------------------------|-------------------------|------------|

**SUBSTANCE USE DISORDER SUBCOMMITTEE (SUD)****REAPPOINT:**

|                |                                           |                                           |            |
|----------------|-------------------------------------------|-------------------------------------------|------------|
| Amanda Howlett | 2719 State Route 26, Cincinnatus NY 13040 | Agency and Works with Homeless Population | 12/31/2028 |
|----------------|-------------------------------------------|-------------------------------------------|------------|

**DEVELOPMENTAL DISABILITIES SUBCOMMITTEE (DD)****APPOINT:**

|                |                               |            |            |
|----------------|-------------------------------|------------|------------|
| Michele Gravel | 16 Lora Lane, Homer NY, 13077 | IDD Agency | 12/31/2028 |
|----------------|-------------------------------|------------|------------|

AGENDA ITEM NO. 16 – Abolish Sr. Case Aide/Create Social Welfare Examiner - Department of Social Services

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE****RESOLUTION NO. 61-25****Abolish Sr. Case Aide/Create Social Welfare Examiner - Department of Social Services**

WHEREAS, the needs of the Department of Social Services will be better served by abolishing one (1) position of Senior Case Aide, and creating one (1) position of Social Welfare Examiner; AND

WHEREAS, the Health and Human Services Committee recommends the abolition and creation of these positions; NOW THEREFORE BE IT

RESOLVED, that one (1) position of Senior Case Aide (Grade 10, CSEA, \$20.1738-\$25.5349/hr, competitive class, full time with benefits) be abolished effective March 27, 2025; AND BE IT FURTHER

RESOLVED, that one (1) position of Social Welfare Examiner (Grade 12, CSEA \$21.4940-\$27.2060/hr, competitive class, full time with benefits) be created with permission to fill effective March 28, 2025.

AGENDA ITEM NO. 17 – Create Part Time Public Health Educator - Health Department

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE**

**RESOLUTION NO. 62-25**

**Create Part Time Public Health Educator - Health Department**

WHEREAS, the needs of the agency will be better served by creating one part-time position of Public Health Educator; AND

WHEREAS, the Health and Human Services Committee recommends the creation of this position, which is 100% grant funded; NOW THEREFORE, BE IT

RESOLVED, that one part-time position of Public Health Educator (Grade 18, 26.3374-33.3363/hr, CSEA, non-competitive class, part-time, 17 hrs/week, no benefits), be created with approval to fill on March 27, 2025; AND BE IT FURTHER

RESOLVED, that the position shall be abolished upon termination of the grant funding for the position.

**AGENDA ITEM NO. 18 – Authorize Agreement Hearing Officer Services - Health Department**

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE**

**RESOLUTION NO. 63-25**

**Authorize Agreement Hearing Officer Services - Health Department**

WHEREAS, Cortland County requires a Hearing Officer to preside in cases for enforcement of the NYS Public Health Law, NYS Sanitary Code and the Cortland County Sanitary Code; AND

WHEREAS, Johnathan Wood, of 170 Myers Road, Lansing, New York, and Robert Spitzer, of 5333 Center St., Williamsburg, VA 23188 14882, will provide the services as necessary to meet the needs at a fee of \$200 per hour; AND

WHEREAS, monies for the above services are budgeted in Contracted Agencies expenditure account A40125.54815.EH; AND

WHEREAS, the term for this agreement shall be from April 1, 2025 to March 31, 2027; AND

WHEREAS, this agreement shall include a ninety (90) day extension clause allowing the agreement to be extended until June 30, 2027 if a successor agreement is not executed by March 31, 2027; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee and subject to appropriation of funding by the Legislature, are hereby authorized to execute agreements for the provision of said services.

**AGENDA ITEM NO. 19 – Accept Funds HUD Healthy Homes Production Grant - Health Department**

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE**

**RESOLUTION NO. 64-25**

**Accept Funds HUD Healthy Homes Production Grant - Health Department**

WHEREAS, The U.S. Department of Housing and Urban Development (HUD has awarded \$1,933,255.30 to the Cortland County Health Department; AND

WHEREAS, these funds will be used to address multiple childhood diseases and injuries in the home by focusing on housing-related hazards in a coordinated fashion. The program will expand the Health Department’s efforts to address a variety of high-priority environmental health and safety hazards; AND

WHEREAS, the Cortland County Health Department will partner and contract with CAPCO and RHI to help facilitate the grant deliverables; NOW THEREFORE BE IT,

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to execute all documents related to the HUD Health Homes Production Grant; AND BE IT FURTHER

RESOLVED, that the 2025 Adopted County Budget is hereby amended as follows:

**Increase Revenue:**

|                  |                         |                |
|------------------|-------------------------|----------------|
| A40115.44401.HUD | PUBLIC HEALTH - FEDERAL | \$1,933,255.30 |
|------------------|-------------------------|----------------|

**Increase Expenditure:**

|                  |                     |                |
|------------------|---------------------|----------------|
| A40115.51005.HUD | PERSONAL SERV       | \$62,131.48    |
| A40115.54815.HUD | CONTRACTED SERVICES | \$1,843,148.77 |
| A40115.58020.HUD | RETIREMENT          | \$8,698.41     |
| A40115.58030.HUD | FICA                | \$4,753.06     |
| A40115.58060.HUD | HEALTH INS          | \$14,523.58    |

**AGENDA ITEM NO. 20 – Amend 2024 Budget Pre-K Tuition Costs - Health Department**

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Jason Prentice, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE**

**RESOLUTION NO. 65-25**

**Amend 2024 Budget Pre-K Tuition Costs - Health Department**

WHEREAS, Cortland County's Pre-K Program, a mandatory program in which the County is required to pay for preschool services to children ages 3-5 with developmental disabilities, requires a budget amendment to the 2024 County budget to cover the increased costs of these services; AND

WHEREAS, due to the increase in the NYS rate of tuition and an increase in children requiring higher needs and more services, our PREK budget accounts are short on funding in 2024 in the amount of \$124,924; AND

WHEREAS, the Health Department can reallocate \$36,505 of the required amount but will need an additional \$88,419 to cover the 2024 expenses; NOW THEREFORE BE IT

RESOLVED, the 2024 adopted budget is hereby amended as follows:

Increase Expenditure:

|                   |              |           |
|-------------------|--------------|-----------|
| A40465.54445.PREK | PREK TUITION | \$124,924 |
|-------------------|--------------|-----------|

Decrease Expenditure:

|                   |               |            |
|-------------------|---------------|------------|
| A40465.51010.PREK | PART TIME PAY | (\$6,712)  |
| A40465.54015.PREK | MAINT AGRMT   | (\$2,832)  |
| A40465.58020.PREK | RETIREMENT    | (\$1,723)  |
| A40465.58030.PREK | FICA          | (\$4,027)  |
| A40595.51005.4052 | PERS SERV     | (\$10,017) |
| A40595.54045.4052 | TRAVEL        | (\$2,283)  |
| A40595.58060.4052 | HEALTH INS    | (\$3,745)  |
| A40595.58020.4055 | RETIREMENT    | (\$2,623)  |
| A40595.58030.4055 | FICA          | (\$2,543)  |

AGENDA ITEM NO. 21 – Accept Funds Performance Incentive Initiative 2024-Health Department

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE**

**RESOLUTION NO. 66-25**

**Accept Funds Performance Incentive Initiative 2024-Health Department**

WHEREAS, the New York State Dept. of Health has awarded the Cortland County Health Dept.

\$20,286 for the 2024 Article Six Year 12 Performance Incentive; AND

WHEREAS, these funds will be used to support costs associated with chronic disease prevention focusing specifically on implementation of active community strategies for promoting physical activity; NOW THEREFORE BE IT

RESOLVED, the 2025 adopted budget is hereby amended as follows:

Increase Expenditure:

|                   |             |          |
|-------------------|-------------|----------|
| A40105.54060.4000 | Advertising | \$20,286 |
|-------------------|-------------|----------|

Increase Revenue:

|                   |                         |          |
|-------------------|-------------------------|----------|
| A40105.43401.4000 | Public Health State Aid | \$20,286 |
|-------------------|-------------------------|----------|

## Referred from Finance & Administration Committee

AGENDA ITEM NO. 22 – Amend 2025 Budget - Retiree Health Insurance

|                  |                                                                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [16 TO 1]</b>                                                                                                                         |
| <b>MOVER:</b>    | Cathy Bischoff, Legislator                                                                                                                       |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                    |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |
| <b>NAYS:</b>     | Paul Heider                                                                                                                                      |

ON MOTION OF BISCHOFF

RESOLUTION NO. 67-25

### Amend 2025 Budget - Retiree Health Insurance

WHEREAS, in reviewing the 2025 Budget, it has been noted that the estimated County share of retiree health insurance is under budgeted; AND

WHEREAS, after reviewing the 2025 budget, it has been determined the County share of retiree health insurance needs to be increased; NOW THEREFORE BE IT

RESOLVED, the 2025 Cortland County Budget be and hereby is amended as follows:

Increase:

|              |                           |             |
|--------------|---------------------------|-------------|
| A90605.58060 | Health Ins                | \$2,300,000 |
| A.359900     | Appropriated Fund Balance | \$2,300,000 |

AGENDA ITEM NO. 23 – Local Law 4 of 2025 - a Local Law to Repeal Local Law 7 of 2024, a Local Law Overriding Tax Levy Limit for Fiscal Year 2025

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Cathy Bischoff, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF BISCHOFF**

**RESOLUTION NO. 68-25**

**Local Law 4 of 2025 - a Local Law to Repeal Local Law 7 of 2024, a Local Law Overriding Tax Levy Limit for Fiscal Year 2025**

WHEREAS, the New York State Legislature enacted General Municipal Law §3-c, which establishes a limit upon real property tax levies by local governments; AND

WHEREAS, pursuant to General Municipal Law §3-c (5), a local government may adopt a budget in excess of the tax levy limit only if the governing body of such local government first enacts a local law to override the tax levy limit for the coming fiscal year only; AND

WHEREAS, the Cortland County legislature adopted the 2025 property tax cap override with Resolution No. 212-24 (Local Law No. 7 of 2024) on October 24, 2024; AND

WHEREAS, New York State law requires the repealing of said override if the County is under the property tax cap to assure that county residents receive a Property Tax Cap refund check; AND

WHEREAS, the proposed Local Law has sat on Legislator's desks for seven days, and a public hearing was held on March 27, 2025; NOW THEREFORE

BE IT ENACTED, by the Cortland County Legislature, Local Law 4 of 2025 - a Local Law to Repeal Local Law 7 of 2024, a Local Law Overriding Tax Levy Limit for Fiscal Year 2025, effective upon filing with the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

AGENDA ITEM NO. 24 – Resolution Authorizing the County to Issue Notice of Termination of Sales Tax Agreement with the City of Cortland

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Cathy Bischoff, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF BISCHOFF**

**RESOLUTION NO. 69-25**

**Resolution Authorizing the County to Issue Notice of Termination of Sales Tax Agreement with the City of Cortland**

WHEREAS, the existing Sales Tax Agreement between Cortland County and the City of Cortland, entered into on August 9, 2018, is set to continue through December 31, 2028, with an allowance for either party to terminate the agreement after June 1, 2023, upon providing six (6) months' notice and obtaining a two-thirds (2/3) majority vote of its governing board, as stated in the agreement; AND

WHEREAS, the City of Cortland Common Council previously adopted Resolution No. 62 on

May 21, 2024, issuing notice of intent to terminate the existing sales tax agreement effective November 21, 2024, for the purpose of renegotiating a new agreement with the County of Cortland, but later rescinded that notice through Resolution No. 125 of 2024, adopted on October 15, 2024; AND

WHEREAS, Cortland County bears the responsibility of providing numerous state-mandated services, placing a significant financial burden on the County, and seeks a more equitable distribution of sales tax revenue that better reflects the needs and obligations of the County government; AND

WHEREAS, the Cortland County Legislature adopted Resolution No. 37-24 authorizing the creation of and appointment of members to the Cortland County Sales Tax Review Sharing Committee; AND

WHEREAS, the Cortland County Sales Tax Sharing Review Committee has recommended that the County issue a formal six-month notice of termination of the existing Sales Tax Agreement in accordance with the contractual provisions, in order to facilitate meaningful negotiations with the City of Cortland regarding a new agreement; AND

WHEREAS, the Sales Tax Sharing Review Committee further recommends that two members of the Committee be designated to participate in discussions with the City of Cortland as part of the negotiation process; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes the formal six-month notice of termination of the existing Sales Tax Agreement between Cortland County and the City of Cortland, as permitted under the contract, in order to facilitate meaningful negotiations with the City of Cortland regarding a new agreement; AND BE IT FURTHER

RESOLVED, that the following two members of the Cortland County Sales Tax Sharing Review Committee shall be designated and are hereby authorized to engage in discussions with the City of Cortland and take all necessary steps to facilitate these negotiations:

Paul Heider & Cathy Bischoff

; AND BE IT FURTHER

RESOLVED, that this Resolution be and hereby is effective March 28, 2025; AND BE IT FURTHER

RESOLVED, that a copy of this resolution be provided to the Mayor of the City of Cortland, the City Common Council, and all relevant County and municipal officials.

## **Referred from Buildings and Grounds Continued**

Mr. Harbin MADE A MOTION TO SUSPEND THE RULES OF ORDER to entertain to resolutions referred from the Buildings and Grounds Committee, Mr. Nauseef SECONDED THE MOTION, and, upon unanimous voice vote of members present, MOTION CARRIED.

AGENDA ITEM NO. 25 – Authorize Execution of Agreements for the Remaining Projects Funded through the State And Municipal (SAM) Grant Award for Improvements at the Cortland County Courthouse

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | William McGovern, Legislator                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF HEIDER**

**RESOLUTION NO. 70-25**

**Authorize Execution of Agreements for the Remaining Projects Funded through the State And Municipal (SAM) Grant Award for Improvements at the Cortland County Courthouse**

WHEREAS, Cortland County was awarded a State and Municipal Facilities Program (SAM) Grant in the amount of \$2,396,000 through the advocacy of Assemblymember Anna Kelles to fund exterior improvements to the Cortland County Courthouse; AND

WHEREAS, most of the projects funded by this grant have been successfully completed, but some work remains to be finished to fully utilize the awarded funds and meet the grant's objectives; AND

WHEREAS, it is necessary to authorize the execution of all required agreements and documents to complete the remaining work and ensure compliance with the SAM Grant requirements; NOW THEREFORE BE IT

RESOLVED, that the County Administrator and/or the Chair of the Cortland County Legislature is hereby authorized to execute all necessary documents and enter into any and all agreements required to complete the remaining improvement projects at the Cortland County Courthouse funded through the SAM Grant.

AGENDA ITEM NO. 26 – Authorize Acceptance of Community Resiliency, Economic Sustainability, and Technology Program (CREST) Grant Award from Assemblymember Kelles for HVAC Upgrades at the Cortland County Courthouse

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF HEIDER**

**RESOLUTION NO. 71-25**

**Authorize Acceptance of Community Resiliency, Economic Sustainability, and Technology Program (CREST) Grant Award from Assemblymember Kelles for HVAC Upgrades at the Cortland County Courthouse**

WHEREAS, Cortland County has been awarded \$2.2 million in funding through the Community Resiliency, Economic Sustainability, and Technology Program (CREST) Grant Program, administered by the New York State Assembly, to support projects that enhance community infrastructure and sustainability; AND

WHEREAS, this funding has been secured through the advocacy of Assemblymember Anna Kelles and is designated for HVAC system upgrades at the Cortland County Courthouse to improve energy efficiency, air quality, and climate control within the facility; AND

WHEREAS, it is necessary to authorize the execution of all required agreements and documents

to ensure the successful implementation of the HVAC upgrade project; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby accepts the CREST Grant Award from Assemblymember Anna Kelles for the HVAC upgrade project at the Cortland County Courthouse; AND BE IT FURTHER

RESOLVED, that the County Administrator and/or the Chair of the Cortland County Legislature is hereby authorized to execute all necessary documents and enter into any and all agreements required to complete the HVAC upgrade project funded through the CREST Grant Program, in accordance with state guidelines; AND BE IT FURTHER

RESOLVED, that the 2025 Budget be amended as follows:

INCREASE:

|                     |                            |             |
|---------------------|----------------------------|-------------|
| HH16205.52320.CHINT | Building Improvements      | \$2,200,000 |
| HH16205.43097.CHINT | State Aid Capital Projects | \$2,200,000 |

; AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the subsequent year(s) budget covered by the grant, per the approved grant agreement.

## **Executive Session**

Mr. Nauseef MADE A MOTION to enter into executive session for matters leading to the appointment or removal of a particular person, Mr. Harbin SECONDED THE MOTION, and, upon unanimous voice vote of members present, MOTION CARRIED.

An executive session was held from 7:04 PM to 7:45 PM, at which time Mr. Harbin MADE A MOTION to exit executive session, Mr. Nauseef SECONDED THE MOTION, and, upon unanimous voice vote of members present, MOTION CARRIED.

## **Announcements**

## **Adjournment**

The meeting was closed at 7:46 PM



# Cortland County Legislature

## Legislative Session

~ Minutes ~

Legislative Chambers  
Cortland, NY 13045

<https://www.cortlandcountyny.gov>

5.1

Thursday, February 27, 2025

6:00 PM

Board Room

### Public Hearings

### Call to Order

The meeting was called to order at 6:03 PM by Chair of the Legislature Kevin Fitch

### Salute to the Flag

### Roll Call

| Attendee Name      | Organization    | Title                    | Status  | Arrived |
|--------------------|-----------------|--------------------------|---------|---------|
| Douglas Bentley    | Cortland County | Legislator               | Present |         |
| Cathy Bischoff     | Cortland County | Legislator               | Present |         |
| Reed Cleland       | Cortland County | Legislator               | Present |         |
| Mitchel Eccleston  | Cortland County | Legislator               | Present |         |
| Beau Harbin        | Cortland County | Minority Leader          | Present |         |
| Paul Heider        | Cortland County | Majority Leader          | Present |         |
| Linda Jones        | Cortland County | Legislator               | Present |         |
| Dominick Mantella  | Cortland County | Legislator               | Present |         |
| William McGovern   | Cortland County | Legislator               | Present |         |
| Joseph Nauseef     | Cortland County | Legislator               | Present |         |
| Christopher Newell | Cortland County | Legislator               | Present |         |
| Jason Prentice     | Cortland County | Legislator               | Present |         |
| Sandra Price       | Cortland County | Legislator               | Present |         |
| Ronald J. Van Dee  | Cortland County | Legislator               | Present |         |
| Keith VanGorder    | Cortland County | Legislator               | Present |         |
| Eugene Waldbauer   | Cortland County | Legislator               | Present |         |
| Kevin Fitch        | Cortland County | Chair of the Legislature | Present |         |

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

## Approval of Minutes

1. Cortland County Legislature - Legislative Session - Jan 23, 2025 6:00 PM

|                |                 |
|----------------|-----------------|
| <b>RESULT:</b> | <b>APPROVED</b> |
|----------------|-----------------|

## Privilege of the Floor

## Proclamations & Recognitions

1. African American History Month Proclamation

## Presentation of Petitions, Communications, Presentations and Notices

## Reports of Standing, Special and Ad Hoc Committees

## Receive and File

1. County Clerk 2024 Annual Report

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECEIVE &amp; FILE [UNANIMOUS]</b>                                                                                                                    |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Joseph Nauseef, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

2. County Administrator Robert Corpora's Retirement Notice

Mr. Nauseef MADE A MOTION to entertain an item for Receiving and Filing previously not on the agenda; Ms. Bischoff SECONDED THE MOTION; and upon unanimous voice vote of members present; MOTION CARRIED.

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>RECEIVE &amp; FILE [UNANIMOUS]</b>                                                                                                                    |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

## Articles Postponed to Day Certain

## Unfinished Business

## New Business

## Resolutions

## Resolutions from the Chair

AGENDA ITEM NO. 1 – Appoint Member to the Cortland County Industrial Development Agency Board of Directors

Mr. Fitch MADE A MOTION to amend the resolution to remove Jason Hage, of 19 Clinton Street, Homer, NY 13077, as the recommended and resolved appointee, and replace him with William McGovern, of 28 West Main Street, Marathon, NY 13803; Ms. Bischoff SECONDED THE MOTION,

and voice vote of members present; MOTION CARRIED. Legislator Harbin Voted No to the amendment.

|                  |                                                                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED AS AMENDED [16 TO 1]</b>                                                                                                              |
| <b>MOVER:</b>    | Kevin Fitch, Chair of the Legislature                                                                                                            |
| <b>SECONDER:</b> | Cathy Bischoff, Legislator                                                                                                                       |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |
| <b>NAYS:</b>     | Beau Harbin                                                                                                                                      |

#### ON MOTION OF FITCH

#### RESOLUTION NO. 20-25

##### **Appoint Member to the Cortland County Industrial Development Agency Board of Directors**

WHEREAS, pursuant to General Municipal Law 856, the Cortland County Legislature, on recommendation of the Chair of the Cortland County Legislature, is required to appoint the members of the Industrial Development Agency Board of Directors; AND

WHEREAS, due to the resignation of Johanna Ames, there is a vacancy on the Industrial Development Agency Board of Directors; AND

WHEREAS, there is a need to appoint a Director to fill vacancy created by the resignation for the remainder of the term, upon the recommendation Chair of the Legislature; AND

WHEREAS, it is the recommendation of the Chair of the Legislature to appoint William McGovern, of 28 West Main Street, Marathon, New York 13803, to serve on the Industrial Development Agency Board of Directors the remainder of a term ending December 31, 2025; NOW THEREFORE BE IT

RESOLVED, that William McGovern, of 28 West Main Street, Marathon, New York 13803, be and hereby is appointed to the Industrial Development Agency Board of Directors effective immediately to complete the remainder of a two-year term to expire December 31, 2025, or until such time that the Cortland County Legislature make new appointments by Resolution.

#### AGENDA ITEM NO. 2 – Authorize Funding Reserve Account for the Shared Services Mobile Stage

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Kevin Fitch, Chair of the Legislature                                                                                                                    |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

#### ON MOTION OF FITCH

#### RESOLUTION NO. 21-25

##### **Authorize Funding Reserve Account for the Shared Services Mobile Stage**

WHEREAS, Cortland County, the City of Cortland, and the Town of Cortlandville applied for a grant to acquire a shared services mobile stage, with the Town of Cortlandville serving as the lead agency for the grant application; AND

WHEREAS, the Cortland County Legislature adopted Resolution No. 193-24 to authorize the County Administrator to execute a Memorandum of Agreement with the City of Cortland and the Town of Cortlandville for the shared services mobile stage; AND

WHEREAS, there is a need to finance the Reserve Fund to be held by the City of Cortland with start-up funds in the amount of \$2,500 for 2025; AND

WHEREAS, the funding is available is Account No. A10105.54055; NOW THEREFORE BE IT

RESOLVED, that the Director of Finance be and hereby is directed to pay the City of Cortland \$2,500 to be deposited into the Shared Services Mobile Stage Reserve Account upon receipt of City Resolution creating Reserve Account; AND BE IT FURTHER

RESOLVED, that the Director of Finance shall request and review quarterly statements of the activity of the Reserve Account from the City of Cortland.

## Referred from Building & Grounds Committee

AGENDA ITEM NO. 3 – Authorize Agreement with ATIS Elevators, LLC for Cortland County Elevator Inspections - Buildings and Grounds

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF HEIDER

RESOLUTION NO. 22-25

### Authorize Agreement with ATIS Elevators, LLC for Cortland County Elevator Inspections - Buildings and Grounds

WHEREAS, Cortland County is in need of a third party inspector to inspect the elevators owned and used by the County; AND

WHEREAS, the Buildings and Grounds Committee of the Cortland County Legislature recommends entering into a three (3) year contract with ATIS Elevator, LLC, of 512 N. Main Street, N. Syracuse, NY 13212, for the annual inspections of County-owned elevators, with a five (5) percent increase per year; AND

WHEREAS, the funding for this contract is already in Account No. A16205.54015; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to enter into a three (3) year contract with ATIS Elevator, LLC, of 512 N. Main Street, N. Syracuse, NY 13212, for the annual inspections of County-owned elevators, with a five (5) percent increase per year.

AGENDA ITEM NO. 4 – Award Bid/Authorize Contract for Trash Collection

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF HEIDER

RESOLUTION NO. 23-25

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

### Award Bid/Authorize Contract for Trash Collection

WHEREAS, a Request for Proposals (RFP) was issued January 13, 2025 for trash collection services for Cortland County, and such bids were due and received by Tuesday, February 4, 2025; AND

WHEREAS, three (3) requests from proposals were received as follows:

#### Waste Management of New York, LLC, of 100 Ransier Dr., West Seneca, NY 14224:

| Location               | Size/Frequency                                     | 2025                                                                                                                                                         | 2026               | 2027               | 2028               | 2029               |
|------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|--------------------|
| County Office Building | 1 - 10 yard cont. (3 times a week)                 | \$860.36                                                                                                                                                     | \$903.37           | \$948.53           | \$995.95           | \$1,045.74         |
| Courthouse, PSB & Jail | 1 - 6 Yd. (3 times a week)                         | \$582.00                                                                                                                                                     | \$611.10           | \$641.65           | \$673.73           | \$707.41           |
| Highway                | 1 - 4 yard cont. (1 time per week)                 | \$189.78                                                                                                                                                     | \$199.26           | \$209.22           | \$219.68           | \$230.66           |
| Dwyer Park             | 1 - 6 yard cont. (1 time per week) May 1 - Sept 30 | \$190.91                                                                                                                                                     | \$200.45           | \$210.47           | \$220.99           | \$232.03           |
| 911 Center             | 1 - 2 yard cont. (1 time per week)                 | \$130.01                                                                                                                                                     | \$136.51           | \$143.33           | \$150.49           | \$158.01           |
|                        | <b>Total Monthly</b>                               | <b>\$1,953.06</b>                                                                                                                                            | <b>\$2,050.69</b>  | <b>\$2,153.20</b>  | <b>\$2,260.84</b>  | <b>\$2,373.85</b>  |
|                        | <b>Total Annual</b>                                | <b>\$23,436.72</b>                                                                                                                                           | <b>\$24,608.28</b> | <b>\$25,838.40</b> | <b>\$27,130.08</b> | <b>\$28,486.20</b> |
| Additional Containers  | Per Diem Basis                                     | No rental charge for extra containers; per pickup charge only, call office for pricing. Pricing subject to increases set forth by Cortland Country Landfill. |                    |                    |                    |                    |

\*All per site figures are monthly.

#### Syracuse Haulers Waste Removal Inc., of 6223 Thompson Rd., Syracuse, NY 13206:

| Location               | Size/Frequency                                     | 2025               | 2026               | 2027               | 2028               | 2029               |
|------------------------|----------------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| County Office Building | 1 - 10 yard cont. (3 times a week)                 | \$752.00           | \$766.04           | \$780.36           | \$794.96           | \$809.85           |
| Courthouse, PSB & Jail | 1 - 6 Yd. (3 times a week)                         | \$511.00           | \$520.38           | \$529.95           | \$539.71           | \$549.66           |
| Highway                | 1 - 4 yard cont. (1 time per week)                 | \$173.00           | \$175.86           | \$176.78           | \$179.76           | \$182.80           |
| Dwyer Park             | 1 - 6 yard cont. (1 time per week) May 1 - Sept 30 | \$195.00           | \$198.26           | \$201.59           | \$204.98           | \$208.44           |
| 911 Center             | 1 - 2 yard cont. (1 time per week)                 | \$113.00           | \$114.80           | \$116.64           | \$118.51           | \$120.42           |
|                        | <b>Total Monthly</b>                               | <b>\$1,744.00</b>  | <b>\$1,775.34</b>  | <b>\$1,805.32</b>  | <b>\$1,837.92</b>  | <b>\$1,871.17</b>  |
|                        | <b>Total Annual</b>                                | <b>\$20,928.00</b> | <b>\$21,304.08</b> | <b>\$21,663.84</b> | <b>\$22,055.04</b> | <b>\$22,454.04</b> |
| Additional Containers  | Per Diem Basis                                     | Size               |                    | Price/Month        |                    |                    |
|                        |                                                    | 95 gallon cart     |                    | \$3.00             |                    |                    |
|                        |                                                    | 2 Yd.              |                    | \$13.00            |                    |                    |
|                        |                                                    | 3 Yd.              |                    | \$15.00            |                    |                    |
|                        |                                                    | 4 Yd.              |                    | \$15.00            |                    |                    |
|                        |                                                    | 6 Yd.              |                    | \$17.00            |                    |                    |
|                        |                                                    | 8 Yd.              |                    | \$20.00            |                    |                    |

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

|  |  |        |         |  |
|--|--|--------|---------|--|
|  |  | 10 Yd. | \$25.00 |  |
|--|--|--------|---------|--|

**Casella Waste Management of N.Y., Inc., of 1180 Elmira Road, Newfield, NY 14867:**

One lump sum of \$101,144.41

WHEREAS, based upon the results of the bid, the bid is to be awarded to the lowest responsible bidder; NOW THEREFORE BE IT

RESOLVED, that the bid from Syracuse Haulers Waste Removal, Inc., of 6223 Thompson Rd., Syracuse, NY 13206, be and hereby is accepted at the bid prices as listed per the RFP response; AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, is hereby authorized to enter into a contract with Syracuse Haulers Waste Removal, Inc., of 6223 Thompson Rd., Syracuse, NY 13206, for County trash services for a term effective upon execution of contract through December 31, 2029.

AGENDA ITEM NO. 5 – Authorize Agreement with Petcosky Fire Protection, Inc. for Replacement Recycling Center Sprinkler System - Buildings & Grounds

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Paul Heider, Majority Leader                                                                                                                             |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF HEIDER**

**RESOLUTION NO. 24-25**

**Authorize Agreement with Petcosky Fire Protection, Inc. for Replacement Recycling Center Sprinkler System - Buildings & Grounds**

WHEREAS, the sprinkler system at the Cortland County Recycling Center is in need of repair or replacement; AND

WHEREAS, the funding is budgeted in account number EL999542.52030; AND

WHEREAS, the Buildings and Grounds Committee recommends contracting Petcosky Fire Protection, Inc., 421 Commerce Road, Vestal NY 13850 for the repair and replacement of the sprinkler system at the Cortland County Recycling Center; NOW THEREFORE BE IT

RESOLVED, the Cortland County Legislature hereby authorizes the County Administrator, upon approval by the County Attorney or designee, to enter into an agreement with Petcosky Fire Protection, Inc. for the repair or replacement of the sprinkler system at the Cortland County Recycling Center for an amount not to exceed \$55,000.

**Referred from Highway Committee**

AGENDA ITEM NO. 6 – Snow and Ice Removal Agreements/Resolutions with Various Towns - Highway Department

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Christopher Newell, Legislator  
**SECONDER:** Reed Cleland, Legislator  
**AYES:** Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch

**ON MOTION OF NEWELL****RESOLUTION NO. 25-25****Snow and Ice Removal Agreements/Resolutions with Various Towns - Highway Department**

WHEREAS, it is provided by Section 135-A of the Highway Law that a County may enter into contracts with Towns for control of snow and ice conditions on County Roads for periods not to exceed ten (10) years when authorized by the County Legislature; AND

WHEREAS, the Cortland County Highway Department currently has agreements with the following Towns:

| Town        | Centerline Miles |
|-------------|------------------|
| Cuyler      | 7.47             |
| Preble      | 4.69             |
| Scott       | 8.59             |
| Homer       | 7.72             |
| Taylor      | 20.39            |
| Willet      | 8.95             |
| Marathon    | 11.45            |
| Cincinnatus | 5.75             |
| Harford     | 7.92             |

; AND

WHEREAS, it would be in the best interest of all parties involved to execute a standardized agreement with all of the above towns with the same language and expiration date; AND

WHEREAS, the Highway Committee has recommended that the County employ each of the Town Highway forces for a two (2) year term, with the option to extend the term twice for an additional two years each time, upon written acceptance from both parties; AND

WHEREAS, the rate paid for centerline mile for the 2025-2026 snow season will be \$4,484.92 per centerline mile, which is a 2% increase from the 2024-2025 snow season; AND

WHEREAS, this rate will increase 2 % every year that the said agreements remain in place; AND

WHEREAS, the funds for said agreements are allocated in the 2025 County Road Fund Budget in Account No. D51105.54815.7300; NOW THEREFORE BE IT

RESOLVED, that the Chairman of the Legislature of Cortland County, upon review and approval by the County Attorney or designee, is hereby authorized to execute the new agreements with the Towns listed above.

AGENDA ITEM NO. 7 – Amend 2025 County Road Fund Budget with Rollover Consolidated Local Street and Highway Improvement Program (CHIPS) Funding - Highway Department

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Christopher Newell, Legislator  
**SECONDER:** Beau Harbin, Minority Leader  
**AYES:** Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch

**ON MOTION OF NEWELL****RESOLUTION NO. 26-25**

**Amend 2025 County Road Fund Budget with Rollover Consolidated Local Street and Highway Improvement Program (CHIPS) Funding - Highway Department**

WHEREAS, there are funds remaining for the Consolidated Local Street and Highway Improvement Program (CHIPS) from the 2024 County Road Fund Budget, in the amount of \$2,270,571.18; AND

WHEREAS, these remaining funds are eligible to be rolled-over to the 2025 County Road Fund Budget; AND

WHEREAS, these funds may be used for Construction Projects; NOW THEREFORE BE IT

RESOLVED that the 2025 County Road Fund Budget be amended as follows:

## Increase Revenues

|                    |                                |                |
|--------------------|--------------------------------|----------------|
| D511243.43501      | County Road Fund CHIPS Revenue | \$2,172,737.86 |
| D511243.43501.PAVE | County Road Fund PAVE Revenue  | \$97,833.32    |

## Increase Expenses

|              |                       |                |
|--------------|-----------------------|----------------|
| D51125.54077 | Construction Expenses | \$2,270,571.18 |
|--------------|-----------------------|----------------|

**Referred from Government Operations Committee**

AGENDA ITEM NO. 8 – Authorize Grant Application for Records Management - County Clerk

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Joseph Nauseef, Legislator  
**SECONDER:** Linda Jones, Legislator  
**AYES:** Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch

**ON MOTION OF NAUSEEF****RESOLUTION NO. 27-25**

**Authorize Grant Application for Records Management - County Clerk**

WHEREAS, in 2017 Cortland County participated in a grant with Tompkins County that provided Laserfiche Software to Cortland County for Records Management; AND

WHEREAS, the use of Laserfiche within Cortland County has continued to expand; AND

WHEREAS, in 2024 Cortland County entered into a Contract for Laserfiche Software, independent of Tompkins County; AND

WHEREAS, the Records Management Officer (County Clerk) has identified an ongoing need to scan records, to support departments who are moving towards a paperless process, to decrease the storage demand at the Records Center, and to preserve permanent records; AND

WHEREAS, the Records Management Officer (County Clerk) recommends applying for a grant through New York State Archives Local Government Records Management Improvement Fund to provide scanning services to Cortland County; NOW THEREFORE BE IT

RESOLVED, the Cortland County Legislature hereby supports the Records Management Officer (County Clerk) to apply for the grant through New York State Archives; AND FURTHER BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes the County Administrator, upon review by the County Attorney or designee, to sign the grant application and associated paperwork or contracts; AND BE IT FURTHER

RESOLVED, that the Director of Finance hereby is authorized to accept the funds if awarded and create an account for said funds upon notice of the grant award.

#### AGENDA ITEM NO. 9 – Amend Student Intern Policy

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Joseph Nauseef, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF NAUSEEF

RESOLUTION NO. 28-25

#### Amend Student Intern Policy

WHEREAS, there is a need to amend the Cortland County Student Intern Policy to include information regarding interns who drive for County business while interning; AND

WHEREAS, the County Attorney has reviewed this amendment; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes the amendment to the Student Intern Policy as attached effective February 28, 2025.

#### AGENDA ITEM NO. 10 – Enact Cortland County Workplace Accommodations Policy

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Joseph Nauseef, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Jason Prentice, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF NAUSEEF

RESOLUTION NO. 29-25

#### Enact Cortland County Workplace Accommodations Policy

WHEREAS, there is a need to enact a policy to comply with all applicable laws prohibiting unlawful discrimination and protecting the rights of employees and applicants who may need accommodations under the Americans with Disabilities Act (ADA); AND

WHEREAS, this policy will formalize current Cortland County practices; AND

WHEREAS, the County Attorney has reviewed this policy; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature hereby authorizes and enacts the attached Cortland County Workplace Accommodations Policy effective February 28, 2025.

AGENDA ITEM NO. 11 – Amend "Appendix B" of Local Law 2 of 2008 - Adopting a County Code of Ethics and Requiring Financial Disclosure by Certain County Officials and Employees

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Joseph Nauseef, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Beau Harbin, Minority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF NAUSEEF

RESOLUTION NO. 30-25

**Amend "Appendix B" of Local Law 2 of 2008 - Adopting a County Code of Ethics and Requiring Financial Disclosure by Certain County Officials and Employees**

WHEREAS, Local Law No. 2 of 2008, Adopting a County Code of Ethics and Requiring Financial Disclosure by Certain County Officials and Employees as outlined on "Appendix B" incorporated into the law by reference; AND

WHEREAS, Article IV. FINANCIAL DISCLOSURE (A) Positions Required to File states: "Attached hereto as "Appendix B", which is fully incorporated into this law by this reference, is a listing of all positions for which financial disclosure is required of the persons holding one or more positions contained therein. Said "Appendix B" may be amended by the adoption of a Resolution of the Legislature, as needed, subject to provisions of this law and New York State statutes. Any such amendments shall be effective immediately, and a certified copy thereof shall be filed with the Board of Ethics within five (5) days of adoption."; AND

WHEREAS, upon review of "Appendix B" it has been determined there is a need to amend said "Appendix B", to more accurately reflect the addition, deletion, and amendment of the titles of County Officials and Employees that are subject to this Local Law; AND

WHEREAS, the Cortland County Personnel Officer has reviewed "Appendix B" and updated it with the proper titles and positions to complete a Financial Disclosure form; AND

WHEREAS, the Government Operations Committee and the Board of Ethics has reviewed and recommends the amendments to said "Appendix B"; NOW THEREFORE BE IT

RESOLVED, that the Cortland County Legislature, upon review by the County Attorney or designee, hereby amends Local Law 2 of 2008, Adopting a County Code of Ethics and Requiring Financial Disclosure by Certain County Officials and Employees "Appendix B" as follows:

APPENDIX "B"  
Officers and Employees Required to File  
Financial Disclosure Statement

|                          |                                           |
|--------------------------|-------------------------------------------|
| County Legislators       | Deputy Director of Information Technology |
| Clerk of the Legislature | Public Defender                           |

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

|                                                       |                                                       |
|-------------------------------------------------------|-------------------------------------------------------|
| Deputy Clerk of the Legislature                       | Chief Assistant Public Defender                       |
| County Attorney                                       | Assistant Public Defender(s)                          |
| Chief Assistant County Attorney                       | County Coroners                                       |
| Assistant County Attorney(s)                          | District Attorney                                     |
| Director of Veterans' Services                        | Chief Assistant District Attorney                     |
| County Clerk                                          | Assistant District Attorney(s)                        |
| Deputy County Clerk(s)                                | Grant Administrator                                   |
| Director of Finance                                   | Administrative Services Manager                       |
| Deputy Director of Finance                            | Director of Workforce Development                     |
| Manager of Audit and Financial Projects               | Employment and Training Director                      |
| County Treasurer                                      | Plan Administrator (Assigned Counsel)                 |
| Superintendent of Highways                            | Director of Emergency Response and Communications     |
| Deputy Superintendent of Highways                     | Deputy Director of Emergency Response & Communication |
| Director of Community Services                        | Probation Director II                                 |
| Personnel Officer                                     | Commissioners of Elections                            |
| Deputy Personnel Officer                              | Public Health Director                                |
| Commissioner of Social Services                       | Deputy Director of Public Health                      |
| Deputy Commissioner(s) of Social Services             | Director of Environmental Health                      |
| Director of Social Services (Administrative Services) | Director of Planning                                  |
| Chief Social Services Attorney(s)                     | County Administrator                                  |
| Sheriff                                               | Deputy County Administrator                           |
| Undersheriff                                          | Director of Real Property Tax Services                |
| Director of Area Agency on Aging                      | Director of Weights and Measures (Sealer)             |
| Assistant Director of Area Agency on Aging            | Superintendent of Buildings and Grounds               |
| Supervisor, Solid Waste Management                    | Building Maintenance Foreperson                       |
| Director of Information Technology                    |                                                       |

#### Advisory Boards and Committees

Members of the Cortland County Board of Ethics  
Members of the Cortland County Industrial Development Agency  
Members of the Cortland County Board of Health  
Members of the Tobacco Asset Securitization Corporation  
Members of the Tompkins Cortland Community College Board of Trustees  
Members of the Cortland County Planning Board

; AND BE IT FURTHER

RESOLVED, that upon adoption, the Clerk of the Legislature is hereby directed to file with the Cortland County Board of Ethics a certified copy of this resolution within the required five day period.

