

## Organizational Meeting

January 5, 2022

---

The Clerk of the Legislature called the meeting to order at 4:30 p.m. The Pledge of Allegiance and invocation, were both led by Lisa Stenshorn, Clerk of the Legislature. The Clerk called the roll and the following Legislators were present: Donald Allport, Merle Draper, William Eick, John Fitzak, Lynne Johnson, Fred Miller and Ed Morgan. Also present were County Attorney Kathy Bogan and Chief Administrative Officer John C. Welch, Jr., along with Department Heads and county residents both in person and virtually.

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

Legislator Johnson moved that Legislator Allport be the Temporary Chairman. Legislator Draper 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 Allport asked for nominations for Chairman.

Legislator Draper nominated Legislator Johnson as Chairman. Legislator Fitzak seconded the motion. Temporary Chairman Allport called for any other nominations. With no further nomination, Temporary Chairman Allport 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 elected as the Chairman of the Orleans County Legislature.

Temporary Chairman Allport asked for nominations for Vice Chairman.

Legislator Johnson made a motion to nominate Legislator Eick; seconded by Legislator Morgan. Temporary Chairman Allport called for any other nominations. With no further nominations, Temporary Chairman Allport 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 elected as the new Vice Chairman of the Orleans County Legislature.

Temporary Chairman Allport turned the meeting over to the elected Chairman, Legislator Johnson.

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

Legislator Johnson stated that she is honored to continue as Chairman of the Legislature. And intends to lead our efforts of moving our community forward from this pandemic even as we must continue to deal with new strands. We must rebuild and expand our economy and provide services to those in need. The key is work together within the legislature. We have two new Legislators that we are honored to welcome, John Fitzak and Edward Morgan. With our partners outside county government we need to make the best use of our resources. I thank you again, it is my honor.

Chairman Johnson asked for communications. Clerk Stenshorn stated that there were no communications.

Chairman Johnson opened the meeting to the Legislators. There was no comments. Chairman Johnson announced the assigned 2022 Standing Committees: Public Safety-Draper, Allport; Health-Allport, Miller; Highway-Eick, Miller; Home & Community Services-Eick, Morgan; Economic Assistance & Opportunity-Miller, Fitzak; Public Safety-Draper, Allport; Administration & Finance-Draper, Fitzak.

Chairman Johnson asked the public for comment as it relates to the resolutions, there was none given.

Chairman Johnson called for Legislator Eick to make the motion on the resolutions individually. Second, Allport. All in favor. The following resolutions were presented for adoption:

### **RESOLUTION NO. 1-122**

#### **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 4 of the Management Salary Schedule.

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

### **RESOLUTION NO. 2-122**

#### **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 8 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, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Allport stated that a budget was passed by this chambers, raising property taxes. Everyone is touting how good sales taxes are, although credit card debt has skyrocketed in the month of December. In my humbled opinion, this is no time for us to give ourselves a pay raise. People out there that are funding government, tax payers, are struggling. Mr. Allport asked that we would strongly ask you to reconsider this. The following resolution was adopted.

### **RESOLUTION NO. 3-122**

#### **FIXING COMPENSATION OF LEGISLATORS**

RESOLVED, that pursuant to provisions of Section 200 of County Law, effective January 1, 2022, the compensation of each Legislator payable by the County of Orleans shall be annual salary, with the Chairperson salary to be \$19,243.00, Vice Chairperson salary to be \$14,550.00 and each other member to receive \$12,828.00 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, Draper.  
Adopted. 6 ayes; 1 nays, Allport; 0 absent.

#### **RESOLUTION NO. 4-122**

#### 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 2022 and 2023, the Tax Redemption Notices for 2022 and 2023; the Official Canvas for 2021 and 2022 and the Election Notices for 2022 and 2023.

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

**RESOLUTION NO. 5-122**

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.

Legislator Eick moved to amend this resolution to change the February 2022 meeting to Thursday, February 24<sup>th</sup>. The following resolution was adopted.

