

**Organizational Legislature Meeting
January 4, 2024**

The Clerk of the Legislature, Lisa Stenshorn called the meeting to order at 4:30 p.m., followed by the Pledge to the Flag and the invocation. The Clerk called the roll. All Legislators were present in the Chambers: Allport, Draper, Eick, Fitzak, Johnson, Miller and Morgan. Also present was our County Treasurer Kimberly DeFrank, County Attorney Kathy Bogan along with many Department Heads and county resident.

The Clerk opened the floor for nominations for a Temporary Chairman of the Legislature.

Legislator Johnson moved that Legislator Eick be the Temporary Chairman. Legislator Fitzak seconded the motion. The Clerk asked if there were any other nominations. With everyone in favor of the motion, this motion was carried.

Temporary Chairman Eick asked for nominations for Chairman. Legislator Allport nominated Legislator Johnson as Chairman. Legislator Draper seconded the motion. Temporary Chairman Eick called for any other nominations. With no further nominations, Temporary Chairman Eick called for a roll call vote:

7 ayes: Allport, Draper, Eick, Fitzak, Johnson, Miller, and Morgan; 0 nays; 0 absent.

The motion for Legislator Johnson to be Chairman of the Orleans County Legislature was carried. Legislator Johnson was congratulated as being re-elected as the Chairman of the Orleans County Legislature.

Temporary Chairman Eick asked for nominations for Vice Chairman. Legislator Johnson made a motion to nominate Legislator Eick. Legislator Morgan seconded the motion. Temporary Chairman Eick called for any other nominations. With no further nominations, Temporary Chairman Eick called for a roll call vote:

7 ayes: Allport, Draper, Eick, Fitzak, Johnson, Miller, and Morgan; 0 nays; 0 absent.

The motion for Legislator Eick to be Vice Chairman of the Orleans County Legislature was carried. Legislator Eick was congratulated as being re-elected as the Vice Chairman of the Orleans County Legislature.

Temporary Chairman Eick turned the meeting over the newly re-elected Chairman Legislator Johnson.

A brief recess was called and Hon. Nadine P. Hanlon, Orleans County Clerk performed the oaths of office and the official book was signed by all of the Legislators.

The following resolutions were presented for adoption:

RESOLUTION NO. 1-124

APPOINTING CLERK OF THE LEGISLATURE

RESOLVED, that Lisa Stenshorn be appointed Clerk of the Legislature to serve during the pleasure of the Legislature, at Grade 6, Step 6 (40 hrs.) of the Management Salary Schedule.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 2-124

APPOINTING COUNTY ATTORNEY

RESOLVED, that Katherine Bogan be appointed County Attorney to act as the Attorney for the Orleans County Legislature, the County of Orleans, and the County Officers, for a term of two years with salary set at Grade 12, Step 9 of the Management Salary Schedule; and, that in addition thereto, the reasonable disbursements and expenses of the County Attorney incurred in the conduct of County business shall be paid upon the usual monthly vouchers to be audited by this County Legislature.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 3-124

FIXING COMPENSATION OF LEGISLATORS

RESOLVED, that pursuant to provisions of Section 200 of County Law, effective January 1, 2024, the compensation of each Legislator payable by the County of Orleans shall be annual salary, with the Chairperson salary to be \$20,021.00, Vice Chairperson salary to be \$15,138.00 and each other member to receive \$13,347.00 in lieu of all other compensation for both meetings and committee work, payable in bi-weekly installments in the same manner as other county salaries are paid; and be it

FURTHER RESOLVED, that each Legislator shall also receive from the County, travel allowance and expenses in the performance of his duties in attending meetings, committee work and other duties committed to him/her, at the rate of 1 cent per mile less than the IRS rate in effect for each calendar year per mile for the miles actually traveled by the most usual route in going and returning between his residence to the place of the performance of each duty; and be it