#### AGENDA ITEM NO. 12 – Amend the Cortland County Legislature Rules of Order

Mr. Harbin MADE A MOTION TO AMEND the Rules of Order to remove the redline changes from Article 8 (3) and restore that section back to the original language; Mr. Cleland SECONDED THE MOTION TO AMEND; and a roll call vote was taken as follows:

|                | Votes | AYE | NAY | Total |
|----------------|-------|-----|-----|-------|
| Bentley (LD1)  | 2744  | 1   |     | 2744  |
| Bischoff (LD3) | 2743  |     | 1   | 0     |
| Cleland (LD10) | 2995  | 1   |     | 2995  |

|                      |       |          |       |       |
|----------------------|-------|----------|-------|-------|
| Eccleston (LD17)     | 3379  |          | 1     | 0     |
| Harbin (LD2)         | 2747  | 1        |       | 2747  |
| Heider (16)          | 3192  |          | 1     | 0     |
| Jones (LD9)          | 2989  |          | 1     | 0     |
| Mantella (LD6)       | 2740  | 1        |       | 2740  |
| McGovern (LD 15)     | 2734  |          | 1     | 0     |
| Nauseef (LD12)       | 2819  |          | 1     | 0     |
| Newell (LD11)        | 2837  |          | 1     | 0     |
| Prentice (LD5)       | 2744  |          | 1     | 0     |
| Price (LD14)         | 3344  |          | 1     | 0     |
| VanDee (LD4)         | 2743  |          | 1     | 0     |
| VanGorder (LD7)      | 2743  |          | 1     | 0     |
| Waldbauer (LD13)     | 2853  |          | 1     | 0     |
| Chairman Fitch (LD8) | 2990  |          | 1     | 0     |
|                      |       |          |       |       |
| Total                | 49336 | 4        | 13    | 11226 |
|                      |       |          |       |       |
|                      |       | Majority | 24669 |       |
|                      |       | 2/3rd    | 32892 |       |

MOTION FAILED.

A roll call vote was taken on the original motion as follows, needing a two-thirds vote for adoption:

|                      | Votes | AYE      | NAY   | Total |
|----------------------|-------|----------|-------|-------|
|                      |       |          |       |       |
| Bentley (LD1)        | 2744  |          | 1     | 0     |
| Bischoff (LD3)       | 2743  | 1        |       | 2743  |
| Cleland (LD10)       | 2995  |          | 1     | 0     |
| Eccleston (LD17)     | 3379  | 1        |       | 3379  |
| Harbin (LD2)         | 2747  |          | 1     | 0     |
| Heider (16)          | 3192  | 1        |       | 3192  |
| Jones (LD9)          | 2989  | 1        |       | 2989  |
| Mantella (LD6)       | 2740  |          | 1     | 0     |
| McGovern (LD 15)     | 2734  | 1        |       | 2734  |
| Nauseef (LD12)       | 2819  | 1        |       | 2819  |
| Newell (LD11)        | 2837  | 1        |       | 2837  |
| Prentice (LD5)       | 2744  | 1        |       | 2744  |
| Price (LD14)         | 3344  | 1        |       | 3344  |
| VanDee (LD4)         | 2743  | 1        |       | 2743  |
| VanGorder (LD7)      | 2743  | 1        |       | 2743  |
| Waldbauer (LD13)     | 2853  | 1        |       | 2853  |
| Chairman Fitch (LD8) | 2990  | 1        |       | 2990  |
|                      |       |          |       |       |
| Total                | 49336 | 13       | 4     | 38110 |
|                      |       |          |       |       |
|                      |       | Majority | 24669 |       |
|                      |       | 2/3rd    | 32892 |       |

MOTION CARRIED.

|                  |                                                                                                                      |
|------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [13 TO 4]</b>                                                                                             |
| <b>MOVER:</b>    | Joseph Nauseef, Legislator                                                                                           |
| <b>SECONDER:</b> | Paul Heider, Majority Leader                                                                                         |
| <b>AYES:</b>     | Bischoff, Eccleston, Heider, Jones, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |
| <b>NAYS:</b>     | Douglas Bentley, Reed Cleland, Beau Harbin, Dominick Mantella                                                        |

**Amend the Cortland County Legislature Rules of Order**

WHEREAS, Local Law No. 2 for year 1972, Section 202, Paragraph 5 established that the Cortland County Legislature is empowered to enact rules governing the conduct of the members at its sessions and the manner of transacting business thereat; AND

WHEREAS, County Law Section 153[8] empowers the County Legislature to determine the rules of its own proceedings; AND

WHEREAS, the Government Operations Committee has reviewed and approved the recommended changes to the Rules of Order as attached; NOW THEREFORE BE IT

RESOLVED, that the "Rules of Order for the Cortland County Legislature" are hereby amended as attached; AND BE IT FURTHER

RESOLVED, that the rules shall be published on the Cortland County website; AND BE IT FURTHER

RESOLVED, that these amendments to the Cortland County Legislature's Rules of Order shall take effect February 28, 2025.

**Referred from Judiciary & Public Safety Committee**

AGENDA ITEM NO. 13 – Accept Flood Mitigation Equipment from NYS Department of Homeland Security

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF PRICE****RESOLUTION NO. 32-25****Accept Flood Mitigation Equipment from NYS Department of Homeland Security**

WHEREAS, in the New York State FY24 budget, \$15 million was allocated for flood mitigation equipment, by the Governor, for the counties; AND

WHEREAS, after reviewing each county's risk profile and researching New York Responds requests, New York State developed a list of the most requested items; AND

WHEREAS, attached to this resolution is a list of resources for Cortland County and a Memorandum of Understanding (MOU) to be executed with New York State to participate in the program; AND

WHEREAS, the key points of the program are as follows:

**Program Highlights:**

- This is a voluntary program.
- To participate, counties must sign an MOU in order to transfer possession of the resources.

- Counties must provide a shipment location and a point of contact.
- These are the maximum equipment allocated to each county.
- Counties cannot trade one type of equipment for another (e.g. exchanging pumps for more VMS' and vice versa)
- Counties may accept all, some or none of the allocated equipment.

#### MOU Highlights

- This is a one-time allocation until the equipment reaches the end of its useful life or becomes inoperable. Replacement is not included.
  - The County is responsible for routine maintenance of the equipment.
  - Equipment is not intended for personal or private purposes.
  - Equipment will be direct shipped to counties. Upon receipt, an inventory will be conducted and attached to the MOU as a reference.

; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon review by the County Attorney or designee as to form, be and hereby is authorized to execute an agreement with NYS Department of Homeland Security for the accepting of certain flood mitigation equipment as provided by New York State.

AGENDA ITEM NO. 14 – Authorize Lease Contract - Radio Microwave System - Department of Emergency Response & Communications

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Jason Prentice, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF PRICE**

**RESOLUTION NO. 33-25**

#### **Authorize Lease Contract - Radio Microwave System - Department of Emergency Response & Communications**

WHEREAS, Cortland County purchased a radio microwave system from Motorola in 2012; The County's radio microwave system carries all radio and 911 traffic around the County to the various radio towers and is integral to the operation of Cortland County's 911 center and for communications between first responders in Cortland County; AND

WHEREAS, major components of the County's radio microwave system have reached end of life cycle for repair and replacement; AND

WHEREAS, keeping the radio microwave system fully operational is in the best interests of the County to provide for continued high availability use during 911 and other emergency calls; AND

WHEREAS, Motorola has provided replacement pricing under NYS OGS contract PT68722 for the necessary microwave radio replacement resulting in a cost of \$1,029,713; AND

WHEREAS, the Department of Emergency Response and Communications previously leased the County's radio system with Motorola paying that lease off early by leveraging available grant funding. The Department of Emergency Response and Communications seeks to lease the upgrades to the radio microwave system enabling the County to seek grant funding to potentially pay off the lease early as opposed to funding completely from the County's operating budget; AND

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

WHEREAS, Motorola Solutions has proposed seven-year lease term, resulting in annual proposed payments of \$179,668 starting in 2026; NOW THEREFORE BE IT

RESOLVED, that the Cortland County legislature authorizes the County Administrator, upon approval of the County Attorney or designee, to execute a seven-year lease contract with Motorola Solutions, for a microwave system upgrade of the County's radio system for the County's 911 Center.

**AGENDA ITEM NO. 15 – Authorize Negotiation and Rental Contract - NYS&W Railroad**

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Paul Heider, Majority Leader                                                                                                                             |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF PRICE**

**RESOLUTION NO. 34-25**

**Authorize Negotiation and Rental Contract - NYS&W Railroad**

WHEREAS, The New York, Susquehanna & Western Railway (NYSW), a public railroad company operating in Cortland County, with a home office located at 1 Railroad Avenue, Cooperstown, NY 13326 is in need of radio communications tower space to operate part of their radio network; AND

WHEREAS, the Cortland County radio tower known as "Virgil" and or "Cortlandville" meets that need; NOW THEREFORE BE IT

RESOLVED, the Cortland County Legislature empowers the Director of Emergency Response and the County Administrator, or their designee, to negotiate a rental agreement that is advantageous to both the County and NYS&W; AND BE FURTHER

RESOLVED, that the Cortland County Legislature be and hereby authorizes the County Administrator, upon approval of the County Attorney or designee, to execute a five (5) year rental agreement between the County and The New York Susquehanna & Western Railway for radio tower space on the County's radio tower, revenue of which will be reported in A302046.42410, Rental of Real Property.

**AGENDA ITEM NO. 16 – Amend 2025 Budget - Accept and Authorize Statewide Interoperable Communications Grant (SICG) Award - Authorize Purchase of Emergency Fire Dispatching System - Emergency Response and Communications**

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF PRICE**

**RESOLUTION NO. 35-25**

**Amend 2025 Budget - Accept and Authorize Statewide Interoperable Communications Grant (SICG) Award - Authorize Purchase of Emergency Fire Dispatching System - Emergency Response and Communications**

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

WHEREAS, the New York State Department of Homeland Security and Emergency Services (NYS DHSES) has awarded Cortland County \$786,336 under the New York State 2024 Statewide Interoperable Communications Grant (SICG) Program in support of interoperable communications; AND

WHEREAS, the fiscal period for this grant is January 1, 2024 to December 31, 2026; NOW THEREFORE BE IT

RESOLVED, that Cortland County Department of Emergency Response and Communications is hereby directed to expend the grant funds according to the stated grant guidance; AND BE IT FURTHER

RESOLVED, that the 2025 budget is amended as follows:

|                                          | Current | Change    | Revised   |
|------------------------------------------|---------|-----------|-----------|
| INCREASE REVENUE BUDGET:                 |         |           |           |
| A30205.44389.SICG DHSES Grant            | \$ -0-  | \$786,336 | \$786,336 |
| INCREASE EXPENDITURE BUDGET:             |         |           |           |
| A30205.54015.SICG Maintenance Agreements | \$ -0-  | \$786,336 | \$786,336 |

; AND BE IT FURTHER

RESOLVED, that the Department of Emergency Response & Communications seeks to add Medical Priority Dispatch's Emergency Fire Dispatching protocol system to the County's currently used Emergency Medical Dispatching system, and this expense is permissible under the SICG grant funding; AND BE FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or her designee and subject to appropriation of funding, be and hereby is authorized to sign the grant contract with the New York State Department of Homeland Security and Emergency Services at an amount not to exceed \$786,336; AND BE IT FURTHER

RESOLVED that the County Administrator, upon review and approval by the County Attorney or her designee and subject to appropriation of funding, be and hereby is authorized to sign a purchase contract with the Medical Priority Dispatch Consultants at an amount not to exceed \$125,000, for the purchase and installation of a Fire Dispatching protocol system for the County's 911 center; AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the subsequent year(s) budget covered by the grant, per the approved grant agreement.

AGENDA ITEM NO. 17 – Amend 2025 Budget - Accept Grant Award - Public Safety Answering Points Operations Grant - Department of Emergency Response and Communications

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Sandra Price, Legislator                                                                                                                                 |
| <b>SECONDER:</b> | Linda Jones, Legislator                                                                                                                                  |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF PRICE

RESOLUTION NO. 36-25

**Amend 2025 Budget - Accept Grant Award - Public Safety Answering Points Operations Grant - Department of Emergency Response and Communications**

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

WHEREAS, the New York State Department of Homeland Security and Emergency Services (NYS DHSES) has awarded the Cortland County Department of Emergency Response and Communications a Public Safety Answering Point Operations Grant (PSAP) for the period January 1, 2024 - December 31, 2025 in the amount of \$194,635, resulting in no new county costs, in support of Public Safety Answering Point operations; NOW THEREFORE BE IT

RESOLVED, that Cortland County Department of Emergency Response and Communications is hereby directed to expend the grant funds according to the stated grant guidance; AND BE IT FURTHER

RESOLVED, that the 2025 budget is amended as follows:

|                                           | Current        | Change      | Revised        |
|-------------------------------------------|----------------|-------------|----------------|
| <b>INCREASE REVENUE BUDGET:</b>           |                |             |                |
| A302043.43306.PSP DHSES Grant             | \$100,000      | \$94,635    | \$194,635      |
| <b>INCREASE EXPENDITURE BUDGET:</b>       |                |             |                |
| A30205.51005.PSP Personal Services        | \$0            | \$100,000   | \$100,000      |
| A30205.54048.PSP Dept. Specific Equipment | \$0            | \$94,635    | \$94,635       |
| <b>DECREASE EXPENDITURE BUDGET:</b>       |                |             |                |
| A30205.51005 Personal Services            | \$1,301,262.52 | (\$100,000) | \$1,201,262.52 |

; AND BE IT FURTHER

RESOLVED, that the County Administrator, upon review and approval by the County Attorney or designee, and subject to appropriation of funding, be and hereby is authorized to sign the grant contract with the New York State Department of Homeland Security and Emergency Services at an amount not to exceed \$194,635; AND BE IT FURTHER

RESOLVED, the Director of Finance shall carryover all unused grant funds to the subsequent year(s) budget covered by the grant, per the approved grant agreement.

## Referred from Agriculture/Planning/Environment Committee

AGENDA ITEM NO. 18 – Appoint Members - Soil and Water Conservation District Board of Directors

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Beau Harbin, Minority Leader                                                                                                                             |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF HARBIN

RESOLUTION NO. 37-25

### Appoint Members - Soil and Water Conservation District Board of Directors

WHEREAS, according to the Soil and Water Conservation District Law as passed by the legislature of the State of New York, "When a county has been declared a soil and water conservation district, a board of directors consisting of five members shall be appointed by the county board. This board of directors shall consist of two members of the county board and three persons not members of the county board... two of whom shall be practical farmers. One of these farmers shall be appointed from a list submitted by the county grange, one of these farmers shall be appointed from a list submitted by the county farm bureau." ; AND

WHEREAS, the terms of members is one year for Legislative Representatives and three years for other members of the Board; NOW THEREFORE BE IT

RESOLVED, that the following be and hereby are appointed to serve as members of the Soil and Water Conservation District Board of Directors:

| Name             | Address                                | Capacity                   | Term Expiration |
|------------------|----------------------------------------|----------------------------|-----------------|
| Linda Jones      | 2087 E. River Road Homer, NY 13077     | Legislative Representative | 12/31/2025      |
| William McGovern | 28 West Main Street Marathon, NY 13803 | Legislative Representative | 12/31/2025      |

## Referred from Health & Human Services Committee

AGENDA ITEM NO. 19 – Authorize Agreement for Veterans Claim Software with Vet Pro - Veterans Services

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Jason Prentice, Legislator                                                                                                                               |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE**

**RESOLUTION NO. 38-25**

### Authorize Agreement for Veterans Claim Software with Vet Pro - Veterans Services

WHEREAS, the Cortland County Veterans Service Office currently utilizes VetraSpec for claims processing software; AND

WHEREAS, after careful evaluation, the Veterans Services Officer and the Health and Human Services Committee recommend transitioning to VETPRO to enhance efficiency and effectiveness in processing veterans' claims; AND

WHEREAS, funding for the annual subscription to VETPRO is available in the 2025 Veterans Services budget; AND

WHEREAS, the County will maintain access to VetraSpec until the end of the current contract term (August 2025) to ensure a smooth transition; NOW THEREFORE BE IT

RESOLVED, that the County Administrator, upon approval of the County Attorney or designee, is hereby authorized and directed to enter into an agreement with VETPRO, of 32932 Pacific Coast Highway #14-482, Dana Point, CA 92629, for the Veterans claim software in an amount not to exceed \$995.

AGENDA ITEM NO. 20 – Award Bid/Authorize Agreement - Transportation of Children with Children with Special Needs - Health Department

Mr. VanDee MADE A MOTION TO AMEND the resolution to change the term start date to March 31, 2025; Mr. Cleland SECONDED THE MOTION; and upon unanimous voice vote of members present; MOTION CARRIED.

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED AS AMENDED [UNANIMOUS]</b>                                                                                                                    |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE****RESOLUTION NO. 39-25**

**Award Bid/Authorize Agreement - Transportation of Children with Children with Special Needs - Health Department**

WHEREAS, the County of Cortland is responsible for providing transportation for children with special needs (ages birth through 5 years) for therapy and program participation; AND

WHEREAS, the County issued a Request for Proposal (RFP) for transportation of children with special needs for the 2024-2026 contract years; AND

WHEREAS, all proposals were solicited in accordance with County policy; AND

WHEREAS, one proposal was received and the contractor meets all of the County's requirements; AND

WHEREAS, the funding for this agreement is available in account number A40465.54800.PREK; NOW THEREFORE BE IT

RESOLVED, that the contract for transportation of children with special needs for the 2024-2026 contract years be and hereby is awarded to Birnie Bus Service, Inc., of 1300 Floyd Ave., Suite B, Rome, NY 13440 at the bid prices as listed per the RFP response; AND BE IT FURTHER

RESOLVED, the Legislature authorizes the County Administrator, upon review and approval of the County Attorney or designee, to enter into an agreement with Birnie Bus Service, Inc., of 1300 Floyd Ave., Suite B, Rome, NY 13440, for the term of March 31, 2025 through September 30, 2026, with an optional one year extension.

AGENDA ITEM NO. 21 – Abolish Medical Director/Psychiatrist (17HR/WK) - Create Medical Director/Psychiatrist (10HR/WK) and Medical Director/Psychiatrist (4HR/WK) - Mental Health Department

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Douglas Bentley, Legislator                                                                                                                              |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF VAN DEE****RESOLUTION NO. 40-25**

**Abolish Medical Director/Psychiatrist (17HR/WK) - Create Medical Director/Psychiatrist (10HR/WK) and Medical Director/Psychiatrist (4HR/WK) - Mental Health Department**

WHEREAS, the needs of the Mental Health Department will be better served by creating one Medical Director/Psychiatrist (10HR/WK) and one Medical Director/Psychiatrist (4HR/WK) position and abolishing one Medical Director/Psychiatrist (17HR/WK) position; AND

WHEREAS, the Health & Human Services Committee recommends the creation of one Medical

Director/Psychiatrist (10HR/WK) and one Medical Director/Psychiatrist (4HR/WK) position and the abolition of one Medical Director/Psychiatrist (17HR/WK) position; NOW THEREFORE BE IT

RESOLVED, that one part-time position of Medical Director/Psychiatrist (Management, \$238.1875/HR, competitive class, part time, 17HR/WK, no benefits) hereby is abolished on or after March 1, 2025; AND BE IT FURTHER

RESOLVED, that one part-time position of Medical Director/Psychiatrist (Management, \$238.1875/HR, competitive class, part-time, 10HR/WK, no benefits) and one part-time position of Medical Director/Psychiatrist (Management, \$238.1875/HR, competitive class, part-time, 4HR/WK, no benefits) be created effective March 1, 2025 at 12:01 am with approval to fill.

AGENDA ITEM NO. 22 – Authorize Agreement for Legal Services - Department of Social Services

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>SECONDER:</b> | Reed Cleland, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

ON MOTION OF VAN DEE

RESOLUTION NO. 41-25

**Authorize Agreement for Legal Services - Department of Social Services**

WHEREAS, the Department of Social Services has two (2) vacant Attorney positions and must meet deadlines involving appeals and other urgent matters; AND

WHEREAS, the Department of Social Services is seeking an independent Attorney or law firm to assist with essential legal matters that are time sensitive; AND

WHEREAS, the funding needed for this Agreement is in the budget due to position vacancies; NOW THEREFORE BE IT

RESOLVED, the County Administrator, upon review and approval by the County Attorney or designee, be and hereby is authorized to sign an Agreement for the time period of March 1, 2025 through December 31, 2025 with a qualified legal entity in an amount not to exceed \$40,000; AND BE IT FURTHER

RESOLVED that the 2025 County Budget be and hereby is amended as follows:

INCREASE:

|                       |                 |                   |                |
|-----------------------|-----------------|-------------------|----------------|
| Professional Services |                 |                   |                |
| A60105.54055          | current \$7,000 | Increase \$40,000 | new = \$47,000 |

DECREASE

|                   |                     |                   |                   |
|-------------------|---------------------|-------------------|-------------------|
| Personal Services |                     |                   |                   |
| A60105.51005      | current \$6,521,628 | Decrease \$40,000 | new = \$6,481,628 |

AGENDA ITEM NO. 23 – Amend Medicare Improvements for Patients and Providers Act (MIPPA)  
Budget - Office for Aging

Minutes Acceptance: Minutes of Feb 27, 2025 6:00 PM (Approval of Minutes)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Ronald J. Van Dee, Legislator  
**SECONDER:** Jason Prentice, Legislator  
**AYES:** Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch

**ON MOTION OF VAN DEE****RESOLUTION NO. 42-25****Amend Medicare Improvements for Patients and Providers Act (MIPPA) Budget - Office for Aging**

WHEREAS, the New York State Office for the Aging has made available the sum of \$22,454 under the Medicare Improvements for Patients and Providers Act (MIPPA), for the period of September 01, 2024 through August 31, 2025, through Cortland County Office for Aging Revenue Account No. A677243-43772-4338; AND

WHEREAS, these funds reflect an increase of \$6,370 over what was originally anticipated under MIPPA; AND

WHEREAS, these funds are to be used for promotion and enhancement of services available under the Health Insurance Information, Counseling and Assistance Program (HIICAP); NOW THEREFORE BE IT

RESOLVED, that the 2025 County Budget be and hereby is amended as follows:

|                    | Current     | Change | Revised     |
|--------------------|-------------|--------|-------------|
| Revenue:           |             |        |             |
| A677243-43772-4338 | \$50,244.00 | +6,370 | \$56,614.00 |
| Expense:           |             |        |             |
| A67725-51005-4338  | \$46,637.56 | +6,370 | \$53,007.56 |

**AGENDA ITEM NO. 24 – Appoint/Reappoint Members of the Cortland County Youth Board**

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Ronald J. Van Dee, Legislator  
**SECONDER:** Linda Jones, Legislator  
**AYES:** Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch

**ON MOTION OF VAN DEE****RESOLUTION NO. 43-25****Appoint/Reappoint Members of the Cortland County Youth Board**

WHEREAS, the members of the Cortland County Youth Board are appointed by the Cortland County Legislature; AND

WHEREAS, due to a resignation, a vacancy exists on the Cortland County Youth Board; AND

WHEREAS, Youth Representatives on the Board serve one year terms and all other members serve three year terms; AND

WHEREAS, pursuant to the Cortland County Youth Board By-Laws any person appointed to fill a vacancy due to resignation shall be appointed for the remainder of the term; NOW THEREFORE BE IT

RESOLVED, that the following persons be and hereby is appointed as members of the Cortland County Youth Board, to serve without compensation for the following terms:

| NAME                  | CAPACITY                                | ADDRESS                             | TERM<br>ENDING |
|-----------------------|-----------------------------------------|-------------------------------------|----------------|
| Jennifer Sylstra      | Children and Family Counseling Services | 5139 Sears Road, Cortland, NY 13045 | 12/31/2027     |
| Shannon Phillips      | Cortland Works Career Center            | 60 Central Ave., Cortland, NY 13045 | 12/31/2027     |
| Cristin Marshall      | Cortland County Mental Health           | 34 Clinton Street, Homer NY 13077   | 12/31/2027     |
| Kaylee Loveall-Whitin | Youth Representative                    |                                     | 12/31/2025     |
| Julian Jenson         | Youth Representative                    |                                     | 12/31/2025     |
| Rowyn Grant           | Youth Representative                    |                                     | 12/31/2025     |
| Lincoln Dorsett       | Youth Representative                    |                                     | 12/31/2025     |
| Emileigh Eckstrom     | Youth Representative                    |                                     | 12/31/2025     |

### Referred from Finance & Administration Committee

AGENDA ITEM NO. 25 – Authorize Correction of Errors to Correct a Town & County Tax Bill for 2025 and Issue a Refund

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Cathy Bischoff, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF BISCHOFF**

**RESOLUTION NO. 44-25**

#### Authorize Correction of Errors to Correct a Town & County Tax Bill for 2025 and Issue a Refund

WHEREAS, Section 556 of the New York State Real Property Tax Law provides a mechanism for refunding of certain real property taxes by the County Legislature based upon the recommendation of the Director of the County Real Property Tax Services Agency pursuant to an application by a taxpayer in cases involving clerical errors, unlawful entries or certain errors in essential fact; AND

WHEREAS, such application was made on a parcel in the Town of Cincinnatus identified as tax parcel number 142.00-01-23.000; AND

WHEREAS, the above referenced tax parcel has paid their town/county tax bill in a timely manner to the Cincinnatus Tax Collector, but due to an error in essential fact their assessment included a house that had burned down and structures were removed before March 1, 2024; AND

WHEREAS, a corrected bill needs to be calculated by the Cincinnatus Tax Collector and a refund issued; NOW THEREFORE BE IT

RESOLVED, that pursuant to Section 556 of the Real Property Tax Law, the County Legislature does hereby authorize the Cincinnatus Tax Collector to correct the tax bill and issue a refund of the above tax map parcel as outlined in said Section 556 of the Real Property Tax Law.

AGENDA ITEM NO. 26 – Requesting Special Legislation to Amend New York State Tax Law, in Relation to Extending the Authorization for Imposition of Additional 1% Sales and Compensating Use Tax in Cortland County

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Cathy Bischoff, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                                                            |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF BISCHOFF**

**RESOLUTION NO. 45-25**

**Requesting Special Legislation to Amend New York State Tax Law, in Relation to Extending the Authorization for Imposition of Additional 1% Sales and Compensating Use Tax in Cortland County**

WHEREAS, New York State Tax Law §1210(i)(12) presently authorizes Cortland County to adopt and amend local laws, ordinances, or resolutions imposing taxes at a rate which is one percent additional to the three percent rate authorized for the county for a period beginning September 1, 1992 and ending November 30, 2025; AND

WHEREAS, in the current economic climate it would create a fiscal hardship for Cortland County if this source of revenue was to expire, and such a loss would result in a substantial burden on County property owners through increased property taxes or loss of essential services; NOW THEREFORE BE IT

RESOLVED, that the Legislature of the County of Cortland does hereby request special legislation be enacted to amend New York State Tax Law §1210(i)(12), extending the expiration date from November 30, 2025 to November 30, 2027, AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature is hereby directed to provide certified copies of this Resolution to New York State Senator Lea Webb, New York State Assemblymember Anna Kelles, and Assemblymember Jeff Gallahan in order to request the introduction of Home Rule Legislation regarding this matter.

AGENDA ITEM NO. 27 – Amend 2024 Budget - Retiree Health Insurance

|                  |                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                                                               |
| <b>MOVER:</b>    | Cathy Bischoff, Legislator                                                                                                                               |
| <b>SECONDER:</b> | Sandra Price, Legislator                                                                                                                                 |
| <b>AYES:</b>     | Bentley, Bischoff, Cleland, Eccleston, Harbin, Heider, Jones, Mantella, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Waldbauer, Fitch |

**ON MOTION OF BISCHOFF**

**RESOLUTION NO. 46-25**

**Amend 2024 Budget - Retiree Health Insurance**

WHEREAS, in preparing the 2024 Budget, a change in retiree health insurance was anticipated, which would have reduced the County share of said health insurance; AND

WHEREAS, after the budget was adopted, it was determined that said change in retiree health insurance was not going to occur, creating a discrepancy between budgeted retiree health insurance and actual County share; NOW THEREFORE BE IT

RESOLVED, the 2024 Cortland County Budget be and hereby is amended as follows:

Increase:

|              |                           |                |
|--------------|---------------------------|----------------|
| A90605.58060 | Health Ins                | \$4,005,915.54 |
| A.359900     | Appropriated Fund Balance | \$4,005,915.54 |

## **Announcements**

## **Adjournment**

The meeting was closed at 6:46 PM



# Cortland County Legislature

## Special Meeting

Legislative Chambers  
Cortland, NY 13045  
<https://www.cortlandcountyny.gov>

~ Minutes ~

Thursday, March 13, 2025

4:00 PM

Board Room

### Call to Order

The meeting was called to order at 4:02 PM by Chair of the Legislature Kevin Fitch

### Salute to the Flag

### Roll Call

| Attendee Name      | Organization    | Title                    | Status  | Arrived |
|--------------------|-----------------|--------------------------|---------|---------|
| Douglas Bentley    | Cortland County | Legislator               | Present |         |
| Cathy Bischoff     | Cortland County | Legislator               | Present |         |
| Reed Cleland       | Cortland County | Legislator               | Excused |         |
| Mitchel Eccleston  | Cortland County | Legislator               | Excused |         |
| Beau Harbin        | Cortland County | Minority Leader          | Present |         |
| Paul Heider        | Cortland County | Majority Leader          | Present |         |
| Linda Jones        | Cortland County | Legislator               | Present |         |
| Dominick Mantella  | Cortland County | Legislator               | Excused |         |
| William McGovern   | Cortland County | Legislator               | Present |         |
| Joseph Nauseef     | Cortland County | Legislator               | Present |         |
| Christopher Newell | Cortland County | Legislator               | Present |         |
| Jason Prentice     | Cortland County | Legislator               | Present |         |
| Sandra Price       | Cortland County | Legislator               | Present |         |
| Ronald J. Van Dee  | Cortland County | Legislator               | Present |         |
| Keith VanGorder    | Cortland County | Legislator               | Present |         |
| Eugene Waldbauer   | Cortland County | Legislator               | Excused |         |
| Kevin Fitch        | Cortland County | Chair of the Legislature | Present |         |

### Resolutions

#### AGENDA ITEM NO. 1 – Designate Official Newspaper

|                  |                                                                                                                 |
|------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                                                                      |
| <b>MOVER:</b>    | Kevin Fitch, Chair of the Legislature                                                                           |
| <b>SECONDER:</b> | Ronald J. Van Dee, Legislator                                                                                   |
| <b>AYES:</b>     | Bentley, Bischoff, Harbin, Heider, Jones, McGovern, Nauseef, Newell, Prentice, Price, Van Dee, VanGorder, Fitch |
| <b>EXCUSED:</b>  | Reed Cleland, Mitchel Eccleston, Dominick Mantella, Eugene Waldbauer                                            |

#### ON MOTION OF FITCH

#### RESOLUTION NO. 47-25

#### Designate Official Newspaper

WHEREAS, Section 214 of County Law requires the Legislature to designate an official newspaper for the publication of notices and Local Laws; AND

WHEREAS, the Cortland Standard announced closure as of March 13, 2025 and was previously

Minutes Acceptance: Minutes of Mar 13, 2025 4:00 PM (Approval of Minutes)

designated as the official newspaper; NOW THEREFORE BE IT

RESOLVED, that The Post-Standard, of 220 S. Warren Street, Syracuse, NY 13202, be and hereby is designated as the official newspaper for the period of March 13, 2025 through December 31, 2025; AND BE IT FURTHER

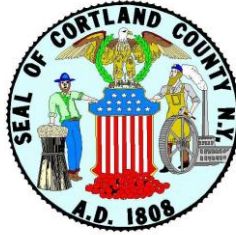
RESOLVED, that the Clerk of the Legislature in conformance with County Law 214 shall forward this designation to be filed with the Secretary of State.

## **Adjournment**

The meeting was closed at 4:09 PM

Minutes Acceptance: Minutes of Mar 13, 2025 4:00 PM (Approval of Minutes)

# Cortland County Proclamation



## Proclaiming March 18<sup>th</sup> as Agriculture Appreciation Day in Cortland County

**WHEREAS**, agriculture is the foundation of our local economy and provides essential resources for our community's growth and prosperity, from the food we eat to the fiber we wear, the materials we use, and the natural beauty of our landscape; and

**WHEREAS**, the agricultural industry in Cortland County plays a key role in maintaining the health and well-being of our local environment, economy, and culture; and

**WHEREAS**, agriculture provides thousands of jobs, supports small businesses, and strengthens the economic fabric of Cortland County, helping to sustain rural communities and foster a sense of pride in our local agricultural heritage; and

**WHEREAS**, it is essential to recognize the vital contributions of our farmers, agricultural workers, and related industries in promoting sustainability, ensuring food security, and strengthening the local economy; and

**WHEREAS**, Agriculture Appreciation Day serves as a reminder of the significance of our agricultural heritage and the ongoing need for support, advocacy, and innovation within the agricultural sector; now therefore be it

**RESOLVED**, that the Cortland County Legislature hereby honors and celebrates the invaluable role of agriculture and farmers in our community, recognizing their dedication, enduring resilience, and profound contributions to our collective well-being; and be it further

**RESOLVED**, that the Cortland County Legislature, hereby proclaims March 17, 2025 through March 21, 2025 Agriculture Appreciation Week and March 18, 2025 as Agriculture Appreciation Day and encourage everyone in Cortland County to recognize the contributions of our agriculture industries and our farm families who are sustaining future generations by feeding, fueling and clothing the world.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 18<sup>th</sup> day of March, 2025.

\_\_\_\_\_  
Kevin Fitch, Chair  
Cortland County Legislature

# Cortland County Proclamation



## Proclaiming April 2025 As Donate Life Month

**WHEREAS**, through our membership with the New York State Association of Counties (NYSAC) and the New York State Association of County Clerks (NYSACC), New York Counties have come together to collectively support April as Donate Life Month; AND

**WHEREAS**, currently 120,000 men, women and children are awaiting organ transplants in the United States; AND

**WHEREAS**, there is no cost to the donor or family to be an organ or tissue donor; AND

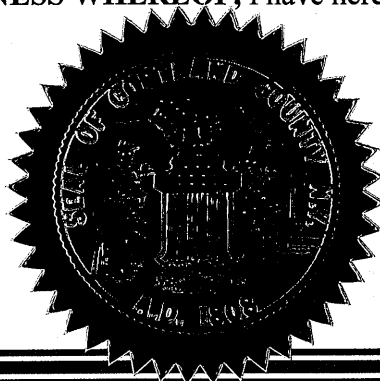
**WHEREAS**, organs, tissue, marrow and blood donation are life-giving acts recognized by all major religions worldwide as an expression of compassion to those in need; AND

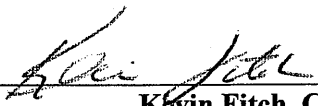
**WHEREAS**, just one organ donor can save up to 8 lives, eye and tissue donors can improve the health and lives of up to 75 people in need, tissue transplants can be used to replace tendons or ligaments lost due to cancer, trauma or other diseases; AND

**WHEREAS**, in New York State there are nearly 10,000 people waiting for an organ transplant, which represents nearly 10% of the national waiting list, and there are over 500 New Yorkers that were removed from the waitlist in 2024 because they were too sick to undergo a transplant procedure or they passed away because an organ was not available in time; NOW THEREFORE BE IT

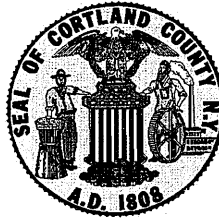
**RESOLVED**, that I, Kevin Fitch, Chairman of the Cortland County Legislature, on behalf of the Cortland County Legislature, do hereby proclaim **April 2025 as Donate Life Month**, and in doing so, encourage all residents of Cortland County to enroll as an organ and tissue donor at the County Clerk's Office or the Cortland County DMV Office.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 27<sup>th</sup> day of March, 2025.



  
 Kevin Fitch, Chair  
 Cortland County Legislature

# Cortland County Proclamation



## Child Abuse Prevention Month

WHEREAS, every child deserves to grow up in a safe, loving, and nurturing environment, free from abuse and neglect; AND

WHEREAS, child abuse and neglect continue to be a serious concern in our community, affecting children of all ages, backgrounds, and socioeconomic statuses, with lasting consequences for individuals, families, and society as a whole; AND

WHEREAS, child abuse and neglect not only directly harm children, but also increase the likelihood of long-term physical and mental health problems, alcohol and substance abuse, continued family violence and criminal behavior; AND

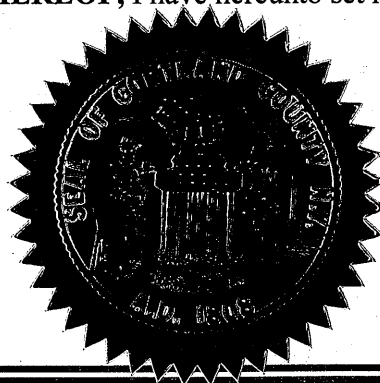
WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope; AND

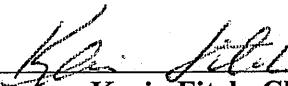
WHEREAS, the prevention of child abuse and neglect is a shared responsibility among parents, educators, community organizations, faith-based groups, and government agencies, requiring collective action and commitment; AND

WHEREAS, child abuse and neglect can be reduced by making sure each family has the support needed to raise their children in a safe, nurturing environment; NOW THEREFORE BE IT

RESOLVED, that I, Kevin Fitch, on behalf of the Cortland County Legislature, do hereby proclaim **April as Child Abuse Prevention Month** in Cortland County and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live and to actively participate in the Pinwheels for Prevention Campaign designed to draw attention to the urgent need to stop child abuse before it starts.

IN WITNESS WHEREOF, I have hereunto set my hand this 27<sup>th</sup> day of March, 2025.



  
Kevin Fitch, Chairman  
Cortland County Legislature

# Cortland County Proclamation



## Proclaiming March 2025 Women's History Month in Cortland County

**WHEREAS**, Women's History Month is a time to honor the remarkable contributions of women throughout history, recognizing their vital roles in shaping our society, culture, and communities in every field, from science and education to business, politics, arts, and beyond; AND

**WHEREAS**, women have been at the forefront of change, often overcoming obstacles to pave the way for future generations, and have made significant strides in advancing gender equality, leadership, and innovation; AND

**WHEREAS**, this month serves as an opportunity for all to reflect on the progress made by women, to acknowledge the work that remains to ensure true equity for women, and to celebrate the incredible achievements and legacies left by women locally, nationally, and globally; AND

**WHEREAS**, the women of Cortland County, past and present, continue to inspire and uplift our communities with their resilience, creativity, and commitment to building a more inclusive and equitable world; NOW THEREFORE BE IT

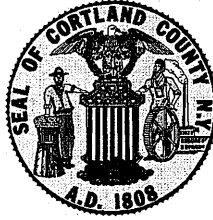
**RESOLVED**, I Kevin Fitch, Chair of the Cortland County Legislature, on behalf of the citizens of Cortland County, do hereby proclaim the month of **March 2025 as Women's History Month** in Cortland County and call upon all residents to celebrate the achievements of women, reflect on their contributions, and continue working toward equality for all.

IN WITNESS WHEREOF, I have hereunto set my hand this 27<sup>th</sup> day of March, 2025.