**RESOLUTION NO. 6-122**

SETTING LEGISLATURE MEETING SCHEDULE FOR 2022

RESOLVED, that the 2022 regular meetings of the Orleans County Legislature will be held on the fourth Wednesday of the months of January, March through October at 4:30 PM at the Orleans County Legislative Chambers; and be it

FURTHER RESOLVED, that the the regular meeting of the Orleans County Legislature will be held on the fourth Thursday for the month of February and on the third Wednesday for the month of November and on the third Monday for the month of December 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, Draper.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 7-122**

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 2022, 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. 8-122**

#### **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, 2022 through December 31, 2023:

<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, Draper.  
Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 9-122**

#### **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: Paul Hendel, Carol D'Agostino, John Misiti 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, Draper.  
Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 10-122**

**AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY [COIDA] FOR THE YEAR 2022**

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 \$190,000, to be paid in quarterly payments of \$47,500.

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

### **RESOLUTION NO. 11-122**

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, 2023
John M. Fitzak	14435 Lakeshore Rd., Kent, NY 14477	December 31, 2023

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

### **RESOLUTION NO. 12-122**

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	1/1/2022-12/31/2022
Edward F. Morgan	Legislature	1/1/2022-12/31/2022
John Olinger	At Large Non-farmer	1/1/2022-12/31/2024

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

### **RESOLUTION NO. 13-122**

APPROVING APPOINTMENTS TO THE FISH AND WILDLIFE MANAGEMENT BOARD

RESOLVED, that this Legislature confirms the Chairman of the Legislature's appointment of the following Sportsman and Legislative representatives to the Fish and Wildlife Management Act Board, terms effective January 1, 2022 through December 31, 2023:

<u>Name:</u>	<u>Representing:</u>	<u>Term:</u>
Edward F. Morgan	Legislature	1/1/2022-12/31/2023
William H. Eick	Legislature (alternate)	1/1/2022-12/31/2023
Neil Valentine	Landowner	1/1/2022-12/31/2023

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

**RESOLUTION NO. 14-122**

APPROVING INTERMUNICIPAL AGREEMENT-HEALTH DEPARTMENT SHARED PUBLIC HEALTH ADMINISTRATIVE STAFF

WHEREAS, Genesee and Orleans County are committed to providing essential Public Health Services to their County residents, and

WHEREAS, the Genesee and Orleans County Health Departments have been successfully collaborating through an integrated public health approach since October of 2012 that has provided both programmatic and fiscal improvements to public health in both Genesee and Orleans County; and

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service, and

RESOLVED, that this Legislature approves the agreement between the Health Department and Genesee County, 7 Main Street, Batavia, NY 14020, superseding Resolution No. 459-1119, for the provision of sharing the following administrative positions between Genesee and Orleans County: Director of Public Health, Director of Community Health Services (Public Health), Director of Environmental Health, Emergency Preparedness Coordinator, Director for Children with Special Needs, Director of Weights and Measures, Lead Coordinator and Deputy Public Health Director for the five year period of January 1, 2022 through December 31, 2026.

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

Legislator Allport stated that when we went into agreement with Genesee County, the stipend was \$12,000 in 2015/2016. As it states here, a year ago we raised the stipend to \$20,000. The Director of Public Health asked his committee move his hours to 40 hours a week, which would have given him a pay raise. The Committee said no. The money was still left in the budget. I asked multiple times if this was paid out. It was still there. This is giving him a pay raise



without going to the hours. This is also being driven by Genesee County. Genesee County should not be dictating to us what we pay our employees. This needs to go back to the committee to be discussed and not voted on today. Chairman Johnson asked Legislator Allport if he was pulling this for financial reasons. Legislator Allport stated that he did not present this resolution, so he cannot pull it. The following resolution was adopted.

**RESOLUTION NO. 15 -122**

AMENDING RESOLUTION NO. 547-1221 THAT AUTHORIZED SALARY SCHEDULES FOR MANAGEMENT, CERTAIN PART-TIME, AND UNCLASSIFIED EMPLOYEES

RESOLVED, that the following additional salaries, effective January 1, 2022, are authorized for management, certain part-time and unclassified employees:

<u>Annual:</u>	<u>1/1/22-12/31/22</u>
Public Health Direct-Stipend	\$27,500

FURTHER RESOLVED, that the Chairman of the Legislature will be paid an annual salary of \$19,243 for 2022; the Vice-Chairperson will be paid an annual salary of \$14,550 for 2022; with the remaining members of the Legislature to be paid an annual salary of \$12,828 each for 2022.

