

Legislature Meeting
October 24, 2023

Chairman Lynne Johnson called the meeting to order at 4:30 p.m., followed by the Pledge to the Flag. Veterans Services Director Nancy Traxler then gave the invocation.

Clerk Lisa Stenshorn called the roll. All Legislators were present in the Chambers: Allport, Draper, Eick, Fitzak, Johnson, Miller and Morgan.

The Clerk then presented the following communications:

Nancy Traxler, Veteran Service Agency is asking to light the Courthouse dome green in recognition of Operation Green Light from November 1-12, 2023. This is to show our support for Veterans transitioning from Military to civilian life. **Board Approval Needed**

Orleans County Treasurer Kim DeFrank, has forwarded a listing of Real Property Tax Refunds, in the amount of \$181.87, that have been reviewed and authorized by her office.

The County of Orleans Audit Reports for the year ending December 31, 2022, performed by EFPR Group, have been received and filed in the Clerk of the Legislature's Office.

We have received notice that the Orleans County EDA has entered into a PILOT program with Lake Ridge Fruit Company, LLC.

Letters Received:

Thank you from the Youth Bureau Program Coordinator Chelsea Elliott

Legislator Miller presented a Proclamation to Department of Social Services employees Teresa Elam-Zwifka and Lianna Sheffer proclaiming November 2023 to be National Adoption Awareness Month.

Legislator Miller presented a Proclamation to Veterans Services Director Nancy Traxler supporting Operation Green Light for Active Military Service Members in Transition to Civilian Life, a Veteran Status to be November 1-12, 2023.

Treasurer Kimberly DeFrank stated the cash flow is doing well. We do have a little over \$2 million in levy that is left to be paid out to the road and machine fund. My office is finishing up the collection of school taxes this month.

Chairman Johnson asked the Legislators if there was any open discussion as it related to the resolutions.

Hearing none, Chairman Johnson then asked the public for any open discussion as it related to the resolutions. There being none offered, Chairman Johnson began with the presentation of resolutions.

RESOLUTION NO. 470-1023

APPROVING CERTIFICATION OF THE 2024 STOP DWI PLAN BETWEEN THE SHERIFF'S OFFICE AND THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES-GOVERNOR'S TRAFFIC SAFETY COMMITTEE

RESOLVED, that this Legislature approves the Certification of the 2024 STOP DWI PLAN with the New York State Department of Motor Vehicles-Governor's Traffic Safety Committee, 6 Empire State Plaza, Albany, NY 12228, for a budget of \$30,850.00 for annual plan year effective January 1, 2024 through December 3, 2024.

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

RESOLUTION NO. 471-1023

APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE SHERIFF'S OFFICE AND VARIOUS AGENCIES AND AUTHORIZING THE COUNTY TREASURER TO SET UP SUCH FUNDS

RESOLVED, that this Legislature approves the Certification of the 2024 STOP-DWI Plan with the New York State Department of Motor Vehicles Governor's Traffic Safety Committee, 6 Empire Plaza, Albany, NY 12228, for a budget of \$30,850.00, for the annual plan year January 1, 2024 through December 31, 2024, now be it

FURTHER RESOLVED, that this Legislature does hereby approve Memorandum of Understanding by distributing allocations for enforcement activity of personal and equipment services for the purpose of fulfilling and following the certification of the 2024 STOP DWI Plan between the Sheriff's Office and New York State Motor Vehicle-Governor's Traffic Safety Committee with the following agencies as set forth in the 2024 STOP DWI Certification Plan: Orleans County Probation Department, Village of Albion Police Department, Village of Holley Police Department and Village of Medina Police Department, and be it

FURTHER RESOLVED, that such funds in the amount of \$30,850.00 shall be deposited by the Orleans County Treasurer upon receipt of the same, and the Orleans County Treasurer shall disperse the funds in accord with the allocations set forth in in the 2024 STOP DWI Certification Plan.

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

RESOLUTION NO. 472-1023

AUTHORIZING THE SHERIFF'S OFFICE TO ACCEPT GRANT FUNDING FROM THE NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE

WHEREAS, this Legislature in Resolution No. 200-423 authorized the Orleans County Sheriff's Office to apply to the New York Governor's Traffic Committee, 6 Empire State Plaza, Albany, NY 12228, for safety grant funding; now be it

RESOLVED, that this Legislature accepts the 2024 Police Traffic Services Grant PTS 2024-Orleans Co SO-00237-(037) award in the amount of \$9,410.00 for funding period of October 1, 2023 through September 30, 2024 to be used in for traffic law enforcement to increase seat belt usage and reduce dangerous driving behavior; and be it

FURTHER RESOLVED, that this Legislature accepts the 2024 Child Passenger Safety Grant CPS 2024 Orleans Co SO-0019-(037) in the amount of \$1,980.00 for funding period of October 1, 2023 through September 30, 2024 to be used for public outreach on proper use and installation of child safety seats, technician recertification, and equipment purchase.

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

The following resolution was withdrawn by Chairman Johnson.

RESOLUTION NO. 473-1023 - Withdrawn

AUTHORIZING REPAIR SERVICE FROM THE SHERIFF'S BUDGET

RESOLVED, that this Legislature approves a service repair bill from Lyons Collison, 511 Orient Street, Medina, NY 14411 for the repair of Sheriff's 2015 Marine Boston Whaler Boat M-2 at total cost of \$21,676.84 Due to insurance recovery monies received, the county cost is \$2,000.00.

Moved, Draper; second,

RESOLUTION NO. 474-1023

AMENDING RESOLUTION NO. 250-523 AND AUTHORIZING AUTOMOTIVE SOLUTIONS TO REPAIR THE 2020 DODGE DURANGO

WHEREAS, Resolution No. 250-523 authorized the service repair bill to replace the motor in a 2020 Durango from Quill Diesel, 5627 Oak Orchard Road, Albion, NY 14411; and

WHEREAS, Quill Diesel is not able to repair said vehicle; now be it

RESOLVED, that this Legislature amend Resolution No. 250-523 to approve a service repair bill from Automotive Solutions, 11197 Ridge Road, Medina, NY 14103, to replace the motor in a 2020 Dodge Durango at a cost not to exceed \$12,000.00; to be paid from Sheriff's Department budget 01.3110.0446 - Vehicle Maintenance.

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

RESOLUTION NO. 475-1023

AUTHORIZING FILLING OF VACANCIES IN THE SHERIFF'S OFFICE

RESOLVED, that due to a resignation in the Sheriff's Corrections Division, this Legislature does hereby authorize the filling of a Full Time Correction Officer (3150.53) in the Sheriff's Jail at Grade 5 of the OCSEA salary schedule, effective November 1, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of temporary full-time Correction Officer (3150.19)*, effective November 1, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorizes the filling of a vacant part time Correction Officer position (3150.35) in the Sheriff's Corrections Division at \$15.99 per hour effective November 1, 2023.

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

RESOLUTION NO. 476-1023

AUTHORIZING EMERGENCY MANAGEMENT OFFICE TO APPLY FOR COMPETITIVE GRANT FUNDING OPPORTUNITY

WHEREAS, the NYS Division of Homeland Security and Emergency Services (DHSES) has made grant funding available to county agencies for the purpose of enhancing Technical Rescue and Urban Search & Rescue response capabilities aimed at safeguarding local teams with the adequate skills, training, and equipment to provide a safe and successful response to high-risk incidents; and

WHEREAS, DHSES is now accepting applications for FY2021 Technical Rescue & USAR Targeted Grant Program and eligible applicants can apply for up to \$75,000.00 per team through this important grant; now it be

RESOLVED, that this Legislature authorizes the Emergency Management office to apply for this grant opportunity.

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

RESOLUTION NO. 477-1023

AUTHORIZING COUNTY TREASURER TO TRANSFER MONIES WITHIN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, that the County Treasurer is authorized to transfer monies within the Emergency Management budget as follows:

FROM:

01.3640.0860	Health Insurance	\$21,500.00
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TO:

01.3640.0422	Electric Costs	\$19,500.00
01.3640.0418	Other Contractual	\$ 2,000.00

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

RESOLUTION NO. 478-1023

AUTHORIZING FILLING A PART-TIME VACANCY IN THE EMERGENCY MANAGEMENT OFFICE

WHEREAS, a vacancy in the Emergency Management office has been created as the result of a resignation of a part-time employee; let it be

RESOLVED, that this Legislature does hereby authorize filling the vacant part-time clerk position (3640.03) at Grade 7 of the CSEA salary schedule effective November 3, 2023.

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

RESOLUTION NO. 479-1023

AUTHORIZING A CONTRACT BETWEEN THE PUBLIC DEFENDER'S OFFICE AND THOMSON REUTERS

RESOLVED, that this Legislature approves an agreement between the Orleans County Public Defender's Office, on behalf of the Assigned Counsel Program, and Thomson Reuters, 610 Opperman Drive, Eagan MN 55123, to provide West Proflex legal research services for up to eight (8) attorneys on the Orleans County Assigned Counsel Panel, effective November 1, 2023, through October 31, 2024, at a cost of \$618.58 per month; and be it

FURTHER RESOLVED, that this contract shall be in effect for so long as the additional funding necessary is available under Contract #CSTWIDEHH33, or any subsequent contract.