  
Kevin Fitch, Chair  
Cortland County Legislature

# Cortland County Proclamation



## Honoring the Retirement of David Rutherford, Executive Director of Cornell Cooperative Extension for Cortland County

**WHEREAS**, David Rutherford has served within Cortland County with distinction, dedication, and professionalism as the Executive Director of Cornell Cooperative Extension for Cortland County for the past ten (10) years; **AND**

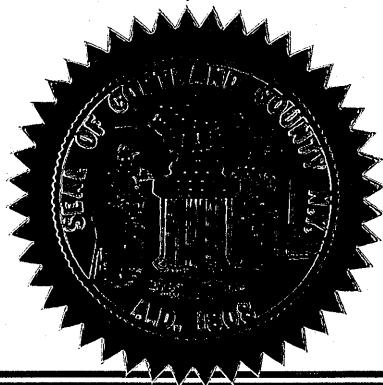
**WHEREAS**, during his time, Mr. Rutherford has demonstrated outstanding leadership, commitment, and passion for community development, education, and agricultural advancement; **AND**

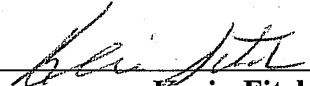
**WHEREAS**, under Mr. Rutherford's leadership, Cornell Cooperative Extension has flourished, providing vital programs and resources in agriculture, environmental stewardship, youth development, nutrition, and community well-being to benefit the residents of Cortland County; **AND**

**WHEREAS**, Mr. Rutherford has been a driving force behind the success and growth of 4-H Camp Owahta, taking on any role necessary to ensure its continued operation and dedicating his entire summer to making the Camp a premier destination for children from around the world; **NOW THEREFORE BE IT**

**RESOLVED**, that the Cortland County Legislature does hereby recognize and commend David Rutherford for his invaluable contributions in his 10 years of dedicated service as Executive Director of Cornell Cooperative Extension for Cortland County, congratulates him on his retirement, and wishes him happiness, health, and fulfillment in all future endeavors.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 27<sup>th</sup> day of March, 2025



  
Kevin Fitch, Chair  
Cortland County Legislature

# AUDIT DEPARTMENT ANNUAL REPORT - FY2024

MARCH 2025

STEPHEN M. TROBERT, CPA – MANAGER OF AUDIT & FINANCIAL PROJECTS



# AUDIT DEPARTMENT OBJECTIVES

- It is the duty of the Auditor to audit all claims, accounts, and demands which are made "County charges" by law and which otherwise would be audited by the Board of Legislators
- As requested by the Legislature and/or County Administrator, provide management with analyses and recommendations concerning specific activities
- Assess adequacy of fiscal internal controls and operating procedures
- Evaluate compliance with laws, regulations and County policies
- Review programs to ascertain whether results are consistent with established objectives and goals
- Prevention of loss and promotion of operating efficiency

# CLAIMS AUDIT REPORT

## Total disbursements reviewed in 2024

- 7,700 checks totaling \$55.2M
- 195 external wires totaling \$30M
- \$490k of P-card activity
- Population includes all disbursements issued by the County Finance office from the County's significant funds

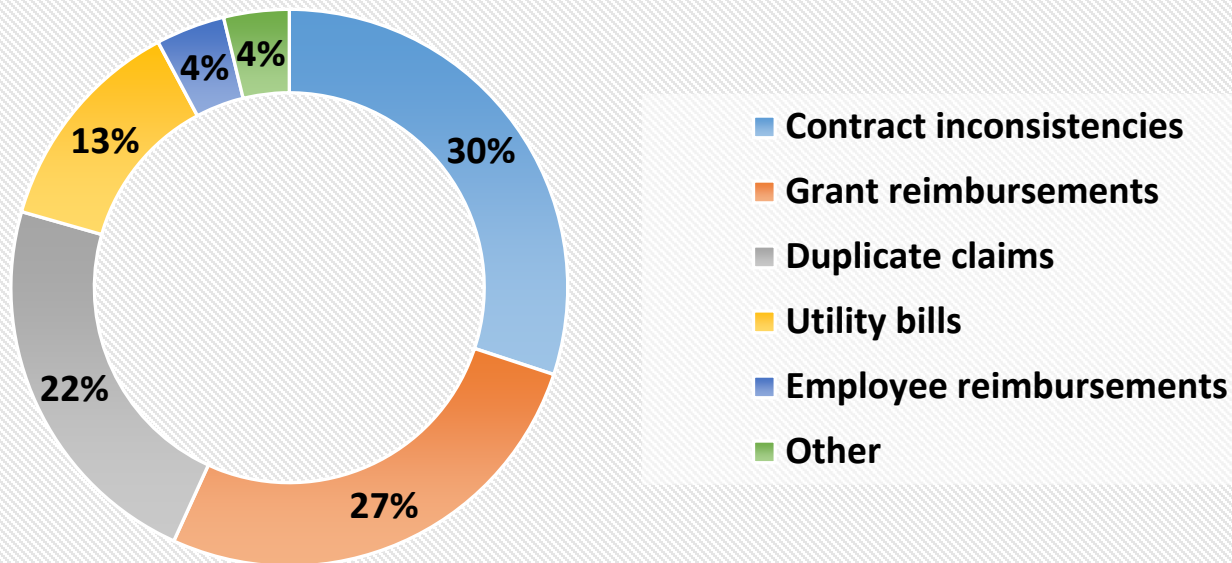
# CLAIMS AUDIT REPORT

## Comparative summary of claims denied

|                 | FY 2020  | FY 2021  | FY 2022  | FY 2023  | FY 2024  |
|-----------------|----------|----------|----------|----------|----------|
| # claims denied | 16       | 19       | 32       | 54       | 79       |
| Total \$ amount | \$76,800 | \$61,200 | \$56,800 | \$58,500 | \$86,900 |

# CLAIMS AUDIT REPORT

## 2024 Findings by Category



# PURCHASING COMPLIANCE

## Improvement in external audit findings

- In the County's FY2020 audit, two-thirds of disbursements tested lacked a valid purchase order
- For the FY2023 audit, 5% of disbursements tested lacked a valid PO

## Purchasing policy addendum

- Formal written consequences for non-compliance with the County's purchasing policy
- Adopted by the Legislature in May 2024

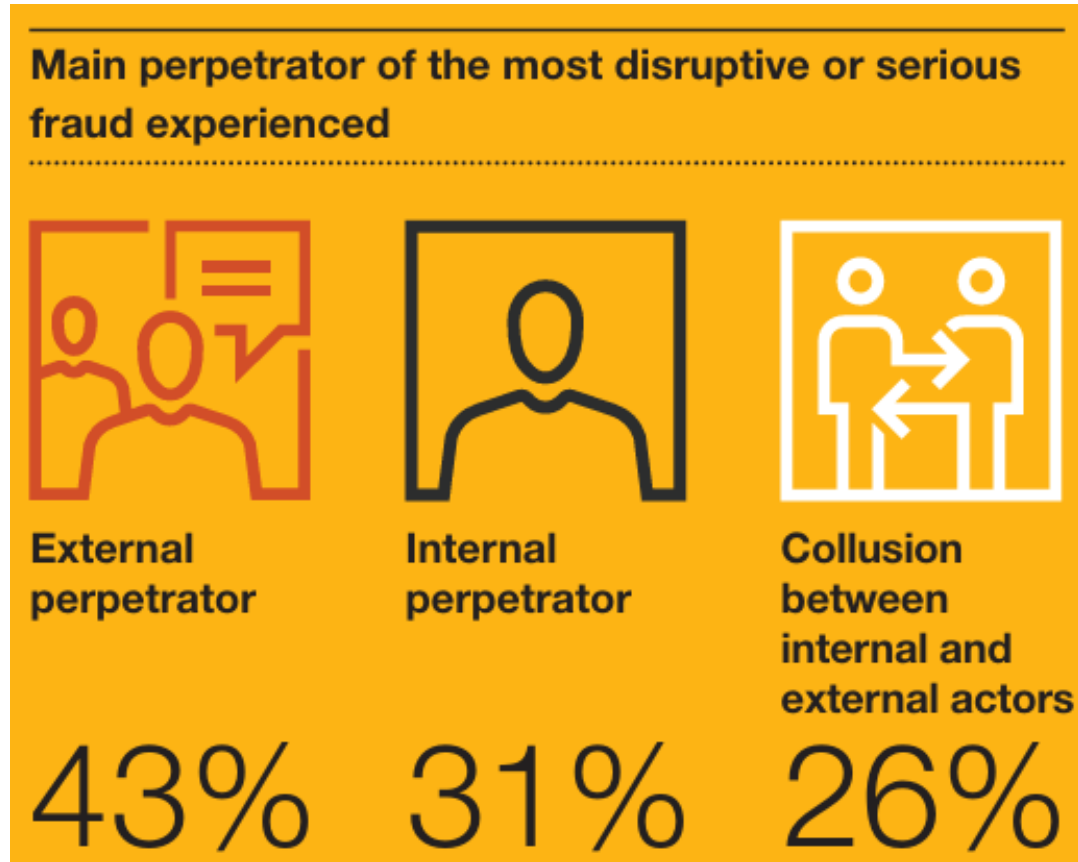
# POLICY & PROCEDURE RECOMMENDATIONS

## County whistleblower policy

- The Legislature adopted an amended whistleblower protection policy in April 2024, with key updates to processes for:
  - Complaint reporting
  - Investigation of complaints



Source: ACFE Occupational  
Fraud Report 2024



Source: PwC Global Fraud Survey 2022

# POLICY & PROCEDURE RECOMMENDATIONS

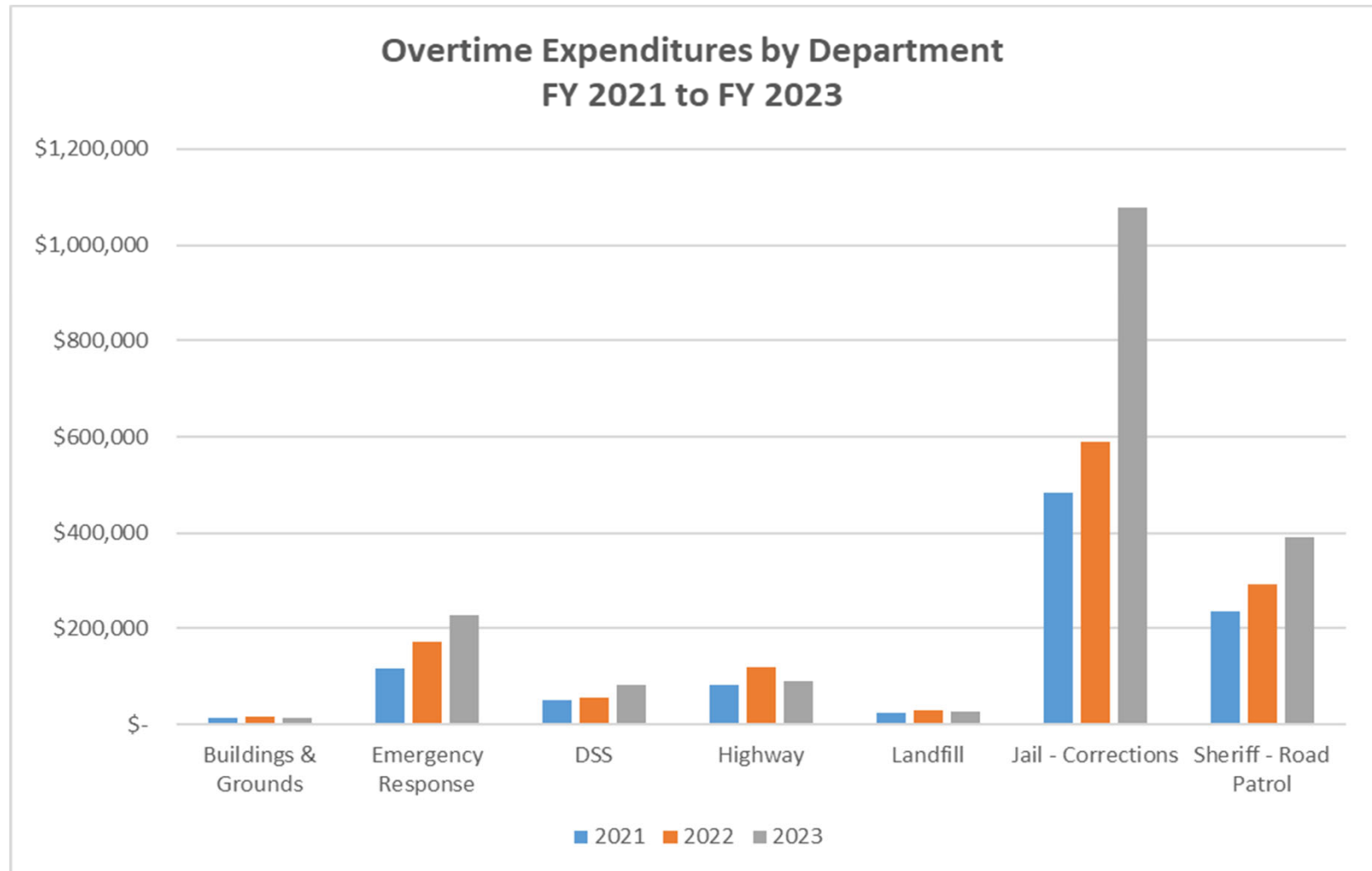
## Other recommendations

- Updates to the County's contract processes to verify compliance with competitive bidding requirements and to ensure RFPs are attached to vendor contracts, where applicable
- Material amendments to union contracts subject to vote of full Legislature

# PERSONNEL COSTS

## Payroll testing

- The Audit office performs testing of payroll registers on a cycle basis
- For 2023 registers, testing performed over a County-wide sample of overtime, including:
  - Verified that overtime was pre-authorized, where applicable
  - Confirmed that each employee's overtime pay rate was correct
  - Agreed each employee's overtime hours to the supporting supervisor approved time sheet



# PERSONNEL COSTS

## Retiree health insurance – contributions

|             | Retiree share | County share | Total contributions |
|-------------|---------------|--------------|---------------------|
| <b>2024</b> | \$488,600     | \$5,897,800  | \$6,386,400         |
|             | 7.7%          | 92.3%        |                     |
| <b>2023</b> | \$420,000     | \$5,383,500  | \$5,803,500         |
|             | 7.2%          | 92.8%        |                     |
| <b>2022</b> | \$385,800     | \$5,241,500  | \$5,627,300         |
|             | 6.9%          | 93.1%        |                     |

# ARPA SUBRECIPIENTS REVIEW

- \$2.4M in funding allocated to seventeen agencies
- Reviewed 100% of subrecipient funding, including verifying that:
  - Funds were expended consistently with each agency's proposal and the award authorized by the Legislature
  - Funds awarded were not duplicative with other grants received by the agencies
  - Proper invoice and payment documentation is on file with the County

# ARPA SUBRECIPIENTS REVIEW

| Agency / Municipality                            | Funding Amount |
|--------------------------------------------------|----------------|
| Catholic Charities of Cortland County            | \$ 150,000     |
| Center for the Arts of Homer, Inc.               | 100,000        |
| CNY Living History Center                        | 20,000         |
| County of Cortland Agricultural Corp.            | 50,000         |
| Cortland County Business Development Corporation | 600,000        |
| Cortland County Holstein Club                    | 36,000         |
| Cortland County SPCA                             | 97,432         |
| Family & Children's Counseling Services          | 100,000        |

| Agency / Municipality              | Funding Amount |
|------------------------------------|----------------|
| Grace and Holy Spirit Church       | \$ 90,000      |
| JM McDonald Sports Complex         | 56,000         |
| Lime Hollow Nature Center          | 95,000         |
| Rose Hall                          | 50,000         |
| Soil & Water Conservation District | 300,000        |
| Town of Truxton                    | 50,000         |
| Town of Cincinnatus                | 50,000         |
| Town of Cortlandville              | 500,000        |
| Village of McGraw                  | 85,272         |

## OTHER EXTERNAL PROCEDURES

- HEALing Communities study

### Occupancy tax audits

- Audits of hotel / motel operators performed on a cycle basis

### Tourism marketing grants – CVB

- Review performed over the 2023 grants awarded by the Legislature
- Testing of claims submitted by recipient agencies

# DEPARTMENTAL PROCEDURES

## Probation department

- Review of restitution account policies & procedures
- Testing performed over a sample of restitution account disbursements

## Coroners office

- Contracts with third-party specialists

## Mental Health department

- Update on insurance billing & receipts procedures
- Compliance function

# DEPARTMENTAL PROCEDURES

## Landfill

- Tipping fees cash receipt procedures and testing over a sample of daily receipts
- Review of estimated closure and post-closure costs

## Assigned Counsel

- CAP program

## Sheriffs – Civil office

- Review of Civil office procedures for receipts and disbursements
- Testing performed over a sample of Civil account disbursements

# NYS OSC FISCAL STRESS SCORES

- NYS Comptroller scoring system based on nine financial indicators
- Cortland County continues to receive a result of “No stress designation”

|                     | 2015 | 2016 | 2017             | 2018             | 2019 | 2020 | 2021 | 2022 | 2023 |
|---------------------|------|------|------------------|------------------|------|------|------|------|------|
| Fiscal stress score | 22.1 | 19.2 | <i>Not filed</i> | <i>Not filed</i> | 20   | 13.3 | 0    | 0    | 3.3  |

Source: NYS OSC Fiscal Stress Monitoring System

# **CORTLAND COUNTY PROBATION DEPARTMENT**

**Cortland County Court House  
46 Greenbush Street  
Cortland, New York 13045  
607 753-5019**

## **2024 ANNUAL REPORT**



To the Honorable Members of the Cortland County Legislature:

Contained herein is the Annual Report of the Cortland County Probation Department and Alternatives to Incarceration (ATI) for the year 2024, which is respectfully submitted for your consideration. This Report highlights the many functions of the Cortland County Probation Department and provides statistical information on Probation and Pre-trial Release Programs in the preceding year.

In 2024, Probation statistics remained relatively stable. Probation staffing had been reduced in 2021. Duties were shifted at that time internally to cover all aspects of Probation and Alternatives to Incarceration mandated services. It is clear now we are able to maintain the appropriate level of service to the Cortland County community at this level. The Probation Department did in 2024 meet all obligations and duties under New York State Executive Law and NYCRR Title 9. The impact of the continuing implementation of Raise the Age and Bail Reform Legislation have resulted in adjustments to practice and procedure but have been incorporated into everyday business. Some benefits as intended are applauded and some significant unintended problems are continuing to occur and being dealt with as they arise. No further major legislative changes occurred in 2024. As always, it is important to stress that the Probation Department deals with a vulnerable population that has many and varied needs. Continued support and assistance to this population while fulfilling our responsibility to promote community safety will be our ongoing mission.

Now, as in years past, I am very grateful to the Cortland County Legislature and the Judiciary and Public Safety Subcommittee in particular, for their continuing support of the Probation Department.

Respectfully,

*Nicole Albro*

Nicole R. Albro  
Probation Director

**CORTLAND COUNTY LEGISLATURE**  
**Kevin Fitch, Chairman**  
**JUDICIARY AND PUBLIC SAFETY COMMITTEE**

**Sandra Price, Committee Chairperson**  
**Eugene Waldbauer, Vice Chair**

**Douglas Bentley**  
**Cathy Bischoff**  
**Mitchell Eccleston**

**Christopher Newell**  
**Jason Prentice**

**THE PROBATION STAFF**

**Nicole R. Albro - Probation Director**

**Julie Parker**  
**Probation Supervisor**

**Nadine Reisweber**  
**Probation Supervisor**

|                   |                                                                                                                                                           |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alicia Wheaton    | Senior Probation Officer<br>(New York Statewide Police Information Network and E Justice Coordinator/Intensive Supervision Program/Electronic Monitoring) |
| Gary Harrington   | Senior Probation Officer<br>(Intensive DWI, NYS License Event Notification System "LENS" and Drug Court)                                                  |
| Chelsea Kaminski  | Senior Probation Officer (Staff Development, Integrated Domestic Violence Court and Safety Officer/Electronic Monitoring)                                 |
| Ben Wheaton       | Senior Probation Officer (Enhanced Investigation/Intensive Supervision-Sex Offenders, NYS Registrant System)                                              |
| Amy Hamilton      | Senior Probation Officer (PINS/PASS)                                                                                                                      |
| Barbara Beveridge | Senior Probation Officer(PINS/PASS)                                                                                                                       |
| Marissa Chierchio | Probation Officer                                                                                                                                         |
| Amy Basil         | Probation Officer                                                                                                                                         |
| Nicole Riley      | Probation Officer                                                                                                                                         |
| Lisa Hubbard      | Probation Officer                                                                                                                                         |
| Amelia Gleason    | Probation Officer                                                                                                                                         |
| Lindsey Law       | Probation Officer                                                                                                                                         |
| Angela Ostrander  | Probation Officer                                                                                                                                         |
| Cathy Ackley      | Probation Assistant                                                                                                                                       |
| Autumn Stevens    | Probation Assistant                                                                                                                                       |

|                 |                          |
|-----------------|--------------------------|
| vacant          | ATI Officer              |
| Terri Rutan     | Principal Account Clerk  |
| Brianne Shippey | Administrative Assistant |
| Melissa Hummel  | Key board Specialist     |

# ORGANIZATIONAL CHART

## CORTLAND COUNTY PROBATION DEPARTMENT

CORTLAND COUNTY LEGISLATURE  
JUDICIARY AND PUBLIC SAFETY COMMITTEE

COUNTY ADMINISTRATOR

DIRECTOR OF PROBATION

| PROFESSIONAL STAFF                                     |                                                                                                                                                                                                                                                            |                                                                                                                                                             | SUPPORT/ADMINISTRATIVE STAFF        |                                   |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------|
| ALTERNATIVES TO<br>INCARCERATION<br>Co-coordinator (1) | PROBATION SUPERVISOR<br>(1)                                                                                                                                                                                                                                | PROBATION<br>SUPERVISOR<br>(1)                                                                                                                              | Admin Assistant<br>CONFIDENTIAL (1) | PRINCIPAL<br>ACCOUNT CLERK<br>(1) |
| Probation<br>Assistant                                 | Sr. Probation Officer<br>(Staff Development and<br>Safety Office/Electronic<br>Monitoring)<br><br>Senior Probation Officer<br>(NYSPIN/ISP/Electronic<br>Monitoring, DV)<br><br>Sr. Probation Officer (2)<br>(PINS Diversion)<br><br>Probation Officers (3) | Senior Probation<br>Officer<br>(D.W.I./Drug Court)<br><br>Sr. Probation Officer<br>(Sex Offenders)<br><br>Probation Officers (4)<br><br>Probation Assistant | Keyboard Specialists (1)            |                                   |

The Cortland County Probation Department has had the traditional responsibility, mandated by New York State Family, Criminal and Executive Law, of providing four basic services to the citizens and Courts of the County community:

1. **Family Court Intake:** This service offers individuals and families a means of achieving timely and often lasting solutions to problems which would otherwise be adjudicated in Family Court Proceedings. The two largest populations served by intake are Juvenile Delinquents (youth over the age of twelve years and less than eighteen years who have committed an act which, if committed by an adult, would constitute a crime) and Persons in Need of Supervision (youth under the age of 18 years who are ungovernable/incorrigible, chronically truant or runaways. JDs are referred to the Department by Law Enforcement agencies and PINS are referred most frequently by parents or school officials, but may be referred by a variety of other sources. In the case of JDs, the Department can attempt diversion services for a period of up to six months wherein the youth and parents participate in frequent meetings with a Probation Officer in an effort to reduce the likelihood of continued criminal behavior and, if applicable, make apologies and restitution to victims. The Department provides the same diversion services to PINS/PASS youth; however, the time spent on a PINS/PASS case has no expiration aside from the youth's age and the focus is to work with the youth and family to decrease the undesirable behavior and improve the functionality of the parents. This service has the benefit of timeliness, in that the problems of Court congestion and backlog are by-passed. More important is the fact that it provides assistance and referral services to amenable families and children which can enable them to find solutions to their own problems in an atmosphere which preserves dignity and promotes cooperation. Properly utilized, it can free Court time for the more intransigent cases, save assigned counsel costs to the County, reduce the likelihood of placement outside the home and help troubled families become healthier and less prone to perpetuating dysfunction. In addition, although far less frequently, intake provides assistance to individuals seeking direction regarding child custody/visitation issues, support matters, family offenses and Orders of Protection.
2. **Investigations:** When ordered to do so by the Court, the Department undertakes a detailed legal and social investigation on adults, juveniles and families and prepares a report of same to submit to the Criminal and Family Courts of the County. These reports are of a narrative form and are several pages in length. Details of every aspect of an individual's life are addressed which include, but are not limited to: legal history; presenting offense or behavior; family situation and environment; social services history; education, employment and military; alcohol and substance use; and physical and mental health. Probation reports assist the Courts in judicial decision-making and provide analytical information which forms the basis of community-based case planning for those sentenced to an alternative to incarceration and institutional case planning for those sentenced to incarceration. These reports are also utilized by jails, prisons, the Board of Parole to gain information on individuals considered for release to Parole supervision and by treatment agencies for case planning and counseling.
3. **Supervision:** Adult offenders, JDs and PINS are supervised under Court-ordered conditions of Probation, in most cases, for 1, 2, 3 or 5 year terms. The exception occurs with regard to certain sex offense cases which carry terms of 6 and 10 years. The most widely utilized alternative to incarceration, probation supervision provides an opportunity for eligible offenders to remain or become productive, participating members of the community while their activities are monitored by a Probation Officer. While there are currently six conditions of Probation applied to all Probationers, there are a host of others that are tailored to meet the needs of the individual offender and enhance community safety. Examples of these conditions: address the need for alcohol/drug abstinence and treatment; mandate that certain types of sex offenders not have contact with children, stay away from places where children are likely to congregate,

attend counseling, and register as sex offenders; require payment of restitution; and require submission of a DNA sample for all felony convictions and all penal law misdemeanors; among numerous others. Supervision of offenders requires the Probation Officer to make frequent field visits to the offender's home, school or worksite. Officers are in continual contact with counselors, educators, family members and any other agency or individual that may assist in verifying compliance. With constant oversight and encouragement to succeed, it is hoped that the offender is motivated to comply with the Conditions of Probation for the benefit of better employment, education, family relationships and community betterment. For some, the fact that a violation of the sentence can result in revocation and resentence to a term of incarceration serves as a motivator to maintain compliance.

4. **Restitution Office:** The Probation Department is the County designated agency to collect Court-ordered monetary restitution from offenders and to disburse it to crime victims. A five percent surcharge is also collected pursuant to law, and is forwarded to the County General Fund as revenue.

In addition to the basic traditional services described above, the Cortland County Probation Department also provides various other services which impact community safety, offender accountability and costs to the County.

1. **Pre-Trial Release Alternatives to Incarceration (ATI):** The Pre-Trial Release Program has been a part of the Cortland County Probation Department since January 2004. Offenders who are detained in jail prior to conviction or sentencing, who cannot make bail, or who are at risk for failure to appear at future Court dates, are assessed for eligibility for release under supervision. Defendants report to Pre-trial personnel anywhere from once a week to once a day to apprise of any changes in circumstances, receive reminders regarding next Court appearance and are encouraged and assisted in obtaining any services which may help to avoid future legal problems. Pre-trial is instrumental in helping to reduce jail costs as it could be months before a trial is conducted or sentencing takes place. Release to Pre-trial Services also helps to process some offenders into treatment, allows them to continue employment and can monitor other program participation.
2. **Community Service:** Frequently, offenders are required to make retribution in the form of Community Service for victimizing individuals or parties in a community. Offenders are often ordered by the Court to perform services to non-profit entities or municipal agencies as part of their sentence, or consideration for a reduction in charges or dismissal of charges. The ATI coordinator along with a Probation Assistant implement this service by developing worksites, conducting work site visits and keeping records of the progress of each individual participant which is then provided to the Court.

Probation Officers, including the Supervisors and the Director, are **Peace Officers** charged first and foremost with ensuring the protection of the public. The Department is therefore prudent in its recommendations to the Courts, and diligent in monitoring the activities of offenders/clients residing in the community. Over the years more and more responsibility is placed upon Probation Departments to ensure that offenders are adhering to legislation that adds additional responsibilities to the past duty of monitoring compliance with the Order and Conditions of Probation. The collection of DNA samples for submission to the DNA database, sex offender change of address forms updating the NYS Sex Offender Registry, ignition interlock compliance, NYS DMVLENS participation and completion of risk and assessment instruments, are just a few of the many functions that have been added to numerous other job duties performed daily. Mandated training for Peace Officers was also significantly increased in 2023.

# **2019-2024 COMPARATIVE STATISTICS**

**INTAKE****NUMBER OF NEW CASES DEALT WITH AT INTAKE**

| <b>TYPE OF CASE</b>           | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Juvenile Delinquency          | 58          | 26          | 29          | 31          | 46          | 43          |
| Person In Need of Supervision | 49          | 32          | 39          | 35          | 40          | 31          |
| <b>TOTAL</b>                  | <b>107</b>  | <b>58</b>   | <b>68</b>   | <b>66</b>   | <b>86</b>   | <b>74</b>   |

Person in Need of Supervision (PINS) legislation since 2005 allows for diversion services to remain open for an indefinite period of time. Youth and families benefit from the additional guidance and adjustment period to engage in services and receive support until the situation improves and the parties are more self-reliant. Legislation has been modified repeatedly to mandate extensive services be put in place to divert juveniles away from the Family Court. Probation has responded by establishing the very intensive Planning, Assessment, Skills, and Support (PASS) Program along with our partnership with the Department of Social Services. Another example is requiring schools to provide a Manifestation Determination for any student with an Individual Education Program that the District is considering referring to the PINS/PASS Program. The goal of which is to eliminate students who could not control their behaviors due to a disability from being unfairly involved in the Family Court System. This Department further initiated a Pre-PINS Parent Orientation meeting for any parent interested in referring their child to the PINS Program to assess suitability for other services and agencies within the community that could be accessed without having to involve the youth in the early stages of judicial intervention. Probation has partnered with the local Department of Social Services to use state STSJP grants to implement the Coordinated Children's Services Initiative. This program pairs families with a family partner to address various issues within the family that may affect the success of the youth in school and the community. Each of these changes has contributed to narrowing the PINS population to the youth who are most in need of an intensive level of intervention and at risk for failure and further contact with the Court system. The Probation Department and Department of Social Services staff have worked to align our efforts with the federal "Families First" legislation. Our current PASS program seeks to include best practices as they evolve.

A Juvenile Delinquent is a youth over the age of 12 and under the age of 18 years who are referred to the Probation Department or Criminal Court to determine eligibility for and receive diversion services for acts which if committed by an adult would constitute a crime. If successful, the case is adjusted and the youth is diverted from further involvement with the Family Court. Largely, the decision to provide diversion services is made by the Probation Department; however, some cases are not eligible due to the serious nature of the offense (in which case the District Attorney follows the requirements to retain the matter in a criminal court) or the Respondent insists on access to the Family Court. Of the youth who participate in diversion, the majority are closed as adjusted with no Court involvement.

The term "to adjust" a case as used by the Family Court Law means to close successfully by Probation Intake without referral to Family Court.

Over the last several years of collaboration with other County agencies, there has been a significant decline in the number of youth petitioned into Family Court as the result of a PINS or JD petition and fewer youth placed into the custody of the local Department of Social Services or New York State Office of Children's and Family Services. Keeping youth out of Court is both a major step in reducing further trauma to the youth and family, but also a significant savings in both Court resources and County tax dollars. The successes of the programs are in large part due to the intensity of work done with those youths who are at the highest risk of placement outside the home and make these youths more time and labor intensive for this Department. Referrals for Family Offense Intake are rare given the nature of the circumstances and should not be considered for diversion services. Custody matters usually result in assisting the party/parties in finding mediation services or referral to Family Court for the filing of a petition. On occasion Probation completes Adoption and Home Study Reports for the Family Court to assess the situations and living arrangements of parties to the Court proceedings.

Domestic violence complaints always result in directing the party/parties: to law enforcement if not already done; to Family Court for the filing of an Order of Protection petition if desired and providing contact information for counseling services and Aid to Victims of Violence.

## **CRIMINAL COURT STATISTICS**

### **CRIMINAL COURT INVESTIGATIONS/REPORTS**

| TYPE OF CASE                | 2019       | 2020       | 2021       | 2022       | 2023       | 2024       |
|-----------------------------|------------|------------|------------|------------|------------|------------|
| Pre-Sentence Investigations | 401        | 146        | 212        | 230        | 238        | 279        |
| Pre-Plea Investigations     | 5          | 2          | 3          | 7          | 6          | 5          |
| Other                       | 43         | 28         | 45         | 30         | 32         | 33         |
| <b>TOTAL</b>                | <b>449</b> | <b>176</b> | <b>260</b> | <b>267</b> | <b>276</b> | <b>317</b> |

The number of Court ordered investigative reports completed for the Courts has been increasing. As these reports are detailed, involve home visits, assessments and information verification, they are time consuming for the entire staff who are all involved in some capacity. They are also time sensitive and requires strict deadline submission to keep the local Court calendars on schedule.

## **PROBATION SUPERVISION**

### **Criminal Court Probationers**

|                                    | 2019       | 2020       | 2021       | 2022       | 2023       | 2024       |
|------------------------------------|------------|------------|------------|------------|------------|------------|
| On Probation Beginning of Year     | 524        | 531        | 412        | 382        | 354        | 373        |
| <b>On Probation At End of Year</b> | <b>531</b> | <b>412</b> | <b>382</b> | <b>354</b> | <b>369</b> | <b>379</b> |

While there have been variations in the number of individuals placed on probation from criminal court, the numbers, overall, have been relatively consistent in the past. With Courts closed or limited in scope in 2020 the numbers decreased. Placements on Probation are now trending up slightly.

### **Restitution and Surcharge Collection**

|      | <b>Ordered</b> | <b>Collected/<br/>Disbursed</b> | <b>Surcharge<br/>Collected</b> |
|------|----------------|---------------------------------|--------------------------------|
| 2019 | \$172,040.64   | \$79,558.17                     | \$4,122.51                     |
| 2020 | \$132,026.81   | \$48,803.88                     | \$2,265.63                     |
| 2021 | \$206,294.15   | \$63,787.50                     | \$2265.63                      |
| 2022 | \$67,013.3     | \$38,292.04                     | \$1740.61                      |
| 2023 | \$1,087,169    | \$27,753.09                     | \$1282.75                      |
| 2024 | \$51,327.62    | \$42,616.36                     | \$2023.33                      |

Restitution cases are comprised of any Court Order for restitution that is to be paid through the Cortland County Probation Department which includes, Probation cases, Conditional Discharge cases, Judgments and other Orders of Restitution/Reparation. The majority of open cases are Judgments. In most cases, the total restitution owed includes a 5% surcharge added to the amount owed to the victim; the surcharge is paid out to the Cortland County Treasurer's Office to offset some of the costs of collection and disbursement of restitution. The amount of restitution ordered by the Courts in 2023 was significantly higher based mainly on one case. As that person is incarcerated for a lengthy period, collection is unlikely at this time. Overall collection has been down, however, one case again caused a significant increase in our collection in 2024.

Probation maintains a checking account at NBT Bank for deposit and disbursement of restitution and custody fees. It is a non-interest bearing account.

### **DWI IGNITION INTERLOCK**

|              | <b>2018-2019</b> | <b>2019-2020</b> | <b>2020-2021</b> | <b>2021-2022</b> | <b>2022-2023</b> | <b>2023-2024</b> |
|--------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <b>Grant</b> | <b>\$4711</b>    | <b>\$5222</b>    | <b>\$5222</b>    | <b>\$5108</b>    | <b>\$5147</b>    | <b>\$5628</b>    |

In 2010, New York state legislation added sentencing mandates for a term of Probation or Conditional Discharge for all Driving While intoxicated related convictions and required the installation of an Ignition Interlock Device on all vehicles owned or operated by the defendant. The Cortland County Probation Department is the agency in this County that monitors compliance with these requirements in all cases. The NYS Governor's Traffic and Safety Committee received federal grant money for the first 3 years to offset costs of the additional responsibilities. Reimbursement for the several years of the program was per individual

sentenced. In 2015 to 2016 the federal grant was not renewed. In 2016-2017, the committee **did not** elect to make up for the lost federal money and reduced the reimbursement using a formula applied to each County. Cortland County was reimbursed a flat total since the 2016 contract, regardless of the number of individuals ordered to install the ignition interlock. This is of course a significant decrease in the reimbursement received since the inception of the legislation.

### **DWI SUPERVISION FEE**

|           | 2019    | 2020    | 2021    | 2022    | 2023   | 2024   |
|-----------|---------|---------|---------|---------|--------|--------|
| Collected | \$8,760 | \$4,230 | \$7,960 | \$9,520 | \$8210 | \$5780 |

In September 2013, the Cortland County Legislature passed a local law allowing the Cortland County Probation Department to collect a supervision fee of \$0, \$10.00, \$20.00 or \$30.00, depending upon the Probationers income and other Court ordered financial obligations, for all Driving While Intoxicated probation supervision cases. All fees collected are submitted to the Cortland County Treasurer's Office for application to the Probation Department budget. Enforcement of the new law began in January 2014. Yearly totals vary according to ability to pay and the number of DWI convictions resulting in Probation supervision. As failure to pay a supervision fee cannot be pursued as a violation of Probation there is little recourse to non-payment aside from referral to the County Attorney's office for a civil judgement proceeding. This course may prove to be more cost prohibitive than the non-payment. A combination of less DWI arrests/convictions and lost employment due to lack of transportation leads to barriers in collection of DWI supervision fees.

### **ALTERNATIVES TO INCARCERATION PROGRAM**

#### **PRE-TRIAL RELEASE PROGRAM**

|                                           | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 |
|-------------------------------------------|------|------|------|------|------|------|
| Released to Program<br>(50/year required) | 261  | 86   | 115  | 150  | 111  | 103  |

Pre-trial Release under Supervision (RUS) has remained an important service provided to the Courts and community within the Cortland County Probation Department for many years. The above numbers reflect new cases served throughout the year and are not reflective of individuals on pre-trial release each month. Several factors influence the monthly pre-trial population: once an individual is sentenced, the case is closed. The decision for remand or release of a defendant is a judicial decision. Bail Reform enacted in 2020 is having an impact on who is eligible for remand and how Pre-Trial Release is used. There was a decrease in cases

during the pandemic. The cases that are being served since bail reform, require more services to ensure their return to Court appearances. Helping participants obtain needed services to facilitate lawful behavior during Court pendency is also a goal of the program.

### **COMMUNITY SERVICE PROGRAM**

|                                      | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> | <b>2024</b> |
|--------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| New Clients<br>(125/year required)   | 111         | 48          | 71          | 105         | 134         | 177         |
| Hours Ordered<br>(4,800/year target) | 4330.5      | 1790        | 2721        | 3450        | 4060        | 4304        |

The performance of Community Service also serves to reduce jail populations by holding individuals accountable for the effect their criminal behavior has on the community as a whole. Ordering Community Service is another tool available to the Courts in lieu of incarceration in pre-trial matters or as a condition of Probation. Worksites that are used for performance of community service are local. The use of this program continues to increase.

The pandemic in recent preceding years had a major impact on every aspect of Probation work. Data from 2024 indicates a return to the Courts functioning more as in the past. Probation services are seeing an increase in use as patterns of behavior have returned to the norm for our community. Bail reform and Raise the Age Legislation have been implemented with both negative and positive effects. There continues to be updates and changes to this legislation and future trends will be closely followed. The Probation Department is open to change as needed and will continue to evolve to meet community needs and use best practices in all aspects of our work. I am always available to answer any questions you may have. Once again, the employees of the Cortland County Probation Department, as well as myself, are very grateful for the continued support we have received from the County Legislature and Administration.

Respectfully Submitted,

*Nicole Albro*

Nicole Albro  
Probation Director





March 14, 2025

Alan Ricottilli  
Deputy Superintendent of Highways  
Cortland County Highway Department  
4267 Traction Drive  
Cortland, NY 13045

**Re: Cortland County - County Courthouse Ground Source Heat Pump (GSHP) HVAC Project**

Alan:

Thank you for selecting Pathfinder, now IMEG for this exciting project. Our proposal is based on phone conversations, emails, and the project RFP dated May 16, 2024. We have developed the following project understanding and engineering proposal.

#### PROJECT UNDERSTANDING

The intent of this Study is to document and estimate the scope of work to establish the construction budget for a comprehensive HVAC renovation and installation of a Ground-Source Heat Pump (GHSP), Air-Source Heat Pump (ASHP), or a conventional heating and cooling system for the Cortland Courthouse, not including Change Order Contingency. The post-study, design and renovation projects will be phased over multiple years to align with available funding. The design & renovation durations and timelines will be explored and documented in this study.

The Cortland County Courthouse is four floors totaling approximately 48,000 sq. ft. in size. The building has a mix of occupants from Cortland County and New York State. Cortland County occupants consist of the County Court, Law Library, County Clerk, District Attorney and the Probation Department. New York State occupants are Family Court, Supreme Court, Surrogate's Court and the Support Magistrate. Rooms occupied by these tenants consist of court rooms, jury rooms, various offices, legislative chambers, record storage rooms and a variety of rooms that support the above-reference tenants.

The building and central systems are a mixture older vintage steam heating and small direct expansion (DX) cooling units. The purpose of the study is to assess the existing conditions, establish a plan to address replacement, investigate options for the installation of a GSHP HVAC system and improve and optimize energy efficiency.

#### SCOPE OF WORK:

Pathfinder, Now IMEG's scope of work will include:

- Kick-off meeting with the Cortland County Staff.
- Perform existing conditions survey while efficiently leveraging the work and information already completed via past studies to save on cost.
- Generate concept plans for mechanical spaces and schematic mechanical and electrical system drawings. Including site plans for proposed geothermal bore fields.
- Provide photographic documentation of existing MEP systems.
- Identify all major mechanical and electrical systems
- Identify and describe the condition of all major pieces of Mechanical and Electrical equipment

- Assess condition and capacity of Mechanical and Electrical systems, perform building HVAC load calculations and develop a strategy to renovate, upgrade and/or replace infrastructure systems.
- Complete a code assessment and identify deficiencies
- Assess piping distribution systems and develop concept routing for new services.
- Provide recommendations for Green technology or environmentally sustainable design features.
- Recommend GSHP HVAC system options that will be "high-performing" and comply with NYS Directives for deep energy retrofits, and associated goals for reduction in energy and carbon consumption.
- Recommend an Air-Source Heat Pump HVAC system options (Alternative to GSHP) that will be "high-performing" and comply with NYS Directives for deep energy retrofits, and associated goals for reduction in energy and carbon consumption.
- Recommend an Conventional HVAC system options (Alternative to GSHP & ASHP) that will be "high-performing" and be designed for integration of a GHSP system at future date.
- Provide recommendations for improvements to the energy management system
- Provide recommendations for replacement and/or upgrades to the electric service and electrical panels.
- Provided an engineer's estimate of all required work related to the renovation project to establish a construction budget

#### ASSUMPTIONS

- Pathfinder, now IMEG will have access to the site and any drawings or data regarding the existing equipment.
- CAD or PDFs will be provided for our use in generating conceptual plans.

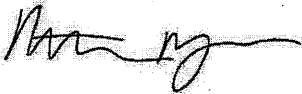
#### FEE

Our fee is summarized below, and a breakdown of tasks is included with this proposal.

|                       |                    |
|-----------------------|--------------------|
| <b>Pathfinder Fee</b> | <b>\$66,160.00</b> |
| <b>Expense Budget</b> | <b>\$ 1,680.00</b> |
| <b>Total</b>          | <b>\$67,840.00</b> |

Alan, thank you for considering Pathfinder, now IMEG. Should you have any questions, please feel free to call me.