FURTHER RESOLVED, that in performing duties assigned or committed to him/her for travel outside the County, each Legislator shall receive from the County the U.S. General Services Administration per diem rates per city/state for lodging and meals/incidentals traveled and if he/she furnishes his personal automobile for such travel shall receive, therefore, mileage at the rate of 1 cent per mile less than the IRS rate in effect for each calendar year per mile for the miles actually traveled by the most usual route in going and returning between his residence and place of such assignment; such expenses and mileage shall be audited by the Legislature upon the usual voucher thereof, and paid as are other County charges; and be it

FURTHER RESOLVED, that each Legislator shall be entitled to fringe benefits as currently prescribed by the Management Compensation Plan; and be it

FURTHER RESOLVED, that Legislators are not allowed expenses for meals between Conference Sessions and Legislature Meetings.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 4-124

DESIGNATING NEWSPAPER

WHEREAS, The Daily News is the only newspaper available to be deemed a designated newspaper in Orleans County; and

WHEREAS, Section 214 of County Law provides that, if there be but one newspaper published in the county, such newspaper shall be designated; now therefore be it

RESOLVED, that the County Legislature does hereby designate of The Daily News as their legal newspaper and further designates the Daily News to publish the Concurrent Resolutions for 2024 and 2025, the Tax Redemption Notices for 2024 and 2025; the Official Canvas for 2023 and 2024 and the Election Notices for 2024 and 2025.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 5-124

DESIGNATING MAJORITY AND MINORITY LEADERS OF THE LEGISLATURE

RESOLVED, that Donald Allport is hereby designated by the Republicans as Majority Leader of the Legislature and that Fred Miller is hereby designated by the Democrats as Minority Leader of the Legislature.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 6-124

SETTING LEGISLATURE MEETING SCHEDULE FOR 2024

RESOLVED, that the 2024 regular meetings of the Orleans County Legislature will be held on the fourth Tuesday of the months of January, March, April, May, June, August, September, and October at 4:30 PM at the Orleans County Legislative Chambers; and be it

FURTHER RESOLVED, that the regular February, November and December meeting of the Orleans County Legislature will be held on the third Tuesday of the month at 4:30 PM at the Orleans County Legislative Chambers; and be it

FURTHER RESOLVED, that the regular July meeting of the Orleans County Legislature will be held on the fifth Tuesday of the month at 4:30 PM at the Orleans County Legislative Chambers; and be it

FURTHER RESOLVED, that should additional meetings warrant scheduling, special meetings will be called with proper notice as described by Open Meetings Law Article 7, Section 104; and be it

FURTHER RESOLVED, that Legislative workshops will be scheduled one and ½ hour prior to the scheduled conference session unless otherwise posted.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 7-124

AUTHORIZING THE TREASURER TO APPROVE REAL PROPERTY TAX CORRECTIONS AND REFUNDS

WHEREAS, the New York State Real Property Tax Law, Sections 554 and 556, provides an administrative correction of error process to assist the property owner in obtaining real property corrections and tax refunds caused by certain clerical errors, unlawful entries and errors in essential fact; and

WHEREAS, Real Property Tax Law, Sections 554 and 556 provides that the tax levying body may delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body; and

WHEREAS, the Administration and Finance Committee does recommend that the Treasurer be delegated to perform said duties; now therefore be it

RESOLVED, that the Orleans County Treasurer be and hereby is authorized and directed to carry out the requirements of Section 554 and 556 of the Real Property Tax Law, effective immediately where the Real Property Tax Director has recommended a refund and said refund is two thousand five hundred dollars or less; and be it

FURTHER RESOLVED, that on the fifteenth day of each month in 2024, the Orleans County Treasurer shall submit a report to the Orleans County Legislature of the refunds processed during the preceding month containing the name of each recipient, the location of the property, the reason for the refund and the amount of refund and when no refunds are given no report will be issued.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 8-124

APPROVING APPOINTMENTS TO INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK

RESOLVED, that this Legislature appoints the following delegates and alternates to the InterCounty Association of Western New York to represent Orleans County effective January 1, 2024 through December 31, 2025:

<u>Name</u>	<u>Representation</u>
Merle Draper	Legislator
John M. Fitzak	Legislator
William Eick	Legislator
Lynne M. Johnson	Alternate
John C. Welch, Jr.	Alternate
Lisa Stenshorn	Alternate