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

RESOLUTION NO. 480-1023

APPROVING AGREEMENT BETWEEN THE PUBLIC DEFENDER AND INDIGENT LEGAL SERVICES

RESOLVED, that this Legislature approves the following Agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, A.E. Smith Building, 11th Floor, 80 South Swan Street, Albany, New York 12210:

GRANT #13 - Contract #C130034 for the continuation of partial salary payment for the 3rd Assistant Public Defender and associated fringe, effective for a term from January 1, 2023, through December 31, 2025.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 481-1023

SUPPORTING OF EFFORTS TO IMPROVE PROBATION AND ALTERNATIVES TO INCARCERATION IN NEW YORK STATE IN ORDER TO PROTECT THE PUBLIC AND REDUCE RELIANCE ON PRISONS, JAILS AND DETENTION

WHEREAS, county probation departments are an integral part of the criminal justice system and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

WHEREAS, it is the mission of Probation to protect the community through intervention in the lives of those under supervision by facilitating compliance with court orders and serving as a catalyst for positive change; and

WHEREAS, State funding for Probation was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2023, putting a huge strain on counties and cost to county property taxpayers; and

WHEREAS, at the same time there have been increases in the number of mandated programs and services county probation departments are required to provide from the 1990's where core services of Intake, Pre-Sentence/Pre-Dispositional Investigations and Supervision were the norm to the current enhanced services that are provided by local probation departments including but not limited to the following:

- Specialized caseloads to handle specific types of individuals such as sex offenders, DWI, mental health, domestic violence, and gang members;
- Probation department's involvement with specialized treatment courts (drug, domestic violence, mental health, veterans);
- Community service programming;
- School-based probation officers;
- Warrant squads for apprehension and return of offenders;
- DNA collection;
- Ignition interlock device monitoring;
- Expanded pretrial release programs to deal with the increased RUS cases resulting from bail reform;
- Expanded electronic monitoring to deal with both bail reform and lack of detention beds caused by increased juvenile crime;
- Increased probation officer time to search for specialized detention beds occurring from RTA;
- Increased administrative tasks that probation staff are now responsible for including populating case management system and various risk assessments;
- Increased responsibilities for collections and disbursement of funds in connection to financial obligations including restitution, fines and fees;
- Sex offender verification;
- Administering cognitive behavioral interventions;
- Increased training regarding the delivery of evidence-based programs;

- Increased time and cost resulting from new hires completing the basic course for peace officers (BCPO);
- Increased protocol for GIVE counties including higher supervision levels and GPS for a minimum of 6 months; and

WHEREAS, the New York State Council of Probation Administrators, representing NYS probation directors, administrators and commissioners, has diligently worked with NYSAC and State leaders to bring more awareness to the important work that Probation does to protect the public; now be it

RESOLVED, that the Orleans County Legislature supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve probation and alternatives to Incarceration in the following ways:

1. In response to Raise the Age Legislation:
 - Mandate that the state's evidence-based criteria should account
 - for existing local best practice programs;
 - Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process;
 - Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer, instead of physical arrest, when Adolescent Offenders and Juvenile Offenders are charged with most D felonies; and
 - Allow law enforcement agencies to deliver Adolescent Offenders and Juvenile Offenders to be held in detention facilities after hours without a securing order until the Youth Part is in session.
2. Establish a dedicated funding stream through DCJS/OPCA for 100 percent of all local probation costs including but not limited to probation personnel and evidence-based programming associated with Raise the Age Legislation.
3. Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
4. That local probation departments receive 100 percent of all Pre-Trial Services cost including but not limited to probation personnel associated with Bail Reform.
5. That the Executive Chamber and the Office of Children and Families (OCFS) work towards transitioning some of the closed OCFS or Department of Correctional and Community Supervision facilities to accommodate the lack of specialized secure detention beds as well as allowing county consortiums to open specialized secure detention facilities if desired.

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ortt, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 482-1023

AUTHORIZING PURCHASE OF A NARCOTIC TESTING INSTRUMENT FROM THE MAJOR FELONY CRIME TASK FORCE BUDGET AND AUTHORIZING THE COUNTY TREASURER TO SET UP FUNDS

WHEREAS, the Orleans County Major Felony Crime Task Force has a need for the scientific testing of narcotics; now be it

RESOLVED, that this Legislature does hereby authorize the purchase of a “TruNarc” and needed supplies from Thermo Scientific Portable Analytical Instrument Inc., 2 Radcliff Rd., Tewksbury, MA 01876 at a cost of \$38,027.88 to be paid through opioid funds allocated to District Attorney division of Major Felony Crime Task Force budget 01.3189.0250; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer monies within the District Attorney budget as follows:

REVENUE:

01.3189.3148	Opioid	\$18,027.88
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APPROPRIATION:

01.3189.0250	Other Equipment	\$18,027.88
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 483-1023

AUTHORIZING CREATING AND FILLING POSITIONS IN THE DISTRICT ATTORNEY’S OFFICE

WHEREAS New York State the criminal justice reform, which has the components of bail reform, discovery reform and speedy trial reform, that was effective January 1, 2020, has created an incredible burden upon the District Attorney’s Office to comply with these reforms; and

WHEREAS, a position is needed to ensure that the District Attorney’s Office is fully in compliance with the discovery reform; now be it

RESOLVED, that this Legislature does hereby authorize the creation of a full-time Discovery Coordinator position in the District Attorney’s Office, at Grade 3 (40 hours) of the Management Compensation Plan, effective December 8, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created vacant position effective December 8, 2023; and be it

FURTHER RESOLVED, that this Legislature, pending the filling of the newly created full-time Discovery Coordinator position, authorizes the filling of subsequent vacancies in the District Attorney's Office due to promotions, per the Management Compensation Plan.

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

RESOLUTION NO. 484-1023

APPROVING AN AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND NATHANIEL W.P. JOHNSON, PMHNP, RN PMH-BC

RESOLVED, that this Legislature approves an agreement between Mental Health and Nathaniel W.P. Johnson, PMHNP, RN, PMH-BC 23 Bateau Terrace, Rochester, NY 14617, providing services as a consulting psychiatric nurse practitioner an average of 7 of approved on-site and off- site hours per week for the duration of this contract effective November 1, 2023 – October 31, 2024, at an hourly rate of \$145.00. County cost is \$3,410.00.

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

RESOLUTION NO. 485-1023

AMENDING RESOLUTION NO. 587-1222 AND NO. 14-123 FOR VARIOUS AGREEMENTS WITH THE MENTAL HEALTH DEPARTMENT FOR INCREASES

WHEREAS, Resolution No. 587-1222 and No. 14-123 approved agreements between Mental Health and various agencies to provide services to the Orleans County Mental Health Department; and

WHEREAS, the Department of Mental Health has been advised by Coordinated Care Services Inc. (CCSI) that considering 2023 COLA increases and reconciliations from previous years 2016-2018 must be provided to various agencies; now be

RESOLVED, that this Legislature does hereby amend the resolution listed below to amend the agreements costs due to COLA increases and /or 2016-2018 reconciliations as noted below for the various agencies with no county cost:

Resolution No.	Current Contract	COLA Increase	Amended Agreement Cost
14-123	\$59,307	\$1,779	\$61,086
<hr/> Restoration Society, Inc. (ACE Employment Services) 66 Englewood Ave, Buffalo, NY 14214			
14-123	\$89,387	\$249	\$89,636
<hr/> Spectrum Human Services Inc., 227 Thorn Ave, Orchard Park, NY 14127			
587-122	\$91,497	\$4,605	\$96,102
<hr/> Mental Health Association of Genesee & Orleans Counties, 25 Liberty St., Batavia, NY 14020			

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

RESOLUTION NO. 486-1023

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE MENTAL HEALTH BUDGET AND VETERANS SERVICES BUDGET

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget accepting funds as a pass through to the Veterans Services Agency for the Dwyer Peer to Peer Program as follows:

REVENUE:

01.4310.1625	Miscellaneous Revenue	\$13,125.00
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APPROPRIATION:

01.4310.0418	Other Contractual	\$13,125.00
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FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Veterans Services Budget to accept the Dwyer Peer to Peer Program monies received by the Orleans County Mental Health Department as follows:

REVENUE:

01.6510.3711	Dwyer – Peer to Peer Program	\$13,125.00
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APPROPRIATION:

01.6510.0486	Special Grants	\$13,125.00
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Moved, Allport; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 487-1023

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby approve agreements between the Health Department and the following agencies:

Monroe County, 39 West Main Street, Rochester, NY 14614. TB Control Program. To provide a Tuberculosis Control Program w/ consulting pulmonary & critical care physicians & certified infection control practitioners for providing comprehensive medical & nursing/case management consultative services under the statutory jurisdiction of the Dept. of Public Health. Term to run January 1, 2023 to December 31, 2023. Flat fee of \$4714.76 paid for electronic health record access, VNP services, IT consultations & continuing ED, telemedicine access, & ongoing clinical support. Fee of \$200.00/hr. for physician consults, & \$50/hr. for RN consults. 100%/36% reimbursement from State Aid.

R. Mark Hilton Speech Pathology Services, PC. PO Box 615, Newark, NY 14513. To provide Related Services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program for students with disabilities. Reimbursement at 59.5% from

NYS Department of Health. Orleans County Department of Health is responsible for 40.5% partial Medicaid reimbursement. Term September 1, 2023 through June 30, 2025.

Creative Therapies Of WNY, 424 Lakeside RD, Angola, NY 14006. To provide Related Services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program for students with disabilities. Reimbursement at 59.5% from NYS Department of Health. Orleans County Department of Health is responsible for 40.5% partial Medicaid reimbursement. Term September 1, 2023 through June 30, 2025.

Institute For Intergovernmental Research, PO Box 12729, Tallahassee, FL 3317-2729. Memorandum of Understanding to outline the permitted use of all the data provided and entered by the Overdose Fatality Review (OFR) Data Use Site into the OFR Data System database as part of the OFR Data system IIR-Hosted Redcap Data Access Group (DAG). No County Cost. Term to begin September 1, 2023.

Venesky And Company, 6114 Rt 31, Cicero, NY 13039. To provide the compilation and entry of information needed to complete the required Medicaid cost report for the preschool program for calendar years July 1, 2022 through June 30, 2024. This project will be fixed at \$5,000.00 per year for 2023 & 2024. Full County cost.