Regards,



Matt Meyer, PE, LEED® AP  
Principal



# Cortland County - County Courthouse Ground Source Heat Pump Renovation Study

## Work Plan

| Task #                                  | Task                                                                                                                                                                                                                                                                                             | Pathfinder, now IMEG |                    |                   |                 |                 |                | Totals          |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------|-------------------|-----------------|-----------------|----------------|-----------------|
|                                         |                                                                                                                                                                                                                                                                                                  | Principal in Charge  | Sr. Mech. Engineer | Sr Elec. Engineer | Engineer        | Senior Designer | Designer       |                 |
| 1                                       | <b>Project Kick-Off Meeting with County personell and preform initial walk through.</b> Review scope and confirm project goals. . Perform initial walk through of the building.                                                                                                                  | 6                    | 6                  | 6                 |                 |                 |                | 18              |
| 2                                       | <b>Assessment of Conditions:</b> Building walk-through; Field verify existing Mech & Elec systems, Perform comprehensive engineering field surveys. Potential routing for new Mech and Elec systems.                                                                                             |                      | 8                  | 8                 | 16              |                 |                | 32              |
| 3                                       | <b>Calculate HVAC and Electrical loads</b> for preliminary equipment sizing and MEP space planning                                                                                                                                                                                               |                      | 4                  | 4                 | 16              |                 |                | 24              |
| 4                                       | <b>Develop a MEP infrastructure replacement strategy</b> that complies with NYS Energy Directives and the new EO 22. Ground Source Heat Pump and Air-Source Heat Pump HVAC concepts will be developed with pros and cons of each approach. A high-performing convential HVAC system concept with | 6                    | 16                 | 12                | 50              | 24              |                | 108             |
| 5                                       | <b>Report of MEP &amp; Replacement Strategy:</b><br>Engineer will provide a narrative and photographic summary to summarize the existing conditions. Engineer will provide a written assessment of upgrades and replacements that will be required                                               | 4                    | 16                 | 16                | 8               | 8               |                | 52              |
| 6                                       | <b>Meeting with the County: Present Recommendation Concepts.</b> Prep for presentation.                                                                                                                                                                                                          | 6                    | 6                  | 6                 |                 |                 |                | 18              |
| 7                                       | Based on County feedback, edit the report and submit three (3) hard copies and one PDF copy of report and estimate.                                                                                                                                                                              | 1                    | 4                  | 4                 |                 |                 |                | 9               |
| 8                                       | Cost Estimating coordination                                                                                                                                                                                                                                                                     | 1                    | 4                  | 4                 |                 |                 |                | 9               |
| 9                                       | Hazardous Material Survey and Report coordination                                                                                                                                                                                                                                                | 0                    | 4                  | 4                 |                 |                 |                | 8               |
| 10                                      | Design Team Meetings (assume 2 per month) - Assume 5 meetings                                                                                                                                                                                                                                    | 10                   | 10                 | 10                | 8               |                 |                | 38              |
| <b>Pathfinder Total Hours</b>           |                                                                                                                                                                                                                                                                                                  | <b>34</b>            | <b>78</b>          | <b>74</b>         | <b>98</b>       | <b>32</b>       | <b>0</b>       | <b>316</b>      |
| <b>Pathfinder Direct Labor</b>          |                                                                                                                                                                                                                                                                                                  | <b>\$265.00</b>      | <b>\$235.00</b>    | <b>\$235.00</b>   | <b>\$155.00</b> | <b>\$195.00</b> | <b>\$28.00</b> |                 |
| <b>Multiplier</b>                       |                                                                                                                                                                                                                                                                                                  | <b>1.00</b>          | <b>1.00</b>        | <b>1.00</b>       | <b>1.00</b>     | <b>1.00</b>     | <b>1.00</b>    |                 |
| <b>Subtotal Fee</b>                     |                                                                                                                                                                                                                                                                                                  | <b>\$9,010</b>       | <b>\$18,330</b>    | <b>\$17,390</b>   | <b>\$15,190</b> | <b>\$6,240</b>  | <b>\$0</b>     | <b>\$66,160</b> |
| <b>Pathfinder Reimbursable Expenses</b> |                                                                                                                                                                                                                                                                                                  |                      |                    |                   |                 |                 |                | <b>\$1,680</b>  |
|                                         |                                                                                                                                                                                                                                                                                                  |                      |                    |                   |                 |                 |                | <b>\$0</b>      |
|                                         |                                                                                                                                                                                                                                                                                                  |                      |                    |                   |                 |                 |                | <b>\$0</b>      |
| <b>Total Fee</b>                        |                                                                                                                                                                                                                                                                                                  |                      |                    |                   |                 |                 |                | <b>\$67,840</b> |



Cortland County - County Courthouse Ground  
Source Heat Pump Renovation Study

Work Plan

| Task # | Task | Pathfinder, now IMEG |                    |                   |          |                 |          | Totals |
|--------|------|----------------------|--------------------|-------------------|----------|-----------------|----------|--------|
|        |      | Principal in Charge  | Sr. Mech. Engineer | Sr Elec. Engineer | Engineer | Senior Designer | Designer |        |

Pathfinder Reimbursable Expenses

|                                    |                                                | Number of Personnel | Cost           |                                     |
|------------------------------------|------------------------------------------------|---------------------|----------------|-------------------------------------|
| <b>Trips</b>                       | <b>Task 1: Kick-off and Bi-Weekly Meetings</b> |                     | <b>\$1,200</b> |                                     |
|                                    | Mileage (240 miles R/T @ \$0.70/mile) x 5      | 5                   | \$1,200        |                                     |
|                                    | Meals                                          |                     |                | \$96 a night<br>\$55 a day per diem |
| <b>Trip 2</b>                      | <b>Tasks 3: Site work</b>                      |                     | <b>\$240</b>   |                                     |
|                                    | Mileage (240 miles R/T @ \$0.70/mile)          | 1                   | \$240          |                                     |
|                                    | Meals                                          |                     |                | \$55 a day per diem                 |
| <b>Trip 3</b>                      | <b>Task 9: Presentation of Report</b>          |                     | <b>\$240</b>   |                                     |
|                                    | Mileage (240 miles R/T @ \$0.70/mile)          | 1                   | \$240          |                                     |
|                                    | Meals                                          |                     |                | \$96 a night<br>\$65 a day per diem |
| <b>Reimbursable Expenses Total</b> |                                                |                     | <b>\$1,680</b> |                                     |



**2025 STANDARD HOURLY RATES - SMEPT/MEQ/Cx**  
(rates adjusted annually)

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| Senior Client Executive / Senior Market Director / VP              | \$310 |
| Client Executive / Market Director                                 | \$285 |
| Project Executive                                                  | \$265 |
| Senior Project Manager 2                                           | \$240 |
| Senior Project Manager 1                                           | \$220 |
| Engineer of Distinction                                            | \$250 |
| Senior (Engineer / Planner / Consultant) 3                         | \$235 |
| Senior (Engineer / Planner / Consultant) 2                         | \$205 |
| Senior (Engineer / Planner / Consultant) 1                         | \$190 |
| Project (Engineer / Consultant) 2                                  | \$170 |
| Project (Engineer / Consultant) 1                                  | \$155 |
| (Graduate Designer / Consultant / Planner / Authority / Analyst) 2 | \$135 |
| (Graduate Designer / Consultant / Planner / Authority / Analyst) 1 | \$120 |
| Designer of Distinction                                            | \$215 |
| Senior (Designer / Authority) 3                                    | \$195 |
| Senior (Designer / Authority) 2                                    | \$190 |
| Senior (Designer / Authority) 1                                    | \$170 |
| Project (Designer / Authority) 2                                   | \$155 |
| Project (Designer / Authority) 1                                   | \$140 |
| (Designer / Authority / Analyst) 2                                 | \$125 |
| (Designer / Authority / Analyst) 1                                 | \$115 |
| Design Technician 2                                                | \$100 |
| Design Technician 1 / Intern                                       | \$90  |
| Senior Construction Administrator                                  | \$190 |
| Construction Administrator                                         | \$155 |
| Senior Procurement Manager                                         | \$265 |
| Senior Procurement Specialist                                      | \$240 |
| Project Coordinator                                                | \$130 |
| Senior Virtual Design Coordinator 2                                | \$145 |
| Senior Virtual Design Coordinator 1                                | \$135 |
| Virtual Design Coordinator 2                                       | \$130 |
| Virtual Design Coordinator 1                                       | \$115 |
| Virtual Design Technician                                          | \$100 |
| Administrative Assistant                                           | \$90  |

\*These rates are for staff located in the office providing the rates. Staff based in one of IMEG's other offices may have different billing rates. These rates can be provided upon request.

# Public Playground Safety Handbook



**U.S. Consumer Product Safety Commission**  
*Saving Lives and Keeping Families Safe*





U.S. CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

December 29, 2015

The U.S. Consumer Product Safety Commission's ("CPSC" or "Commission") *Public Playground Safety Handbook* was first published in 1981 under the name *A Handbook for Public Playground Safety*. The recommendations in the *Handbook* are focused on playground-related *injuries* and mechanical mechanisms of injury; falls from playground equipment have remained the largest single hazard pattern associated with playground use. Since the first edition, the Commission has included recommendations that playgrounds not be installed over concrete, asphalt, or paved surfaces to address serious head injuries due to falls from the equipment. Additionally, the Commission has made suggestions for commonly used loose-fill and unitary surfacing materials (*e.g.*, wood mulch, pea gravel, sand, gym mats, and shredded/recycled rubber mulch) that provide head impact attenuation and can mitigate the hazard presented by falls from playground equipment. Maintaining the focus on falls, the *Handbook's* surfacing recommendations are based on the surfacing material's energy absorbing effectiveness.

During the past 35 years, innovations in technology have led to new playground equipment and surfacing practices. Voluntary standards for equipment and impact attenuation for protective surfacing have evolved. The 2010 edition of the *Handbook*, the most recent version, still discusses common materials, but also covers new surfacing systems that are specifically designed and tested to comply with ASTM F1292, the voluntary standard for measuring impact attenuation of surfacing. Maintaining that focus, Section 2.4 of the *Handbook* identifies shredded/recycled rubber mulch as an "Appropriate Surfacing" product, given that this product can meet the impact attenuation requirements of ASTM F1292, as long as minimum depths of the material are maintained, as specified in Table 2 of Section 2.5. This notation is solely focused on the impact attenuation to minimize serious head injuries, and not on other aspects that may pose other risks, such as chemical exposure or ingestion.

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# 1. INTRODUCTION

In recent years, it is estimated that there were more than 200,000 injuries annually on public playgrounds across the country that required emergency room treatment. By following the recommended guidelines in this handbook, you and your community can create a safer playground environment for all children and contribute to the reduction of playground-related deaths and injuries.

## 1.1 Scope

This handbook presents safety information for public playground equipment in the form of guidelines. Publication of this handbook is expected to promote greater safety awareness among those who purchase, install, and maintain public playground equipment. Because many factors may affect playground safety, the U.S. Consumer Product Safety Commission (CPSC) staff believes that guidelines, rather than a mandatory rule, are appropriate. These guidelines are not being issued as the sole method to minimize injuries associated with playground equipment. However, the Commission believes that the recommendations in this handbook along with the technical information in the ASTM standards for public playgrounds will contribute to greater playground safety.

Some states and local jurisdictions may require compliance with this handbook and/or ASTM voluntary standards. Additionally, risk managers, insurance companies, or others may require compliance at a particular site; check with state/local jurisdictions and insurance companies for specific requirements.

## 1.2 Intended Audience

This handbook is intended for use by childcare personnel, school officials, parks and recreation personnel, equipment purchasers and installers, playground designers, and any other members of the general public (e.g., parents and school groups) concerned with public playground safety and interested in evaluating their respective playgrounds. Due to the wide range of possible users, some information provided may be more appropriate for certain users than others. The voluntary standards listed in 1.4.1 contain more technical requirements than this handbook and are primarily intended for use by equipment manufacturers, architects, designers, and any others requiring more technical information.

## 1.3 What is a Public Playground?

“Public” playground equipment refers to equipment for use by children ages 6 months through 12 years in the playground areas of:

- Commercial (non-residential) child care facilities
- Institutions
- Multiple family dwellings, such as apartment and condominium buildings
- Parks, such as city, state, and community maintained parks
- Restaurants
- Resorts and recreational developments
- Schools
- Other areas of public use

These guidelines are not intended for amusement park equipment, sports or fitness equipment normally intended for users over the age of 12 years, soft contained play equipment, constant air inflatable play devices for home use, art and museum sculptures (not otherwise designed, intended and installed as playground equipment), equipment found in water play facilities, or home playground equipment. Equipment components intended solely for children with disabilities and modified to accommodate such users also are not covered by these guidelines. Child care facilities, especially indoor, should refer to ASTM F2373 — *Standard Consumer Safety Performance Specification for Public Use Play Equipment for Children 6 Months Through 23 Months*, for more guidance on areas unique to their facilities.

## 1.4 Public Playground Safety Voluntary Standards and CPSC Handbook History

- 1981 – First CPSC *Handbook for Public Playground Safety* was published, a two-volume set.
- 1991 – *Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment*, ASTM F1292, was first published.
- 1991 – Two-volume set was replaced by a single-volume handbook, which contained recommendations based on a COMSIS Corporation report to the CPSC (*Development of Human Factors Criteria for Playground Equipment Safety*).

- 1993 – First version of voluntary standard for public playground equipment, ASTM F1487 — *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, was published (revisions occur every 3 to 4 years).
- 1994 – Minor revisions to the *Handbook*.
- 1997 – *Handbook* was updated based on (1) staff review of ASTM F1487, (2) playground safety roundtable meeting held October 1996, and (3) public comment received to a May 1997 CPSC staff request.
- 2005 – First version of voluntary standard for playground equipment intended for children under two years old, ASTM F2373 — *Standard Consumer Safety Performance Specification for Public Use Play Equipment for Children 6 Months Through 23 Months*, was published.
- 2008 – *Handbook* was updated based on comments received from members of the ASTM F15 Playground Committees in response to a CPSC staff request for suggested revisions. Significant revisions are listed below.
- **F2049** *Standard Guide for Fences/Barriers for Public, Commercial, and Multi-Family Residential Use Outdoor Play Areas*.
- **F1148** *Standard Consumer Safety Performance Specification for Home Playground Equipment*.
- **F1918** *Standard Safety Performance Specification for Soft Contained Play Equipment*.

#### 1.4.1 ASTM playground standards

Below is a list of ASTM technical performance standards that relate to playgrounds.

- **F1487** *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*.
- **F2373** *Standard Consumer Safety Performance Specification for Public Use Play Equipment for Children 6 Months through 23 Months*.
- **F1292** *Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment*.
- **F2075** *Standard Specification for Engineered Wood Fiber for Use as a Playground Safety Surface Under and Around Playground Equipment*.
- **F2223** *Standard Guide for ASTM Standards on Playground Surfacing*.
- **F2479** *Standard Guide for Specification, Purchase, Installation and Maintenance of Poured-In-Place Playground Surfacing*.
- **F1951** *Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment*.
- **F1816** *Standard Safety Specification for Drawstrings on Children's Upper Outerwear*.

### 1.5 Significant Revisions for 2008

#### 1.5.1 Equipment guidelines

- Age ranges expanded to include children as young as 6 months based on ASTM F2373
- Guidelines for track rides and log rolls added
- Exit zone requirements for slides harmonized with ASTM F1487

#### 1.5.2 Surfacing guidelines

- Critical height table revised
- Suggestions for surfacing over asphalt added

#### 1.5.3 General guidelines

- Suggestions on sun exposure added

#### 1.5.4 Other revisions

- Editorial changes to make the *Handbook* easier to understand and use

### 1.6 Background

The safety of each individual piece of playground equipment as well as the layout of the entire play area should be considered when designing or evaluating a playground for safety. Since falls are a very common playground hazard pattern, the installation and maintenance of protective surfacing under and around all equipment is crucial to protect children from severe head injuries.

Because all playgrounds present some challenge and because children can be expected to use equipment in unintended and unanticipated ways, adult supervision is highly recommended. The handbook provides some guidance on supervisory practices that adults should follow. Appropriate equipment design, layout, and maintenance, as discussed in this

handbook, are also essential for increasing public playground safety.

A playground should allow children to develop gradually and test their skills by providing a series of graduated challenges. The challenges presented should be appropriate for age-related abilities and should be ones that children can perceive and choose to undertake. Toddlers, preschool- and school-age children differ dramatically, not only in physical size and ability, but also in their intellectual and social skills. Therefore, age-appropriate playground designs should accommodate these differences with regard to the type, scale, and the layout of equipment. Recommendations throughout this handbook address the different needs of toddlers, preschool-age, and school-age children; “toddlers” refers to children ages 6 months through 2 years of age, “preschool-age” refers to children 2 through 5 years, and “school-age” refers to children 5 through 12 years. The overlap between these groups is anticipated in terms of playground equipment use and provides for a margin of safety.

Playground designers, installers and operators should be aware that the Americans with Disabilities Act of 1990 (ADA) is a comprehensive civil rights law which prohibits discrimination on the basis of disability. Titles II and III of the ADA require, among other things, that newly constructed and altered State and local government facilities, places of public accommodation, and commercial facilities be readily accessible to and usable by individuals with disabilities. Recreation facilities, including play areas, are among the types of facilities covered by titles II and III of the ADA.

The Architectural and Transportation Barriers Compliance Boards – also referred to as the “Access Board” – has developed accessibility guidelines for newly constructed and altered play areas that were published October 2000. The play area guidelines are a supplement to the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Once these guidelines are adopted as enforceable standards by the Department of Justice, all newly constructed and altered play areas covered by the ADA will be required to comply. These guidelines also apply to play areas covered by the Architectural Barriers Act (ABA).

Copies of the play area accessibility guidelines and further technical assistance can be obtained from the U.S. Access Board, 1331 F Street, NW, Suite 1000, Washington, DC 20004-1111; 800-872-2253, 800-993-2822 (TTY), [www.access-board.gov](http://www.access-board.gov).

## 1.7 Playground Injuries

The U. S. Consumer Product Safety Commission has long recognized the potential hazards that exist with the use of playground equipment, with over 200,000 estimated emergency room-treated injuries annually. The most recent study of 2,691 playground equipment-related incidents reported to the CPSC from 2001-2008 indicated that falls are the most common hazard pattern (44% of injuries) followed by equipment-related hazards, such as breakage, tip over, design, and assembly (23%).<sup>1</sup> Other hazard patterns involved entrapment and colliding other children or stationary equipment. Playground-related deaths reported to the Commission involved entanglement of ropes, leashes, or clothing; falls; and impact from equipment tip over or structural failure.

The recommendations in this handbook have been developed to address the hazards that resulted in playground-related injuries and deaths. The recommendations include those that address:

- The potential for falls from and impact with equipment
- The need for impact attenuating protective surfacing under and around equipment
- Openings with the potential for head entrapment
- The scale of equipment and other design features related to user age and layout of equipment on a playground
- Installation and maintenance procedures
- General hazards presented by protrusions, sharp edges, and crush or shear points

## 1.8 Definitions

**Barrier** — An enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.

**Composite Structure** — Two or more play structures attached or functionally linked, to create one integral unit that provides more than one play activity.

**Critical Height** — The fall height below which a life-threatening head injury would not be expected to occur.

<sup>1</sup>O'Brien, Craig W.; Injuries and Investigated Deaths Associated with Playground Equipment, 2001–2008. U.S. Consumer Product Safety Commission: Washington DC, October, 2009.

**Designated Play Surface** — Any elevated surface for standing, walking, crawling, sitting or climbing, or a flat surface greater than 2 inches wide by 2 inches long having an angle less than 30° from horizontal.

**Embankment Slide** — A slide that follows the contour of the ground and at no point is the bottom of the chute greater than 12 inches above the surrounding ground.

**Entanglement** — A condition in which the user's clothes or something around the user's neck becomes caught or entwined on a component of playground equipment.

**Entrapment** — Any condition that impedes withdrawal of a body or body part that has penetrated an opening.

**Fall Height** — The vertical distance between the highest designated play surface on a piece of equipment and the protective surfacing beneath it.

**Footing** — A means for anchoring playground equipment to the ground.

**Full Bucket Seat Swing** — A swing generally appropriate for children under 4 years of age that provides support on all sides and between the legs of the occupant and cannot be entered or exited without adult assistance.

**Geotextile (filter) Cloth** — A fabric that retains its relative structure during handling, placement, and long-term service to enhance water movement, retard soil movement, and to add reinforcement and separation between the soil and the surfacing and/or sub-base.

**Guardrail** — An enclosing device around an elevated platform that is intended to prevent inadvertent falls from the elevated surface.

**Infill** — Material(s) used in a protective barrier or between decks to prevent a user from passing through the barrier (e.g., vertical bars, lattice, solid panel, etc.).

**Loose-Fill Surfacing Material** — A material used for protective surfacing in the use zone that consists of loose particles such as sand, gravel, engineered wood fibers, or shredded rubber.

**Preschool-Age Children** — Children 2 years of age through 5 years of age.

**Projection** — Anything that extends outward from a surface of the playground equipment and must be tested to determine whether it is a protrusion or entanglement hazard, or both.

**Protective Barrier** — See Barrier.

**Protective Surfacing** — Shock absorbing (i.e., impact attenuating) surfacing material in the use zone that conforms to the recommendations in §2.4 of this handbook.

**Protrusion** — A projection which, when tested, is found to be a hazard having the potential to cause bodily injury to a user who impacts it.

**Roller Slide** — A slide that has a chute consisting of a series of individual rollers over which the user travels.

**School-Age Children** — Children 5 years of age through 12 years of age.

**Slide Chute** — The inclined sliding surface of a slide.

**Stationary Play Equipment** — Any play structure that has a fixed base and does not move.

**Supervisor** — Any person tasked with watching children on a playground. Supervisors may be paid professionals (e.g., childcare, elementary school or park and recreation personnel), paid seasonal workers (e.g., college or high school students), volunteers (e.g., PTA members), or unpaid caregivers (e.g., parents) of the children playing in the playground.

**Toddlers** — Children 6 months through 23 months of age.

**Tube Slide** — A slide in which the chute consists of a totally enclosed tube or tunnel.

**Unitary Surfacing Material** — A manufactured material used for protective surfacing in the use zone that may be rubber tiles, mats, or a combination of energy absorbing materials held in place by a binder that may be poured in place at the playground site and cures to form a unitary shock absorbing surface.

**Upper Body Equipment** — Equipment designed to support a child by the hands only (e.g., horizontal ladder, overhead swinging rings).

**Use Zone** — The surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land. These areas are also designated for unrestricted circulation around the equipment.

## 2. GENERAL PLAYGROUND CONSIDERATIONS

### 2.1 Selecting a Site

The following factors are important when selecting a site for a new playground:

| Site Factor                                                                                         | Questions to Ask                                                                                                                | If yes, then...Mitigation                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Travel patterns of children to and from the playground                                              | Are there hazards in the way?                                                                                                   | Clear hazards.                                                                                                                                                                                                                                 |
| Nearby accessible hazards such as roads with traffic, lakes, ponds, streams, drop-offs/cliffs, etc. | <p>Could a child inadvertently run into a nearby hazard?</p> <p>Could younger children easily wander off toward the hazard?</p> | Provide a method to contain children within the playground. For example, a dense hedge or a fence. The method should allow for observation by supervisors. If fences are used, they should conform to local building codes and/or ASTM F-2049. |
| Sun exposure                                                                                        | Is sun exposure sufficient to heat exposed bare metal slides, platforms, steps, & surfacing enough to burn children?            | <p>Bare metal slides, platforms, and steps should be shaded or located out of direct sun.</p> <p>Provide warnings that equipment and surfacing exposed to intense sun can burn.</p>                                                            |
|                                                                                                     | Will children be exposed to the sun during the most intense part of the day?                                                    | Consider shading the playground or providing shaded areas nearby.                                                                                                                                                                              |
| Slope and drainage                                                                                  | Will loose fill materials wash away during periods of heavy rain?                                                               | Consider proper drainage re-grading to prevent wash outs.                                                                                                                                                                                      |

#### 2.1.1 Shading considerations

According to the American Academy of Dermatology, research indicates that one in five Americans will develop some form of skin cancer during their lifetime, and five or more sunburns double the risk of developing skin cancer. Utilizing existing shade (e.g., trees), designing play structures as a means for providing shading (e.g., elevated platforms with shaded space below), or creating more shade (e.g., man-made structures) are potential ways to design a playground to help protect children's skin from the sun. When trees are used for shade, additional maintenance issues arise, such as the need for cleaning up debris and trimming limbs.

#### 2.2 Playground Layout

There are several key factors to keep in mind when laying out a playground:

- Accessibility
- Age separation
- Conflicting activities
- Sight lines
- Signage and/or labeling
- Supervision

### 2.2.1 Accessibility

Special consideration should be given to providing accessible surfaces in a play area that meets the *ASTM Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment*, ASTM F1951.

Equipment selection and location along with the type of protective surfacing are key components to ensuring the opportunity for children with disabilities to play on the playground.

### 2.2.2 Age separation

For playgrounds intended to serve children of all ages, the layout of pathways and the landscaping of the playground should show the distinct areas for the different age groups. The areas should be separated at least by a buffer zone, which could be an area with shrubs or benches. This separation and buffer zone will reduce the chance of injury from older, more active children running through areas filled with younger children with generally slower movement and reaction times.

### 2.2.3 Age group

In areas where access to the playground is unlimited or enforced only by signage, the playground designer should recognize that since child development is fluid, parents and caregivers may select a playground slightly above or slightly below their child's abilities, especially for children at or near a cut-off age (e.g., 2-years old and 5-years old). This could be for ease of supervising multiple children, misperceptions about the hazards a playground may pose to children of a different age, advanced development of a child, or other reasons. For this reason, there is an overlap at age 5. Developmentally a similar overlap also exists around age 2; however, due to the differences in ASTM standards and entrapment testing tools, this overlap is not reflected in the handbook. Playgrounds used primarily by children under the supervision of paid, trained professionals (e.g., child-care centers and schools) may wish to consider separating playgrounds by the facility's age groupings. For example, a child-care facility may wish to limit a playground to toddlers under 2 exclusively and can draw information from this guide and ASTM F2373. A school, on the other hand, may have no children under 4 attending, and can likewise plan appropriately. Those who inspect playgrounds should use the intended age group of the playground.

### 2.2.4 Conflicting activities

The play area should be organized into different sections to prevent injuries caused by conflicting activities and children running between activities. Active, physical activities should be separate from more passive or quiet activities. Areas for playground equipment, open fields, and sand boxes should be located in different sections of the playground. In addition, popular, heavy-use pieces of equipment or activities should be dispersed to avoid crowding in any one area.

Different types of equipment have different use zones that must be maintained. The following are general recommendations for locating equipment within the playground site. Specific use zones for equipment are given in §5.3.

- Moving equipment, such as swings and merry-go-rounds, should be located toward a corner, side, or edge of the play area while ensuring that the appropriate use zones around the equipment are maintained.
- Slide exits should be located in an uncongested area of the playground.
- Composite play structures have become increasingly popular on public playgrounds. Adjacent components on composite structures should be complementary. For example, an access component should not be located in a slide exit zone.

### 2.2.5 Sight lines

Playgrounds that are designed, installed, and maintained in accordance with safety guidelines and standards can still present hazards to children. Playgrounds should be laid out to allow parents or caregivers to keep track of children as they move throughout the playground environment. Visual barriers should be minimized as much as possible. For example, in a park situation, playground equipment should be as visible as possible from park benches. In playgrounds with areas for different ages, the older children's area should be visible from the younger children's area to ensure that caregivers of multiple children can see older children while they are engaged in interactive play with younger ones.

### 2.2.6 Signage and/or labeling

Although the intended user group should be obvious from the design and scale of equipment, signs and/or labels posted in the playground area or on the equipment should give some guidance to supervisors as to the age appropriateness of the equipment.

### 2.2.7 Supervision

The quality of the supervision depends on the quality of the supervisor's knowledge of safe play behavior. Playground designers should be aware of the type of supervision most likely for their given playground. Depending on the location and nature of the playground, the supervisors may be paid professionals (e.g., childcare, elementary school or park and recreation personnel), paid seasonal workers (e.g., college or high school students), volunteers (e.g., PTA members), or unpaid caregivers (e.g., parents) of the children playing in the playground.

Parents and playground supervisors should be aware that not all playground equipment is appropriate for all children who may use the playground. Supervisors should look for posted



signs indicating the appropriate age of the users and direct children to equipment appropriate for their age. Supervisors may also use the information in Table 1 to determine the suitability of the equipment for the children they are supervising. Toddlers and preschool-age children require more attentive supervision than older children; however, one should not rely on supervision alone to prevent injuries.

Supervisors should understand the basics of playground safety such as:

- Checking for broken equipment and making sure children don't play on it.
- Checking for and removing unsafe modifications, especially ropes tied to equipment, before letting children play.
- Checking for properly maintained protective surfacing.
- Making sure children are wearing foot wear.

**TABLE 1. EXAMPLES OF AGE APPROPRIATE EQUIPMENT**

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>Toddler — Ages 6-23 months</b></p> <ul style="list-style-type: none"> <li>• Climbing equipment under 32" high</li> <li>• Ramps</li> <li>• Single file step ladders</li> <li>• Slides*</li> <li>• Spiral slides less than 360°</li> <li>• Spring rockers</li> <li>• Stairways</li> <li>• Swings with full bucket seats</li> </ul> |  <p><b>Preschool — Ages 2-5 years</b></p> <ul style="list-style-type: none"> <li>• Certain climbers**</li> <li>• Horizontal ladders less than or equal to 60" high for ages 4 and 5</li> <li>• Merry-go-rounds</li> <li>• Ramps</li> <li>• Rung ladders</li> <li>• Single file step ladders</li> <li>• Slides*</li> <li>• Spiral slides up to 360°</li> <li>• Spring rockers</li> <li>• Stairways</li> <li>• Swings – belt, full bucket seats (2-4 years) &amp; rotating tire</li> </ul> |  <p><b>Grade School — Ages 5-12 years</b></p> <ul style="list-style-type: none"> <li>• Arch climbers</li> <li>• Chain or cable walks</li> <li>• Free standing climbing events with flexible parts</li> <li>• Fulcrum seesaws</li> <li>• Ladders – Horizontal, Rung, &amp; Step</li> <li>• Overhead rings***</li> <li>• Merry-go-rounds</li> <li>• Ramps</li> <li>• Ring treks</li> <li>• Slides*</li> <li>• Spiral slides more than one 360° turn</li> <li>• Stairways</li> <li>• Swings – belt &amp; rotating tire</li> <li>• Track rides</li> <li>• Vertical sliding poles</li> </ul> |
| * See §5.3.6                                                                                                                                                                                                                                                                                                                                                                                                              | ** See §5.3.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | *** See §5.3.2.5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

- Watching and stopping dangerous horseplay, such as children throwing protective surfacing materials, jumping from heights, etc.
- Watching for and stopping children from wandering away from the play area.
- Swinging dual exercise rings and trapeze bars – These are rings and trapeze bars on long chains that are generally considered to be items of athletic equipment and are not recommended for public playgrounds. *NOTE: The recommendation against the use of exercise rings does not apply to overhead hanging rings such as those used in a ring trek or ring ladder (see Figure 7).*

## 2.3 Selecting Equipment

When selecting playground equipment, it is important to know the age range of the children who will be using the playground. Children at different ages and stages of development have different needs and abilities. Playgrounds should be designed to stimulate children and encourage them to develop new skills, but should be in scale with their sizes, abilities, and developmental levels. Consideration should also be given to providing play equipment that is accessible to children with disabilities and encourages integration within the playground.

Table 1 shows the appropriate age range for various pieces of playground equipment. This is not an all-comprehensive list and, therefore, should not limit inclusion of current or newly designed equipment that is not specifically mentioned. For equipment listed in more than one group, there may be some modifications or restrictions based on age, so consult the specific recommendations in §5.3.

### 2.3.1 Equipment not recommended

Some playground equipment is not recommended for use on public playgrounds, including:

- Trampolines
- Swinging gates
- Giant strides
- Climbing ropes that are not secured at both ends.
- Heavy metal swings (e.g., animal figures) – These are not recommended because their heavy rigid metal framework presents a risk of impact injury.
- Multiple occupancy swings – With the exception of tire swings, swings that are intended for more than one user are not recommended because their greater mass, as compared to single occupancy swings, presents a risk of impact injury.
- Rope swings – Free-swinging ropes that may fray or otherwise form a loop are not recommended because they present a potential strangulation hazard.



## 2.4 Surfacing

The surfacing under and around playground equipment is one of the most important factors in reducing the likelihood of life-threatening head injuries. A fall onto a shock absorbing surface is less likely to cause a

serious head injury than a fall onto a hard surface. However, some injuries from falls, including broken limbs, may occur no matter what playground surfacing material is used.

The most widely used test method for evaluating the shock absorbing properties of a playground surfacing material is to drop an instrumented metal headform onto a sample of the material and record the acceleration/time pulse during the impact. Field and laboratory test methods are described in ASTM F1292 *Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment*.

Testing using the methods described in ASTM F1292 will provide a “critical height” rating of the surface. This height can be considered as an approximation of the fall height below which a life-threatening head injury would not be expected to occur. Manufacturers and installers of playground protective surfacing should provide the critical height rating of their materials. This rating should be greater than or equal to the fall height of the highest piece of equipment on the playground. The fall height of a piece of equipment is the distance between the highest designated play surface on a piece of equipment and the protective surface beneath it. Details for determining the highest designated play surface and fall height on some types of equipment are included in §5 Parts of the Playground.

### 2.4.1 Equipment not covered by protective surfacing recommendations

The recommendations for protective surfacing do not apply to equipment that requires a child to be standing or sitting at ground level. Examples of such equipment are:



### Appropriate Surfacing

- Any material tested to ASTM F1292, including unitary surfaces, engineered wood fiber, etc.
- Pea gravel
- Sand
- Shredded/recycled rubber mulch
- Wood mulch (not CCA-treated)
- Wood chips



### Inappropriate Surfacing

- Asphalt
- Carpet not tested to ASTM F1292
- Concrete
- Dirt
- Grass
- CCA treated wood mulch

- Sand boxes
- Activity walls at ground level
- Play houses
- Any other equipment that children use when their feet remain in contact with the ground surface

## 2.4.2 Selecting a surfacing material

There are two options available for surfacing public playgrounds: unitary and loose-fill materials. A playground should never be installed without protective surfacing of some type. Concrete, asphalt, or other hard surfaces should never be directly under playground equipment. Grass and dirt are not considered protective surfacing because wear and environmental factors can reduce their shock absorbing effectiveness. Carpeting and mats are also not appropriate unless they are tested to and comply with ASTM F1292. Loose-fill should be avoided for playgrounds intended for toddlers.

### 2.4.2.1 Unitary surfacing materials

Unitary materials are generally rubber mats and tiles or a combination of energy-absorbing materials held in place by a

binder that may be poured in place at the playground site and then cured to form a unitary shock absorbing surface. Unitary materials are available from a number of different manufacturers, many of whom have a range of materials with differing shock absorbing properties. New surfacing materials, such as bonded wood fiber and combinations of loose-fill and unitary, are being developed that may also be tested to ASTM F1292 and fall into the unitary materials category. When deciding on the best surfacing materials keep in mind that some dark colored surfacing materials exposed to the intense sun have caused blistering on bare feet. Check with the manufacturer if light colored materials are available or provide shading to reduce direct sun exposure.

Persons wishing to install a unitary material as a playground surface should request ASTM F1292 test data from the manufacturer identifying the critical height rating of the desired surface. In addition, site requirements should be obtained from the manufacturer because some unitary materials require installation over a hard surface while others do not. Manufacturer's instructions should be followed closely, as some unitary systems require professional installation. Testing should be conducted in accordance with the ASTM F1292 standard.

### 2.4.2.2 Loose-fill surfacing materials

Engineered wood fiber (EWF) is a wood product that may look similar in appearance to landscaping mulch, but EWF products are designed specifically for use as a playground safety surface under and around playground equipment. EWF products should meet the specifications in ASTM F2075: *Standard Specification for Engineered Wood Fiber* and be tested to and comply with ASTM F1292.

There are also rubber mulch products that are designed specifically for use as playground surfacing. Make sure they have been tested to and comply with ASTM F1292.

When installing these products, tips 1-9 listed below should be followed. Each manufacturer of engineered wood fiber and rubber mulch should provide maintenance requirements for and test data on:

- Critical height based on ASTM F1292 impact attenuation testing.
- Minimum fill-depth data.
- Toxicity.
- ADA/ABA accessibility guidelines for firmness and stability based on ASTM F1951.

Other loose-fill materials are generally landscaping-type materials that can be layered to a certain depth and resist compacting. Some examples include wood mulch, wood chips, sand, pea gravel, and shredded/recycled rubber mulch.

Important tips when considering loose-fill materials:

1. Loose-fill materials will compress at least 25% over time due to use and weathering. This must be considered when planning the playground. For example, if the playground will require 9 inches of wood chips, then the initial fill level should be 12 inches. See Table 2 below.
2. Loose-fill surfacing requires frequent maintenance to ensure surfacing levels never drop below the minimum depth. Areas under swings and at slide exits are more susceptible to displacement; special attention must be paid to maintenance in these areas. Additionally, wear mats can be installed in these areas to reduce displacement.
3. The perimeter of the playground should provide a method of containing the loose-fill materials.
4. Consider marking equipment supports with a minimum fill level to aid in maintaining the original depth of material.

5. Good drainage is essential to maintaining loose-fill surfacing. Standing water with surfacing material reduces effectiveness and leads to material compaction and decomposition.
6. Critical height may be reduced during winter in areas where the ground freezes.
7. Never use less than 9 inches of loose-fill material except for shredded/recycled rubber (6 inches recommended). Shallower depths are too easily displaced and compacted.
8. Some loose-fill materials may not meet ADA/ABA accessibility guidelines. For more information, contact the Access Board (see §1.6) or refer to ASTM F1951.
9. Wood mulch containing chromated copper arsenate (CCA)-treated wood products should not be used; mulch where the CCA-content is unknown should be avoided (see §2.5.5.1).

Table 2 shows the minimum required depths of loose-fill material needed based on material type and fall height. The depths shown assume the materials have been compressed due to use and weathering and are properly maintained to the given level.

### 2.4.2.3 Installing loose-fill over hard surface

CPSC staff strongly recommends against installing playgrounds over hard surfaces, such as asphalt, concrete, or hard packed earth, unless the installation adds the following layers of protection. Immediately over the hard surface there should be a 3- to 6-inch base layer of loose-fill (e.g., gravel for drainage). The next layer should be a Geotextile cloth. On top of that should be a loose-fill layer meeting the specifications addressed in §2.4.2.2 and Table 2. Embedded in the loose-fill layer should be impact attenuating mats under high traffic areas, such as under swings, at slide exits, and other places where displacement is likely. Figure 1 provides a visual representation of this information. Older playgrounds that still exist on hard surfacing should be modified to provide appropriate surfacing.

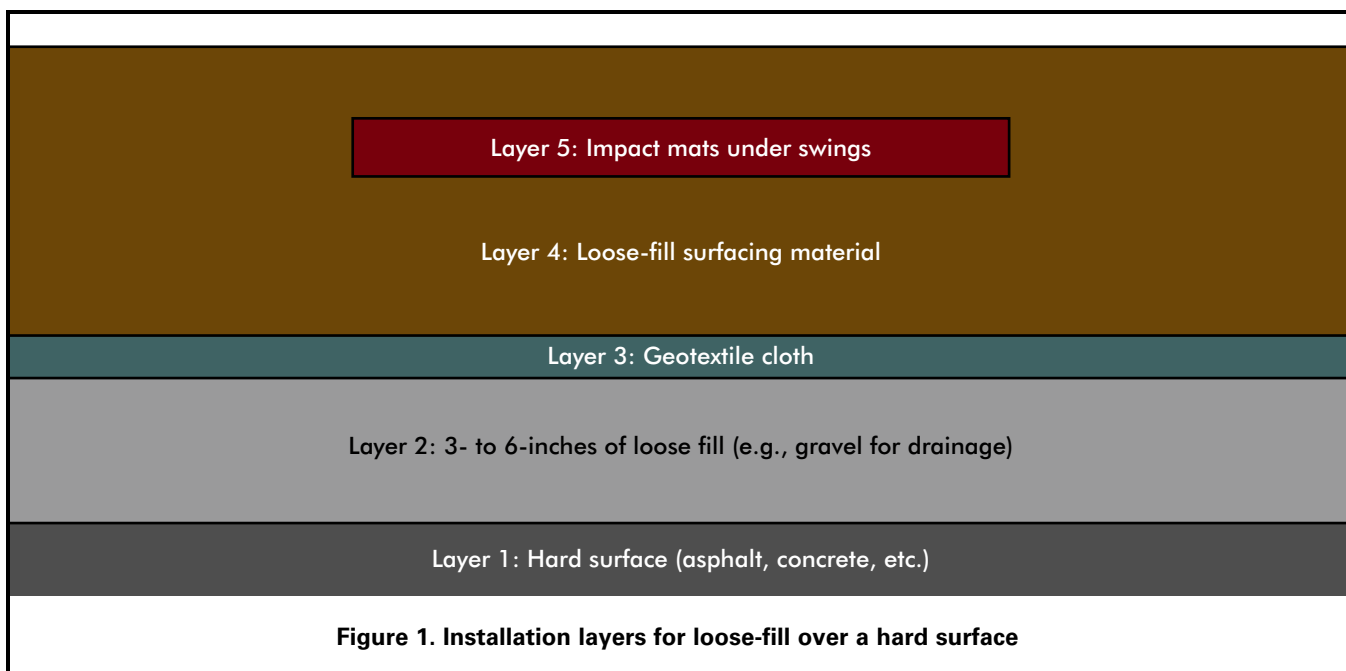
## 2.5 Equipment Materials

### 2.5.1 Durability and finish

- Use equipment that is manufactured and constructed only of materials that have a demonstrated record of durability in a playground or similar setting.