Moved, Eick; second, Morgan.
 Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 9-124

RE-AFFIRMING APPOINTMENTS TO THE ORLEANS COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, certain individuals were heretofore appointed by this Legislature as members of the Orleans County Industrial Development Agency to specified terms as set forth in the resolutions of appointment; and

WHEREAS, subdivision 2 of section 856 of the General Municipal Law provides that members of an industrial agency shall serve at the pleasure of the appointing authority; and

WHEREAS, this Legislature is desirous of resolving any ambiguity with respect to the terms of the certain named individuals by reaffirming their respective appointments to serve at the pleasure of this Legislature; now, therefore be it

RESOLVED, that this Legislature hereby reaffirms the appointments of the following named individuals as members of the Orleans County Industrial Development Agency who shall serve at the pleasure of the Orleans County Legislature pursuant to the provisions of section 856 of the General Municipal Law of the State of New York: Carol D’Agostino, Jeffrey Martin, John Misiti, Craig Tuohey and Ed Urbanik; and be it

FURTHER RESOLVED, that it shall be a policy of this Legislature to periodically review the appointments to the Orleans County Industrial Development Agency no less frequently than bi-annually upon the commencement of a new term of the Orleans County Legislature.

Moved, Eick; second, Morgan.
 Adopted. 6 ayes; 1 nays-Allport; 0 absent.

RESOLUTION NO. 10-124

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY [COIDA] FOR THE YEAR 2024

WHEREAS, it is in the best interest of the County that the many advantages of Orleans County be publicized to those who may be interested in establishing, maintaining, or expanding

business and industry in the County of Orleans, in order to create new jobs and keep a healthy economy; and

WHEREAS, equally as important, is the ability to retain within the county the jobs already located here; and

WHEREAS, among the most important tasks facing New York State are the need to increase jobs and encourage higher levels of private capital investment in business and industry, thereby improving the general prosperity and economic welfare of the people of New York State and its constituent municipalities; and

WHEREAS, the County recognizes that the Agency is a community-wide organization with the expertise and capacity to improve the general prosperity and economic welfare to the people of the County; and

WHEREAS, the purpose of this Agreement is to carry out in a legal and proper manner the provisions of Section 852 of the General Municipal Law of the State of New York, which section does authorize the County to appropriate funds for the purpose of encouraging industrial development within the County; and

WHEREAS, New York State Public Officers Law Section 18 states that a county legislative body may provide for the defense and indemnification of the officers and employees of a public entity and additional indemnification of said Agency may be contracted in return for services; and

WHEREAS, the County has, by Resolution adopted by the Orleans County Legislature, authorized the execution of this contract and the indemnification agreement herein between the County and the Agency; now, therefore be it

RESOLVED, that this Legislature authorizes the Chairman to sign an agreement with the County of Orleans Industrial Development Agency [COIDA] to provide the services as set forth in the agreement at an annual cost of \$200,000.00, to be paid in quarterly payments of \$50,000.00.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 11-124

APPROVING APPOINTMENTS TO THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY (COIDA)

RESOLVED, that this Legislature approves the following appointments to the County of Orleans Industrial Development Agency:

<u>Name:</u>	<u>Address:</u>	<u>Expiration:</u>
Merle Draper	210 Ann St., Medina, NY 14103	December 31, 2025
John M. Fitzak	14435 Lakeshore Rd., Kent, NY 14477	December 31, 2025

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 12-124

APPOINTING MEMBERS TO SOIL AND WATER DISTRICT BOARD

RESOLVED, that this Legislature approves the following appointments to the Soil and Water District Board:

<u>Name:</u>	<u>Representation:</u>	<u>Term:</u>
William H. Eick	Legislature	1/1/2024-12/31/2025
Edward F. Morgan	Legislature	1/1/2024-12/31/2025
James Neal	Farm Bureau	1/1/2024-12/31/2026

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 13-124

APPROVING RE-APPOINTMENTS TO THE OAK ORCHARD WATERSHED BOARD

RESOLVED, that the following individuals are re-appointed to the Oak Orchard Watershed Board for a two-year term, effective January 1, 2024 through December 31, 2025:

Ed Morgan, Soil and Water Chairman
Guy Smith
Peter Smith
Joseph Bezon

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 14-124

APPOINTING REPRESENTATIVE TO THE OPEN SPACE REGIONAL ADVISORY COMMITTEE

RESOLVED, that this Legislature appoints James Bensley, Director of Planning as the Orleans County representative on the Region 8 Open Space Advisory Committee effective January 1, 2024 through December 31, 2025.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 15-124

APPOINTING REPRESENTATIVES TO THE GENESEE FINGER LAKES REGIONAL PLANNING COUNCIL

RESOLVED, that this Legislature confirms the Chairman's appointment of John Fitzak, Orleans County Legislator as the Chairman's Alternate to the Genesee Finger Lakes Regional Planning Council, for a two-year term effective January 1, 2024 through December 31, 2025; and be it

FURTHER RESOLVED, that this Legislature appoints James Bensley, Director of Planning, as an Orleans County representative on the Genesee Finger Lakes Regional Planning Council, for a two-year term effective January 1, 2024 through December 31, 2025.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 16-124

APPROVING PAYMENT TO NYSAC FOR 2024 SHARE OF GOVERNMENT CONSULTATION SERVICES

RESOLVED, that this Legislature hereby approves payment to NYSAC for Orleans County shared cost of government consultation in Albany, NY and Washington D.C. in the amount of \$7,367.00 for the 2024 calendar year for the provision of services to include: State budget advocacy, legislative advocacy, legal and technical assistance, training and educational programs, policy analysis, research, daily news clips, electronic newsletters, NYSAC news, other programs and services of benefit to the county to be paid from Unassigned/Unallocated Expenses account 01.1910.0481 – Professional dues.

Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 17-124

APPROVING APPOINTMENT TO THE ORLEANS COUNTY JURY BOARD

RESOLVED, that this Legislature approves the appointment of Fred Miller to a two-year term on the Orleans County Jury Board, effective January 1, 2024 through December 31, 2025.

Moved, Draper; second, Fitzak.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 18-124

AMENDING RESOLUTION NO. 539-1123 AND AUTHORIZING AGREEMENT FOR THE ASSIGNED COUNSEL ADMINISTRATOR AND ADMINISTRATIVE ASSISTANT

WHEREAS, pursuant to Resolution No. 254-523, the Assigned Counsel Plan (ACP) provides for an Administrator for the Plan; and

WHEREAS, Resolution No. 539-1123 authorized James P. Punch, Esq., to be the Assigned Counsel Plan (ACP) Administrator; and

WHEREAS, Resolution No. 539-1123 also authorized Virginia Nicholson to be the Assigned Counsel Plan (ACP) Administrative Assistant; and

WHEREAS, the Orleans County BAR Association has received notice from both James P. Punch, Esq. and Virginia Nicholson terminating said agreement effective December 31, 2023; and

WHEREAS, the Orleans County Bar Association voted and approved the recommendation of the Assigned Counsel Advisory Committee that Benjamin J. Bonarigo, PLLC, by Kristie L. DeFreze, Esq., be nominated as the Administrator of the ACP; now be it

RESOLVED, that this Legislature does hereby authorize an agreement for the Assigned Counsel Administrator with Benjamin J. Bonarigo, PLLC, by Kristie L. DeFreze, Esq., to provide all services as Assigned Counsel Administrator, at an annual cost of \$35,000.00 and to also provide for an annual amount of \$6,000.00, for the services of an Administrative Assistant to the ACP Administrator, effective January 1, 2024 through December 31, 2024, to be paid upon submission of a County Voucher at the end of each quarter, all payments subject to the availability of state grant funds for this Agreement.

Moved, Draper; second, Fitzak.
Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Johnson stated that the next regular meeting of the Legislature will be held on January 23, 2024.

Chairman Johnson asked the Legislators for any new or unfinished business. There being none offered, Legislator Draper made a motion to adjourn the meeting, seconded by Legislator Allport. The meeting was adjourned at 4:48 p.m.