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

RESOLUTION NO. 488-1023

URGING THE GOVERNOR AND STATE LEGISLATURE TO ALLOW SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS AND AIDES TO PRACTICE VIA LICENSE, REGISTRATION, OR CERTIFICATION IN NEW YORK STATE'S EARLY INTERVENTION PROGRAM TO EXPAND CAPACITY FOR CHILDREN IN NEED OF SERVICES

WHEREAS, according to the American Speech-Language-Hearing Association, a speech-language pathology assistant (SLPA) is support personnel who, following academic coursework, fieldwork, and on-the-job training, performs tasks that are prescribed, directed, and supervised by a certified and/or licensed speech-language pathologist; and

WHEREAS, SLPAs may have the opportunity to work in a variety of settings including schools, home health, clinics, private practice, and Early Intervention, as determined by state laws and regulations; and

WHEREAS, currently in New York State, Speech Language Pathologists (SLPs) are required to perform all evaluations and services for speech/language in the Early Intervention Program (EIP); and

WHEREAS, speech services are repeatedly the number one referred service for Early Intervention across New York State; and

WHEREAS, New York State is experiencing dire shortages of qualified professionals to provide speech-language pathology and audiology services to children with developmental delays and disabilities in the EIP; and

WHEREAS, children in the EIP are going unserved or underserved due to the shortage of SLPs available to provide services; and

WHEREAS, according to a survey of 48 county health departments, over 2,000 children were waiting for speech services in the summer of 2022; and

WHEREAS, at least 40 other states allow SLPAs to practice via license, registration, or certification; and

WHEREAS, Occupational Therapist Assistants (OTAs) have an existing structure to provide services under a licensed OT in NYS, as well as a billing structure in place; and

WHEREAS, shifting service delivery for some of the most common speech issues to qualified assistants would result in a more effective use of limited SLPs by allowing SLPs to work at the top of their license and focus on services that only they are qualified to provide, such as feeding services and other services for high needs children; now be it

RESOLVED, that the Orleans County Legislature calls upon the Governor and the New York State Legislature to pass legislation that will allow SLPAs to practice via license, registration, or certification in the EIP when working under supervision and oversight of a licensed SLP to help expand speech service availability for children with developmental delays and disabilities in New York State; and be it

FURTHER RESOLVED, the New York State Department of Health be tasked with identifying any barriers to EIP services provided by SLPAs working under a plan of supervision being reimbursed by Medicaid and move forward with actions to ensure such services are Medicaid reimbursable; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

RESOLUTION NO. 489-1023

URGING THE GOVERNOR AND STATE LEGISLATURE TO MOVE THE ADMINISTRATIVE RESPONSIBILITY FOR PRESCHOOL SPECIAL EDUCATION TRANSPORTATION SERVICES TO LOCAL SCHOOL DISTRICTS

WHEREAS, Section 200.16(e)(5) of the Regulations of the Commissioner of Education requires the municipality in which a Preschool Special Education Program (Pre-K SEP) student resides to provide suitable transportation, as determined by the board of education, to services developed in an Individual Education Plans (IEP), as needed; and

WHEREAS, municipalities contract with third-party transportation vendors to provide transportation services to children in the Pre-K SEP to and from necessary services; and

WHEREAS, coordinating with bus companies is a significant administrative burden on municipalities, particularly on already overburdened local health departments; and

WHEREAS, according to a survey of 51 county local health departments, county Pre-K SEP transportation costs from utilizing third-party transportation vendors have been increasing for years, with overall statewide costs being 90% higher in 2022 than they were in 2020; and

WHEREAS, Pre-K SEP transportation costs per child are consistently highest for small, rural counties due to limited choices for transportation vendors; and

WHEREAS, Section 4401(4) of the New York State Education Law requires all school districts to provide transportation for all pupils, defined as children enrolled in any public or nonpublic elementary, middle or secondary school, with disabilities residing in the district for whom such services are specified in their IEP; and

WHEREAS, local school districts either own, operate, and maintain buses or have systems in place to contract with bus companies to transport pupils with disabilities to and from special classes; and

WHEREAS, local school districts have existing systems in place to ensure that bus drivers, monitors, and attendants are properly trained and qualified to transport pupils, including those in Pre-K and with disabilities, safely to and from school; and

WHEREAS, local school districts have experience and processes in place to coordinate frequently changing bus routes and receive State aid for the costs of transportation services; and

WHEREAS, Pre-K SEP transportation costs for localities contracting with local school districts to provide transportation to and from services are significantly lower than costs incurred from utilizing third-party transportation vendors; and

WHEREAS; localities utilizing school districts to provide transportation to Pre-K SEP services spent 78% less on transportation costs per child in 2022 compared to localities utilizing third-party transportation vendors, equaling millions of dollars in cost savings for localities annually; and

WHEREAS, the disparity in cost for Pre-K SEP transportation per child from utilizing third-party vendors versus school districts has been getting wider since 2019, especially in small counties; and

WHEREAS, county taxpayer dollars are utilized to pay for Pre-K SEP transportation services regardless of who administers such services; and

WHEREAS, this action could also allow counties and school districts to take advantage of the countywide shared services initiative (CWSSI) further providing localities with cost savings; and

WHEREAS, both school districts and municipal government have the fiduciary responsibility to be good stewards of local taxpayer money; now be it

RESOLVED, that the Orleans County Legislature calls upon the Governor and the New York State Legislature to shift the responsibility for the administration of Pre-K-SEP transportation services to local school districts, commensurate with their experience transporting other pupils with disabilities residing in their districts to and from special services and the cost savings for localities associated with school districts providing these services versus third-party vendors; and be it

FURTHER RESOLVED, that localities maintain the fiscal responsibility for providing these services; and

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

Legislator Allport stated that the following resolution is a NY State program mandated that pushes the cost down to the counties. It is time that Albany either quits mandating programs or they start paying for the programs they mandate.

RESOLUTION NO. 490-1023

URGING THE GOVERNOR AND STATE LEGISLATURE TO IMPLEMENT A RATE INCREASE FOR EARLY INTERVENTION PROVIDERS WITH NO INCREASE COST TO COUNTIES

WHEREAS, the Early Intervention Program (EIP) provides critical developmental services to infants and toddlers (ages 0-3 years) with developmental delays or disabilities and their families at a time when these services can have the greatest impact; and

WHEREAS, reimbursement rates for Early Intervention providers are lower now than 20 years ago; and

WHEREAS, stagnant and inadequate service rates have produced major provider capacity issues in the EIP; and

WHEREAS, provider capacity issues often pose barriers to infants and toddlers with special needs receiving critical services; and

WHEREAS, from 2020 to 2022 there was a more than 400 percent increase in the number of children on Early Intervention waitlists, equaling thousands of children waiting to receive services across New York State and further there was another 28% wait list increase from 2022 - 2023; and

WHEREAS, the availability of in-person services is an equity issue in the EIP, with children living in the highest poverty rural and urban areas being the most unlikely to receive in-person service delivery.

WHEREAS, municipal/county data indicate that, relative to other children, children in neighborhoods where more than 20 percent of residents live under the Federal Poverty Level (FPL) wait an average of 3 days longer to receive their first service than children in wealthier neighborhoods, and an average of 4 days longer to receive all of their mandated services compared to children living in wealthier neighborhoods; the difference can be as great as 9 versus 12 days for time to first service and 14 versus 19 days for receipt of all services, respectively; for time to first service, this is an increase of more than 40 percent since 2017 while, for receipt of all services, it is an increase of 11 percent; now be it

RESOLVED, that the Orleans County Legislature calls on the Governor and State Legislature to increase Early Intervention reimbursement rates by 11 percent for all services, including evaluations, to improve provider recruitment and retention to the EIP; and be it

FURTHER RESOLVED, that the Orleans County Legislature calls on the Governor and State Legislature to allocate State funding for a fifteen percent rate increase for services provided to children in census tracts where the percentage of the population below poverty is 20 percent or higher; and in areas that require service providers to travel more than 30 minutes between sessions to provide services for children; and be it

FURTHER RESOLVED, the 11 percent rate increase should be fully borne by the State of New York as the State of New York has not fully funded early intervention services since the enactment of the federal IDEA Act; and be it

FURTHER RESOLVED, the Governor and State Legislature could pay for this increase by enacting A.921 (Conrad) which funds the 11 percent increase by increasing the covered lives assessment fee on commercial insurance; and be it

FURTHER RESOLVED, that the State shall remove the travel reimbursement rate modifier for telehealth services to address the lack of in-person providers; and

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

RESOLUTION NO. 491-1023

URGING THE GOVERNOR AND STATE LEGISLATURE TO EXPEDITE THE RELEASE OF COVERED LIVES IMPLEMENTATION GUIDANCE AND FUNDS TO COUNTIES

WHEREAS, on December 29, 2021, Governor Kathy Hochul signed A.5339/S.5560-A into law, establishing an Early Intervention Program (EIP) Covered Lives pool funded by an assessment on insurance plans; and

WHEREAS, this legislation, intended to assure a reliable revenue stream for New York's EIP, went into effect on January 1, 2022; and

WHEREAS, the New York State Department of Health, Bureau of Early Intervention stopped submitting claims to third party insurers for Early Intervention services on January 1, 2022; and

WHEREAS, the purpose of this legislation is to relieve the EIP's heavy fiscal burden on municipalities/counties and the State that resulted from high rates of commercial insurance denials for EI service claims, to improve the EIP for children and families, and to assist providers by relieving some of their administrative duties during service delivery; and

WHEREAS, prior to the covered lives assessment going into effect, Early Intervention (EI) service claims were paid through three revenue streams--either commercial insurance, Medicaid, or out of escrow--depending on the child receiving the service's insurance coverage; and

WHEREAS, municipalities/counties were responsible for paying 100 percent of the upfront costs of EIP services, not covered by Medicaid or commercial insurance, out of county escrow, with State reimbursement for 49 percent of escrow costs provided at a later date; and

WHEREAS, since the assessment went into effect, providers are no longer billing commercial insurance for services provided; and

WHEREAS, municipalities/counties are now responsible for paying upfront costs for all EIP services not covered by Medicaid, including for services provided to children with commercial insurance, out of county escrow; and

WHEREAS, the EIP pool funding is intended to offset both the municipal and State share of EIP services, not covered by Medicaid; and

WHEREAS, the 2023 enacted budget included \$40 million in assessment revenues in the New York State Department of Health Early Intervention Program budget; and

WHEREAS, the 2024 enacted budget amended the New York State Health Care Reform Act to make covered lives funding available annually from January 1, 2023, through December 31, 2026; and

WHEREAS, revenues from the covered lives assessment have still not yet been fully distributed to municipalities/counties for 2022; and

WHEREAS, municipalities/counties have received limited guidance on how these funds will be distributed; and

WHEREAS, since the covered lives assessment went into effect, municipalities/counties have been experiencing increases to their upfront escrow costs; now be it

RESOLVED, that the Orleans County Legislature calls upon the Governor and the New York State Legislature to take measures to expedite the release of the balance of the covered lives revenues to municipalities/counties for the time period covering January 1, 2022, through December 31, 2022; and be it

FURTHER RESOLVED, the State continue their commitment to this critical program, which benefits children with developmental delays and disabilities, being a shared cost between the State and municipalities/counties; and be it

FURTHER RESOLVED, the New York State Department of Health, Bureau of Early Intervention and New York State Division of the Budget provide municipalities/counties with a schedule as to when the State will issue payments annually from January 1, 2023, through December 31, 2026; and be it

FURTHER RESOLVED, the New York State Department of Health, Bureau of Early Intervention establish a mechanism other than the county escrow account to remit payments to municipalities/counties; and be it

FURTHER RESOLVED, the New York State Department of Health, Bureau of Early Intervention change the payment process, so the State provides municipalities/counties with their covered lives share of revenues at the beginning of the State fiscal year; and be it

FURTHER RESOLVED, the New York State Department of Health, Bureau of Early Intervention provide information on how insurance, service claim, and cost data will be maintained at the child level to ensure funds are being applied fairly across municipalities/counties; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

RESOLUTION NO. 492-1023

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEES

RESOLVED, that this Legislature does hereby authorize out of state travel for one (1) Public Health employee to attend a NACCHO meeting to be held at the CDC Headquarters, in Atlanta, Georgia, cost is covered by NACCHO. No County Cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel for one (1) Public Health employee to attend the NACCHO Emerging Infectious Disease Program to be held in Atlanta, Georgia, cost is covered by NACCHO. No County Cost.