**Table 2. Minimum compressed loose-fill surfacing depths**

| Inches                                                                                                                                                                                                          | Of | (Loose-Fill Material)    | Protects to | Fall Height (feet) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------------|-------------|--------------------|
| 6*                                                                                                                                                                                                              |    | Shredded/recycled rubber |             | 10                 |
| 9                                                                                                                                                                                                               |    | Sand                     |             | 4                  |
| 9                                                                                                                                                                                                               |    | Pea Gravel               |             | 5                  |
| 9                                                                                                                                                                                                               |    | Wood mulch (non-CCA)     |             | 7                  |
| 9                                                                                                                                                                                                               |    | Wood chips               |             | 10                 |
| * Shredded/recycled rubber loose-fill surfacing does not compress in the same manner as other loose-fill materials. However, care should be taken to maintain a constant depth as displacement may still occur. |    |                          |             |                    |

**Figure 1. Installation layers for loose-fill over a hard surface**

- Finishes, treatments, and preservatives should be selected carefully so that they do not present a health hazard to users.
  - All fasteners, connectors, and covering devices that are exposed to the user should be smooth and should not be likely to cause laceration, penetration, or present a clothing entanglement hazard (see also §3.2 and Appendix B).
- 2.5.2 Hardware**
- When installed and maintained in accordance with the manufacturer's instructions:
- All fasteners, connectors, and covering devices should not loosen or be removable without the use of tools.
  - Lock washers, self-locking nuts, or other locking means should be provided for all nuts and bolts to protect them from detachment.
  - Hardware in moving joints should also be secured against unintentional or unauthorized loosening.

- All fasteners should be corrosion resistant and be selected to minimize corrosion of the materials they connect. This is particularly important when using wood treated with ACQ/CBA/CA-B<sup>2</sup> as the chemicals in the wood preservative corrode certain metals faster than others.
- Bearings or bushings used in moving joints should be easy to lubricate or be self-lubricating.
- All hooks, such as S-hooks and C-hooks, should be closed (see also §5.3.8.1). A hook is considered closed if there is no gap or space greater than 0.04 inches, about the thickness of a dime.
- Older playgrounds with lead based paints should be identified and a strategy to control lead paint exposure should be developed. Playground managers should consult the October 1996 report, CPSC Staff Recommendations for Identifying and Controlling Lead Paint on Public Playground Equipment, while ensuring that all paints and other similar finishes meet the current CPSC regulation.<sup>3</sup>

### 2.5.5 Wood

- Wood should be either naturally rot- and insect-resistant (e.g., cedar or redwood) or should be treated to avoid such deterioration.
- Creosote-treated wood (e.g., railroad ties, telephone poles, etc) and coatings that contain pesticides should not be used.

#### 2.5.5.1 Pressure-treated wood

A significant amount of older playground wood was pressure-treated with chemicals to prevent damage from insects and fungi. Chromated copper arsenate (CCA) was a chemical used for decades in structures (including playgrounds). Since December 31, 2003, CCA-treated wood is no longer processed for use in playground applications. Other rot- and insect-resistant pressure treatments are available that do not contain arsenic; however, when using any of the new treated wood products, be sure to use hardware that is compatible with the wood treatment chemicals. These chemicals are known to corrode certain materials faster than others.

#### *Existing playgrounds with CCA-treated wood*

Various groups have made suggestions concerning the application of surface coatings to CCA-treated wood (e.g., stains and sealants) to reduce a child's potential exposure to arsenic from the wood surface. Data from CPSC staff and EPA studies suggest that regular (at least once a year) use of an oil- or water-based, penetrating sealant or stain can reduce arsenic migration from CCA-treated wood. Installers, builders, and consumers who perform woodworking operations, such as sanding, sawing, or sawdust disposal, on pressure-treated wood should read the consumer information sheet available at the point of sale. This sheet contains important health precautions and disposal information.

### 2.5.3 Metals

- Avoid using bare metal for platforms, slides, or steps. When exposed to direct sunlight they may reach temperatures high enough to cause serious contact burn injuries in a matter of seconds. Use other materials that may reduce the surface temperature, such as but not limited to wood, plastic, or coated metal (see also Slides in §5.3.6).
- If bare or painted metal surfaces are used on platforms, steps, and slide beds, they should be oriented so that the surface is not exposed to direct sun year round.

### 2.5.4 Paints and finishes

- Metals not inherently corrosion resistant should be painted, galvanized, or otherwise treated to prevent rust.
- The manufacturer should ensure that the users cannot ingest, inhale, or absorb potentially hazardous amounts of preservative chemicals or other treatments applied to the equipment as a result of contact with playground equipment.
- All paints and other similar finishes must meet the current CPSC regulation for lead in paint.
- Painted surfaces should be maintained to prevent corrosion and deterioration.
- Paint and other finishes should be maintained to prevent rusting of exposed metals and to minimize children playing with peeling paint and paint flakes.

<sup>2</sup> Ammoniacal copper quat (ACQ), copper boron azole (CBA), copper azole type B (CA-B), etc.

<sup>3</sup> CPSC Staff Recommendations for Identifying and Controlling Lead Paint on Public Playground Equipment; U.S. Consumer Product Safety Commission: Washington, DC, October 1996.

When selecting wood products and finishes for public playgrounds, CPSC staff recommends:

- Avoid “film-forming” or non-penetrating stains (latex semi-transparent, latex opaque and oil-based opaque stains) on outdoor surfaces because peeling and flaking may occur later, which will ultimately have an impact on durability as well as exposure to the preservatives in the wood.
- Creosote, pentachlorophenol, and tributyl tin oxide are too toxic or irritating and should not be used as preservatives for playground equipment wood.
- Pesticide-containing finishes should not be used.
- CCA-treated wood should not be used as playground mulch.

## 2.6 Assembly and Installation

- Strictly follow *all* instructions from the manufacturer when assembling and installing equipment.
- After assembly and before its first use, equipment should be thoroughly inspected by a person qualified to inspect playgrounds for safety.
- The manufacturer’s assembly and installation instructions, and all other materials collected concerning the equipment, should be kept in a permanent file.
- Secure anchoring is a key factor to stable installation, and the anchoring process should be completed in *strict* accordance with the manufacturer’s specifications.

### 3. PLAYGROUND HAZARDS

This section provides a broad overview of general hazards that should be avoided on playgrounds. It is intended to raise awareness of the risks posed by each of these hazards. Many of these hazards have technical specifications and tests for compliance with ASTM F1487 and F2373. Some of these tests are also detailed in Appendix B.

#### 3.1 Crush and Shearing Points

Anything that could crush or shear limbs should not be accessible to children on a playground. Crush and shear points can be caused by parts moving relative to each other or to a fixed part during a normal use cycle, such as a seesaw.

To determine if there is a possible crush or shear point, consider:

- The likelihood a child could get a body part inside the point, and
- The closing force around the point.

Potential crush/shear hazards specific to certain pieces of equipment are identified in §5.3 Major Types of Playground Equipment.

#### 3.2 Entanglement and Impalement

Projections on playground equipment should not be able to entangle children's clothing nor should they be large enough to impale. To avoid this risk:

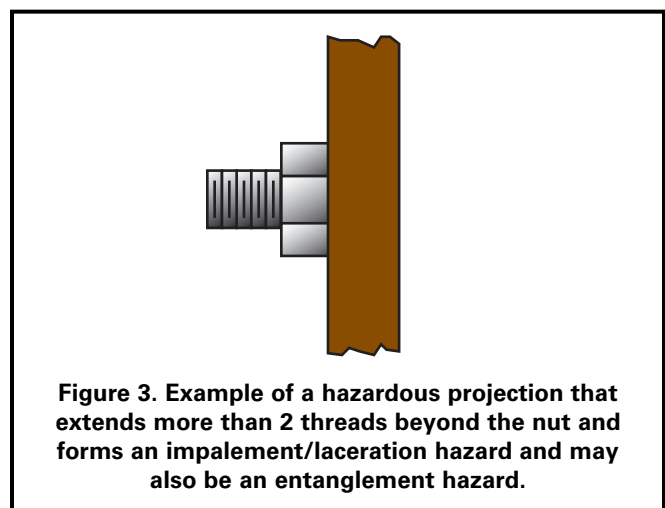
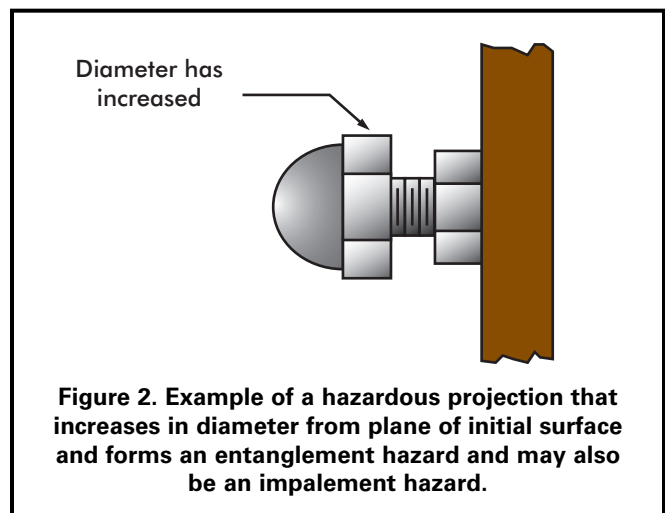
- The diameter of a projection should not increase in the direction away from the surrounding surface toward the exposed end (see Figure 2).
- Bolts should not expose more than two threads beyond the end of the nut (see Figure 3).
- All hooks, such as S-hooks and C-hooks, should be closed (see also §5.3.8.1). A hook is considered closed if there is no gap or space greater than 0.04 inches, about the thickness of a dime.
  - Any connecting device containing an in-fill that completely fills the interior space preventing entry of clothing items into the interior of the device is exempt from this requirement.

- Swings and slides have additional recommendations for projections detailed in §5.3.
- See Appendix B for testing recommendations.

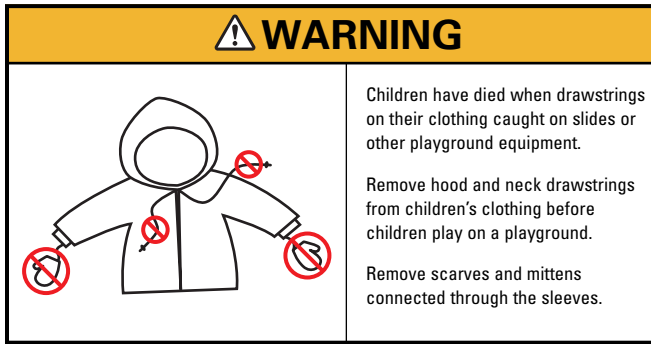
##### 3.2.1 Strings and ropes

Drawstrings on the hoods of jackets, sweatshirts, and other upper body clothing can become entangled in playground equipment, and can cause death by strangulation. To avoid this risk:

- Children should not wear jewelry, jackets or sweatshirts with drawstring hoods, mittens connected by strings through the arms, or other upper body clothing with drawstrings.
- Remove any ropes, dog leashes, or similar objects that have been attached to playground equipment. Children can become entangled in them and strangle to death.



- Avoid equipment with ropes that are not secured at both ends.
- The following label, or a similar sign or label, can be placed on or near slides or other equipment where potential entanglements may occur.



### 3.3 Entrapment

#### 3.3.1 Head entrapment

Head entrapment is a serious concern on playgrounds, since it could lead to strangulation and death. A child's head may become entrapped if the child enters an opening either feet first or head first. Head entrapment by head-first entry generally occurs when children place their heads through an

opening in one orientation, turn their heads to a different orientation, then are unable to get themselves out. Head entrapment by feet first entry involves children who generally sit or lie down and slide their feet into an opening that is large enough to permit their bodies to go through but is not large enough to permit their heads to go through. A part or a group of parts should not form openings that could trap a child's head. Also, children should not wear their bicycle helmets while on playground equipment. There have been recent head entrapment incidents in which children wearing their bicycle helmets became entrapped in spaces that would not normally be considered a head entrapment.

Certain openings could present an entrapment hazard if the distance between any interior opposing surfaces is greater than 3.5 inches and less than 9 inches. These spaces should be tested as recommended in Appendix B. When one dimension of an opening is within this range, all dimensions of the opening should be considered together to evaluate the possibility of entrapment. Even openings that are low enough for children's feet to touch the ground can present a risk of strangulation for an entrapped child. (See Figure 4). Younger children may not have the necessary intellectual ability or motor skills to reverse the process that caused their heads to become trapped, especially if they become scared or panicked.

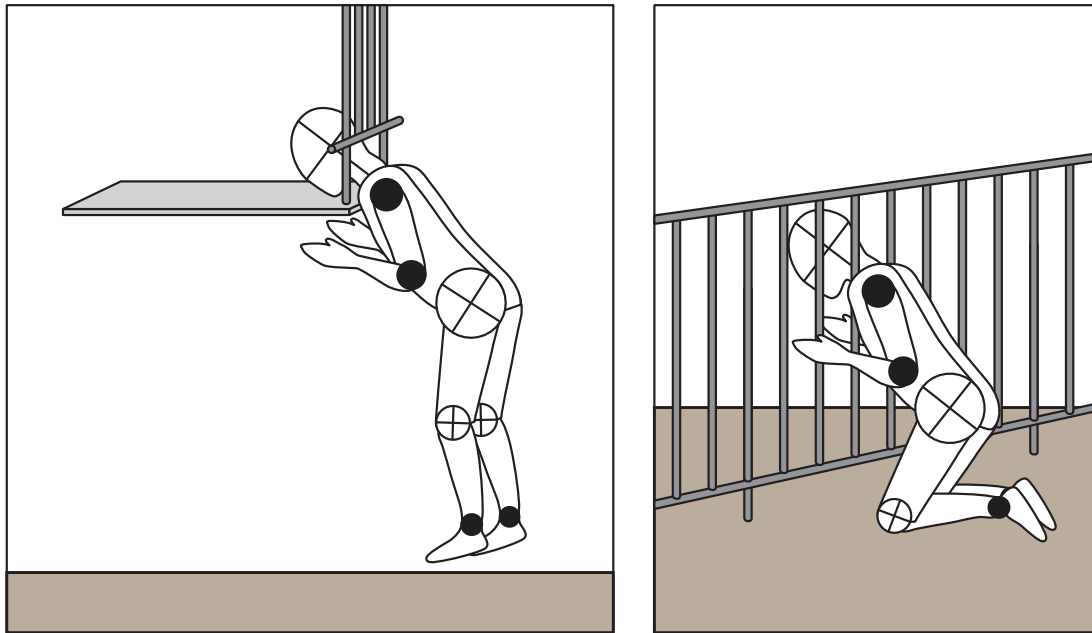


Figure 4. Examples of entrapment below a barrier and between the vertical bars of a barrier.

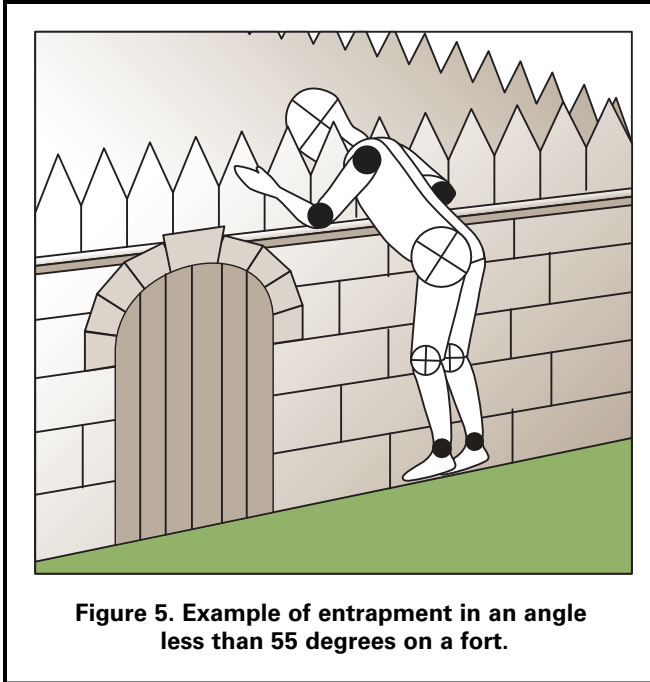


**Figure 5. Example of entrapment in an angle less than 55 degrees on a fort.**

### 3.3.2 Partially bound openings and angles

Children can become entrapped by partially bound openings, such as those formed by two or more playground parts.

- Angles formed by two accessible adjacent parts should be greater than 55 degrees unless the lowest leg is horizontal or below horizontal.
- Use the partially-bound opening test in Appendix B to identify hazardous angles and other partially-bound openings.

### 3.4 Sharp Points, Corners, and Edges

Sharp points, corners, or edges on any part of the playground or playground equipment may cut or puncture a child's skin. Sharp edges can cause serious lacerations if protective measures are not taken. To avoid the risk of injury from sharp points, corners and edges:

- Exposed open ends of all tubing not resting on the ground or otherwise covered should be covered by caps or plugs that cannot be removed without the use of tools.
- Wood parts should be smooth and free from splinters.
- All corners, metal and wood, should be rounded.
- All metal edges should be rolled or have rounded capping.

- There should be no sharp edges on slides. Pay special attention to metal edges of slides along the sides and at the exit (see also §5.3.6.4).
- If steel-belted radials are used as playground equipment, they should be closely examined regularly to ensure that there are no exposed steel belts/wires.
- Conduct frequent inspections to help prevent injuries caused by splintered wood, sharp points, corners, or edges that may develop as a result of wear and tear on the equipment.

### 3.5 Suspended Hazards

Children using a playground may be injured if they run into or trip over suspended components (such as cables, wires, ropes, or other flexible parts) connected from one piece of the playground equipment to another or hanging to the ground. These suspended components can become hazards when they are within 45 degrees of horizontal and are less than 7 feet above the protective surfacing. To avoid a suspended hazard, suspended components:

- Should be located away from high traffic areas.
- Should either be brightly colored or contrast with the surrounding equipment and surfacing.
- Should not be able to be looped back on themselves or other ropes, cables, or chains to create a circle with a 5 inch or greater perimeter.
- Should be fastened at both ends unless they are 7 inches or less long or attached to a swing seat.

These recommendations do not apply to swings, climbing nets, or if the suspended component is more than 7 feet above the protective surfacing and is a minimum of one inch at its widest cross-section dimension.

### 3.6 Tripping Hazards

Play areas should be free of tripping hazards (i.e., sudden change in elevations) to children who are using a playground. Two common causes of tripping are anchoring devices for playground equipment and containment walls for loose-fill surfacing materials.

- All anchoring devices for playground equipment, such as concrete footings or horizontal bars at the bottom of flexible climbers, should be installed below ground level

and beneath the base of the protective surfacing material. This will also prevent children from sustaining additional injuries from impact if they fall on exposed footings.

- Contrasting the color of the surfacing with the equipment color can contribute to better visibility.
- Surfacing containment walls should be highly visible.
- Any change of elevation should be obvious.
- Contrasting the color of the containment barrier with the surfacing color can contribute to better visibility.

### 3.7 Used Tires

Used automobile and truck tires are often recycled as playground equipment, such as tire swings or flexible climbers, or as a safety product such as cushioning under a seesaw or shredded as protective surfacing. When recycling tires for playground use:

- Steel-belted radials should be closely examined regularly to ensure that there are no exposed steel belts/wires.
- Care should be taken so that the tire does not collect water and debris; for example, providing drainage holes on the underside of the tire would reduce water collection.
- Recycled tire rubber mulch products should be inspected before installation to ensure that all metal has been removed.

In some situations, plastic materials can be used as an alternative to simulate actual automobile tires.

## 4. MAINTAINING A PLAYGROUND

Inadequate maintenance of equipment has resulted in injuries on playgrounds. Because the safety of playground equipment and its suitability for use depend on good inspection and maintenance, the manufacturer's maintenance instructions and recommended inspection schedules should be strictly followed. If manufacturer's recommendations are not available, a maintenance schedule should be developed based on actual or anticipated playground use. Frequently used playgrounds will require more frequent inspections and maintenance.

### 4.1 Maintenance Inspections

A comprehensive maintenance program should be developed for each playground. All playground areas and equipment should be inspected for excessive wear, deterioration, and any potential hazards, such as those shown in Table 3. One possible procedure is the use of checklists. Some manufacturers supply checklists for general or detailed inspections with their maintenance instructions. These can be used to ensure that inspections are in compliance with the manufacturer's specifications. If manufacturer-provided inspection guidelines are not available, a general checklist that may be used as a guide for frequent routine inspections of public playgrounds is included at Appendix A. This is intended to address only general maintenance concerns. Detailed inspections should give special attention to moving parts and other parts that can be expected to wear. Maintenance inspections should be carried out in a systematic manner by personnel familiar with the playground, such as maintenance workers, playground supervisors, etc.

### 4.2 Repairs

Inspections alone do not constitute a comprehensive maintenance program. Any problems found during the inspection should be noted and fixed as soon as possible.

- All repairs and replacements of equipment parts should be completed following the manufacturer's instructions.
- User modifications, such as loose-ended ropes tied to elevated parts, should be removed immediately.
- For each piece of equipment, the frequency of thorough

**Table 3. Routine inspection and maintenance issues**

- |                          |                                                                          |
|--------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> | Broken equipment such as loose bolts, missing end caps, cracks, etc.     |
| <input type="checkbox"/> | Broken glass & other trash                                               |
| <input type="checkbox"/> | Cracks in plastics                                                       |
| <input type="checkbox"/> | Loose anchoring                                                          |
| <input type="checkbox"/> | Hazardous or dangerous debris                                            |
| <input type="checkbox"/> | Insect damage                                                            |
| <input type="checkbox"/> | Problems with surfacing                                                  |
| <input type="checkbox"/> | Displaced loose-fill surfacing (see Section 4.3)                         |
| <input type="checkbox"/> | Holes, flakes, and/or buckling of unitary surfacing                      |
| <input type="checkbox"/> | User modifications (such as ropes tied to parts or equipment rearranged) |
| <input type="checkbox"/> | Vandalism                                                                |
| <input type="checkbox"/> | Worn, loose, damaged, or missing parts                                   |
| <input type="checkbox"/> | Wood splitting                                                           |
| <input type="checkbox"/> | Rusted or corroded metals                                                |
| <input type="checkbox"/> | Rot                                                                      |

inspections will depend on the type and age of equipment, the amount of use, and the local climate.

- Consult the manufacturer for maintenance schedules for each piece of equipment. Based on these schedules, a maintenance schedule for the entire playground can be created. This routine maintenance schedule should not replace regular inspections.

### 4.3 Maintaining Loose-Fill Surfacing

Loose-fill surfacing materials require special maintenance. High-use public playgrounds, such as child care centers and schools, should be checked frequently to ensure surfacing has not displaced significantly, particularly in areas of the playground most subject to displacement (e.g., under swings and slide exits). This can be facilitated by marking ideal surfacing depths on equipment posts. Displaced loose-fill

surfacing should be raked back into proper place so that a constant depth is maintained throughout the playground. Impact attenuating mats placed in high traffic areas, such as under swings and at slide exits, can significantly reduce displacement. They should be installed below or level with surfacing so as not to be a tripping hazard.

The following are key points to look for during regular checks of surfacing:

- Areas under swings and at slide exits. Activity in these areas tends to displace surfacing quickly. Rake loose-fill back into place.
- Pooling water on mulch surfacing. For example, wet mulch compacts faster than dry, fluffy mulch. If puddles are noticed regularly, consider addressing larger drainage issues.
- Frozen surfacing. Most loose-fill surfacing that freezes

solid no longer functions as protective surfacing. Even if the first few inches may be loose, the base layer may be frozen and the impact attenuation of the surfacing may be significantly reduced. It is recommended that children not play on the equipment under these conditions.

#### 4.4 Recordkeeping

Records of all maintenance inspections and repairs should be retained, including the manufacturer's maintenance instructions and any checklists used. When any inspection is performed, the person performing it should sign and date the form used. A record of any accident and injury reported to have occurred on the playground should also be retained. This will help identify potential hazards or dangerous design features that should be corrected.

## 5. PARTS OF THE PLAYGROUND

### 5.1 Platforms, Guardrails and Protective Barriers

#### 5.1.1 Platforms

- Platforms should be generally flat (i.e., within  $\pm 2^\circ$  of horizontal).
- Openings in platforms should be provided to allow for drainage.
- Platforms should minimize the collection of debris.
- Platforms intended for toddlers should be no more than 32 inches from the ground.

#### 5.1.2 Stepped platforms

On some composite structures, platforms are layered or tiered so that a child may access the higher platform without steps or ladders. Unless there is an alternate means of access/egress, the maximum difference in height between stepped platforms should be:

- Toddlers: 7 inches.
- Preschool-age: 12 inches.
- School-age: 18 inches.

An access component (such as a rung) is needed if the difference in height is more than 12 inches for preschool-age and 18 inches for school-age children.

The space between the stepped platforms should follow the recommendations to minimize entrapment hazards in enclosed openings:

- Toddlers: if the space is less than 7 inches, infill should be used to reduce the space to less than 3.0 inches.
- Preschool-age: if the space exceeds 9 inches and the height of the lower platform above the protective surfacing exceeds 30 inches, infill should be used to reduce the space to less than 3.5 inches.
- School-age: if the space exceeds 9 inches and the height of the lower platform above the protective surfacing exceeds 48 inches, infill should be used to reduce the space to less than 3.5 inches.

#### 5.1.2.1 Fall height

- The fall height of a platform is the distance between the top of the platform and the protective surfacing beneath it.

#### 5.1.3 Guardrails and protective barriers

Guardrails and protective barriers are used to minimize the likelihood of accidental falls from elevated platforms. Protective barriers provide greater protection than guardrails and should be designed to discourage children from climbing over or through the barrier. Guardrails and barriers should:

- Completely surround any elevated platform.
- Except for entrance and exit openings, the maximum clearance opening without a top horizontal guardrail should be 15 inches.
- Prevent unintentional falls from the platform.
- Prevent the possibility of entrapment.
- Facilitate supervision.

For example:

- Guardrails may have a horizontal top rail with infill consisting of vertical bars having openings that are greater than 9 inches. These openings do not present an entrapment hazard but do not prevent a child from climbing through the openings.
- A barrier should minimize the likelihood of passage of a child during deliberate attempts to defeat the barrier. Any openings between uprights or between the platform surface and lower edge of a protective barrier should prevent passage of the small torso template (see test in B.2.5).

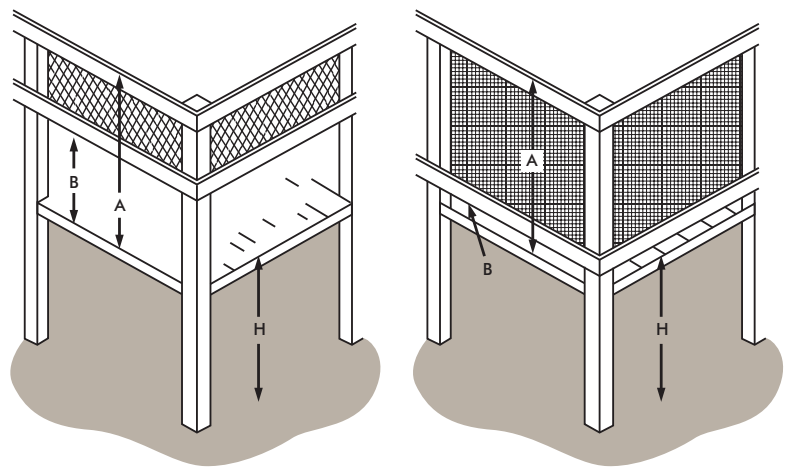
Guardrails or protective barriers should be provided on elevated platforms, walkways, landings, stairways, and transitional surfaces. In general, the younger the child, the less coordination and balance they have, therefore the more vulnerable they are to unintentional falls. Toddlers are the most vulnerable, and equipment intended for this age should use barriers on all elevated walking surfaces above 18 inches. Physical skills develop further in preschool-age children and then more with school-age children; therefore, minimum elevation recommendations for guardrails and barriers increase with each age group.

Guardrails and barriers should be high enough to prevent the tallest children from falling over the top. For guardrails, the lower edge should be low enough so that the smallest children cannot walk under it. Barriers should be low enough to prevent the smallest child from getting under the barrier in any way. This is generally done by designing the barrier so that the small torso probe (see test methods in Appendix B) cannot pass under or through the barrier. Vertical infill for protective barriers may be preferable for younger children because the vertical components can be grasped at whatever height a child chooses as a handhold.

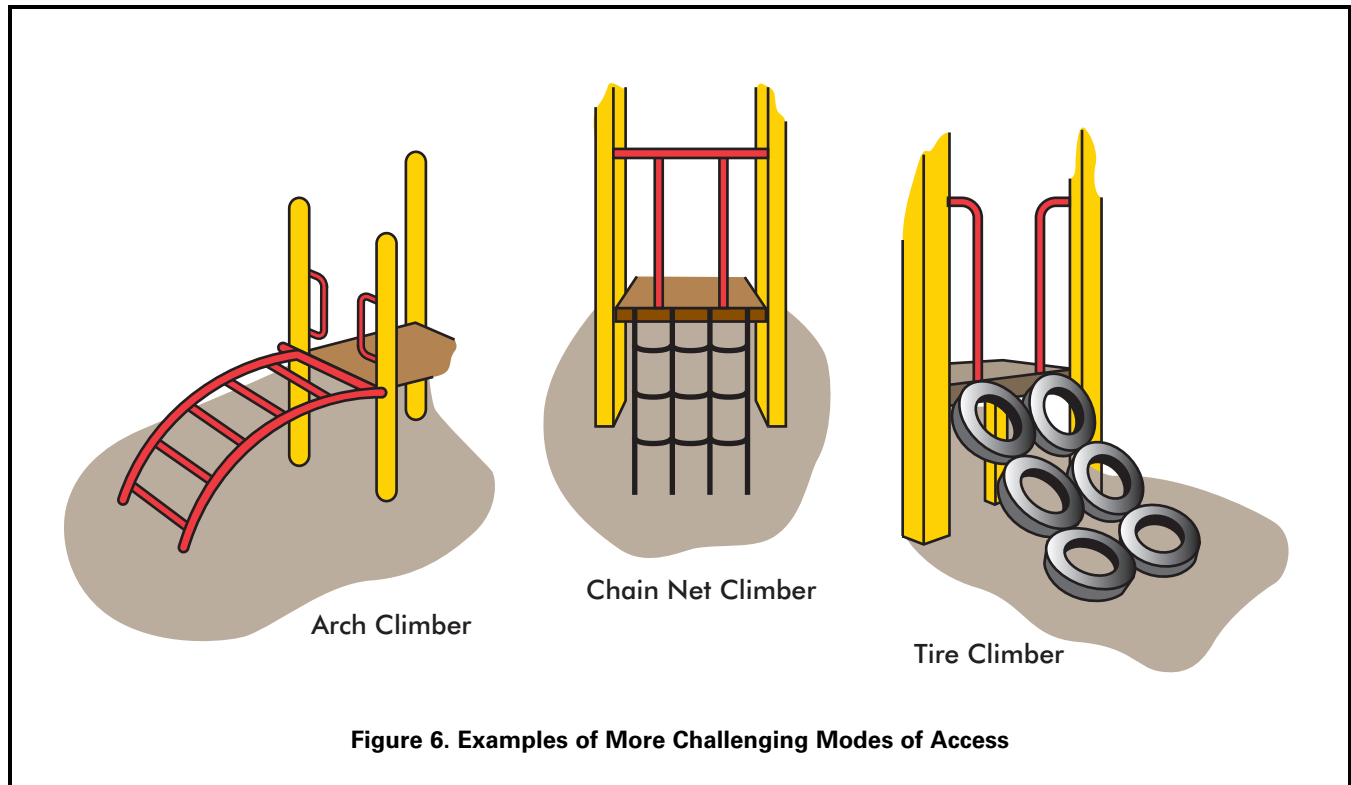
Guardrail and barrier recommendations are shown in Table 4. However, the recommendations do not apply if the guardrail or barrier would interfere with the intended use of the equipment, such as:

- Climbing equipment
- Platforms layered so that the fall height is:
  - Toddlers: 7 inches or less.
  - Preschool-age: 20 inches or less.
  - School-age: 30 inches or less.

**Table 4. Guardrails and Barriers**



|                                                 | Guardrail         | Barrier           |
|-------------------------------------------------|-------------------|-------------------|
| Protects against accidental falls from platform | Yes               | Yes               |
| Discourages climbing over                       | No                | Yes               |
| Protects against climbing through               | No                | Yes               |
| <b>Toddlers</b>                                 |                   |                   |
| A Top edge distance from platform               | Not recommended   | A = 24" or higher |
| B Bottom edge distance from platform            | Not recommended   | B < 3"            |
| H Recommended when platform fall height is:     | Not recommended   | H = 18" or higher |
| <b>Preschool-age</b>                            |                   |                   |
| A Top edge distance from platform               | A = 29" or higher | A = 29" or higher |
| B Bottom edge distance from platform            | 9" < B ≤ 23"      | B < 3.5"          |
| H Recommended when platform fall height is:     | 20" < H ≤ 30"     | H > 30"           |
| <b>School-age</b>                               |                   |                   |
| A Top edge distance from platform               | A = 38" or higher | A = 38" or higher |
| B Bottom edge distance from platform            | 9" < B ≤ 28"      | B < 3.5"          |
| H Recommended when platform fall height is:     | 30" < H ≤ 48"     | H > 48"           |



## 5.2 Access Methods to Play Equipment

Access to playground equipment can take many forms, such as conventional ramps, stairways with steps, and ladders with steps or rungs. Access may also be by means of climbing components, such as arch climbers, climbing nets, and tire climbers (see Figure 6).

As children develop, they gain better balance and coordination, so it is important to pick appropriate access methods based on the age group. Table 5 shows the most common methods of access and the youngest appropriate age group.

Access to platforms over 6 feet high (except for free-standing slides) should provide an intermediate standing surface so that the child can pause and make a decision to keep going up or find another way down. Children generally master access before egress, that is, they can go up before they can get back down a difficult component. Therefore, if there are more difficult access methods, it is important to have easier components for egress.

**Table 5. Methods of access and egress**

| Method of Access                                 | Challenge Level | Appropriate for |
|--------------------------------------------------|-----------------|-----------------|
| Ramps                                            | Easiest         | Toddlers +      |
| Straight stairways                               | Easy            | Toddlers +      |
| Spiral stairways                                 | Moderate        | Toddlers* +     |
| Step ladders                                     | Moderate        | 15 months* +    |
| Rung ladders                                     | Moderate        | Preschool* +    |
| Arch climbers                                    | Difficult       | Preschool* +    |
| Flexible climbers (nets, tires)                  | Difficult       | Preschool* +    |
| * only if an easy egress method is also provided |                 |                 |

### 5.2.1 Ramps, stairways, rung ladders, and step ladders

Ramps, stairways, rung ladders, and step ladders each have different recommendations for slope and tread dimension, but the steps or rungs always should be evenly spaced - even the spacing between the top step or rung and the surface of the platform. Table 6 contains recommended dimensions for: access slope; tread or rung width; tread depth; rung diameter; and vertical rise for rung ladders, step ladders, and stairways. Table 6 also contains slope and width recommendations for ramps. However, these recommendations are not intended to address ramps designed for access by wheelchairs.

- Openings between steps or rungs and between the top step or rung and underside of a platform should prevent entrapment.
- When risers are closed, treads on stairways and ladders should prevent the accumulation of sand, water, or other materials on or between steps.
- Climbing equipment should allow children to descend as easily as they ascend. One way of implementing this recommendation is to provide an easier, alternate means of descent, such as another mode of egress, a platform, or another piece of equipment. For example, a stairway can be added to provide a less challenging mode of descent than a vertical rung ladder or flexible climbing device (see Table 5).
- For toddlers and preschool-age children, offering an easy way out is particularly important since their ability to descend climbing components develops later than their ability to climb up the same components.

**Table 6. Recommended dimensions for access ladders, stairs, and ramps\***

| AGE OF INTENDED USER                                                    |                 |                 |            |
|-------------------------------------------------------------------------|-----------------|-----------------|------------|
| Type of Access                                                          | Toddler         | Preschool-age   | School-age |
| <i>Ramps (not intended to meet ADA/ABA specifications)</i>              |                 |                 |            |
| Slope (vertical:horizontal)                                             | < 1:8           | ≤ 1:8           | ≤ 1:8      |
| Width (single)                                                          | ≥ 19"           | ≥ 12"           | ≥ 16"      |
| Width (double)                                                          | ≥ 30"           | ≥ 30"           | ≥ 36"      |
| <i>Stairways</i>                                                        |                 |                 |            |
| Slope                                                                   | ≤ 35°           | < 50°           | < 50°      |
| Tread width (single)                                                    | 12-21"          | ≥ 12"           | ≥ 16"      |
| Tread width (double)                                                    | ≥ 30"           | ≥ 30"           | ≥ 36"      |
| Tread depth (open riser)                                                | Not appropriate | ≥ 7"            | ≥ 8"       |
| Tread depth (closed riser)                                              | ≥ 8"            | ≥ 7"            | ≥ 8"       |
| Vertical rise                                                           | ≤ 7"            | ≤ 9"            | ≤ 12"      |
| <i>Step ladders</i>                                                     |                 |                 |            |
| Slope                                                                   | 35≤65°          | 50-75°          | 50-75°     |
| Tread width (single)                                                    | 12-21"          | 12-21"          | ≥ 16"      |
| Tread width (double)                                                    | Not appropriate | Not appropriate | ≥ 36"      |
| Tread depth (open riser)                                                | Not appropriate | ≥ 7"            | ≥ 3"       |
| Tread depth (closed riser)                                              | 8"              | ≥ 7"            | ≥ 6"       |
| Vertical rise                                                           | > 5" and ≤ 7"   | ≤ 9"            | ≤ 12"      |
| <i>Rung ladders</i>                                                     |                 |                 |            |
| Slope                                                                   | Not appropriate | 75-90°          | 75-90°     |
| Rung width                                                              | Not appropriate | ≥ 12"           | ≥ 16"      |
| Vertical rise                                                           | Not appropriate | ≤ 12"           | ≤ 12"      |
| Rung diameter                                                           | Not appropriate | 0.95-1.55"      | 0.95-1.55" |
| * entrapment recommendations apply to all openings in access components |                 |                 |            |

### 5.2.2 Rungs and other hand gripping components

Unlike steps of stairways and step ladders that are primarily for foot support, rungs can be used for both foot and hand support.

- Rungs with round shapes are easiest for children to grip.
- All hand grips should be secured in a manner that prevents them from turning.
- Toddlers:
  - Handrails or other means of hand support should have a diameter or maximum cross-section between 0.60 and 1.20 inches.
  - A diameter or maximum cross-section of 0.90 inches is preferred to achieve maximal grip strength and benefit the weakest children.
- Preschool- and school-age:
  - Rungs, handrails, climbing bars, or other means of hand support intended for holding should have a diameter or maximum cross-section between 0.95 and 1.55 inches.
  - A diameter or maximum cross-section of 1.25 inches is preferred to achieve maximal grip strength and benefit the weakest children.

### 5.2.3 Handrails

Handrails on stairways and step ladders are intended to provide hand support and to steady the user. Continuous handrails extending over the full length of the access should be provided on both sides of all stairways and step ladders, regardless of the height of the access. Rung ladders do not require handrails since rungs or side supports provide hand support on these more steeply inclined accesses.

#### 5.2.3.1 Handrail height

Handrails should be available for use at the appropriate height, beginning with the first step. The vertical distance between the top front edge of a step or ramp surface and the top surface of the handrail above it should be as follows:

- Toddlers: between 15 and 20 inches.
- Preschool-age: between 22 and 26 inches.
- School-age: between 22 and 38 inches.

### 5.2.4 Transition from access to platform

Handrails or handholds are recommended at all transition points (the point where the child must move from the access component to the play structure platform).

- The handhold should provide support from the access component until the child has fully achieved the desired posture on the platform.
- Any opening between a handrail and an adjacent vertical structure (e.g., vertical support post for a platform or vertical slat of a protective barrier) should not pose an entrapment hazard.
- Access methods that do not have handrails, such as rung ladders, flexible climbers, arch climbers, and tire climbers, should provide hand supports for the transition between the top of the access and the platform.

## 5.3 Major Types of Playground Equipment

### 5.3.1 Balance beams

- Balance beams should be no higher than:
- Toddlers: not recommended.
- Preschool-age: 12 inches.
- School-age: 16 inches.

#### 5.3.1.1 Fall height

The fall height of a balance beam is the distance between the top of the walking surface and the protective surfacing beneath it.