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

**RESOLUTION NO. 16-122**

AUTHORIZING COMPUTERS TO BE ADDED TO THE DELL MASTER LEASE

WHEREAS, this Legislature approved a Dell Master Lease # 810-6457612 by Resolution No. 72-212 between Orleans County and Dell Financial Services, PO Box 6547, Carol Stream, IL 60197-6547; now be it

RESOLVED, that the Orleans County Legislature authorizes twenty-five (25) Desktop computers and thirty-nine (39) Dell Laptop Computers w/Docking stations and dual monitors for all computers to be added to the Dell Master Lease as #810-6457612-018 for various Departments in Orleans County from March 2, 2022 through March 1, 2026, four (4) annual payments of \$31,888.58 with a \$1 buyout option at the end, to be paid from various budget accounts XXXX.0222 – Leased Equipment by apportionment; and be it

FURTHER RESOLVED, that the Orleans County Legislature authorizes four (4) Desktop computers, thirty-six (36) Dell Laptop Computers w/docking stations, five (5) additional docking stations and dual monitors for all computers, to be added to the Dell Master Lease as #810-6457612-017 for the various Departments in Orleans County from April 2, 2022 through April 1, 2026, the first payment of \$21,918.03 is from Computer Services budget 01.1680.0270 – Capital Equipment and the following three (3) annual payments of \$21,918.03 with a \$1 buyout option at the end, to be paid from various budget accounts XXXX.0222 – Leased Equipment by apportionment; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the lease agreement with Dell Financial Services subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

#### **RESOLUTION NO. 17-122**

#### **AUTHORIZING PURCHASE AND APPROVING LEASE CONTRACT BETWEEN ORLEANS COUNTY AND AMERICAN CAPITAL 1**

WHEREAS, this Legislature is aware of the current aging state of the tablet computers in the Legislature as well as the marginal capabilities of non-networked technology, and

WHEREAS, this Legislature desires to replace the iPads with Windows based, networked tablet computers with a greater collaborative capability; now be it

RESOLVED, that this Legislature authorizes the lease agreement between Orleans County and American Capital 1, 2015 Ogden Avenue, Suite # 400, Lisle, IL 60532, establishing a lease program for the purchase of seven Microsoft Surface Pro 7+ tablets being sold by CDW-G, 75 Remittance Drive, Suite #1515, Chicago, IL 60675-1515, a qualified Microsoft Partner for \$6,104.00, and as specified in the lease contract, effective April 1, 2022 through March 31, 2026, to pay four (4) annual lease payments of \$1,737.00 with a \$1.00 buyout option at the end of the lease. This agreement is to be initially paid from Computer Services Account 01.1680.0270 – Capital Equipment; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the lease agreement with American Capital 1, 2015 Ogden Avenue, Suite # 400, Lisle, IL 60532, subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

#### **RESOLUTION NO. 18-122**

#### **APPROVING AGREEMENT AND PURCHASE IN THE COMPUTER SERVICES DEPARTMENT**

RESOLVED, that this Legislature authorizes Computer Services to purchase and initiate a new panic button solution with Alertus Technologies LLC., 10 N Charles Street, Baltimore, MD 21201 for an initial cost of \$20,607.00, effective March 1, 2022 through February 28, 2023, there after an annual support costs of \$4,950.00, to be paid from Computer Services account 01.1680.0418–Other Contractual; and be it

FURTHER RESOLVED, that this Legislature authorizes Computer Services to purchase a software package called NinjaOne from NinjaRMM, LLC, 26750 US Highway 19 North Suite # 510, Clearwater, FL 33761 for \$12,600.00 for software and licensing, effective February 1,

2022 through March 31, 2023 with a 2.75% annual increase, to be paid from Computer Services account 01.1680.0270–Capital Projects; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute these agreements subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Draper.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 19-122**

#### **APPROVING AGREEMENT BETWEEN SHERIFF'S OFFICE/JAIL AND GCASA**

RESOLVED, that this Legislature approves an agreement between the Sheriff's Office/Jail and Genesee Council on Alcoholism and Substance Abuse (GCASA), 430 East Main Street, Batavia, NY 14020, for GCASA to contract for nursing services provided to persons incarcerated at the Orleans County Jail, effective for period January 1, 2022 through June 30, 2022 at \$12,889.00 per month.

Moved, Eick; second, Draper.

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman asked the Legislators if they had any old or unfinished business. Legislator Eick thanked the Chairman for the support given to him over the years and for the next two years. We can accomplish quite a bit. Chairman Johnson stated that she looks forward to working with him.

Chairman asked the public for any comment. There being none, Legislator Draper moved to adjourn; second by Legislator Allport. The meeting adjourned at 4:55 p.m.