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

RESOLUTION NO. 493-1023

AUTHORIZING FILLING A POSITION IN THE PUBLIC HEALTH DEPARTMENT

WHEREAS, we have received notice of retirement from our Supervising Public Health Nurse effective November 30, 2023, now be it

RESOLVED, that this Legislature does hereby authorize filling the vacant Supervising Public Health Nurse (4010.32) in the Public Health department at Grade 22 of the CSEA schedule effective November 30, 2023.

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

RESOLUTION NO. 494-1023

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND EMPIRE MARINE

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Empire Marine, 101 Ketchum Road, P.O. Box 701, Hilton, New York 14468 for labor, equipment and materials to reinstall a pile that was out of alignment on the transient dock located at Point Breeze for a total cost of \$12,250.00; to be paid out of the Buildings and Grounds budget 01.1620.0403. DPW Project ID: DPW107-2023; effective as soon as County gives notice to proceed.

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

RESOLUTION NO. 495-1023

APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY DEPARTMENT OF PUBLIC WORKS AND CP WARD

RESOLVED, that this Legislature approves an agreement with C.P. Ward to provide labor and materials to repair (2) two deck panels at Lakeside Bridge in the Town of Carlton at a cost not to exceed \$1,800.00. Agreement effective as soon as County gives notice to proceed; to be paid out of the Highway Division budget 03.5120.0470.

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

RESOLUTION NO. 496-1023

URGING THE GOVERNOR AND STATE LEGISLATORS TO ENACT INCREASES FOR LOCAL HIGHWAY, BRIDGE AND CULVERT PROGRAMS TO COMPENSATE FOR CONSTRUCTION COST INFLATION

WHEREAS, historic inflationary impacts continue to place enormous pressure on local governments to maintain existing levels of transportation construction, maintenance, and service; and

WHEREAS, the State's 5-year State Transportation Capital Plan provides significant support for local governments to maintain and improve roads and bridges highlighted by the Consolidated Local Streets and Highway Improvement Program (CHIPS), BRIDGE-NY, PAVE-NY, Extreme Winter Recovery, State Touring Routes, and Operation Pave Our Potholes (POP) programs; and

WHEREAS, these levels of resources for counties, towns, cities, and villages are severely impacted by overall inflation and the continuing rising costs of construction inputs; and

WHEREAS, the real value of local highway and bridge funding has been reduced by a 22 percent increase in construction costs in 2022 - 2023, according to the US Bureau of Labor Statistics; and

WHEREAS, the total 22 percent inflation-induced impact translates to a stunning \$270 million reduction in state aid to municipalities throughout the state for critical highway maintenance and payment rehabilitation, and bridge and culvert projects; and

WHEREAS, the State's enacted property tax cap and new state cost shifts to counties eliminates any possibility that counties can make up these devastating cuts in the value of transportation spending power; and

WHEREAS, the Federal Highway Administration recently released its updated index of highway construction costs for the July-September 2022 quarter, and it shows that inflation in this sector is more extreme than in the general economy – construction costs have increased 50 percent since December 2020; and

WHEREAS, this erosion of federal transportation funding is also having an impact on local projects that are eligible for these federal funds; and

WHEREAS, locally owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and 46 percent of the vehicle miles travelled in New York are on local roads so the state's contribution to funding is a vital part of assuring the condition and resiliency of our transportation systems; and

WHEREAS, this vast system of local roads, bridges and culverts is in need of a sustained high level of funding in the future to continue to reverse the deterioration of our aging transportation infrastructure, account for inflation and build up its resistance to natural disasters; and

WHEREAS, a safe and efficient transportation infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public; now be it

RESOLVED, that the Orleans County Legislature commends Governor Kathy Hochul and the legislature for their ongoing commitment to assuring appropriate state investments in local roads, bridges, and culverts; and be it

FURTHER RESOLVED, that recognizing the impacts of inflation for local highway construction inputs as steel, fuel and asphalt reduces the value of state funding to local transportation programs, meaning fewer critical road, bridge, and culvert projects are able to be undertaken; and be it

FURTHER RESOLVED, that the Orleans County Legislature looks forward to working with Governor Hochul and the Legislature on significantly increasing state aid to local road and bridge projects as deliberations begin on the 2024-2025 state budget and adjustments to the Transportation Capital Plan are contemplated; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 497-1023

SUPPORTING THE CREATION OF A JOINT STATE AGENCY-LOCAL HIGHWAY DEPARTMENT ADVISORY GROUP TO PREPARE FOR THE TRANSITION TO A ZERO-OR LOW-CARBON TRANSPORTATION SECTOR

WHEREAS, the Climate Leadership and Community Protection Act (CLCPA) was signed into law in 2019 requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels; and

WHEREAS, the CLCPA also calls for 70 percent of New York State's electricity to come from renewables by 2030 and 100 percent zero emissions electricity by 2040; and

WHEREAS, the CLCPA directs the development of performance-based standards for sources of greenhouse gas emissions, including but not limited to: transportation, building, industrial, commercial, and agricultural sectors; land-use and transportation planning measures aimed at reducing greenhouse gas emissions from motor vehicles; measures to promote the beneficial electrification of personal and freight transport; and other strategies to reduce greenhouse gas emissions from the transportation sector; and

WHEREAS, the path to transition the state and local highway departments' construction equipment, vehicles, and snowplows to run on electricity is at this juncture unknown, but expected to encounter implementation hurdles and to exceed the ability to be financed locally without substantial sources of new revenues directed for the retrofit and/or procurement of such electric equipment and vehicles; and

WHEREAS, costs will be a particular concern as sources of revenues to the Dedicated Highway and Bridge Trust Fund (DHBTF), particularly gasoline and diesel fuel taxes, continue to decrease as cars become more fuel efficient and EVs begin to replace fossil fuel vehicles, eroding funding for highway and bridge construction and maintenance; and

WHEREAS, new dedicated revenue sources will need to be identified to contribute to the DHBTF such as EV fees, funding generated by the Cap and Invest program, and other initiatives to support a functional, safe, and well-maintained system of roads and bridges for all motorists and commercial users; and

WHEREAS governments at all levels are moving to accelerate the transition to zero emissions electric and low-carbon alternative fuel vehicles through such actions by New York to mandate all medium and heavy-duty truck sales in the state be EV by 2045, the adoption by the New York State Department of Environmental Conservation (NYSDEC) of the Medium- and Heavy-Duty Diesel Vehicle Emission Standards, and the enactment of the Federal Environmental Protection Agency's Clean Trucks Plan that will apply to heavy-duty engines and vehicles beginning in model year 2027; and

WHEREAS, as commercial production of medium and heavy-duty large-scale, electric construction vehicles is today an essentially fledgling industry, the ability of local highway departments to plan for this transition, with its concomitant mandates that fuel and electricity charging sources be renewable, is of tremendous concern considering that transportation at all levels of New York government is significantly underfunded every year; and

WHEREAS, the procurement of these vehicles and equipment by highway departments will be constrained by the lack of a charging network that is widely available, safe, and effective in recharging large vehicles and heavy equipment timely, and have its power sourced from renewable energy; and

WHEREAS, the state and municipalities must make significant investments to install and maintain the necessary electric truck charging and refueling infrastructure that is necessary, yet the focus of investment is currently car and light-duty vehicle charging infrastructure that cannot satisfy the need for construction grade equipment since the technology and designs are different, and are not interchangeable; and

WHEREAS, recognizing these potential barriers facing local governments trying to navigate the transition of their highway department equipment and operations to electric or low carbon alternatives to diesel and gasoline, it is vital that state elected representatives and state agencies assist local highway departments in assuring the development of the state's strategies for achieving these aggressive greenhouse gas emissions reduction goals and procurement standards consider these market and fiscal barriers to transition; and

WHEREAS, all levels of government need to work together, especially throughout the on-going state regulatory process, to assure strategies and mandates put in place to meet the CLCPA goals for the transportation sector are readily achievable, assure service reliability and affordability, and will benefit the environment; now be it

RESOLVED, that the Orleans County Legislature calls on the Governor, the NYSDOT, New York State Department of Environmental Conservation (NYSDEC) and the New York State

Energy Research and Development Authority (NYSERDA), and legislative leaders to commit to providing technical support for addressing these concerns in the regulatory process and to dedicate the funding necessary to cover the counties' costs of complying with the state mandates under the CLCPA; and be it

FURTHER RESOLVED, that recognizing the expertise of local highway professionals, an advisory group be established jointly by NYSDOT, NYSDEC and NYSERDA made up of representatives of the municipal highway superintendents' and commissioners of public works' organizations to review and recommend proposals and policies for meeting the goals of the CLCPA before they are implemented or published in the State Register; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC), New York State Department of Transportation, the New York State Department of Environmental Conservation, the New York State Energy Research and Development Authority and all others deemed necessary and proper.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 498-1023

AUTHORIZING PURCHASE OF FURNITURE FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works necessitates modifications to existing office workstations and requires upgrades in furniture to accommodate current office space layout; now be it

RESOLVED, that this Legislature does hereby authorize the purchase of new office furniture from Steelcase Inc. c/o Prentice Office Environments, 901 Forty-Fourth St. SE, Grand Rapids, MI 49508 for a cost of \$30,017.20; to be paid out of the Buildings and Grounds budget 01.1620.0270, (NYS Contract #PC68425); and be it

RESOLVED, that this Legislature does hereby authorize the purchase of conference room furniture from Global Industries, c/o Prentice Office Environments, 17 West Stow Road, Marlton, NJ 08053 for a cost of \$9,669.79; to be paid out of the Buildings and Grounds budget 01.1620.0270 (NYS Contract #PC68336); and be it

FURTHER RESOLVED, the total cost of the purchase is not to exceed \$40,000.00 and is to include labor and materials from Prentice Office Environments, 472 Franklin Street, Buffalo, NY 14202 which is an authorized dealer for Steelcase Inc. and Global Industries.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 499-1023

AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that this Legislature authorizes the County Treasurer to transfer monies in the Buildings and Grounds Division budget for the purpose of purchasing a refrigerator to replace a defective one for the Veterans Department as follows:

FROM:

01.1620.0403 Maintenance Projects \$800.00

TO:

01.1620.0211 Appliances \$800.00

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

RESOLUTION NO. 500-1023

AUTHORIZING FILLING A POSITION IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that this Legislature does hereby authorize the filling of a vacant permanent full-time Custodial Worker Position (1620.08) in the Department of Public Works at Grade 4 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this vacant position; effective November 3, 2023.