### 5.3.2 Climbing and upper body equipment

Climbing equipment is generally designed to present a greater degree of physical challenge than other equipment on public playgrounds. This type of equipment requires the use of the hands to navigate up or across the equipment. "Climbers" refers to a wide variety of equipment, such as but not limited to:

- Arch climbers
- Dome climbers
- Flexible climbers (usually chain or net)
- Parallel bars
- Sliding poles



Simple Arch Climber



Geodesic Dome Climber



Overhead Horizontal Ladder



Overhead Loop Ladder

**Figure 7. Examples of climbers**

- Spiral climbers
- Upper body equipment (horizontal overhead ladders, overhead rings, track ride).

School-age children tend to use climbing and upper body equipment more frequently and more proficiently than preschool children. Young preschool children may have difficulty using some climbers because they have not yet developed some of the physical skills necessary for certain climbing activities (balance, coordination, and upper body strength). Older preschool children (i.e., 4- and 5-year-olds) are beginning to use flexible climbers, arch climbers, and upper body devices.

### 5.3.2.1 Design considerations

#### 5.3.2.1.1 Layout of climbing components

When climbing components are part of a composite structure, their level of challenge and method of use should be compatible with the traffic flow from nearby components. Upper body devices should be placed so that the swinging movement generated by children on this equipment cannot interfere with the movement of children on adjacent structures, particularly children descending on slides. The design of adjacent play structures should not facilitate climbing to the top support bars of upper body equipment.

#### 5.3.2.1.2 Fall Height

Climbers:

- Unless otherwise specified in this section, the fall height for climbers is the distance between the highest part of the climbing component and the protective surfacing beneath it.
- If the climber is part of a composite structure, the fall height is the distance between the highest part of the climber intended for foot support and the protective surfacing beneath it.
  - Toddlers: The maximum fall height for free standing and composite climbing structures should be 32 inches.

Upper Body Equipment:

- The fall height of upper body equipment is the distance between the highest part of the equipment and the protective surface below.

#### 5.3.2.1.3 Climbing rungs

Some of the access methods discussed in §5.2 are also considered climbing devices; therefore, the recommendations for the size of climbing rungs are similar.

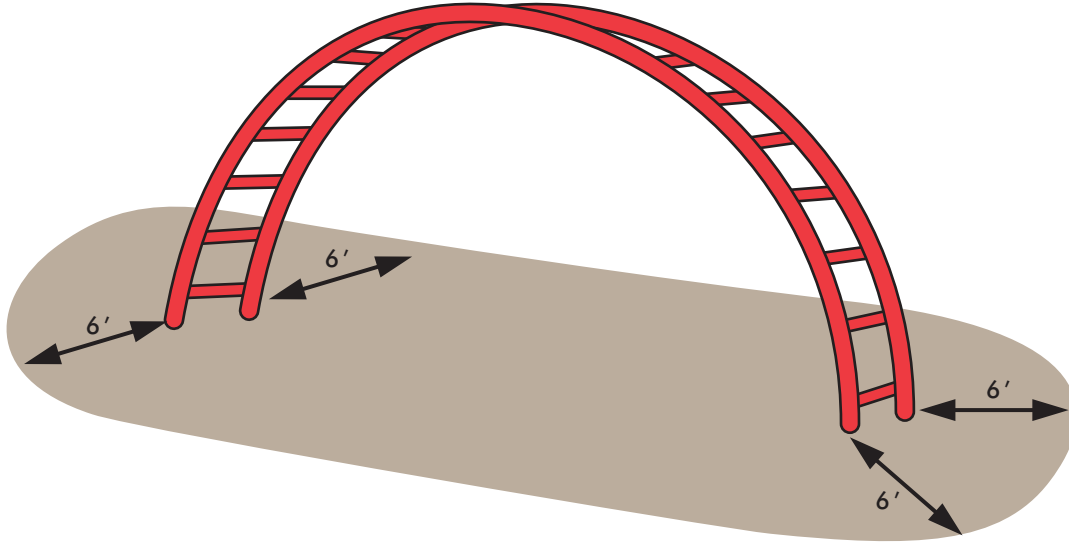


**Figure 8. Use zone surrounding a freestanding arch climber**

- Rungs should be generally round.
- All rungs should be secured in a manner that prevents them from turning.
- Climbing rungs should follow the same diameter recommendations as in §5.2.2.

#### 5.3.2.1.4 Use zone

- The use zone should extend a minimum of 6 feet in all directions from the perimeter of the stand alone climber. See Figure 8.
- The use zone of a climber may overlap with neighboring equipment if the other piece of equipment allows overlapping use zones and
  - There is at least 6 feet between equipment when adjacent designated play surfaces are no more than 30 inches high; or
  - There is at least 9 feet between equipment when adjacent designated play surfaces are more than 30 inches high.

#### 5.3.2.1.5 Other considerations

- Climbers should not have climbing bars or other rigid structural components in the interior of the climber onto

which a child may fall from a height of greater than 18 inches. See Figure 9 for an example of a climber that **DOES NOT** follow this consideration.



**Figure 9: Climber with rigid structural components that DOES NOT meet 5.3.2.1.5**

### 5.3.2.2 Arch climbers

Arch climbers consist of rungs attached to convex side supports. They may be free standing (Figure 10) or be provided as a more challenging means of access to other equipment (Figure 11).

- Arch climbers should not be used as the sole means of access to other equipment for preschoolers.
- Free standing arch climbers are not recommended for toddlers or preschool-age children.
- The rung diameter and spacing of rungs on arch climbers should follow the recommendations for rung ladders in Table 6.

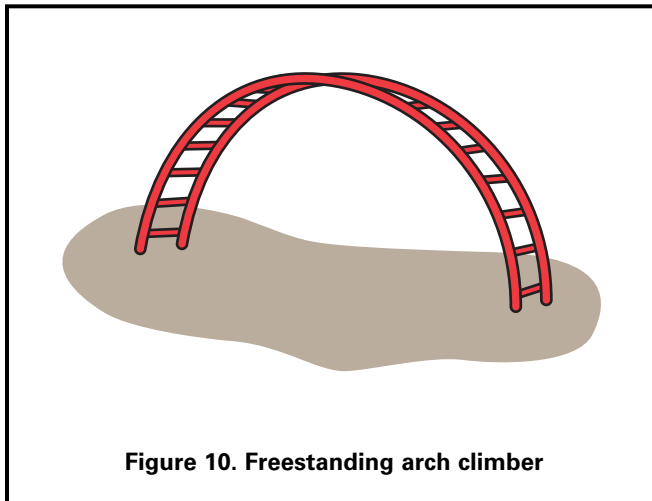


**Figure 10. Freestanding arch climber**

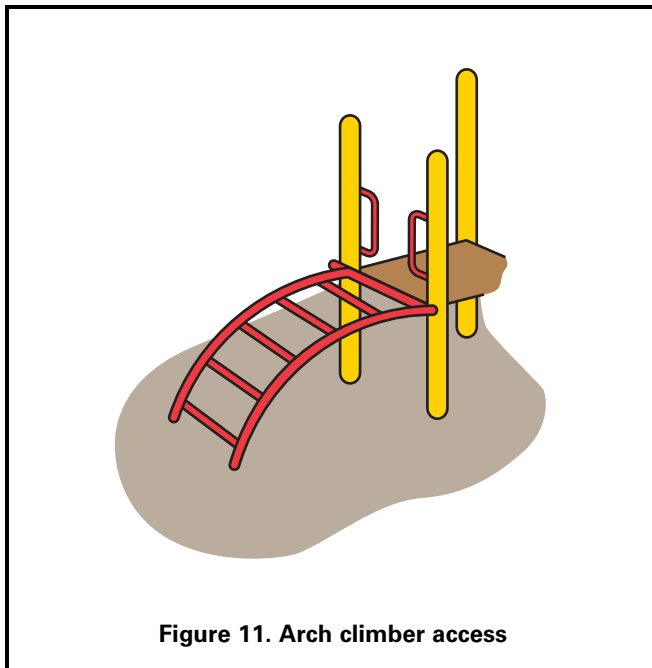


**Figure 11. Arch climber access**

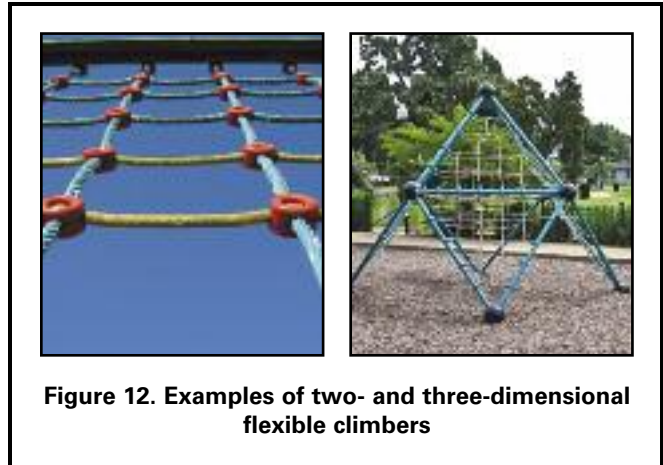


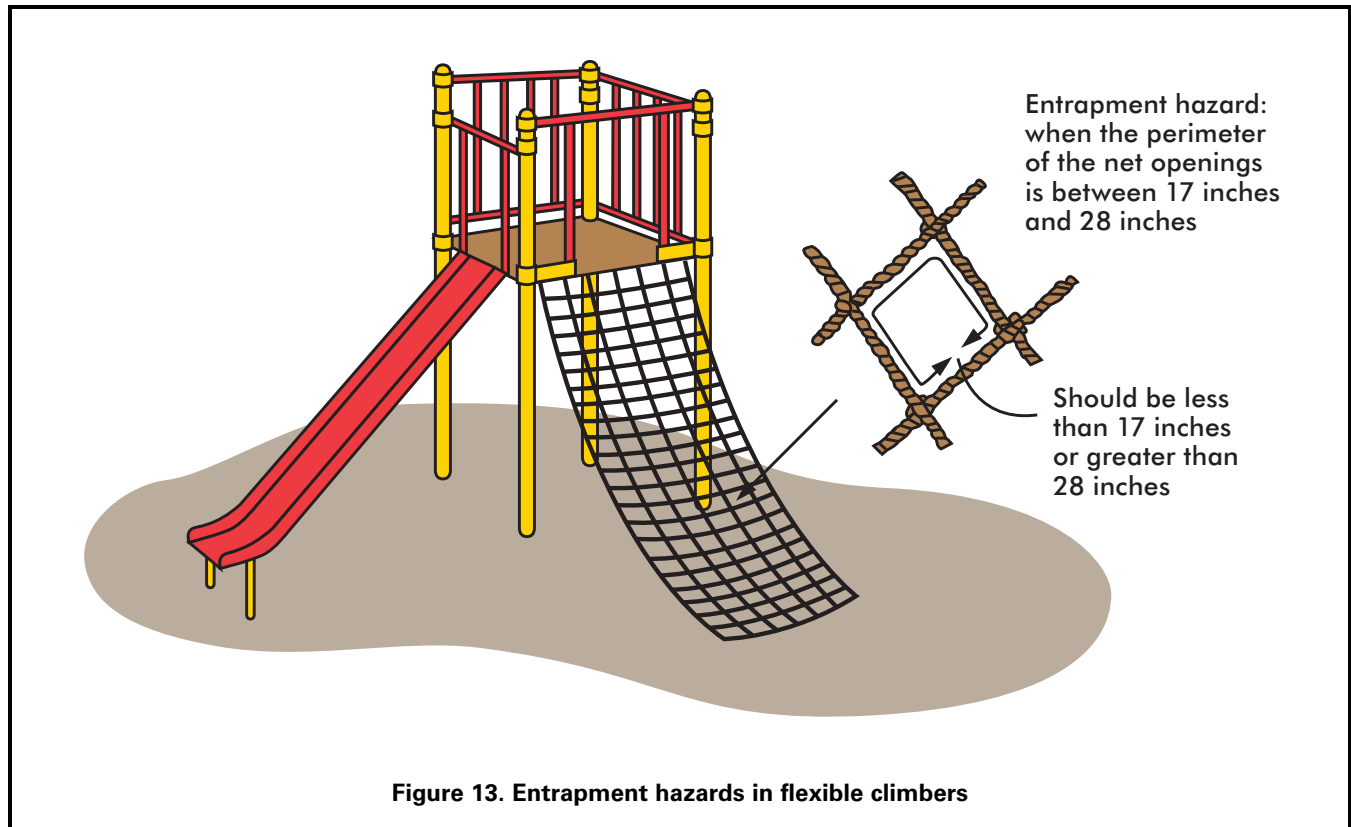
**Figure 12. Examples of two- and three-dimensional flexible climbers**

### 5.3.2.3 Flexible climbers

Flexible climbers use a grid of ropes, chains, cables, or tires for climbing. Since the flexible parts do not provide a steady means of support, flexible climbers require more advanced balance abilities than rigid climbers.

Rope, chain, and cable generally form a net-like structure that may be either two or three dimensional. See Figure 12. Tire climbers may have the tires secured tread-to-tread to form a sloping grid, or the tires may be suspended individually by chains or other means.

- Flexible climbers that provide access to platforms should be securely anchored at both ends.
- When connected to the ground, the anchoring devices should be installed below ground level and beneath the base of the protective surfacing material.
- Connections between ropes, cables, chains, or between tires should be securely fixed.
- Flexible climbers are not recommended as the sole means of access to equipment intended for toddlers and preschool-age children.
- Free-standing flexible climbers are not recommended on playgrounds intended for toddlers and preschool children.
- Spacing between the horizontal and vertical components of a climbing grid should not form entrapment hazards.
- The perimeter of any opening in a net structure should be less than 17 inches or greater than 28 inches (see Figure 13).



#### 5.3.2.4 Horizontal (overhead) ladders

Horizontal (overhead) ladders are a type of climber designed to build upper body strength. They are designed to allow children to move across the ladder from end to end using only their hands.

Four-year-olds are generally the youngest children able to use upper body devices like these; therefore, horizontal ladders should not be used on playgrounds intended for toddlers and 3-year-olds. The recommendations below are designed to accommodate children ages 4 through 12 years.

- The first handhold on either end of upper body equipment should not be placed directly above the platform or climbing rung used for mount or dismount. This minimizes the risk of children impacting rigid access structures if they fall from the first handhold during mount or dismount.
- The horizontal distance out to the first handhold should be:
  - No greater than 10 inches but not directly above the platform when access is from a platform.
  - At least 8 inches but no greater than 10 inches when access is from climbing rungs.
- The space between adjacent rungs of overhead ladders should be greater than 9 inches to prevent entrapment.
- Horizontal ladders intended for preschool-age children should have rungs that are parallel to one another and evenly spaced.
- The maximum height of a horizontal ladder (i.e., measured from the center of the grasping device to the top of the protective surfacing below) should be:
  - Preschool-age (4 and 5 years): no more than 60 inches.
  - School-age: no more than 84 inches.
- The center-to-center spacing of horizontal ladder rungs should be as follows:
  - Preschool-age (4 and 5 years): no more than 12 inches.
  - School-age: no more than 15 inches.
- The maximum height of the take-off/landing platform above the protective surfacing should be:
  - Preschool-age (4 and 5 years): no more than 18 inches.
  - School-age: no more than 36 inches.

### 5.3.2.5 Overhead rings

Overhead rings are similar to horizontal ladders in terms of the complexity of use. Therefore, overhead rings should not be used on playgrounds intended for toddlers and 3-year-olds. The recommendations below are designed to accommodate children 4 through 12 years of age.

Overhead rings differ from horizontal ladders because, during use, the gripped ring swings through an arc and reduces the distance to the gripping surface of the next ring; therefore, the spacing distance recommendations for horizontal ladders do not apply.

- The first handhold on either end of upper body equipment should not be placed directly above the platform or climbing rung used for mount or dismount. This minimizes the risk of children hitting rigid access structures if they fall from the first handhold during mount or dismount.
- The horizontal distance out to the first handhold should be:
  - No greater than 10 inches but not directly above the platform when access is from a platform.
  - At least 8 inches but no greater than 10 inches when access is from climbing rungs.
- The maximum height of overhead rings measured from the center of the grasping device to the protective surfacing should be:
  - Preschool-age (4 and 5 years): 60 inches.
  - School-age: 84 inches.
- If overhead swinging rings are suspended by chains, the maximum length of the chains should be 7 inches.
- The maximum height of the take-off/landing platform above the protective surfacing should be:
  - Preschool-age (4 and 5 years): no more than 18 inches.
  - School-age: no more than 36 inches.

### 5.3.2.6 Sliding poles

Vertical sliding poles are more challenging than some other types of climbing equipment. They require upper body strength and coordination to successfully slide down the pole. Unlike other egress methods, there is no reverse or stop, so a child cannot change his or her mind. Children who start a sliding pole must have the strength to slide the whole way or they will fall.

- Sliding poles are not recommended for toddlers or preschool-age children since they generally don't have the upper body and/or hand strength to slide.

- Sliding poles should be continuous with no protruding welds or seams along the sliding surface.
- The pole should not change direction along the sliding portion.
- The horizontal distance between a sliding pole and any structure used for access to the sliding pole should be between 18 inches and 20 inches.
- The pole should extend at least 60 inches above the level of the platform or structure used for access to the sliding pole.
- The diameter of sliding poles should be no greater than 1.9 inches.
- Sliding poles and their access structures should be located so that traffic from other events will not interfere with the users during descent.
- Upper access should be on one level only.
- The upper access area through the guardrail or barrier should be 15 inches wide at most.

### 5.3.2.6.1 Fall height

- For sliding poles accessed from platforms, the fall height is the distance between the platform and the protective surfacing beneath it.
- For sliding poles not accessed from platforms, the fall height is the distance between a point 60 inches below the highest point of the pole and the protective surfacing beneath it.
- The top of the sliding pole's support structure should not be a designated play surface.

### 5.3.2.7 Track rides

Track rides are a form of upper body equipment where the child holds on to a handle or other device that slides along a track above his or her head. The child then lifts his or her feet and is carried along the length of the track. Track rides require significant upper body strength and the judgment to know when it is safe to let go. These are skills not developed until children are at least school-age; therefore, CPSC staff recommends:

- Track rides should not be used on playgrounds for toddlers and preschool-age children.
- Track rides should not have any obstacles along the path of the ride, including anything that would interfere in the take-off or landing areas.

- Two track rides next to each other should be at least 4 feet apart.
- The handle should be between 64 inches and 78 inches from the surfacing and follow the gripping recommendations in §5.2.2.
- Nothing should ever be tied or attached to any moving part of a track ride.
- Rolling parts should be enclosed to prevent crush hazards.

#### 5.3.2.7.1 Fall height

- The fall height of track ride equipment is the distance between the maximum height of the equipment and the protective surface beneath it.
- Equipment support posts with no designated play surfaces are exempt from this requirement.

### 5.3.3 Log rolls

Log rolls help older children master balance skills and increase strength. Children must balance on top of the log as they spin it with their feet. See Figure 14.

- Log rolls are not recommended for toddlers and preschool-age children. These children generally do not possess the balance, coordination, and strength to use a log roll safely.
- Log rolls should have handholds to assist with balance.
- The handholds should follow the guidelines in §5.2.2.
- The highest point of the rolling log should be a maximum of 18 inches above the protective surface below.
- When not part of a composite structure, the use zone may overlap with neighboring equipment if the other piece of equipment allows overlapping use zones (see §5.3.9) and
  - There is at least 6 feet between equipment when adjacent designated play surfaces are no more than 30 inches high; or
  - There is at least 9 feet between equipment when adjacent designated play surfaces are more than 30 inches high.

#### 5.3.3.1.1 Fall height

The fall height of a log roll is the distance between the highest portion of the rolling log and the protective surfacing beneath it.

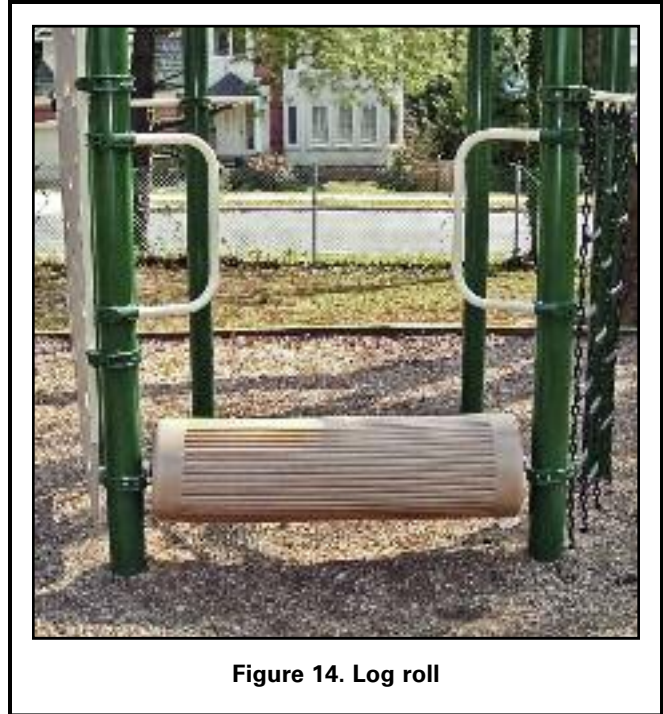


Figure 14. Log roll

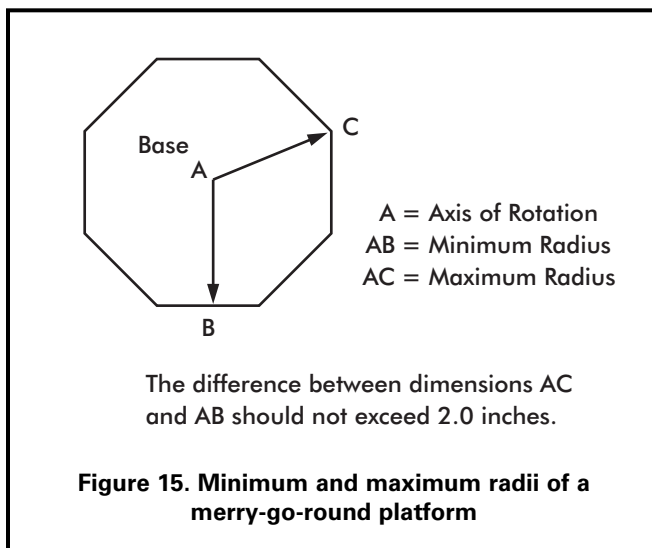
### 5.3.4 Merry-go-rounds

Merry-go-rounds are the most common rotating equipment found on public playgrounds. Children usually sit or stand on the platform while other children or adults push the merry-go-round to make it rotate. In addition, children often get on and off the merry-go-round while it is in motion. Merry-go-rounds may present a physical hazard to preschool-age children who have little or no control over such products once they are in motion. Therefore, children in this age group should always be supervised when using merry-go-rounds.

The following recommendations apply when the merry-go-round is at least 20 inches in diameter.

- Merry-go-rounds should not be used on playgrounds intended for toddlers.
- The standing/sitting surface of the platform should have a maximum height of:
  - Preschool: 14 inches above the protective surface.
  - School-age: 18 inches above the protective surface.
- The rotating platform should be continuous and approximately circular.
- The surface of the platform should not have any openings between the axis and the periphery that permit a rod having a diameter of 5/16 inch to penetrate completely through the surface.

- The difference between the minimum and maximum radii of a non-circular platform should not exceed 2.0 inches (Figure 15).



- The underside of the perimeter of the platform should be no less than 9 inches above the level of the protective surfacing beneath it.
- There should not be any accessible shearing or crushing mechanisms in the undercarriage of the equipment.
- Children should be provided with a secure means of holding on. Where handgrips are provided, they should conform to the general recommendations for hand gripping components in §5.2.2.
- No components of the apparatus, including handgrips, should extend beyond the perimeter of the platform.
- The rotating platform of a merry-go-round should not have any sharp edges.
- A means should be provided to limit the peripheral speed of rotation to a maximum of 13 ft/sec.
- Merry-go-round platforms should not have any up and down (oscillatory) motion.

#### 5.3.4.1 Use zone

- The use zone should extend a minimum of 6 feet beyond the perimeter of the platform.
- The use zone may not overlap other use zones, unless the rotating equipment is less than 20 inches in diameter and the adjacent equipment allows overlap.

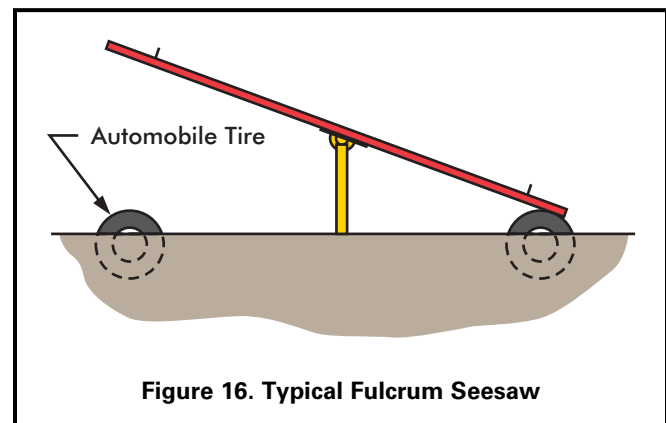
#### 5.3.4.2 Fall height

The fall height for a merry-go-round is the distance between the perimeter of the platform where a child could sit or stand and the protective surfacing beneath it.

#### 5.3.5 Seesaws

##### 5.3.5.1 Fulcrum seesaws

The typical seesaw (also known as a “teeter totter”) consists of a board or pole with a seat at each end supported at the center by a fulcrum. See Figure 16. Because of the complex way children are required to cooperate and combine their actions, fulcrum seesaws are not recommended for toddlers or preschool-age children.



- The fulcrum should not present a crush hazard.
- Partial car tires, or some other shock-absorbing material, should be embedded in the ground underneath the seats, or secured on the underside of the seats. This will help prevent limbs from being crushed between the seat and the ground, as well as cushion the impact.
- The maximum attainable angle between a line connecting the seats and the horizontal is 25°.
- There should not be any footrests.

##### 5.3.5.2 Spring-centered seesaws

Preschool-age children are capable of using spring-centered seesaws because the centering device prevents abrupt contact with the ground if one child dismounts suddenly. Spring-centered seesaws also have the advantage of not requiring two children to coordinate their actions in order to play safely. Spring-centered seesaws should follow the recommendations for spring rockers including the use of footrests (§5.3.7).

### 5.3.5.3 Use zone for fulcrum and spring-centered seesaws

- The use zone should extend a minimum of 6 feet from each outside edge of the seesaw.
- The use zone may overlap with neighboring equipment if the other piece of equipment allows overlapping use zones and
  - There is at least 6 feet between equipment when adjacent designated play surfaces are no more than 30 inches high; or
  - There is at least 9 feet between equipment when adjacent designated play surfaces are more than 30 inches high.

### 5.3.5.4 Handholds

- Handholds should be provided at each seating position for gripping with both hands and should not turn when grasped.
- Handholds should not protrude beyond the sides of the seat.

### 5.3.5.5 Fall height

The fall height for a seesaw is the distance between the highest point any part of the seesaw can reach and the protective surfacing beneath it.

### 5.3.6 Slides

Children can be expected to descend slide chutes in many different positions, rather than always sitting and facing forward as they slide. These other positions should be discouraged at all times to minimize injuries.



Slides may provide a straight, wavy, or spiral descent either by means of a tube or an open slide chute. They may be either free-standing (Figure 17), part of a composite structure, or built on the grade of a natural or man-made slope (embankment slide). Regardless of the type of slide, avoid using bare metals on the platforms, chutes, and steps. When exposed to direct sunlight the bare metal may reach temperatures high enough to cause serious contact burn injuries in a matter of seconds. Provide shade for bare metal slides or use other materials that may reduce the surface temperature such as, but not limited to, plastic or coated metal.

#### 5.3.6.1 Slide access

Access to a stand-alone slide generally is by means of a ladder with rungs, steps, or a stairway with steps. Slides may also be part of a composite play structure, so children will gain access from other parts of the structure. Embankment slides use the ground for access.

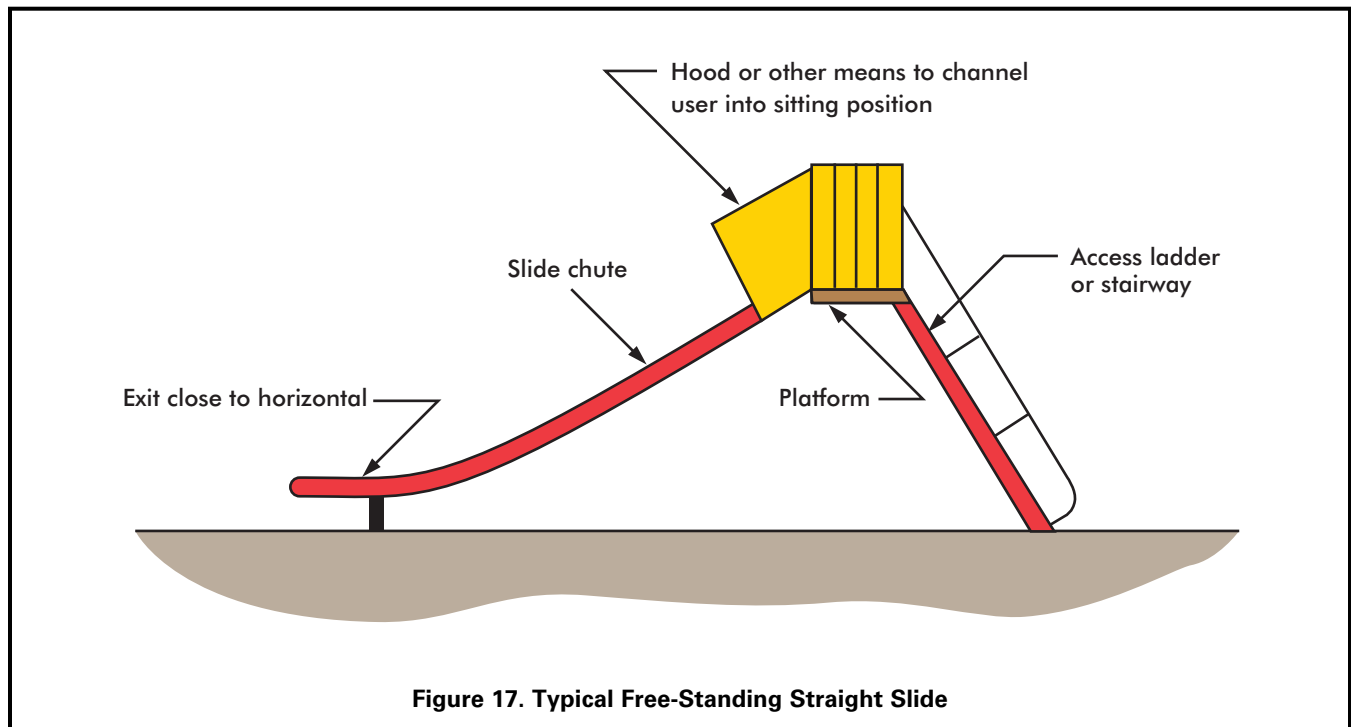


Figure 17. Typical Free-Standing Straight Slide

### 5.3.6.2 Slide platform

All slides should be provided with a platform with sufficient length to facilitate the transition from standing to sitting at the top of the inclined sliding surface. Embankment slides are exempt from platform requirements because they are on ground level; however, they should not have any spaces or gaps as noted below.

The platform should:

- Be at least 19 inches deep for toddlers.
- Be at least 14 inches deep for preschool-age and school-age children.
- Be horizontal.
- Be at least as wide as the slide chute.
- Be surrounded by guardrails or barriers.
- Conform to the same recommendations as general platforms given in §5.1.1.
- Not have any spaces or gaps that could trap strings, clothing, body parts, etc. between the platform and the start of the slide chute.
- Provide handholds to facilitate the transition from standing to sitting and decrease the risk of falls (except tube slides where the tube perimeter provides hand support). These should extend high enough to provide hand support for the largest child in a standing position, and low enough to provide hand support for the smallest child in a sitting position.
- Provide a means to channel a user into a sitting position at the entrance to the chute, such as a guardrail, hood, or other device that discourages climbing.

### 5.3.6.3 Slide chutes

#### 5.3.6.3.1 Embankment slides

- The slide chute of an embankment slide should have a maximum height of 12 inches above the underlying ground surface. This design basically eliminates the hazard of falls from elevated heights.
- Embankment slides should follow all of the recommendations given for straight slides where applicable (e.g., side height, slope, use zone at exit, etc.).
- There should be some means provided at the slide chute entrance to minimize the use of embankment slides by children on skates, skateboards, or bicycles.

#### 5.3.6.3.2 Roller slides

- Roller slides should meet applicable recommendations for other slides (e.g., side height, slope, use zone at exit, etc.).
- The space between adjacent rollers and between the ends of the rollers and the stationary structure should be less than 3/16 inch.
- Frequent inspections are recommended to insure that there are no missing rollers or broken bearings and that the rollers roll.

#### 5.3.6.3.3 Spiral slides

- Spiral slides should follow the recommendations for straight slides where applicable (e.g., side height, slope, use zone at exit, etc.).
- Special attention should be given to design features which may present problems unique to spiral slides, such as lateral discharge of the user.
- Toddlers and preschool-age children have less ability to maintain balance and postural control, so only short spiral slides (one 360° turn or less) are recommended for these age groups.

#### 5.3.6.3.4 Straight slides

- Flat open chutes should have sides at least 4 inches high extending along both sides of the chute for the entire length of the inclined sliding surface.
- The sides should be an integral part of the chute, without any gaps between the sides and the sliding surface. (This does not apply to roller slides).
- Slides may have an open chute with a circular, semicircular or curved cross section provided that:
  - A. The vertical height of the sides is no less than 4 inches when measured at right angles to a horizontal line that is 8 inches long when the slide is intended for toddlers, 12 inches long when the slide is intended for preschool-age children, and 16 inches long when the slide is intended for school-age children (Figure 18); or
  - B. For any age group, the vertical height of the sides is no less than 4 inches minus two times the width of the slide chute divided by the radius of the slide chute curvature (Figure 19).

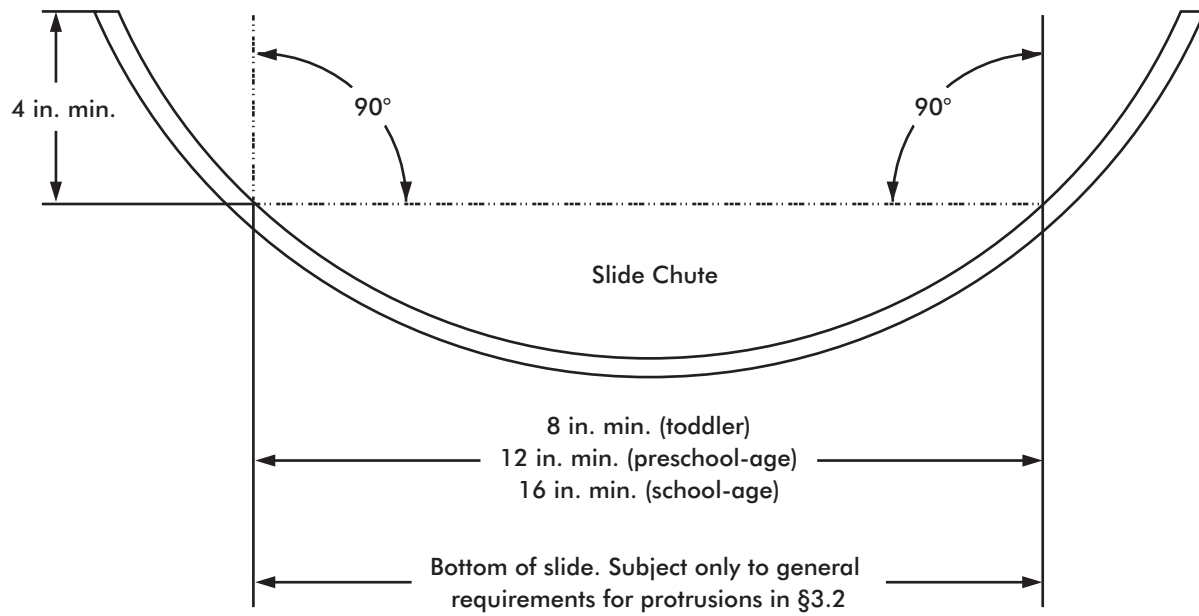


**Figure 18. Minimum Side Height for Slide with Circular Cross Section**

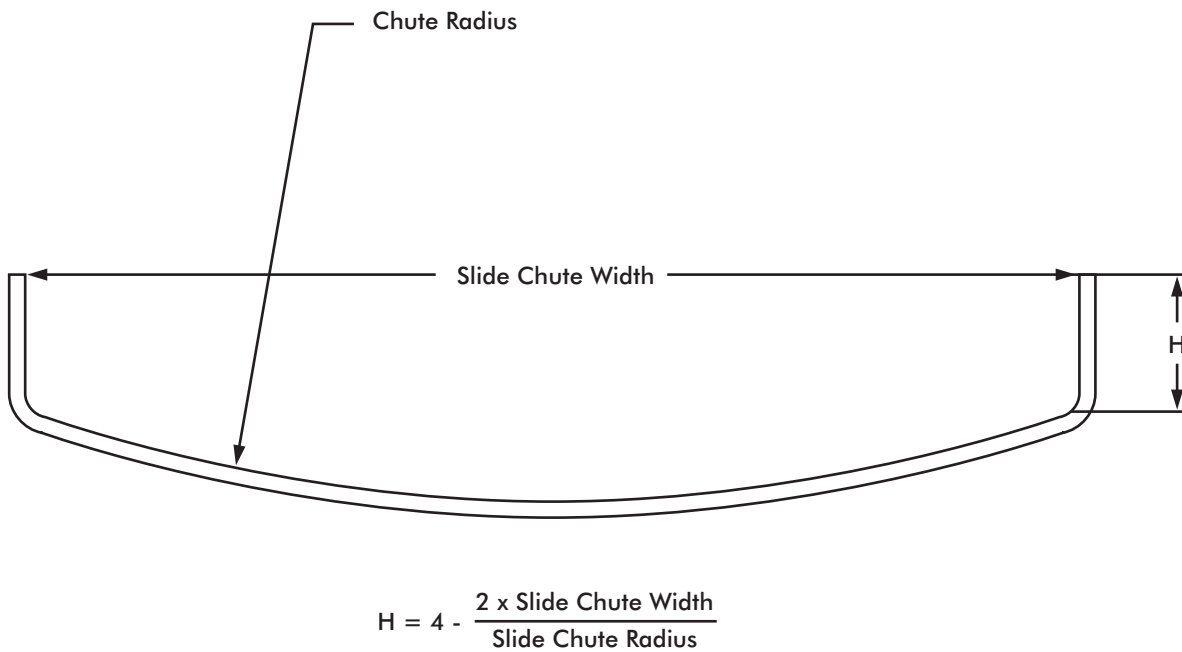


**Figure 19. Formula for Minimum Vertical Side Height for Slide with Curved Chute**

- For toddlers:
  - The average incline of a slide chute should be no more than  $24^{\circ}$  (that is, the height to horizontal length ratio shown in Figure 20 does not exceed 0.445).
  - No section of the slide chute should have a slope greater than  $30^{\circ}$ .
  - The slide chute should be between 8 and 12 inches wide.
- For preschool- and school-age children:
  - The average incline of a slide chute should be no more than  $30^{\circ}$  (that is, the height to horizontal length ratio shown in Figure 20 does not exceed 0.577).
  - No section of the slide chute should have a slope greater than  $50^{\circ}$ .

#### 5.3.6.3.5 Tube slides

- Tube slides should meet all the applicable recommendations for other slides (e.g., side height, slope, use zone at exit, etc.).
- Means, such as barriers or textured surfaces, should be provided to prevent sliding or climbing on the top (outside) of the tube.
- The minimum internal diameter of the tube should be no less than 23 inches.
- Supervisors should be aware of children using tube slides since the children are not always visible.

#### 5.3.6.4 Chute exit region

All slides should have an exit region to help children maintain their balance and facilitate a smooth transition from sitting to standing when exiting. The chute exit region should:

- Be between  $0$  and  $-4^{\circ}$  as measured from a plane parallel to the ground.
- Have edges that are rounded or curved to prevent lacerations or other injuries that could result from impact with a sharp or straight edge.
- For toddlers the chute exit region should:
  - Be between 7 and 10 inches long if any portion of the chute exceeds a  $24^{\circ}$  slope.
  - Be no more than 6 inches above the protective surfacing.
  - Have a transition from the sliding portion to the exit region with a radius of curvature of at least 18 inches.
- For preschool- and school-age the chute exit region should:
  - Be at least 11 inches long.
  - Be no more than 11 inches above the protective surfacing if the slide is no greater than 4 feet high.
  - Be at least 7 inches but not more than 15 inches above the protective surfacing if the slide is over 4 feet high.

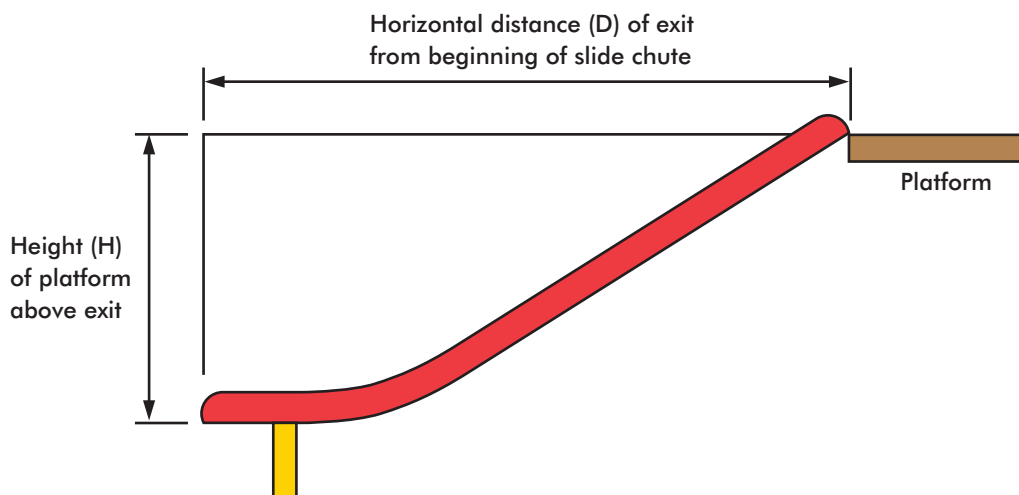


Figure 20. Slide Slope

### 5.3.6.5 Slide use zone

#### Toddlers:

- In a limited access environment
  - The use zone should be at least 3 feet around the perimeter of the slide.
  - The area at the end of the slide should not overlap with the use zone for any other equipment.
- In public areas with unlimited access
  - For a stand-alone slide, the use zone should be at least 6 feet around the perimeter.
  - For slides that are part of a composite structure, the minimum use zone between the access components and the side of the slide chute should be 3 feet.
  - The use zone at the end of the slide should be at least 6 feet from the end of the slide and not overlap with the use zone for any other equipment.

#### Preschool- and school-age (see Figure 21):

- The use zone in front of the access and to the sides of a slide should extend a minimum of 6 feet from the perimeter of the equipment. This recommendation does not apply to embankment slides or slides that are part of a composite structure (see §5.3.9).
- The use zone in front of the exit of a slide should never overlap the use zone of any other equipment; however, two or more slide use zones may overlap if their sliding paths are parallel.
- For slides less than or equal to 6 feet high, the use zone in front of the exit should be at least 6 feet.
- For slides greater than 6 feet high, the use zone in front of the exit should be at least as long as the slide is high up to a maximum of 8 feet.

### 5.3.6.6 Fall height

The fall height for slides is the distance between the transition platform and the protective surfacing beneath it.

### 5.3.6.7 Entanglement hazard

Children have suffered serious injuries and died by getting parts of their clothing tangled on protrusions or gaps on slides.

To reduce the chance of clothing entanglement:

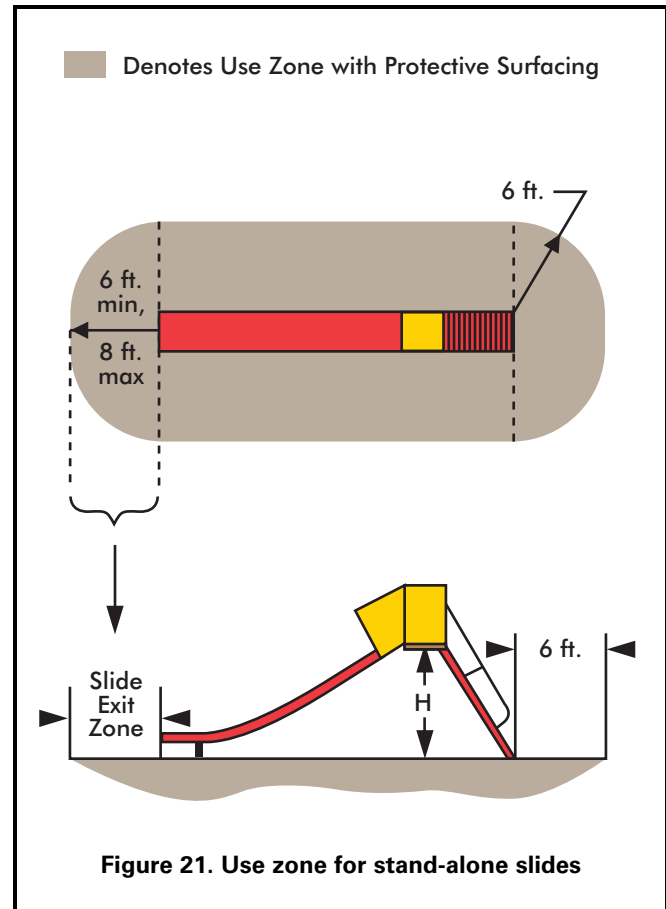


Figure 21. Use zone for stand-alone slides

- Projections up to 3 inches in diameter should not stick up more than 1/8 inch from the slide.
- There should be no gaps at the tops of slides where the slide chute connects with the platform that can entangle clothing or strings.
- See Appendix B for full recommendations and details of the protrusion test procedure.

### 5.3.6.8 Other sliding equipment

Equipment where it is foreseeable that a primary use of the component is sliding should follow the same guidelines for entanglement that are in 5.3.6.7.

### 5.3.7 Spring rockers

Toddlers and preschool-age children enjoy the bouncing and rocking activities presented by spring rockers, and they are the primary users of rocking equipment. See Figure 22. Older children may not find it challenging enough.

- Seat design should not allow the rocker to be used by more than the intended number of users.



**Figure 22. Example of spring rocker**

- For toddlers:
  - The seat should be between 12 and 16 inches high.
  - Spring rockers with opposing seats intended for more than one child should have at least 37 inches between the seat centers.
- For preschoolers:
  - The seat should be between 14 and 28 inches high.
- Each seating position should be equipped with handgrips and footrests. The diameter of handgrips should follow the recommendations for hand gripping components in §5.2.2.
- The springs of rocking equipment should minimize the possibility of children crushing their hands or their feet between coils or between the spring and a part of the rocker.
- The use zone should extend a minimum of 6 feet from the “at rest” perimeter of the equipment.
- The use zone may overlap with neighboring equipment if the other piece of equipment allows overlapping use zones and
  - There is at least 6 feet between equipment when adjacent designated play surfaces are no more than 30 inches high; or

- There is at least 9 feet between equipment when adjacent designated play surfaces are more than 30 inches high; and
- The spring rocker is designed to be used from a seated position.

#### 5.3.7.1 Fall height

The fall height of spring rockers is the distance between either (1) the highest designated playing surface or (2) the seat, whichever is higher, and the protective surfacing beneath it.

#### 5.3.8 Swings

Children of all ages generally enjoy the sensations created while swinging. Mostly they sit on the swings; however, it is common to see children jumping off swings. Younger children also tend to swing on their stomachs, and older children may stand on the seats. To prevent injuries, these behaviors should be discouraged.

Swings may be divided into two distinct types:

- Single axis: Sometimes called a to-fro swing. A single-axis swing is intended to swing back and forth in a single plane and generally consists of a seat supported by at least two suspending members, each of which is connected to a separate pivot on an overhead structure.
- Multi-axis: A multi-axis swing consists of a seat (generally a tire) suspended from a single pivot that permits it to swing in any direction.

##### 5.3.8.1 General swing recommendations

- Hardware used to secure the suspending elements to the swing seat and to the supporting structure should not be removable without the use of tools.
- S-hooks are often part of a swing’s suspension system, either attaching the suspending elements to the overhead support bar or to the swing seat. Open S-hooks can catch a child’s clothing and present a strangulation hazard. S-hooks should be pinched closed. An S-hook is considered closed if there is no gap or space greater than 0.04 inches (about the thickness of a dime).
- Swings should be suspended from support structures that discourage climbing.
- A-frame support structures should not have horizontal cross-bars.

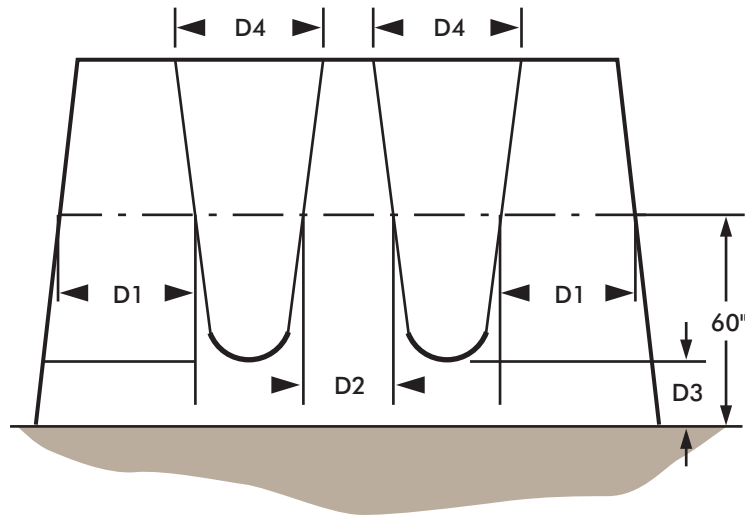


Figure 23. Minimum Clearances for Single-Axis Swings

Table 7. Minimum clearance dimensions for swings

| Reason                                                            | Dimension | Toddler<br>Full bucket | Preschool-age<br>Belt | School-age<br>Belt |
|-------------------------------------------------------------------|-----------|------------------------|-----------------------|--------------------|
| Minimizes collisions between a swing and the supporting structure | D1        | 20 inches              | 30 inches             | 30 inches          |
| Minimizes collisions between swings                               | D2        | 20 inches              | 24 inches             | 24 inches          |
| Allows access                                                     | D3        | 24 inches              | 12 inches             | 12 inches          |
| Reduces side-to-side motion                                       | D4        | 20 inches              | 20 inches             | 20 inches          |

- Fiber ropes are not recommended as a means of suspending swings since they may degrade over time.
- Swing structures should be located away from other equipment or activities to help prevent young children from inadvertently running into the path of moving swings. Additional protection can be provided by means of a low blockade such as a fence or hedge around the perimeter of the swing area. The blockade should not be an obstacle within the use zone of a swing structure or hamper supervision by blocking visibility.

### 5.3.8.2 Fall height

The fall height for swings is the vertical distance between the pivot point and the protective surfacing beneath it.

### 5.3.8.3 Single-axis swings

#### 5.3.8.3.1 Belt seats used without adult assistance

- The use zone to the front and rear of single-axis swings should never overlap the use zone of another piece of equipment.
- To minimize the likelihood of children being struck by a moving swing, it is recommended that no more than two single-axis swings be hung in each bay of the supporting structure.

- Swings should not be attached to composite structures.
- Swing seats should be designed to accommodate no more than one user at any time.
- Lightweight rubber or plastic swing seats are recommended to help reduce the severity of impact injuries. Wood or metal swing seats should be avoided.
- Edges of seats should have smoothly finished or rounded edges and should conform to the protrusion recommendations in 5.3.8.5.
- If loose-fill material is used as a protective surfacing, the height recommendations should be determined after the material has been compressed.
- The full bucket seat materials should not present a strangulation hazard, such as might be presented with a rope or chain used as part of the seat.
- Openings in swing seats should conform to the entrapment criteria in §3.3.
- Full bucket seat swings should be suspended from structures that are separate from those for other swings, or at least suspended from a separate bay of the same structure.
- Full bucket seat swings should not allow the child to enter and exit alone.
- Pivot points should be more than 47 inches but no more than 96 inches above the protective surfacing.

#### 5.3.8.3.2 Full bucket seat swings

Full bucket seat swings are similar to single-axis swings since they move in a to-fro direction. However, full bucket seat swings are intended for children under 4 years of age to use with adult assistance.

- The seats and suspension systems of these swings, including the related hardware, should follow all of the criteria for conventional single axis swings.
- Full bucket seats are recommended to provide support on all sides of a child and between the legs of the occupant (see Figure 24).



**Figure 24. Example of full bucket seat swings**

#### 5.3.8.3.3 Use zone for single-axis swings – belt and full bucket

The use zone in front of and behind the swing should be greater than to the sides of such a swing since children may deliberately attempt to exit from a single-axis swing while it is in motion. See Figure 25.

- The use zone for a belt swing should extend to the front and rear of a single-axis swing a minimum distance of twice the vertical distance from the pivot point and the top of the protective surface beneath it.
- The use zone for a full bucket swing should extend to the front and rear a minimum of twice the vertical distance from the top of the occupant's sitting surface to the pivot point.
- The use zone in front of and behind swings should never overlap with any other use zone.
- The use zone to the sides of a single-axis swing should extend a minimum of 6 feet from the perimeter of the swing. This 6-foot zone may overlap that of an adjacent swing structure or other playground equipment structure.

#### 5.3.8.4 Multi-axis (tire) swings

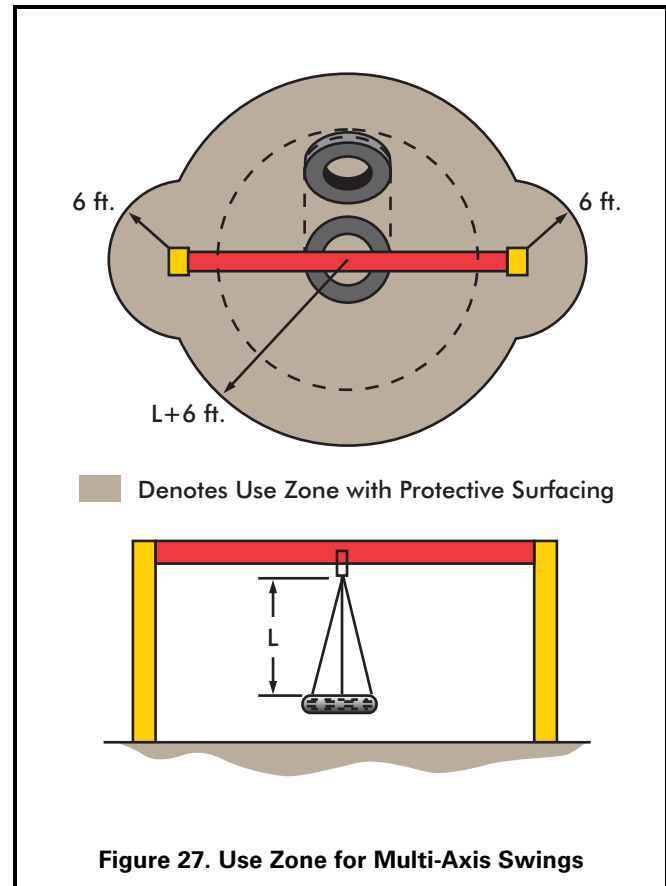
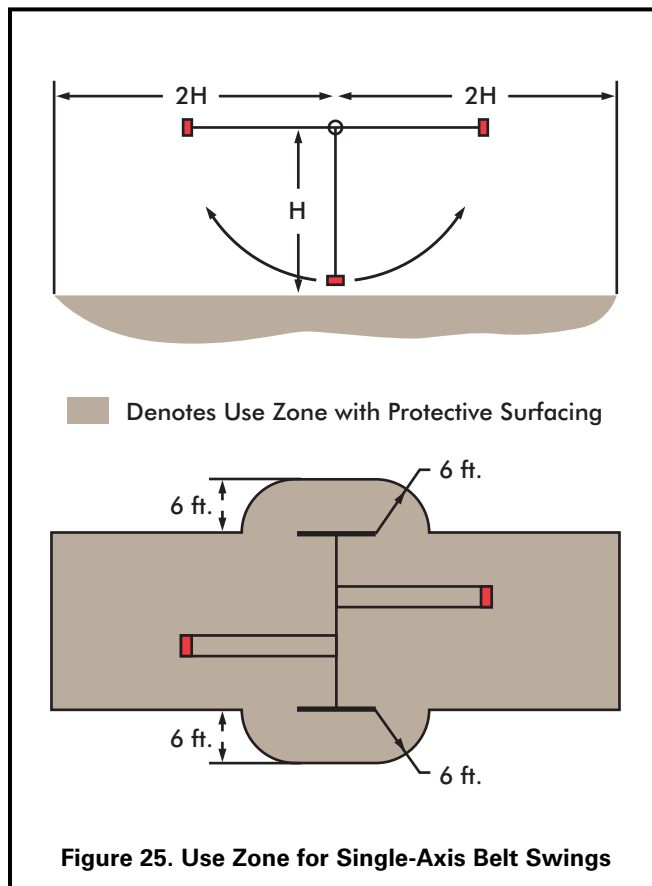
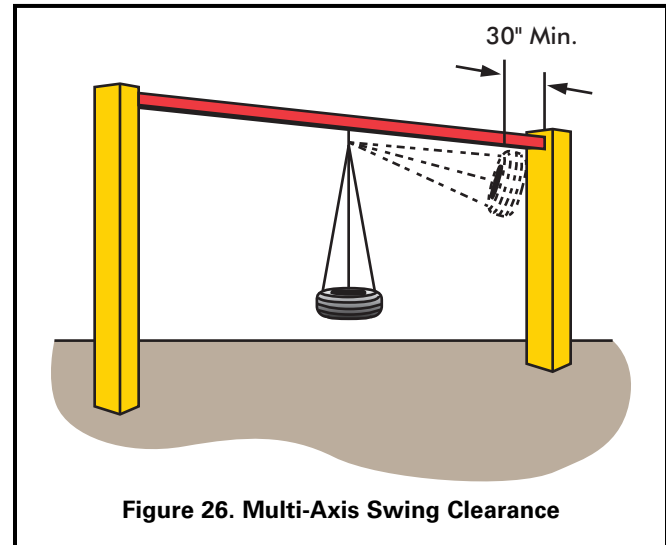
Tire swings are usually suspended in a horizontal orientation using three suspension chains or cables connected to a single swivel mechanism that permits both rotation and swinging motion in any axis.

- A multi-axis tire swing should not be suspended from a structure having other swings in the same bay.
- Attaching multi-axis swings to composite structures is not recommended.

- To minimize the hazard of impact, heavy truck tires should be avoided. Further, if steel-belted radials are used, they should be closely examined to ensure that there are no exposed steel belts or wires that could be a potential protrusion or laceration hazard. Plastic materials can be used as an alternative to simulate actual automobile tires. Drainage holes should be provided in the underside of the tire.
- Pay special attention to maintenance of the hanger mechanism because the likelihood of failure is higher for tire swings due to the added stress of rotational movement and multiple occupants.
- The hanger mechanisms for multi-axis tire swings should not have any accessible crush points.
- The minimum clearance between the seating surface of a tire swing and the uprights of the supporting structure should be 30 inches when the tire is in a position closest to the support structure (Figure 26).
- The minimum clearance between the bottom of the seat and the protective surface should not be less than 12 inches.

#### 5.3.8.4.1 Multi-axis swing use zones

- The use zone should extend in any direction from a point directly beneath the pivot point for a minimum distance of 6 feet plus the length of the suspending members (see Figure 27). This use zone should never overlap the use zone of any other equipment.



- The use zone should extend a minimum of 6 feet from the perimeter of the supporting structure. This 6-foot zone may overlap that of an adjacent swing structure or other playground equipment structure.

#### 5.3.8.5 Protrusions on suspended members of swing assemblies

Protrusions on swings are extremely hazardous because of the potential for impact incidents. Nothing, including bolts or other parts, on the front, back, or underside of a swing should stick out more than 1/8 of an inch. See test procedures in Appendix B.

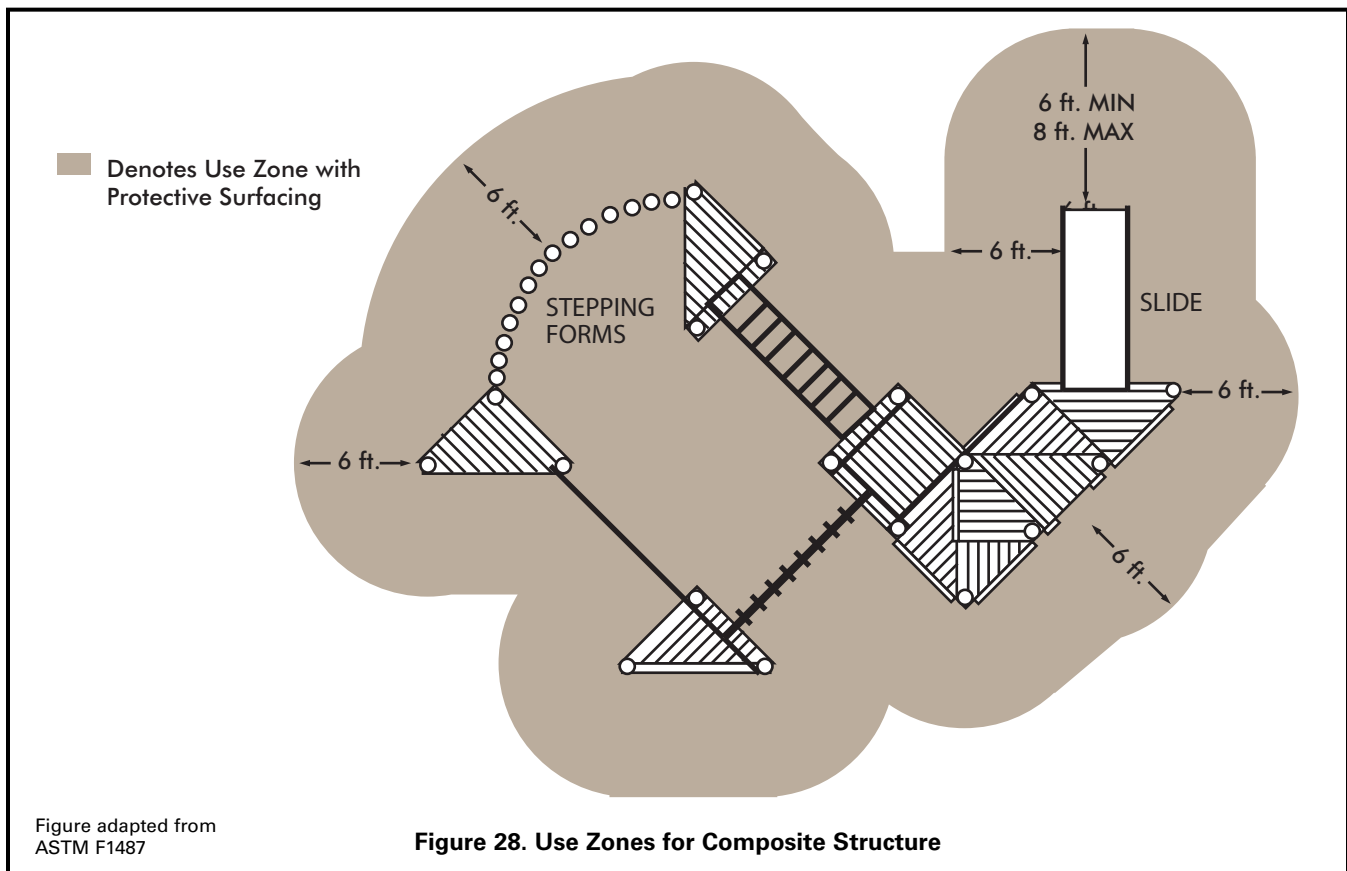
#### 5.3.9 Fall height and use zones for composite structure

When two or more complementary play components are linked together in a composite structure (e.g., combination climber, slide, and horizontal ladder), the use zone should extend a minimum of 6 feet from the external perimeter of the structure (see Figure 28). Where slides are attached to a platform higher than 6 feet from the protective surfacing, the use zone may need to extend further in front of the slide (see §5.3.6.5).

#### 5.3.10 Fall height and use zones not specified elsewhere

Most playground equipment belongs in one of the categories listed above. If it does not, the following general recommendations should be applied:

- The fall height of a piece of playground equipment is the distance between the highest designated playing surface and the protective surface beneath it.
- The use zone should extend a minimum of 6 feet in all directions from the perimeter of the equipment.
- The use zones of two stationary pieces of playground equipment that are positioned adjacent to one another may overlap if the adjacent designated play surfaces of each structure are no more than 30 inches above the protective surface and the equipment is at least 6 feet apart.
- If adjacent designated play surfaces on either structure exceed a height of 30 inches, the minimum distance between the structures should be 9 feet.
- Use zones should be free of obstacles.



## APPENDIX A: SUGGESTED GENERAL MAINTENANCE CHECKLISTS

### Surfacing (§2.4)

- ☐ Adequate protective surfacing under and around the equipment.
  - ☐ Install/replace surfacing
- ☐ Surfacing materials have not deteriorated.
  - ☐ Replace surfacing
  - ☐ Other maintenance: \_\_\_\_\_
- ☐ Loose-fill surfacing materials have no foreign objects or debris.
  - ☐ Remove trash and debris
- ☐ Loose-fill surfacing materials are not compacted.
  - ☐ Rake and fluff surfacing
- ☐ Loose-fill surfacing materials have not been displaced under heavy use areas such as under swings or at slide exits.
  - ☐ Rake and fluff surfacing

### Drainage (§2.4)

- ☐ The entire play area has satisfactory drainage, especially in heavy use areas such as under swings and at slide exits.
  - ☐ Improve drainage
  - ☐ Other maintenance: \_\_\_\_\_

### General Hazards

- ☐ There are no sharp points, corners or edges on the equipment (§3.4).
- ☐ There are no missing or damaged protective caps or plugs (§3.4).
- ☐ There are no hazardous protrusions (§3.2 and Appendix B).
- ☐ There are no potential clothing entanglement hazards, such as open S-hooks or protruding bolts (§2.5.2, §3.2, §5.3.8.1 and Appendix B).
- ☐ There are no crush and shearing points on exposed moving parts (§3.1).
- ☐ There are no trip hazards, such as exposed footings or anchoring devices and rocks, roots, or any other obstacles in a use zone (§3.6).

### NOTES:

DATE OF INSPECTION:

### Security of Hardware (§2.5)

- ☐ There are no loose fastening devices or worn connections.
  - ☐ Replace fasteners
  - ☐ Other maintenance: \_\_\_\_\_
- ☐ Moving parts, such as swing hangers, merry-go-round bearings, and track rides, are not worn.
  - ☐ Replace part
  - ☐ Other maintenance: \_\_\_\_\_

### Durability of Equipment (§2.5)

- ☐ There are no rust, rot, cracks, or splinters on any equipment (check carefully where it comes in contact with the ground).
- ☐ There are no broken or missing components on the equipment (e.g., handrails, guardrails, protective barriers, steps, or rungs).
- ☐ There are no damaged fences, benches, or signs on the playground.
- ☐ All equipment is securely anchored.

### Leaded Paint (§2.5.4)

- ☐ Paint (especially lead paint) is not peeling, cracking, chipping, or chalking.
- ☐ There are no areas of visible leaded paint chips or accumulation of lead dust.
  - ☐ Mitigate lead paint hazards

### General Upkeep of Playgrounds (§4)

- ☐ There are no user modifications to the equipment, such as strings and ropes tied to equipment, swings looped over top rails, etc.
  - ☐ Remove string or rope
  - ☐ Correct other modification
- ☐ The entire playground is free from debris or litter such as tree branches, soda cans, bottles, glass, etc.
  - ☐ Clean playground
- ☐ There are no missing trash receptacles.
  - ☐ Replace trash receptacle
- ☐ Trash receptacles are not full.
  - ☐ Empty trash

INSPECTION BY:

## Routine Inspection and Maintenance Issues

- ☐ Broken equipment such as loose bolts, missing end caps, cracks, etc.
- ☐ Broken glass & other trash
- ☐ Cracks in plastics
- ☐ Loose anchoring
- ☐ Hazardous or dangerous debris
- ☐ Insect damage
- ☐ Problems with surfacing
- ☐ Displaced loose-fill surfacing (see Section 4.3)
- ☐ Holes, flakes, and/or buckling of unitary surfacing
- ☐ User modifications (such as ropes tied to parts or equipment rearranged)
- ☐ Vandalism
- ☐ Worn, loose, damaged, or missing parts
- ☐ Wood splitting
- ☐ Rusted or corroded metals
- ☐ Rot

## APPENDIX B: PLAYGROUND TESTING

### B.1 Templates, Gauges, and Testing Tools

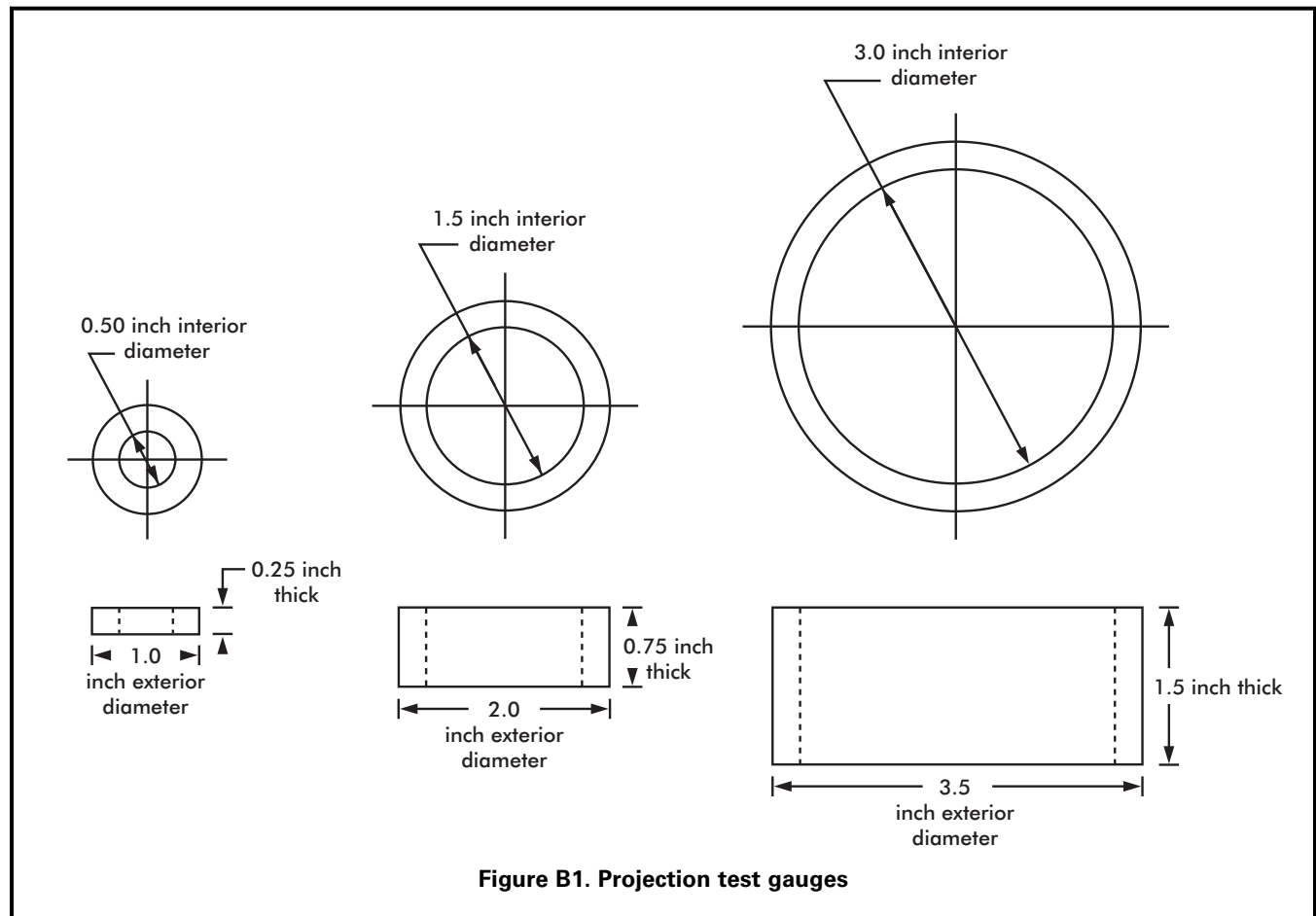


Figure B1. Projection test gauges

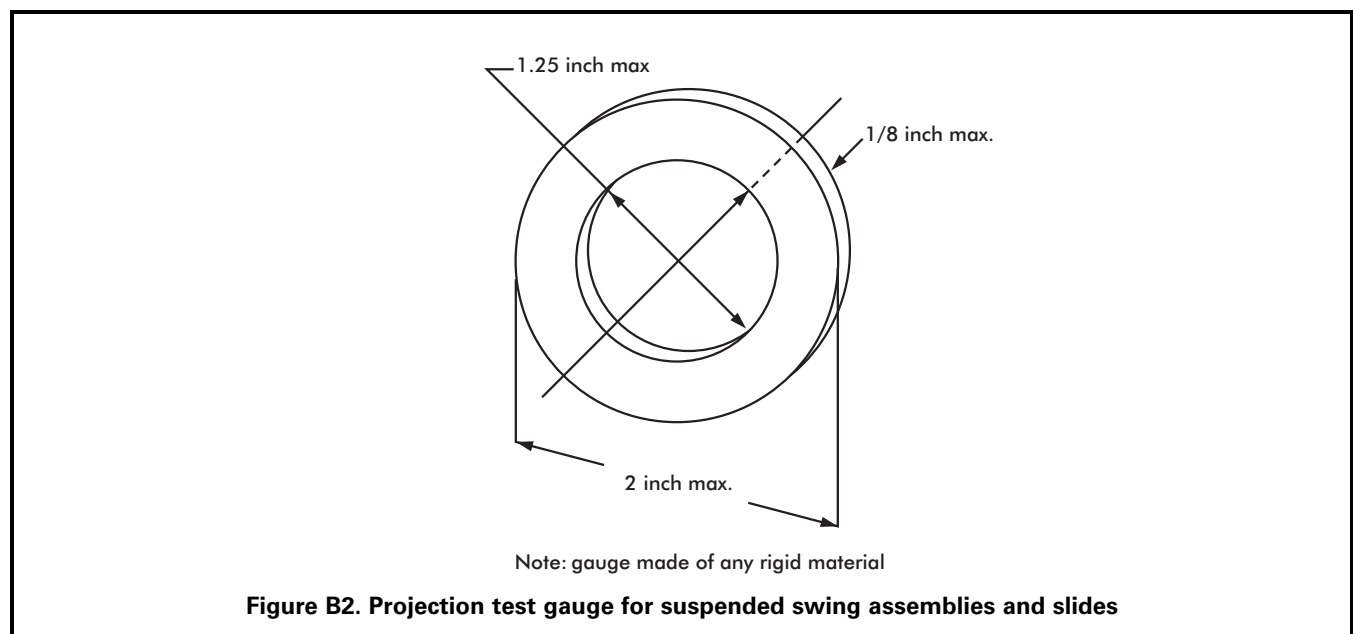


Figure B2. Projection test gauge for suspended swing assemblies and slides

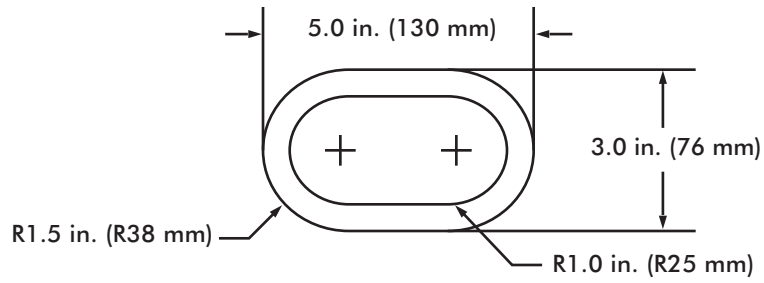


Figure B3. Toddler small torso template

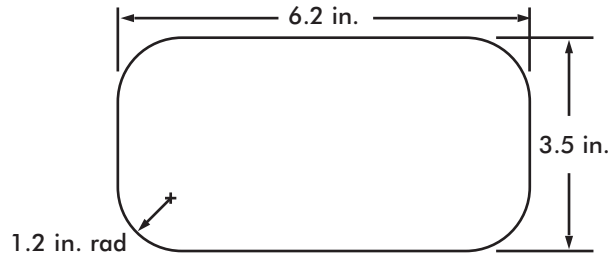


Figure B4. Preschool- and school-age small torso template

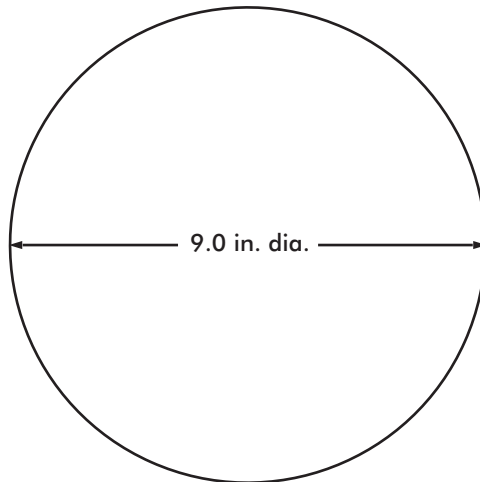


Figure B5. Large head template

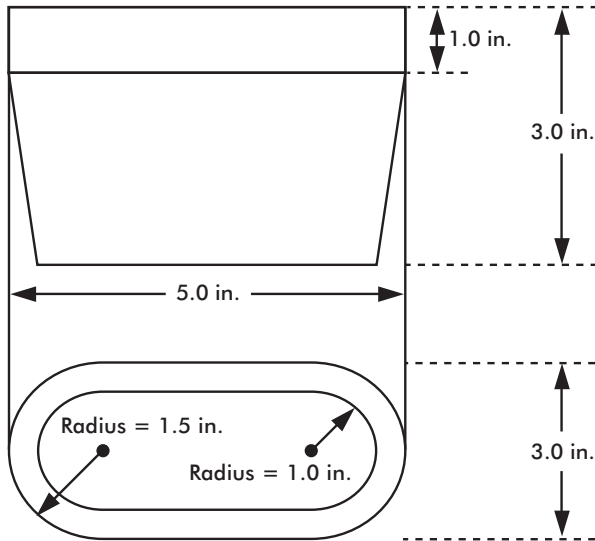


Figure B6. Toddler small torso probe

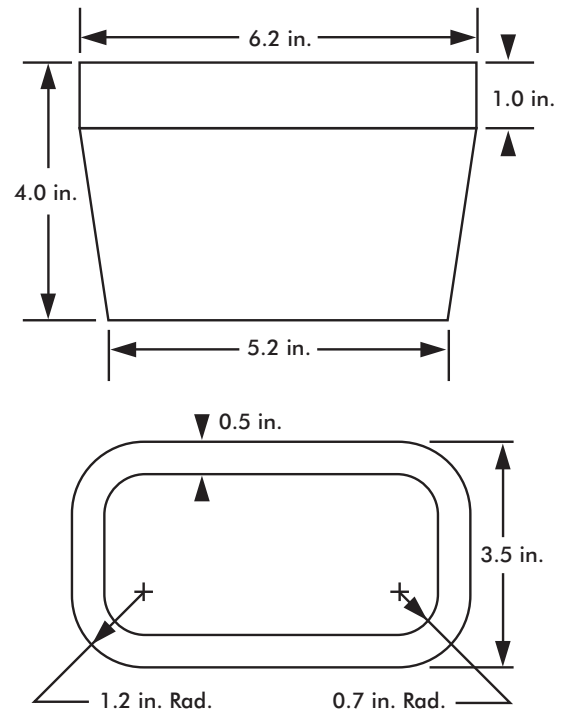


Figure B7. Preschool- and school-age small torso probe

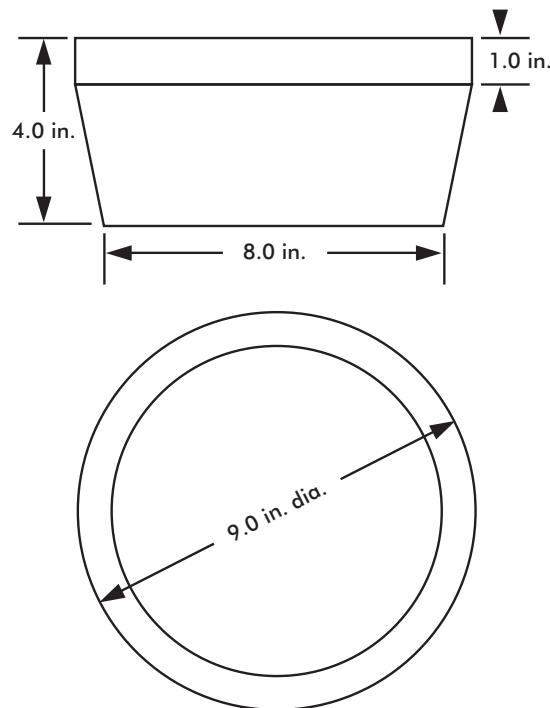


Figure B8. Large head probe

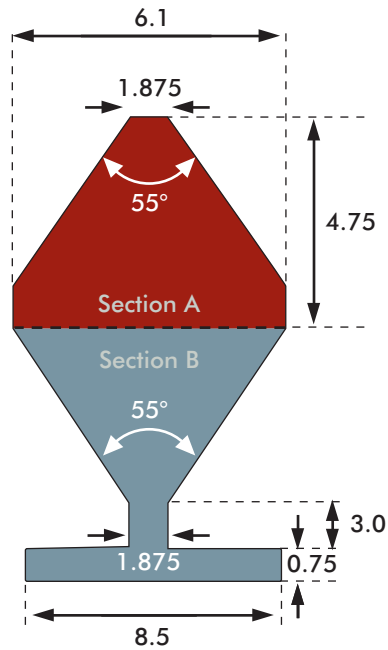


Figure B9. Preschool/School-age partially bound probe (dimensions in inches, template is 0.75 inches thick)

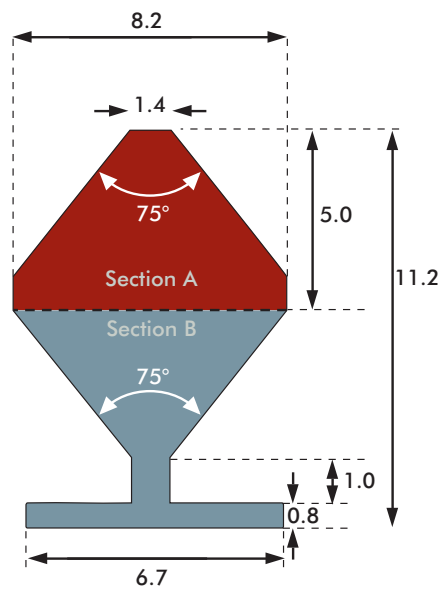


Figure B10. Toddler partially bound probe (dimensions in inches, template is 0.60 inches thick)

## APPENDIX B: PLAYGROUND TESTING

### B.2 Test Methods

#### B.2.1 Determining whether a projection is a protrusion

##### B.2.1.1 Test procedure

Step 1: Successively place each projection test gauge (see Figure B1) over any projection

Step 2: Visually determine if the projection penetrates through the hole and beyond the face of the gauge (see Figure B11 below).