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

RESOLUTION NO. 501-1023

APPROVING APPOINTMENT TO THE COUNTY PLANNING BOARD

RESOLVED, that this Legislature approves the following appointment to the Orleans County Planning Board:

<u>NAME & MAILING ADDRESS</u>	<u>REPRESENTS</u>	<u>EXPIRATION DATE</u>
William Quaranto 1654 Clark Mills Road Waterport, New York 14571	Town of Carlton	12/31/2026

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

RESOLUTION NO. 502-1023

ADOPTING LOCAL LAW NO. 3 OF 2023, ENTITLED AMENDING LOCAL LAW NO. 4 OF THE YEAR 2003 IMPOSING A HOTEL AND MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF ORLEANS WITH RESPECT TO THE EXPIRATION DATE THEREOF

WHEREAS, Local Law No. 3-Intro of the year 2023 was introduced at a regular meeting of the Orleans County Legislature held on August 22, 2023 and a Public Hearing was held on September 26, 2023, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enact the following Local Law No. 3 of 2023:

A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF THE YEAR 2003 IMPOSING A HOTEL AND MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF ORLEANS WITH RESPECT TO THE EXPIRATION DATE THEREOF

Section 1. Section 702 of Local Law No. 4 of the Year 2003 is hereby amended to read as follows:

702. Effective Date: This Local Law shall take effect on January 1, 2004 and will expire December 31, 2026, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

Section 2. This Local Law, amending Local Law No. 4 of the year 2003, shall take effect on January 1, 2024.

Moved, Eick; second, Morgan.

Roll Call: 7 Ayes: Allport, Draper. Eick, Fitzak, Johnson, Miller and Morgan; 0 nay: 0 absent.
Adopted.

RESOLUTION NO. 503-1023

APPROVING LEASE AGREEMENT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION REGARDING THE ORLEANS COUNTY MARINE PARK AND POINT BREEZE

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation and Orleans County have a long standing lease agreement for the properties known as the Orleans County Marine Park and Point Breeze, that expires December 31, 2023; now be it

RESOLVED, that this Legislature approves a lease agreement extension between the New York State Office of Parks, Recreation and Historic Preservation and Orleans County for the Oak Orchard Marine Park and Point Breeze to be operated and maintained by Orleans County to be extended for one additional year, to terminate December 31, 2024.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 504-1023

APPROVING AGREEMENT WITH WENDEL AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS FROM CONTINGENCY TO MARINE PARK BUDGET

RESOLVED, that this Legislature does hereby approve an agreement with Wendel Companies, 375 Essjay Road, Suite 200, Williamsville, New York 14221 to provide survey and mapping services at a cost of \$25,000.00 to be paid out of the Marine Park budget 01.7180.0418; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer funds from the contingency fund to the Marine Park budget as follows:

FROM:

01.1990.0435	Contingency Fund	\$25,000.00
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TO:

01.7180.0418	Other Contractual	\$25,000.00
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Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 505-1023

SETTING DATE OF PUBLIC HEARING FOR COUNTY BUDGET FOR THE YEAR 2024 AND SETTING SPECIAL MEETING DATE TO ADOPT THE 2024 COUNTY BUDGET

RESOLVED, that the public hearing for the Tentative County Budget for 2024 will be held on Thursday, November 30, 2023 at 4:30 p.m. at the Orleans County Legislative Chambers, 14016 Route 31 W, Albion, NY 14411; and be it

FURTHER RESOLVED, that the Legislature will schedule a special meeting immediately after the conclusion of the Public Hearing for the budget at the Chambers of the Legislature to adopt the 2024 County Budget and respective resolutions to complete the 2024 Town and County property tax bills; and be it

FURTHER RESOLVED, that the notice for said public hearing and special meeting will be published in the officially designated County newspaper.

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

RESOLUTION NO. 506-1023

AUTHORIZING PURCHASE OF REAL PROPERTY FOR USE BY ORLEANS COUNTY

RESOLVED, that this Legislature will purchase property known as 456 West Avenue, Albion, NY 14411 of Tax Map No. 73.9-1-51, approximately 0.82 acres, and be given a Right of First Refusal for property located at 446 West Avenue, Albion, NY 14411, Tax Map No. 73.-1-38.111 and property located at 458 West Avenue, Albion, NY 14411, Tax Map No. 73.9-1-38.122,

presently owned by Herring Enterprises LLC, 16584 Ridge Road, Holley, NY 14470 at a total cost of \$975,000.00; and be it

FURTHER RESOLVED, that this Legislature will purchase property known as vacant land Allen Road, Albion, NY 14411 of Tax Map No. 73.13-1-1.11, approximately 25.7 acres, presently owned by James Herring, Sr., 17257 Route 31 East, Holley, NY 14470 at a total cost of \$500,000.00; and be it

FURTHER RESOLVED, that this Legislature will purchase property known as a building lot Allen Road, Albion, NY 14411 of Tax Map No. 73.-2-24.21, approximately 1.2 acres, presently owned by James Herring, Sr., 17257 Route 31 East, Holley, NY 14470 at a total cost of \$25,000.00; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute the purchase and sale contract subject to review and approval of the County Attorney and Chief Administrative Offices; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up funds from the Building and Equipment Reserve fund, as follows:

RESERVE:

Building and Equipment Reserve	\$1,500,000.00
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APPROPRIATION:

01.1940.0480	Purchase of Land - Property Acquisition	\$1,500,000.00
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Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 507-1023

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND

RESOLVED, that this Legislature authorizes the following payments to be made from account H8797.0250, Capital Project – Broadband Phase 1:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$254,752.00	RTO Wireless	Inv # 20231013-P1, Pine Hill, NY CBRS Network site activation milestone

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

RESOLUTION NO. 508-1023

APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature does hereby approve the following agreements between the Orleans County Department of Social Services and the following agencies:

Center for Disability Rights, Rochester, NY for the provision of Consumer Directed Personal Assistance Program (CDPAP); to be effective January 1, 2022 through December 31, 2022 at rates set by NYS Department of Health. County cost is \$0.

Center for Disability Rights, Rochester, NY for the provision of Consumer Directed Personal Assistance Program (CDPAP); to be effective January 1, 2023 through December 31, 2023 at rates set by NYS Department of Health. County cost is \$0.

Oak Orchard Health Center, Inc. to provide the core services of a Code Blue Warming Center where individuals can go during times of dangerous winter temperatures, defined as temperatures of 32 degrees or less (including wind chill factor). The Department shall pay the Contractor a contract maximum of \$75,850 on a reimbursement basis for allowable costs as approved by the NYS Office of Temporary and Disability Assistance. County cost \$0.

Esther Annan, DBA E.A. Consult Services to provide independent assessments of children placed in foster care for the Department of Social Services at a cost of up to \$2,000 per assessment not to exceed \$10,000 total. Term of agreement is October 1, 2023 through September 30, 2024. County cost is 50%.

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

Legislator Allport stated that regarding the Medicaid and Medicare programs, that during the height of the Depression the administration tried to implement a national healthcare system. The American people, even with 25% unemployment, told the government to stay out of their healthcare. In the 60's, with the great society, they implemented these federal healthcare programs and soon realized they could not afford it. At that time the federal government pushed 50% of the cost of these programs down to the states. Six of the states pushed costs down to the counties. The other 44 states kept the costs of these programs at the state level and paid for them. 5 of these states pushed 10.5% down to the counties. New York State pushed 25% of that 50% down to the counties. The Counties are responsible for 17.5% of the Medicaid and Medicare programs. That amount ranges from is 55-65% of your property tax levy. We need to tell the state that they need to start paying for the programs that they mandate. There are times over history that 95% of your property taxes paid for 9 unfunded mandated programs. We are funding our government on sales tax and grants. Either the state needs to pay for this or stop mandating this down to the Counties to the tax payers. The property tax payers, at this time with interest rates and inflation need a break from taxes. Chairman Johnson stated that today during budget meetings, the EFMAP increase for the 2024 budget is \$1.5 million.