**Pass:** A projection that does not extend beyond the face of the gauge passes.

**Fail:** A projection that extends beyond the face of any one of the gauges is considered a hazardous protrusion and should be eliminated.

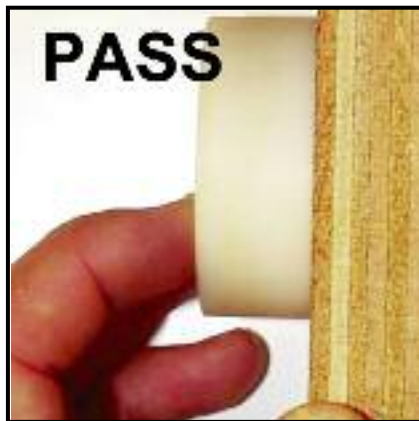


**Figure B11. Determining whether a projection is a protrusion**

#### B.2.2 Projections on suspended members of swing assemblies

Given the potential for impact incidents, projections on swings can be extremely hazardous. A special test gauge (see Figure B2) and procedure are recommended. When tested, no bolts or components in the potential impact region on suspended members should extend through the hole beyond the face of the gauge.

##### B.2.2.1 Test procedure

Step 1: Hold the gauge (Figure B2) vertically with the axis through the hole parallel to the swing's path of travel.

Step 2: Place the gauge over any projections that are exposed during the swing's path of travel.

Step 3: Visually determine if the projection penetrates through the hole and beyond the face of the gauge.

**Pass:** A projection that does not extend beyond the face of the gauge passes.

**Fail:** A projection that extends beyond the face of the gauge is considered a hazardous protrusion and should be eliminated.

#### B.2.3 Projections on slides

To minimize the likelihood of clothing entanglement on slides, projections that (1) fit within any one of the three gauges shown in Figure B1 and (2) have a major axis that projects away from the slide bed should not have projections greater than 1/8 inch perpendicular to the plane of the surrounding surface (Figure B12).

##### B.2.3.1 Test procedure

Step 1: Identify all projections within the shaded area shown in Figure B13.

Step 2: Determine which, if any, fit inside the projection test gauges (Figure B1).

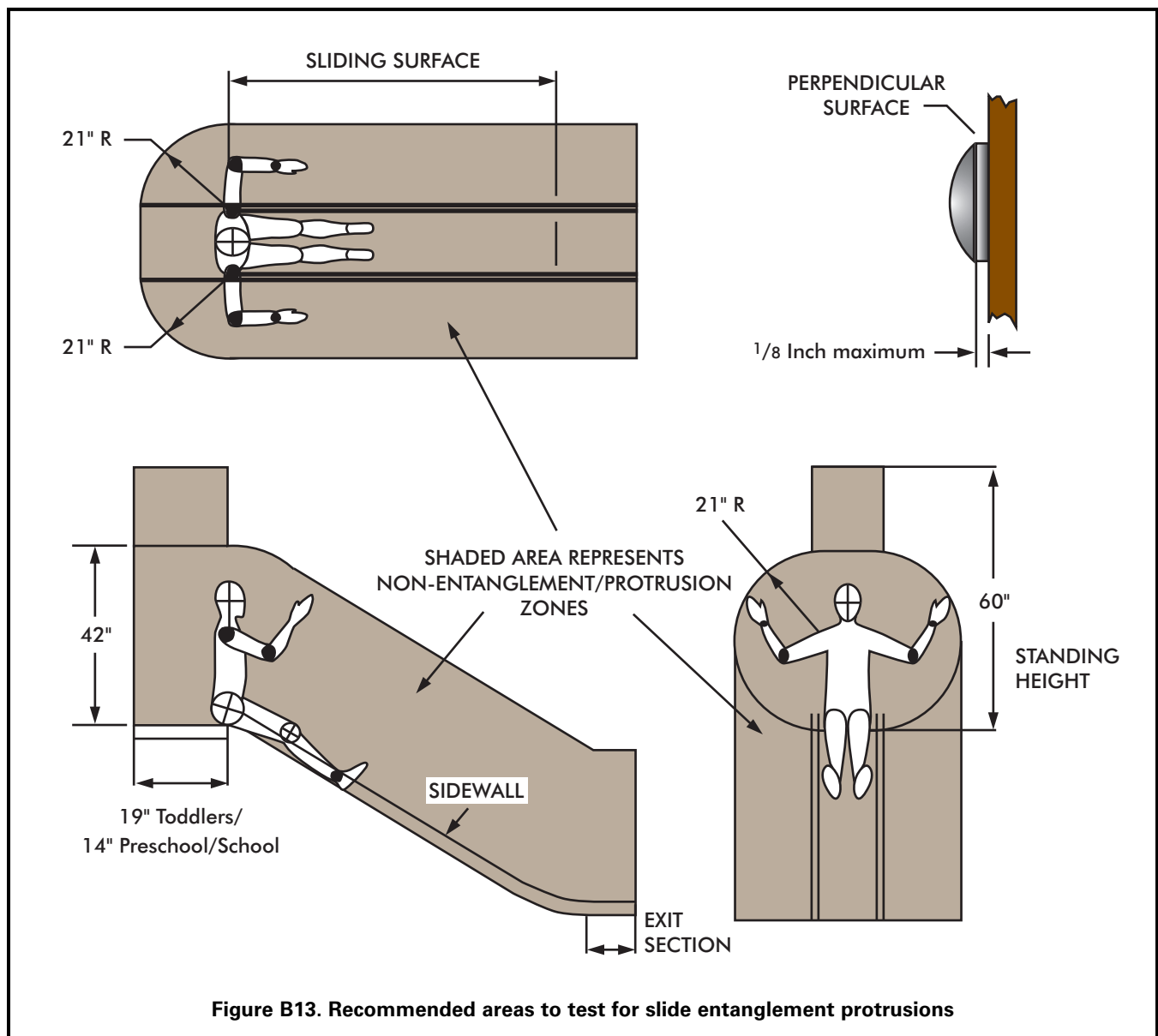
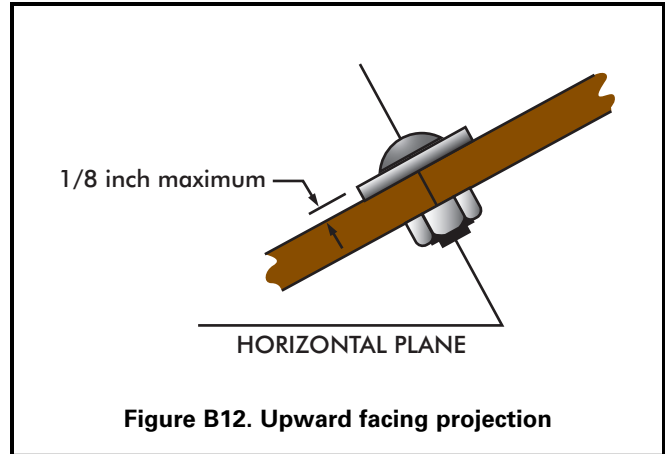
Step 3: Place the swing and slide projection gauge (Figure B2) next to the projection to check the height of the projection.

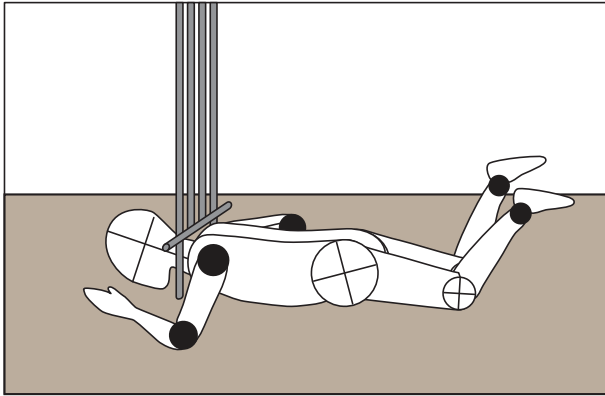
Step 4: Visually determine if the projection extends beyond the face of the slide projection gauge.

**Pass:** A projection that does not extend beyond the face of the gauge passes.

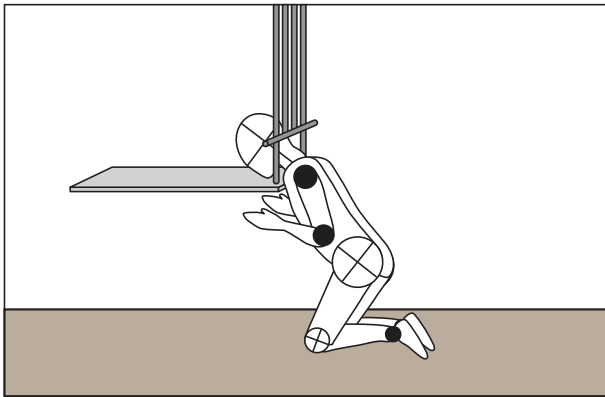
**Fail:** A projection that extends beyond the face of the gauge is considered a hazardous protrusion and should be eliminated.

*NOTE: This test procedure is not applicable to the underside of a slide chute. For a slide chute with a circular cross section, the portion of the underside not subject to this projection recommendation is shown in Figure 18. The general recommendations for projections in §B.2.1 are applicable to the underside of the slide.*

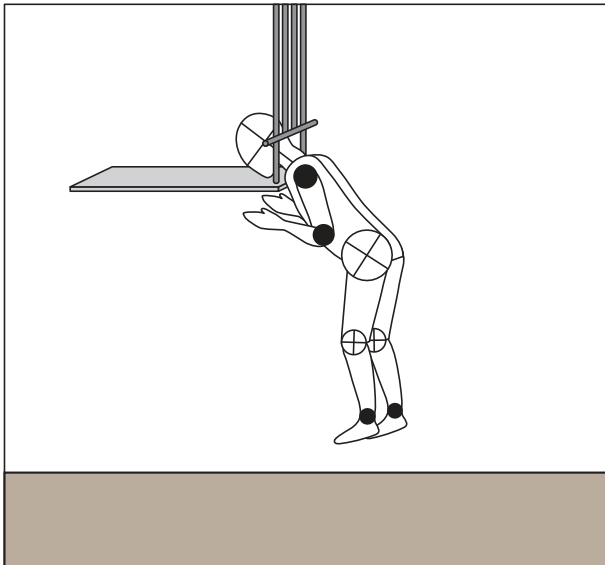




Ground-bounded: Not subject to entrapment recommendations.



Low entrapment



High entrapment

**Figure B14. Examples of completely bounded openings**

## B.2.4 Entrapment

### B.2.4.1 General

Any completely-bounded opening (Figure B14) that is not bounded by the ground may be a potential head entrapment hazard. Even those openings which are low enough to permit a child's feet to touch the ground present a risk of strangulation to an entrapped child, because younger children may not have the necessary intellectual ability and motor skills to withdraw their heads, especially if scared or panicked. An opening may present an entrapment hazard if the distance between any interior opposing surfaces is greater than 3.5 inches and less than 9 inches. If one dimension of an opening is within this potentially hazardous range, all dimensions of the opening should be considered together to fully evaluate the possibility of entrapment. The most appropriate method to determine whether an opening is hazardous is to test it using the following fixtures, methods, and performance criteria.

These recommendations apply to all playground equipment, i.e., toddler, preschool-age, and school-age children. Fixed equipment as well as moving equipment (in its stationary position) should be tested for entrapment hazards. There are two special cases for which separate procedures are given: (1) completely-bounded openings where depth of penetration is a critical issue (see Figure B15) and (2) openings formed by flexible climbing components.

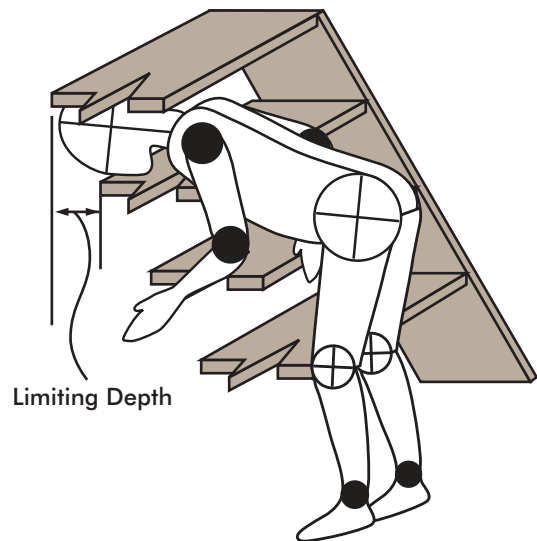


**Figure B15. Completely bounded opening with limited depth**

## B.2.5 Test fixtures

Two templates are required to determine if completely bounded openings in rigid structures present an entrapment hazard. These templates can easily be fabricated from cardboard, plywood, or sheet metal.

### B.2.5.1 Small torso template

The dimensions (see Figure B3 and Figure B4) of this template are based on the size of the torso of the smallest user at risk (5th percentile 6-month-old child for Figure B3 and 2-year-old child for Figure B4). If an opening is too small to admit the template, it is also too small to permit feet first entry by a child. Because children's heads are larger than their torsos, an opening that does not admit the small torso template will also prevent head first entry into an opening by a child.

### B.2.5.2 Large head template

The dimensions (see Figure B5) of this template are based on the largest dimension on the head of the largest child at risk (95th percentile 5-year-old child). If an opening is large enough to permit free passage of the template, it is large enough to permit free passage of the head of the largest child at risk in any orientation. Openings large enough to permit free passage of the large head template will not entrap the chest of the largest child at risk.

### B.2.5.3 Completely bounded openings with unlimited depth

#### B.2.5.3.1 Test procedure

- Step 1: Select the appropriate small torso template based on the intended users of the playground (Figure B3 for toddler playgrounds, Figure B4 for preschool- and school-age playgrounds).
- Step 2: Identify all completely bounded openings.
- Step 3: Attempt to place the small torso template in the opening with the plane of the template parallel to the plane of the opening. While keeping it parallel to the plane of the opening, the template should be rotated to its most adverse orientation (i.e., major axis of template oriented parallel to the major axis of the opening.)

- Step 4: Determine if the small torso template can freely pass through the opening.

No: **Pass.** Stop

Yes: Continue



- Step 5: Place the large head template in the opening, again with the plane of the template parallel to the plane of the opening, and try to insert it through the opening.

**Pass:** The large head template can be freely inserted through the opening

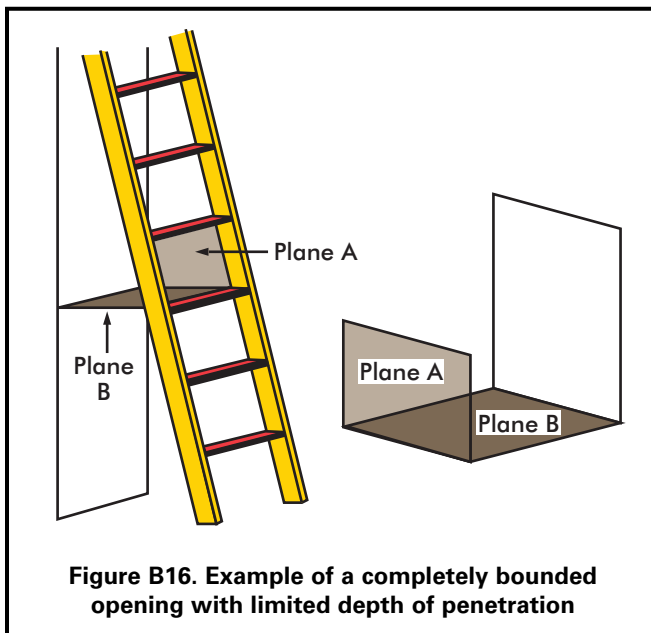
**Fail:** The opening admits the small torso template but does not admit the large head template.



#### B.2.5.4 Completely bounded openings with limited depth of penetration

The configuration of some openings may be such that the depth of penetration is a critical issue for determining the entrapment potential. For example, consider a vertical wall or some other barrier behind a step ladder. The entrapment potential depends not only on the dimensions of the opening between adjacent steps but also on the horizontal space between the lower boundary of the opening and the barrier. A child may enter the opening between adjacent steps feet first and may proceed to pass through the space between the rear of the lower step and the barrier and become entrapped when the child's head is unable to pass through either of these two openings. In effect, there are openings in two different planes, and each has the potential for head entrapment and should be tested.

Figure B16 illustrates these two planes for a step ladder as well as for a generic opening. Plane A is the plane of the completely bounded opening in question, and Plane B is the plane of the opening encompassing the horizontal space between the lower boundary of the opening in Plane A and the barrier that should also be tested for entrapment hazards.



##### B.2.5.4.1 Test procedure

Step 1: Select the appropriate small torso template based on the intended users of the playground (Figure B3 for toddler playgrounds, Figure B4 for preschool-age and school-age playgrounds).

Step 2: Identify all completely bounded openings with limited depth of penetration.

Step 3: Place the small torso template in the opening in Plane A with its plane parallel to Plane A; rotate the template to its most adverse orientation with respect to the opening while keeping it parallel to Plane A.

Step 4: Determine if the opening in Plane A admits the small torso template in any orientation when rotated about its own axis.

**No: Pass.** The opening is small enough to prevent either head first or feet first entry by the smallest user at risk and is not an entrapment hazard.

**Yes:** Continue.

Step 5: Place the small torso template in the opening in Plane B with its plane parallel to Plane B; rotate the template to its most adverse orientation with respect to the opening while keeping it parallel to Plane B.

Step 6: Determine if the opening in Plane B admits the small torso template.

**No: Pass.** The depth of penetration into the opening in Plane A is insufficient to result in entrapment of the smallest user at risk.

**Yes:** Continue.

Step 7: Place the large head template (Figure B5) in the opening in Plane A with its plane parallel to Plane A. Determine if the opening in Plane A admits the large head template.

**No: Fail.** A child, whose torso can enter the opening in Plane A as well as the opening in Plane B, may become entrapped by the head in the opening in Plane A.

**Yes:** Continue.

Step 8: With the plane of the large head template parallel to the opening in Plane B, determine if the opening in Plane B admits the large head template.

**No: Fail.** The largest user at risk cannot exit the opening in Plane B.

**Yes: Pass.** The openings in Plane A and Plane B do not pose an entrapment risk.

### B.2.5.5 Flexible openings

Climbing components such as flexible nets are also a special case for the entrapment tests because the size and shape of openings on this equipment can be altered when force is applied, either intentionally or simply when a child climbs on or falls through the openings. Children are then potentially at risk of entrapment in these distorted openings.

The procedure for determining conformance to the entrapment recommendations for flexible openings requires two three-dimensional test probes which are illustrated in Figure B6, Figure B7, and Figure B8 are applied to an opening in a flexible component with a force of up to 50 pounds.

#### B.2.5.5.1 Test procedure

- Step 1: Select the appropriate small torso template based on the intended users of the playground (Figure B3 for toddler playgrounds, Figure B4 for preschool-age and school-age playgrounds).
- Step 2: Identify all completely bounded openings with flexible sides.
- Step 3: Place the small torso probes (Figures B6 and B7) in the opening, tapered end first, with the plane of its base parallel to the plane of the opening.
- Step 4: Rotate the probe to its most adverse orientation (major axis of probe parallel to major axis of opening) while keeping the base parallel to the plane of the opening.
- Step 5: Determine if the probe can be pushed or pulled completely through the opening by a force no greater than 30 pounds on toddler playgrounds or 50 pounds on preschool-age and school-age playgrounds.

No: Pass. Stop

Yes: Continue.



Step 6: Place the large head probe (Figure B8) in the opening with the plane of its base parallel to the plane of the opening.

Step 7: Determine if the large head probe can be pushed or pulled completely through the opening by a force no greater than 30 pounds on toddler playgrounds or 50 pounds on preschool-age and school-age playgrounds.

Yes: Pass. Stop.



No: Fail.



### B.2.5.6 Partially bound openings

A partially bound opening is any opening which has at least one side or portion open, such as a U- or V-shaped opening. These openings can still pose an entrapment hazard by allowing the neck to enter but not allowing the head to slip out. A partially bound opening can be any part of the playground equipment where a child could get his or her neck caught, so it includes not only two- or three-sided openings, but also areas of large openings (large enough for the head template to enter) that have the characteristics that can entrap a child's neck. Several examples outlines of this situation are shown in the figures below. Openings that have an outline similar to these figures are often found when two parts of a playground meet, for example, the top of a slide and the side of a guardrail.

Identifying partially bound openings varies depending on the age range of the playground. Openings that should be tested include any opening where:

For toddlers:

- The perimeter of the opening is not closed
- The lowest leg of the opening is tilted upward (i.e. above horizontal) or 45 degrees below horizontal.

For preschool- and school-age:

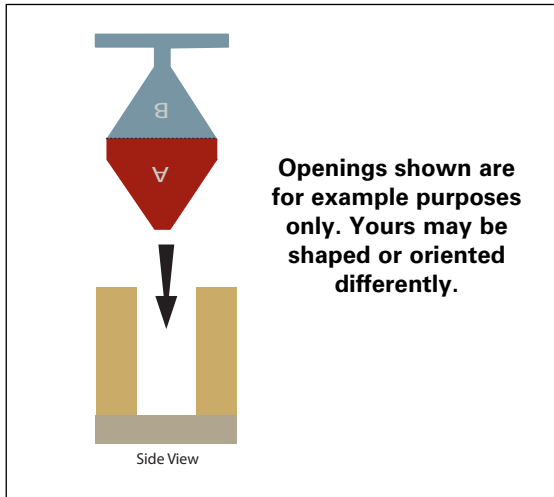
- The perimeter of the opening is not closed
- The lowest leg of the opening is tilted upward (i.e. above horizontal)



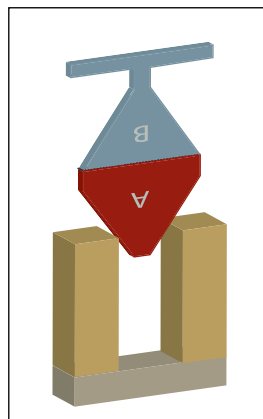
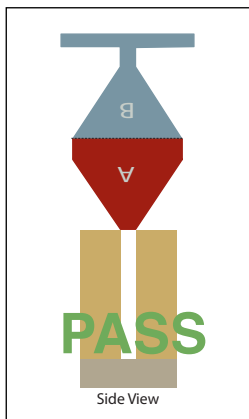
**Examples of partially bound openings. Note, these examples are intended to illustrate the principle of partially bound openings and may or may not require testing.**

**B.2.5.6.1 Test procedure**

- Step 1: Select the appropriate Partially Bound Template based on the intended users of the playground (Figure B10 for toddler playgrounds, Figure B9 for preschool and school-age playground).
- Step 2: Identify partially bound openings.
- Step 3: Align the template so that the face of the template is parallel to the plane of the opening and the narrow tip of the A section is pointing toward the opening.



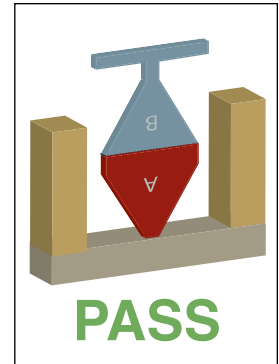
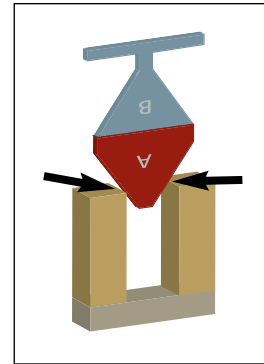
- Step 4: Insert the A portion of the template into the opening following the centerline of the opening.
- Step 5: Once inserted as far as possible, determine if there is simultaneous contact between the sides of the opening and both of the top corners at the narrow tip of section A.

**Yes:** Pass. Stop**No:** continue

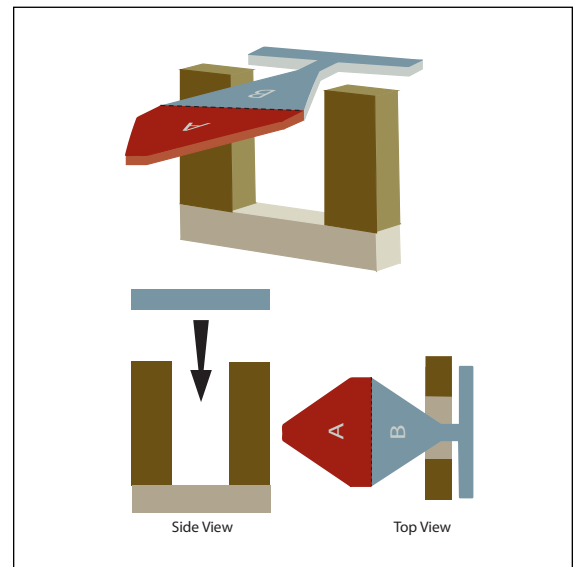
- Step 6: While still inserted as far as possible, determine if there is simultaneous contact between both of the angled sides of section A and the sides of the opening.

**Yes:** Note the points on the sides of opening where contact was made and continue

**No:** Pass. The narrow tip should be resting on the lower boundary of the opening with no contact with the sides of the opening. Stop



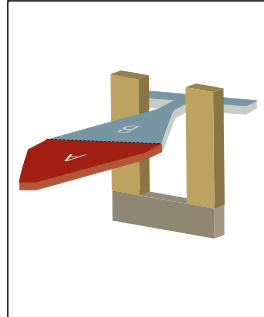
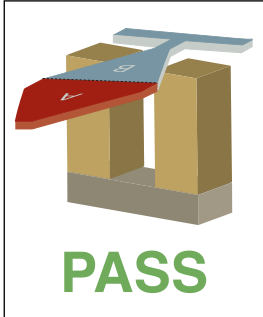
- Step 7: Remove the template and turn the template so that the face of the template is perpendicular to the opening.
- Step 8: Following the plane of the opening, insert the B portion of the template into the opening so that the narrow part of the B portion is between the sides of the opening.



Step 9: Once inserted as far as possible, determine if the B portion is completely past the points where contact was made on the sides of the opening with the A portion.

**No:** Pass. Stop

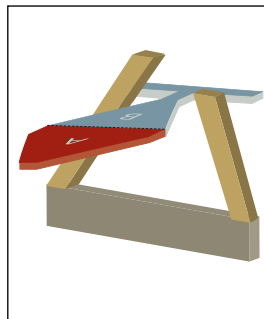
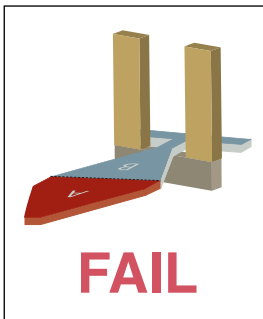
**Yes:** Toddlers:  
Fail. Stop  
  
Preschool and  
School-age:  
Continue



Step 10: Determine if the B portion can reach a point where the opening increases in size.

**No:** Fail. Stop

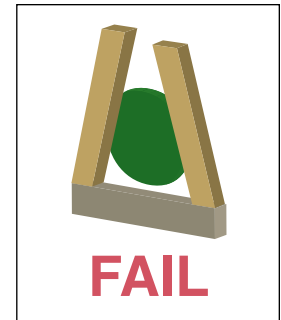
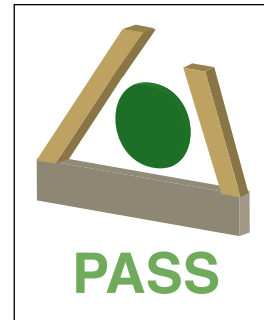
**Yes:** continue



Step 11: Determine if the Large Head Template passes freely through the larger opening.

**Yes:** Pass

**No:** Fail



U.S. CONSUMER PRODUCT  
SAFETY COMMISSION

4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER



## TECHNICAL SUPPORT AGREEMENT

Agreement Number:

Proposal Date: 2/10/25

By and Between:

**Modular Mechanical Service**  
5860 Belle Isle Rd  
Syracuse, NY 13209

**E911 Cortland**  
**22 West Cort St**  
**Cortland, NY 13045**

This proposal is firm for thirty (30) days and shall include the Terms and Conditions and Schedules attached herein:

- Schedule A – Type of Service Plan
- Schedule B – List of Serviced Equipment
- Schedule C – Maintenance Schedule
- Schedule D – Miscellaneous Conditions
- Schedule E – Charges, Rates and Pricing Terms

### Scope of Services:

**Semi Annual** test and inspection, maintenance, technical support (as listed on attached Schedules A and B) located at: 22 West Cort St

### Term:

This agreement shall commence upon the approval of this document and shall continue for a term of **one (1) year** specifically between **3/1/25 and 2/28/26**.

### Charges:

This agreement shall be billed in advance yearly (as detailed in Schedule E) and is due upon Client's receipt of invoice. The annual charge is:

Annual Charge: **\$11,208.00**

\* Excluding Taxes

### **Modular Mechanical Service**

Submitted By:

**Vito Rizzo**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Service Manager**

\_\_\_\_\_  
Title

### **CLIENT**

Approved By:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

# TERMS AND CONDITIONS

## 1.0 General Provisions:

- 1.1 Unless stated otherwise, the services provided under this agreement shall be provided during MMS's normal business hours. Normal business hours are Monday through Friday, 8:00 A.M. to 5:00 P.M. inclusive, excluding holidays.
- 1.2 The Client shall provide reasonable means of access to the equipment being serviced. MMS shall not be responsible for any removal, replacement, or refinishing of the building structure, if required to gain access to the equipment. MMS shall be permitted to start and stop all equipment necessary to perform the services herein described as arranged with the Client's representative.
- 1.3 This agreement, when accepted in writing by the Client and approved by an authorized MMS representative, shall constitute the entire agreement between the two (2) parties.

## 2.0 Charges:

- 2.1 For services not covered by this agreement, but performed by MMS upon the Client's authorization, the Client agrees to pay MMS upon presentation of itemized invoice(s) at the rates detailed in Schedule E of this agreement.
- 2.2 If emergency service is requested by the Client and inspection does not reveal any defect for which MMS is liable under this agreement, the Client will be charged at the rates detailed in Schedule E of this agreement.
- 2.3 Unless otherwise specified, this agreement will commence on the date indicated for the term of **one (1)** year(s) and shall continue from year to year until terminated. Either party may terminate this agreement by giving written notice to the other no later than thirty (30) days prior to the anniversary date. The agreement price may be adjusted on its anniversary date based on prevailing labor and material costs.

## 3.0 Limitations of Liability:

- 3.1 MMS shall not be liable for any loss, delay, injury, or damage that may be caused by circumstances beyond its control including, but not restricted to; acts of God, war, civil commotion, acts of government, fire, theft, corrosion, floods, lightning strikes, freezes, strikes, lockouts, differences with workmen, riots, explosions, quarantine restrictions, delays in transportation, shortage of vehicles, fuel, labor or materials, or malicious mischief. IN NO EVENT SHALL MMS BE LIABLE FOR BUSINESS INTERRUPTION, LOSSES, OR CONSEQUENTIAL OR SPECULATIVE DAMAGES.
- 3.2 MMS shall not be required to make safety tests, install new devices, or make modifications to any equipment to comply with recommendations or directives of insurance companies, governmental bodies, or for other reasons not specifically detailed in this agreement.
- 3.3 MMS shall not be required to make replacements or repairs necessitated by reason of negligence, abuse, misuse, or by reason of any other cause beyond its control except ordinary wear and tear in cases where MMS has a Full Maintenance Contract or Parts Included Contract.
- 3.4 The agreement pre-supposes that all equipment is in satisfactory working order. MMS will inspect the equipment within thirty (30) days of when the agreement takes effect and will advise the Client of any equipment found to be in need of repair. MMS will provide the Client with a written estimate of the cost of repairs. If the Client does not authorize MMS to make the repairs or if the Client does not have the work performed, the equipment will be eliminated from coverage and the agreement price will be adjusted. There may be some equipment which, for reasons beyond MMS's control, cannot be inspected before this agreement takes effect. MMS will inspect such equipment on the first available visit.
- 3.5 The amount of any present or future sales, use, occupancy excise, or other tax (federal, state, or local) which MMS hereafter shall be obligated to pay, either on its own behalf or on the behalf of the Client or otherwise, with respect to the services and material covered by this agreement, shall be paid by the Client.
- 3.6 If the equipment or software included under this agreement is altered, modified, or changed by a party other than MMS, this agreement shall be modified to incorporate such changes and the agreement price shall be adjusted accordingly.
- 3.7 It is understood that the provisions of this agreement apply only to the systems and equipment covered herein. Repair or replacement of non-maintainable parts of the system such as ductwork, boiler shell and tubes, unit cabinets, boiler re-factory material, electrical wiring, hydronic and pneumatic piping, structural supports, etc., is not included under the agreement.
- 3.8 Following twelve (12) months of service or any time thereafter, if individual item(s) cannot, in MMS's opinion, be properly repaired on-site because of excessive wear or deterioration, MMS, Inc. may withdraw the item(s) from coverage upon ninety (90) days prior written notice.
- 3.9 This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of New York.

## TYPE OF SERVICE PLAN

### Preventative Maintenance Program

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#### Primary Services:

- ☒ **System and Service Review.** MMS will hold an **annual** formal review with your staff to discuss the services performed during the past year and to recommend improvements and options to enhance system performance, resolve operational problems, and to meet your changing needs and objectives.
- ☒ **Scheduled Maintenance.** Maintenance shall be performed per the attached Schedule B to optimize the system effectiveness. Scheduled maintenance visits will occur **two (2)** time(s) per year.
- ☒ **Telephone Support.** Technical experts will assist you, via the telephone, to identify and resolve operational problems.

## LIST OF SERVICED EQUIPMENT

Schedule B

The following **HVAC Equipment** shall be serviced by MMS under this agreement::

| <u>Equipment Type</u> | <u>Designated</u> | <u>Model Number</u> | <u>Serial Number</u> |
|-----------------------|-------------------|---------------------|----------------------|
|-----------------------|-------------------|---------------------|----------------------|

|                           |  |  |  |
|---------------------------|--|--|--|
| (2) Daikin VRV condensers |  |  |  |
| (18) indoor fan coils     |  |  |  |
| (2) RenewAire ERVs        |  |  |  |

Attachment: 2025 Modular contract (56-25 : Authorize HVAC Maintenance Contract - Emergency Response &amp; Communications)

# SCHEDULED MAINTENANCE

Schedule C

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## HVAC Equipment Service

Service visits will consist of **one visit** during each of the following month(s):  
**and October**

Daiken VRV Condensers: (two times a year)

- Coil cleaning as needed
- Meg compressors
- Check all electrical connections
- Check operation of the unit with the service checker

RenewAire units (two times a year)

- Change pre filters
- Check motors
- Check electrical connections
- Check unit operation

Daiken indoor fan coils: (two times a year)

- Clean coils as needed
- Check condensate drains
- Check all electrical connections
- Check operation with service checker
- Change filters

**Note:** All other maintenance or repair equipment provided at Client's cost.

**Special Conditions:**

This agreement excludes any internal controls associated with the individual HVAC equipment, such as factory installed and/or manufacturer supplied internal control modules.

# CHARGES, RATES AND PRICING TERMS

Schedule E

## Charges:

Payments will be made in **(12)** Monthly payment in the amount of: **\$934.00 \***

\*Excluding Taxes

## Rates:

The following list contains the Customer Preferred labor rates that shall be used for services, provided by MMS, that are requested by the Client for services not included in this agreement:

### **MMS Standard Mechanical Service Rate (Non-Service Contract Holder Rate)**

- Technician (M-F 8:00 A.M. to 5:00 P.M.) \$150.00 per hour
- Technician (After 5:00 P.M. & Saturday & Sunday) \$225.00 per hour
- Technician (Holidays) \$300.00 per hour

### **MMS Contract Holder Mechanical Service Rate**

- Technician (M-F 8:00 A.M. to 5:00 P.M.), \$140.00 per hour
- Technician (After 5:00 P.M. & Saturday & Sunday) \$210.00 per hour
- Technician (Holidays) \$280.00 per hour

## Pricing:

Additional parts and materials, requested by the Client, shall be available to the Client at a discount price.



## Personnel Change Justification Form

Requested Change: ☒ Abolish/Create ☐ Reallocation ☐ Abolish ☐ Create

Position Name (s): **Create** Social Welfare Examiner

**Abolish** Senior Case Aide

Bargaining Unit: CSEA

### Purpose and Background:

The day care program was covered by a Social Welfare Examiner (SWE) for years until late 2019 when the caseload dropped to be very low and the program had become very simplified. At that time, we needed to move the SWE position to a more complicated Temporary Assistance program and covered the work with a Case Aide and part of a Sr. SWE. In June 2022, we moved a Sr. Case Aide from another area to do the work as the caseload and program requirements were starting to increase. The work included relatively simple categorical and financial eligibility determinations. The program has ballooned in size going from 71 cases each month in 2020 to 207 cases in 2024. It has also increased in complexity with many program changes including changes to income criteria, types of activities covered for day care, how program closures and absences are counted/paid, how payments are made to providers, and how waiting lists are to be maintained when necessary. The increasing complexity makes the job duties fit more appropriately with the job title of SWE. The time to change this is now due to a retirement and vacancy in the Sr. Case Aide position.

Fiscal Impact: ☒ County Funded 35 % ☒ Grant Funded 65 % Grant Exp. Date \_\_\_\_\_

Current Grade/Salary of Position: Grade 10 Salary Range \$ 20.1738 - 25.5349

Requested Grade/Salary of Position: Grade 12 Salary Range \$ 21.4940 - 27.2060

Annual Increase: \$ 2,412 County Share: \$ 844 # of Positions Affected: 1

### Goals:

To provide program eligibility for the day care program with a staff person in a more appropriate title given the current work required.

Making this title a SWE provides us with more flexibility if we need to move staff between program areas due to staff turnover or other factors to ensure that we can meet case processing standards and regulatory time frames. This is essential as the day care caseload continues to increase and we need to have others cross-trained for back up purposes.

### Operational Impact:

At this time we do not anticipate additional staff being needed within this program area, despite the caseload nearly tripling since 2020. We believe we can maintain this caseload and meet program requirements with current supervisory oversight from both a Senior Social Welfare Examiner and Social Welfare Manager as well as this Social Welfare Examiner position.

Requested By:

\_\_\_\_\_  
Signature of Requesting Department Head

\_\_\_\_\_  
Date

Personnel Officer Approval

\_\_\_\_\_  
Signature of Personnel Officer

\_\_\_\_\_  
Date

### County Administrator Budget Impact Statement:

County Administrator Approval

\_\_\_\_\_  
Signature of County Administrator

\_\_\_\_\_  
Date

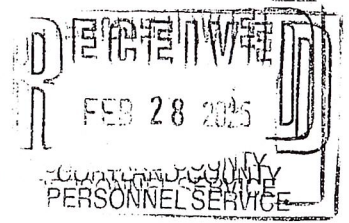
Statutory Committee Approval

\_\_\_\_\_  
Signature of Committee Chair after Committee Vote

\_\_\_\_\_  
Date



## Personnel Change Justification Form



Requested Change: ☐ Abolish/Create ☐ Reallocation ☐ Abolish ☒ Create

Position Name (s): Create Public Health Educator Part Time Abolish \_\_\_\_\_

Bargaining Unit: CSEA

### Purpose and Background:

New York State Department of Health is requesting an increase in personnel through the Cancer Services Program (CSP) grant we hold. This position would be part time, with no benefits and would be 100% grant funded.

Fiscal Impact: ☐ County Funded 0 % ☒ Grant Funded 100 % Grant Exp. Date 9/30/2028

Current Grade/Salary of Position: Grade 18 Salary Range \$ 26.3374-33.3363

Requested Grade/Salary of Position: Grade 18 Salary Range \$ 26.3374-33.3363

Annual Increase: \$ union contract County Share: \$ 0 # of Positions Affected: 1

### Goals:

This position will be responsible for eligibility and enrollment of clients and working with provider offices and strategic partners for referrals into the CSP program, and (daily, weekly and monthly) data entry

### Operational Impact:

This position would be part time, with no benefits and would be 100% grant funded, there is not a county share to this position.

Requested By:

[Signature]  
Signature of Requesting Department Head

2/27/2025

Date

Personnel Officer Approval

[Signature]  
Signature of Personnel Officer

2/28/25

Date

### County Administrator Budget Impact Statement:

County Administrator Approval

[Signature]  
Signature of County Administrator

3/4/2025

Date

Statutory Committee Approval

\_\_\_\_\_  
Signature of Committee Chair after Committee Vote

Date

Attachment: 2025-03-04\_Health\_Create\_PublicHealthEducator-PT (62-25 : Create Public Health Educator)