RESOLUTION NO. 509-1023

DEMANDING NEW YORK STATE REDUCE THE COST OF STATE-MANDATED PROGRAMS ON LOCAL TAXPAYERS

WHEREAS, despite the state capping the local share of Medicaid — and assuming the growth — New York State continues to rely on county taxpayers to balance its books; and

WHEREAS, even with this Medicaid growth cap in place the 57 counties and New York City have provided \$139 billion in local taxes to pay for the state designed and controlled program since 2005. Each year going forward counties will need to raise \$7.6 billion in local taxes to pay a share of the costs of the state's Medicaid program that is growing at an unsustainable rate and has been for many years; and

WHEREAS, this state mandated local share is unprecedented nationwide and more than all counties in the country combined are forced to pay for general Medicaid program costs; and

WHEREAS, New York State is one of only a few that require counties to pay the bulk of the costs of the state general assistance program (Safety Net). Since 2005, counties and New York City have provided \$25.2 billion in local tax revenues to support the state's Safety Net Program; and

WHEREAS, since 2005 counties and New York City have provided \$7.5 billion in local taxes to support indigent defense services, a federal and state constitutional requirement the state has shifted to counties and New York City; and

WHEREAS, only 15 states require their counties to pay a significant share of indigent defense costs, and few come close to the share and amount of local funds required of New York counties; and

WHEREAS, since 2005 counties and New York City have provided \$12.6 billion in local tax revenues to support the state's Preschool special education program. Counties pay just over 40 percent of Preschool Special Education costs for 3–5-year-olds, in addition to 10 percent of summer school special education services for k-12 students. Few counties nationwide pay for or provide educational services; and

WHEREAS, counties and New York City also provide local tax revenues in support of the state budget for dozens of other programs, many of which have seen lower state funding matches since the Great Recession; and

WHEREAS, the state legislature and Governor have shifted a record amount of new costs to county taxpayers in the last few years, forcing local taxpayers to spend \$14 billion in locally raised taxes this year to pay for a significant portion of the costs of state designed and controlled programs, a 17 percent increase since SFY 2021; and

WHEREAS, the record amount of locally generated taxes paid by New Yorkers that directly fund state programs each year is more than the entire general fund spending of 29 individual states; and

WHEREAS, for the 57 counties outside of New York City the new cost shifts and added spending requirements imposed over the last two years by the state will approach \$600 million annually. These recurring costs include the intercept of federal Medicaid funding that for 20 years has been set aside by congress for county fiscal relief, state imposed double digit rate increases for preschool special education and foster care programs, a doubling of rates for criminal indigent defense costs, and higher pension costs; and

WHEREAS, these increases are equal to 11 percent of the entire county property tax levy for SFY 2023 and will have to be supported with higher local taxes or service cuts; and

WHEREAS, as recent as 2021, New York State has shifted the entire cost of Criminal Procedure Law (CPL) 730 exams and placements onto county taxpayers; and

WHEREAS, since 2005, counties and New York City have been required under state law to raise over \$184 billion in local taxes to pay for state programs that most counties across the country do not fund, hindering New York's economic competitiveness, driving significant job and population loss that has been accelerating in recent years, and fueled New York's housing affordability crisis; and

WHEREAS, all of these cost shifts have been used to provide relief to the state financial plan but does so by essentially substituting more regressive local taxes for the more progressive state tax structure which has a direct and negative impact on local taxpayers and affordability in New York State; now be it

RESOLVED, that the Orleans County Legislature urges the State Legislature and Governor Hochul, at minimum, to freeze local costs for all state mandated programs, and further, to include significant new funding to reduce or eliminate the \$14 billion in annual payments counties make for state-mandated programs as part of the SFY 2024-25 Budget and beyond; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 510-1023

URGING THE FEDERAL GOVERNMENT AND STATE OF NEW YORK TO PROVIDE IMMEDIATE ASSISTANCE TO LOCAL GOVERNMENTS TO ADDRESS THE MIGRANT CRISIS

WHEREAS, the New York State Association of Counties (NYSAC) recognizes that the issue of immigration falls under the primary jurisdiction of the federal government, which is responsible for crafting and implementing immigration policies that govern the entry and residency of individuals into the United States; and

WHEREAS, addressing immigration-related issues requires comprehensive federal solutions that consider the complexities of immigration, border security, and the rights and well-being of individuals and families; and

WHEREAS, the ongoing global migrant crisis has led to an increased number of migrants, refugees, and asylum seekers arriving in New York State, and particularly in New York City, presenting unprecedented challenges for local governments; and

WHEREAS, New York State's counties are already grappling with significant capacity problems, including a homelessness and affordability crisis that affects communities across the state; and

WHEREAS, the influx of migrants into New York State has the potential to further exacerbate the existing homelessness crisis, placing additional stress on already overburdened local governments, many of which already house migrants from countries around the world; and

WHEREAS, since the spring of 2022, over 100,000 migrants have arrived in New York State, and thousands more arrive each week; and

WHEREAS, counties and municipalities across the state have faced significant challenges in providing essential services, shelter, and support to migrants due to increased numbers, strained resources, and a lack of infrastructure; and

WHEREAS, NYSAC recognizes that the current situation is unsustainable and requires cooperation between the federal, state, and local governments to effectively address the consequences of migration on New York State's communities; and

WHEREAS, on May 9, 2023, Governor Hochul issued an Executive Order recognizing that “the arrival of increased numbers of migrants seeking shelter in the City and State of New York is expected to exacerbate an already large-scale humanitarian crisis and create a disaster emergency to which local governments are unable to adequately respond, creating a threat to health and safety, which could result in the loss of life or property”; and

WHEREAS, the City of New York, in particular, has provided substantial humanitarian assistance, shelter, and care to the arriving migrants; and

WHEREAS, the cost of housing and services the City has provided was approximately \$40 million (adjusted for inflation) in 1981 and has now ballooned to \$4 billion per year, an unsustainable amount for New York City to manage without heavily impacting the delivery of other essential services; and

WHEREAS, the State of New York has tried to alleviate some of the overflow of migrant services by making State-owned properties available to house migrants, deploying the National Guard, and committing \$1.5 billion in financial assistance; and

WHEREAS, this aid, while appreciated, falls woefully short of the \$12 billion cost that New York City projects will be necessary to support arriving asylum seekers and migrants absent additional state and federal support; and

WHEREAS, immigration and asylee policies are federal responsibilities, and local governments cannot be expected to shoulder the costs of the migrant crisis without any capacity or responsibility to manage the nation’s borders; and

WHEREAS, additional financial and logistical support from both the federal government and State of New York are critical to ensure the City of New York and other local governments can respond to the migrant crisis in a sustainable, compassionate, and dignified manner; now be it

RESOLVED, that the Orleans County Legislature demands the State of New York and the federal government provide immediate financial, logistical, and resource assistance to counties and municipalities, specifically New York City, to assist in responding to the migrant crisis; and be it

FURTHER RESOLVED, that the federal government expedite work authorizations to enable asylum seekers and migrants to resettle in communities more quickly and reduce the need for future shelter and financial assistance; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ortt, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

RESOLUTION NO. 511-1023

URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO BECOME A TRUE PARTNER BY FOCUSING ON RENT ALLOWANCE AND STANDARD OF NEED WHICH MUST INCLUDE THE RESTORATION OF 50/50 COST SHARING FOR SAFETY NET PROGRAMS, AND PROVIDE ACTUAL BRICK AND MORTAR SOLUTIONS BY MAKING PERMANENT HOUSING THE CENTRAL FOCUS

WHEREAS, homelessness and housing affordability continue to be major concerns across the state; and

WHEREAS, the COVID-19 pandemic made the situation worse through increased rental rates, decreased housing supply and an increased reliance on temporary housing assistance in shelters and motels; and

WHEREAS, the influx of over 100,000 migrant asylum seekers over the last 18 months has pushed the already overburden statewide shelter system beyond the brink; and

WHEREAS, many areas of the state are seeing increases in homelessness even without the addition of asylum seekers due to shortages in affordable housing and increases in evictions; and

WHEREAS, the state's unprecedented reduction in fiscal support implemented over a decade ago when the state reduced its Safety Net program support from 50 percent to 29 percent has only made the situation worse; and

WHEREAS, the homeless population is facing new problems as the needs of families have become more complicated; and

WHEREAS, regardless of family size and demographics, many of those facing homelessness or seeking emergency shelter can have challenging medical needs, mental health and substance abuse issues, some are registered sex offenders, and still others are state prison parolees or on probation; with some facing several of these challenges at the same time; and

WHEREAS, the state requires counties to fund 71 percent of costs for Safety Net individuals and 100 percent of the costs of administering these programs; and

WHEREAS, local social service districts focus scarce resources on achieving permanent housing, preventing homelessness and providing temporary placement; and

WHEREAS, counties maintain that preventing homelessness in the first place is the best way to keep families safe and secure; and

WHEREAS, counties maintain that while it is important to provide help in a crisis, it is better policy to maintain stability and prevent emergencies by providing sufficient resources up front; now be it

RESOLVED, that the Orleans County Legislature calls on the Governor and state legislature to prioritize permanency in housing and to update rental allowances and the standard of need which have not been properly updated in decades to fully address the dramatic growth in housing, energy, and food costs; and be it

FURTHER RESOLVED, as part of the effort, the State must restore the Safety Net state share to 50 percent; and be it

FURTHER RESOLVED, counties need brick and mortar solutions to existing housing problems; and be it

FURTHER RESOLVED, the State should coordinate a timely transition to supportive housing for the highest need individuals with mental health and substance abuse issues in collaboration with OTDA, other state agencies, and local social services districts; especially those that have been repeatedly homeless and in need of supportive placements overseen by OMH, OASAS, OPWDD and DOCCS; and be it

FURTHER RESOLVED, the State should target funding to counties that allows them to work with community partners to develop service models that achieve permanency through innovative and flexible approaches that meet local needs; and be it

FURTHER RESOLVED, the State should work with counties in developing a public education campaign to ensure people better understand the plight of families and individuals struggling with homelessness and how everyone can benefit by helping them achieve stable housing in our communities; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, the Office for Temporary Disability Assistance, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 512-1023

AUTHORIZE PURCHASES WITHIN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED that this Legislature authorizes the purchase of office furniture through Workplace Interiors, LLC, 10 Carlson Road, Rochester, NY 14610, per NYS pricing contract #PC68432 to be paid from Department of Social Services budget 01.6010.0210 at a cost not to exceed \$ 10,573.02. Local cost \$0; and be it

FURTHER RESOLVED that this Legislature authorizes the purchase of three (3) Kodak S3100 scanners (Part#: 8001802) through Sourcewell, 300 Davidson Avenue, Somerset, NJ 08873; Contract #: 081419-SHI, Participant ID# 93107, to be paid from the Department of Social Services budget 01.6010.0220 at a cost of \$ 15,212.25.

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

RESOLUTION NO. 513-1023

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE CHILD AND FAMILY SERVICES UNIT WITHIN ORLEANS COUNTY DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature accepts donations received from community members to assist the Child and Family Services unit of the Department of Social Services; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new money in the Department of Social Services budget as follows:

REVENUE:

01.0001.2705	Donations	\$1,000.00
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APPROPRIATION:

01.6010.0418.6104	Child and Family Services	\$1,000.00
	Donations	

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

RESOLUTION NO. 514-1023

AUTHORIZING THE COUNTY TREASURER TO TRANSFER FUNDS WITHIN THE DEPARTMENT OF SOCIAL SERVICES BUDGET

RESOLVED, that the County Treasurer is authorized to transfer funds within the Department of Social Services Safe Harbor grant budget to meet expenditures, as follows:

FROM:

01.6010.0441	Printing	\$2,620.00
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01.6010.0418	Other Contractual	\$4,484.00
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TO:

01.6010.0433	Advertising	\$4,604.00
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01.6010.0210	Furniture	\$2,500.00
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and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer funds within the Department of Social Services budget to meet expenditures as follows:

FROM:

01.6010.0220	Office Equipment	\$6,164.00
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TO:

01.6010.0210	Furniture & Furnishings	\$6,164.00
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Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 515-1023

AUTHORIZING FILLING A POSITION IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, as a result of a resignation, that this Legislature does hereby authorize filling a full-time Account Clerk position (6010.1602) in the Department of Social Services at Grade 9 of the CSEA Salary Schedule effective November 3, 2023.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 516-1023

APPROVING A RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND MEDINA TRANSPORT TAXI, LLC

RESOLVED, that this Legislature does hereby authorize the following agreement for the Aging Department:

Medina Transport Taxi, LLC, 493 East Center Street, Medina, NY 14103 to provide medical transportation services for Orleans County residents age 60 and older from November 1, 2023 to October 31, 2024 at a cost of up to \$40,000.00. County cost is up to \$6,600.00.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 517-1023

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY AND TRANSFER FUNDS IN THE JOB DEVELOPMENT BUDGET

RESOLVED, that this Legislature authorizes the County Treasurer to set up new money in the Job Development budget for a donation from GLOW Works, Inc. to support 2023 GLOW with Your Hands Manufacturing as follows:

REVENUE:

014.0014.2705	Donations	\$646.25
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APPROPRIATION:

014.6293.0418	Other Contractual: Supportive Services	\$646.25
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and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to transfer monies in the Job Development budget for the purpose of utilizing the proper budget code for equipment as follows:

FROM:

14.6293.0418	Other Contractual: Supportive Services	\$5,362.69
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TO:

14.6293.0220	Office Equipment	\$5,362.69
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Moved, Miller; second, Fitzak.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 518-1023

APPROVING NOMINATION TO GENESEE-LIVINGSTON-ORLEANS-WYOMING (GLOW) WORKFORCE DEVELOPMENT BOARD (WDB) FOR ADDITIONAL TERM

RESOLVED, that this Legislature does hereby approve the nomination of Patti Fales, Human Resource/EHS Manager, BMP America Inc., for an additional term to represent an Orleans County Private Sector Business on the GLOW WDB, pursuant to the GLOW Workforce Development Board (GLOW WDB) By-Laws and in compliance with New York State Local Workforce Development Board (LWDB) eligibility criteria. The term of membership would be September 22, 2023 through September 22, 2025.

The GLOW Workforce Development Board is organized for the purpose of coordinating and implementing activities pursuant to the Workforce Innovation and Opportunity Act (WIOA) and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Genesee, Livingston, Orleans, and Wyoming Counties.

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

RESOLUTION NO. 519-1023

SETTING DATE OF PUBLIC HEARING ON LOCAL LAW NO. 4-INTRO OF 2023 REGARDING SENIOR CITIZEN TAX EXEMPTION

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled “A LOCAL LAW TO PROVIDE FOR SENIOR CITIZEN TAX EXEMPTION PURSUANT TO REAL PROPERTY TAX LAW § 467 AND DEFINE INCOME LIMITS FOR THE SAME”; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; now be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature November 14, 2023 at 4:20 p.m. at the Orleans County Legislature, 14016 Roue 31 W, Suite 204, Albion, New Yor, at which time all interested parties will be heard.

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

RESOLUTION NO. 520-1023

SETTING DATE OF PUBLIC HEARING ON LOCAL LAW NO. 5-INTRO OF 2023 REGARDING DISABLED TAX EXEMPTION

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled “A LOCAL LAW TO PROVIDE FOR A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO PERSONS WITH DISABILITIES AND LIMITED INCOMES PURSUANT TO REAL PROPERTY TAX LAW § 459-C AND DEFINE INCOME LIMITS FOR THE SAME”; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; now be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature November 14, 2023 at 4:25 p.m. at the Orleans County Legislature, 14016 Roue 31 W, Suite 204, Albion, New Yor, at which time all interested parties will be heard.

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

RESOLUTION NO. 521-1023

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY SELF INSURANCE PLAN AND CAHILL TECH INC

WHEREAS, safety is a valuable component of managing our Orleans County Self Insurance Plan, and

WHEREAS, the Orleans County Self Insurance Plan strives to find delivery systems of safety information that is relevant to the hazards our members are facing in a timely and effective manner, now be it

RESOLVED, that this Legislature authorizes an App Software License Agreement with CaHill TECH, Inc., P O Box 166, Akron, NY 14001 at a licensing rate not to exceed \$139.65 per user annual license with a total license cost of \$13,965.00 beginning December 1, 2023 through December 1, 2024 and be it

FURTHER RESOLVED, that this is a budgeted contractual expense for Orleans County Self Insurance Plan; and be it

FURTHER RESOLVED, that any additional charges for devices, onboarding, materials or custom modules shall be at the expense of the individual members of the Orleans County Self Insurance Plan which will allow the members to customize the software for maximum by the local municipality.

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

RESOLUTION NO. 522-1023

APPROVING AGREEMENT RENEWAL BETWEEN COUNTY TREASURER AND FIFTH ASSET INC./DBA DEBTBOOK FOR LEASE AND DEBT MANAGEMENT SYSTEM TO COMPLY WITH GASB 87 AND GASB 96

WHEREAS, it is the desire of the County Treasurer to renew a three year agreement with Fifth Asset Inc./DBA DebtBook to comply with GASB 87 for Lease Management and the forthcoming GASB 96 with tracking software programs; and

WHEREAS, this three year agreement will be for budget years 2024, 2025 and 2026 at a cost of \$12,500.00, \$14,500.00 and \$16,500.00 respectively; now be it

RESOLVED, this Legislature approves the agreement between the County Treasurer and Fifth Asset Inc./DBA DebtBook, PO Box 667950, Charlotte, NC 28266 and also authorizes the County Treasurer and County Chairman to sign the agreement upon approval of the County Attorney.

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

RESOLUTION NO. 523-1023

APPROVING AGREEMENT BETWEEN COUNTY TREASURER AND EFPR GROUP, CPA FOR INDEPENDENT AUDIT

WHEREAS, it is the recommendation of the County Treasurer to continue the auditing contract with EFPR Group, CPAs for three years; now be it

RESOLVED, that this Legislature approves the agreement between the County of Orleans and EFPR Group, CPAs, 100 South Clinton Ave., Rochester, NY 14604, to provide auditing services for the fiscal year 2023, 2024 and 2025 at a cost of \$52,500.00, \$55,125.00 and \$57,900.00 respectively, including the General Purpose Financial Statements single audit, the NYS Department of Transportation audit, Sheriff and Jail Accounts audit, and all out of pocket costs. Cost of Audit will be billed to maximize reimbursement to Treasurer, Department of Social Services, Workforce Investment Act (WIA), and the Dept. of Public Works.

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

RESOLUTION NO. 524-1023

AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2023-2024 SCHOOL TAXES TO THE 2024 COUNTY/TOWN TAX BILLS

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid school taxes, adding a 7% penalty, to be added to the 2024 tax rolls, for the respective towns as of November 1, 2023.

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

RESOLUTION NO. 525-1023

AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2023 SOLID WASTE/RECYCLING FEES TO THE 2024 COUNTY/TOWN TAX BILLS

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid 2023 Solid Waste/Recycling fees, to be added to the 2024 tax rolls for the respective towns as of November 1, 2023.

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

RESOLUTION NO. 526-1023

AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2023-2024 VILLAGE TAXES TO THE 2024 COUNTY/TOWN TAX BILLS

WHEREAS, Local Law No. 4 of 1997 provides for the collection of certain delinquent Village taxes by the County of Orleans in accordance with Section 1442 of the Real Property Tax Law of the State of New York; now be it

RESOLVED, the County Treasurer is authorized to relevel the unpaid 2023-2024 village taxes, adding a 5% penalty, to be added to the 2024 tax rolls for the respective towns as of November 1, 2023.

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

RESOLUTION NO. 527-1023

SUPPORTING PROPOSALS TO MODERNIZE STATE TAX LAWS TO INCLUDE THE SHORT-TERM RENTAL INDUSTRY AND ENSURE THESE CHANGES ARE APPROPRIATELY TAILORED FOR THE NEEDS OF LOCAL COMMUNITIES

WHEREAS, the Internet and numerous platforms that help facilitate retail transactions electronically have provided a boost for many sectors of the economy and made it easier for consumers to purchase goods and services; and

WHEREAS, electronic commerce continues to be one of the fastest growing retail sectors over the past two decades; and

WHEREAS, this form of commerce has opened up opportunities for an entirely new group of retailers and entrepreneurs; and

WHEREAS, with this growth many states have realized their tax systems need to be updated to accommodate the new modalities of retail activity; and

WHEREAS, a sizable number of new vendors and owners that use these platforms, or sell directly over the Internet, do not always understand their responsibility to collect state and local sales tax on taxable transactions; and

WHEREAS, the growth in online platforms that facilitate vacation rentals is in need of modernization and simplification to ease the burden on small vendors, ensure taxes owed are collected and remitted to the state and local governments, and to make sure there is a level playing field among marketplace participants and operators that provide short-term lodging (such as online vacation rentals, hotels, bed and breakfasts, etc.); and

WHEREAS, New York governors have proposed to update sales tax laws to define marketplace providers that facilitate vacation rentals (such as Airbnb and VRBO, among others) as persons required to collect tax on such sales, but the state legislature has not yet supported these proposals; and

WHEREAS, 35 counties and one city have entered voluntary local occupancy tax collection agreements with Airbnb as of August 2023, and now counties are working with VRBO to do the same; and

WHEREAS, these voluntary agreements only call for the collection of local occupancy taxes with the knowledge that additional state legislation is necessary to expand these collection responsibilities to state and local sales tax for short term rentals that do not currently meet state sales tax law definitions; and

WHEREAS, VRBO collects state and/or local sales tax or local occupancy taxes in 44 states, the District of Columbia and Puerto Rico, and has done so for years; and

WHEREAS, Airbnb also collects state and/or local sales or occupancy taxes in 42 states; and

WHEREAS, the state Division of Budget estimates that modernizing this section of sales tax law could bring in tens of millions of dollars annually in local sales tax; and

WHEREAS, counties, New York City and a variety of other municipalities have local occupancy taxes, but also have unique non-tax related needs and concerns regarding short term vacation rentals; now be it

RESOLVED, that the Orleans County Legislature supports proposals to ensure short term rental platforms collect state and local sales tax on unit rentals utilizing their platforms; and be it

FURTHER RESOLVED, that the Orleans County Legislature supports that such statewide actions to collect sales tax also allow for the collection of local occupancy taxes at local option; and be it

FURTHER RESOLVED, because certain jurisdictions have unique needs and local laws regarding short term rentals that may not be fully addressed in this legislation that a local opt out be included; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

RESOLUTION NO. 528-1023

SUPPORT OF MODERNIZING NEW YORK STATE'S IN REM TAX DELINQUENCY FORECLOSURE PROCESS TO COMPLY WITH THE TYLER VS. HENNEPIN COUNTY SUPREME COURT DECISION AND PRIORITIZES THE NEEDS OF ALL PROPERTY TAXPAYERS

WHEREAS, on May 25, the U.S. Supreme Court ruled in *Tyler v. Hennepin County, MN*, that certain property tax enforcement provisions carried out by some states will need to change, specifically, returning any surplus (described "just compensation" under the *Decision*) to the prior owner after appropriate delinquent taxes, penalties, fees and administrative expenses are reimbursed to the enforcing entity; and

WHEREAS, New York state officials, county and other local government tax enforcement officers are reviewing the implications of the Court's decision, we must ensure any redrafting of current state laws meet the standards set by the decision and that we preserve the procedures and

systems in place today that work well and will facilitate the critical task of tax enforcement for the benefit of all taxpayers; and

WHEREAS, county property tax enforcement responsibilities are required under state law with counties following the complex and regimented rules and procedures of the state; and

WHEREAS, under current state law counties are financially liable to hold school districts and towns (and often villages and some cities) harmless from any delinquent property taxes that they assess and are unpaid; and

WHEREAS, these hold harmless responsibilities often extend for many years as defined under state law and practice; and

WHEREAS, the majority of locally levied county taxes are used to pay for state mandated services and programs, but the state currently provides no financial assistance or liability protections to counties under this state defined tax enforcement process; and

WHEREAS, in any economic downturn, or unfavorable real estate market, the liability and expense for county taxpayers will grow immensely in the absence of state financing and protections; and

WHEREAS, the U.S. Supreme Court decision requires counties to return any surplus to the prior owner and will eliminate a key funding offset for counties as surpluses derived from some tax foreclosure auctions are used to offset losses on other parcels and to hold other taxing jurisdictions harmless during the multi-year tax foreclosure process; and

WHEREAS, in subsequent years the increased revenue loss for counties from current state law and the U.S. Supreme Court decision will need to be levied again and spread out among all other property owners that pay their property taxes increasing their costs and worsening the housing affordability crisis for all; and

WHEREAS, some counties and other tax enforcement jurisdictions also provide financial assistance to landbanks by transferring tax foreclosed properties for minimal cost which appears to not satisfy the Supreme Court decision; and

WHEREAS, the primary role of landbanks is to stabilize neighborhoods, prevent blight, provide affordable housing opportunities, and return tax delinquent properties to the tax rolls; and

WHEREAS, some In Rem reform proposals proposed in New York have sought to replace current privately funded lienholders administrative and legal staff with publicly funded county administrative and legal staff, which could lead to the unjust enrichment of for-profit banks and other lienholders that currently administer, fund and enforce their own property lien rights; now be it

RESOLVED, that the Orleans County Legislature supports In Rem tax foreclosure reforms that:

- Require the state to become the guarantor of unpaid taxes for all taxing jurisdictions that experience tax delinquencies under the new process,

- Ensure reforms include robust and flexible definitions of administrative expenses,
- Provide liability protections to counties and tax enforcement officials that are carrying out state property tax enforcement laws,
- Do not include provisions that require tax enforcement officials to settle all outstanding liens as it forces a public servant to act as an agent of what is usually a for-profit entity that has its own existing staff to settle liens,
- Require the court system to distribute any surplus funds to prior owner(s) under a specified timetable,
- Ensure the state provides direct fiscal assistance to landbanks so they can maintain their primary housing goals under state law; and

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

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

RESOLUTION NO. 529-1023

AUTHORIZING PAYMENT OF CLAIMS FOR NOVEMBER AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Department of Public Works, Special Grant Fund (Job Development Agency) and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility, Community College bills and County Credit Card charges will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following finds and that the Clerk of the Legislature, Commissioner of the Department of Public Works, Director of Job Development Agency and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for November 14, 2023 and November 28, 2023:

<u>Fund/Department:</u>	<u>Amount:</u>
General	
Road Fund	
Road Machinery Fund	
Special Grant Fund	
Self Insurance	

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

Chairman Johnson asked for any new business. Hearing none Chairman Johnson asked the public for any comment.

Betsy Krenning, Town of Albion. Ms. Krenning spoke about the progress of broadband. There have been many emails for the past several years about the progress of highspeed internet for our rural communities. I have generated a short timeline to review with you that I handed out. I will take about as much time as it takes to upload or download a document at my house.

Pre COVID: Inquired about High Speed Internet with Verizon and Spectrum. Spectrum stated they are in the planning process of bringing it to our area, too early to give a timeframe. *May 2020 COVID:* Called Spectrum - We were told with COVID that they are working to get it to areas faster - estimate time was 1 year. Be patient. *Summer 2021:* Spectrum installing cable lines 1 mile from our home (Eagle Harbor Knowlesville Rd. and first few houses on Kenyonville Rd.) Spectrum lines extended to Amish homes..... I called again and was told they would continue down Kenyonville Rd. and onto Howlett Rd. in about 6 months - it's being installed in phases. *July 28, 2021:* Orleans Hub County Leg accepts \$3.6 million bid to fill broadband gaps in Orleans "This will make high-speed internet available for the current 1,351 address points that can't connect to the service." *August 4, 2021:* Buffalo News Federal funds bring broadband service to Niagara, Orleans counties "Everyone in Niagara and Orleans counties will have access to broadband internet service within a few months." *August 16, 2021:* WGRZ \$7.8M in broadband funding coming to Niagara and Orleans counties "The project is expected to be completed within the year." *November 2021:* Emailed Legislatures; basically told to be patient that broadband installation is in progress. *March 2022:* Jacobs secures \$3.87M in broadband funding for Orleans County. *Summer 2022:* Called Spectrum - We were told that there is no longer a plan to bring high speed internet to Howlett Rd. I was told to check back at another date. *October 5, 2022:* County expects new broadband system to be ready in first quarter of 2023 "Everyone will now have real choice in broadband service." *May 2023:* Emailed Legislatures; What is the progress with high speed internet. I was given information to contact RTO about installation. *May 31, 2023:* RTO came out to install receiver at our house and there was no signal. We were told they would be back, needed to get other equipment, trouble with trees, fully unlock power, need a stronger signal..... *June 6, 2023:* Email from Kevin Reagan "It's a matter of days, not weeks". *June 27, 2023:* Email Legislatures, again; along with other NYS Government officials. Jack Welch is the only one that responded. I received a detailed explanation of the process. *June/July 2023:* Called Spectrum - Again told that there are no plans to bring cable to Howlett Rd. I asked for a Construction Analysis to be done. It would cost around \$40,000 to bring it to our home and it would be done in 9 months. IT would also connect numerous other homes along the way that currently do not have high speed internet. *July 2023:* Spoke with an independent contractor about our situation and was told only cable or fiber optics would work at our location. *July 2023:* More emails exchanged between Jack, Kevin, and myself. *July or August 2023:* RTO came back with other equipment and there was still no signal. *September 2023:* Received a United Way packet that "You are in LUCK! It looks like you can get a good signal!". *September 2023:* I spoke with Senator Rob Ortt, he was under the impression that Orleans County residents had access to high speed internet. *October 2023:* My husband spoke with Assemblyman Stephen Hawley, he also believed residents of Orleans County had access to high speed internet and water. The answer is no to both. *October 20, 2023:* Email from Kevin Reagan - "We are waiting for the arrival of some equipment that we expect in the next week or so".

All I'm asking is to get highspeed internet at my house. During COVID, I got MiFi and hotspots did not work at my house. There have been newspaper articles in which we hear and believe that

it is only a couple weeks or months till I have highspeed internet. Every time I hear that, I believe that. I have been believing this since 2020. If there is anything that I can do to help with anything that I can do to help. My fear is that I am going to get a last email from Jack or Kevin that it is going to be 2025. I am about done, because this is about how long it would take for my document to download. Chairman Johnson, I want to thank you. I know many Orleans County residents share your frustration. CAO Jack Welch stated that he truly appreciates your frustration, as I am also frustrated in the entire process. The quickest way to slow down a project is to get money from the Federal or State Government. We still have not seen or been allowed to apply for the Congressional discretionary spending. We are not the primary entity on that money, but we are waiting for the money. We have not waited for the money to arrive as we are moving forward. The other grant is CDBG for Low To Moderate Income families. That process has a very strict timeline. We have received two extensions on that grant. The requirement is to build it out and then put the equipment in households. The system isn't built for wireless broadband. They want the wire and plug and play. We are working on that. The other frustrating thing is that I did not realize that our towers would be nice summer homes for osprey. This has slowed down two towers. The towers are done sequentially. Spectrum has to run a broadband fiber optic to one tower and then it gets sent along the others. These are facts and I feel your pain. I have weekly phone calls with Kevin Reagan and we talk about you a couple times a month. I know that doesn't help, but with the broadband we have to get the tower in Gaines #13 and then one more to build out in Carlton. This is now turned into a 2024 project. This is like an umbrella over the top with the fiber connections and then secondary system to know where the holes are. We do have a contract that says there will be 50 people who will not be receiving broadband. The list is actually larger than that at this time. I really don't have a date for your answer. Ms. Krenning said she honestly understands. Thank you for listening to me. My frustration came when I would see things come in the mail or talking to State Senators who this it is working here. I have had two times that RTO people have come to my house to test this and it still doesn't work. Thank you for your time. Chairman Johnson stated that broadband will be complete when it can come to your house. We are just not done yet.

With there being no further discussion or comments, Legislator Allport made a motion to adjourn the meeting, seconded by Legislator Morgan. The meeting was adjourned at 5:21 p.m.