

Legislature Meeting November 14, 2023

Chairman Lynne Johnson called the meeting to order at 4:27 p.m., followed by the Pledge to the Flag. Veterans Services Agency Director Nancy Traxler then gave the invocation.

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

The Clerk presented the following communications:

Request for Use of Courthouse Square from Albion Merchants Association, Natasha Wasuck is asking to have the Village of Albion place the large Christmas tree on the Courthouse lawn. It will go up mid-November. **Board Approval Needed**

Lora Laine, Let's Make Albion a Christmas Village is asking to have a Christmas Tree Honor Garden of artificial Christmas tree on the Courthouse lawn. The location would be the corner of Main St and State St. Lora Laine was asked to clarify what organizations would be asked and where they would be placed. **Board Approval Needed**

Thank you email read aloud from Orleans Niagara BOCES Medina Literacy Zone Case Manager Julie Johnson to Job Development.

Town of Shelby has submitted the following Resolution No. 68-23 entitled Resolution to Protect Individual Freedom From Mandatory Mask Wearing and COVID Vaccine Mandates

Legislator Donald Allport presented a Special Recognition certificate to Mary Ellen Messemer upon her retirement from Orleans County Public Health after serving 28 years.

Chairman Johnson asked Legislator Fitzak and Personnel Director Katie Harvey to present the Employee of the Year Award. Mrs. Harvey stated the following.

The EAP Committee is tasked to recognize Employees of the Month. This is a very important and a very special occasion when fellow county employees are recognized for not only their service to the citizens of the county but to recognize those individuals who go above and beyond their duty. The EAP Committee receives nominations from fellow employees and department directors and then the nominations are reviewed, discussed by the committee and a selection is made. The employees of the month for the past year were: October 2022-James White (Sheriff), November 2022-Jennifer Gonzalez (Social Services), December 2022-Martin Stirk (Sheriff), January 2023-Justin Niederhofer (Emergency Management), February 2023-David Foeller (Sheriff), March 2023-Tisha Drought, Taylor Tinkous, Patricia Urquhart (Mental Health), April 2023-Cory Martindale (Sheriff), May 2023-Ariel Ambrose (Sheriff), June 2023-Jennifer Leverenz (District Attorney), July 2023-Mark Tucker (Mental Health), August 2023-Jennifer Szalay (Social Services), September 2023 Devon Pahuta, Brian Marsceill, Kevin Colonna (Sheriff). From this pool of candidates, a Department Head must make a recommendation to a separate committee to determine the Employee of the Year. The committee takes into consideration the service that an employee has performed before choosing the Employee of the Year. This year's employee of the year started with Social Services in 2009 as a quiet keyboard specialist. They were promoted to a Social Welfare Examiner in 2016 and in 2020 were again promoted to a Senior Social Welfare Examiner overseeing the Public Assistance and HEAP programs. Due to her dedication to both the county and the programs, this employee was once again promoted to Principal Social Welfare Examiner of the unit in 2022. The Public Assistance program has always been a very demanding and fast paced program area and has been short staffed for some time. During the past year the

Homelessness has skyrocketed within our county and continues to grow into a more complex problem daily as many of the local motels are at capacity. This employee has been able to lead their team through the endless struggles with finding solutions and placements for the residents in need in our district. This employee also ensures that the recipients are in compliance with the basic program requirements set forth by the Office of Temporary and Disability Assistance and that the recipients are working towards gaining self-sufficiency and permanent housing. Due to multiple vacancies within the unit this employee has shown her dedication by continuing to manage vacant caseloads, train newer staff and support her entire team through a very difficult year. She can often be seen coming in early and staying late in order to get the required work completed and support her team. This employee has grown as a leader and has become such a valued asset to the Department of Social Services and to Orleans County. We are pleased to announce the 2023 Employee of the year is Jennifer Szalay. Congratulations!

Treasurer Kimberly DeFrank stated the cash flow shows the general fund account and several accounts that add up to the general funds. We have received the \$2.7 million retirement bill and \$1,071,000.00 million College Fund bill that will both be paid out next month. The Community College fund is under our budget, although we may receive more bills for this fund. Our finances still look good.

Chairman Johnson asked the Legislators if there was any open discussion or comments.

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. 530-1123

APPROVING AGREEMENT BETWEEN WALMART AND SHERIFF'S OFFICE

RESOLVED, that this Legislature does hereby approve an agreement between the Sheriff's Office and Walmart, 13858 State Route 31, Albion, NY 14411, to provide security detail, effective November 23, 2023 through December 31, 2023.

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

RESOLUTION NO. 531-1123

AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR GRANT FUNDING THROUGH DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, the Orleans County Sheriff's Office requests to participate in the grant funding available through the Division of Criminal Justice; now be it

RESOLVED, that this Legislature does hereby authorize the Sheriff to apply for grant funding through the Division of Criminal Justice Services Law Enforcement Technology Grant, granting funds to purchase approved technology upgrades to policing agencies; and be it

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

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

RESOLUTION NO. 532-1123

AUTHORIZING THE SHERIFF'S OFFICE TO PURCHASE VEHICLES FOR SHERIFF'S FLEET PATROL

RESOLVED, this this Legislature authorizes the Sheriff's Office to purchase three (3) new 2023 Chevrolet Tahoes at the government discount rate which includes up fitting in the amount of \$73,008.64 each from Joe Basil Chevrolet, Inc., 5111 Transit Rd, Depew, NY 14043, to be paid from the Sheriff's budget 01.3110.0270-Capital Equipment; and be it

FURTHER RESOLVED, that this Legislature authorizes the Sheriff's Office to purchase two (2) new 2023 Ford Explorers at the government discount rate which includes up fitting in the amount of \$73,610.74 from Bob Johnson Ford, CDJR, 1675 Interstate Drive, Avon, NY 14414, to be paid from the Sheriff's budget 01.3110.0270-Capital Equipment.

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

RESOLUTION NO. 533-1123

AUTHORIZING PURCHASES FROM THE SHERIFF'S BUDGET AND AUTHORIZING COUNTY TREASURER TO SET UP FUNDS

RESOLVED, this this Legislature does hereby approve the following SWAT purchases from the following agencies:

Safeware, 4403 Forbes Blvd, Lanham, MD 20706 for twelve (12) ballistic helmets, twelve (12) chinstrap extenders, and twelve (12) helmet bags in the amount of \$10,192.44, to be paid from Sheriff's SWAT budget 01.3130.0415-Uniforms.

Lenco Armored Vehicles, 10 Betnr Industrial Drive, Pittsfield, MA 01201 for an emergency response armored vehicle in the amount of \$319,867.00, to be paid from SWAT budget 01.3130.0270 – Capital Equipment; and be it

FURTHER RESOLVED, this Legislature authorized the County Treasurer to set up fund as follows:

<u>RESERVE:</u>		
Miscellaneous		\$135,000.00
Building and Equipment		\$184,867.00

<u>APPROPRIATION:</u>		
01.3130.0270	Capital Equipment	\$319,867.00

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

RESOLUTION NO. 534-1123

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 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, Allport; second, Miller.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 535-1123

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE SHERIFF’S OFFICE BUDGET

WHEREAS, Resolution No. 132-320 and Resolution No. 117-321 authorized agreements with BI2 Technologies, Inc. and the Sheriff’s Office; and

WHEREAS, BI2 Technology Inc, has provided the Sheriff’s Office with a \$18,995.00 technology grant as part of this agreement; now be it

RESOLVED, that this Legislature accepts this grant funding and further authorizes the County Treasurer to set up new money in the Sheriff’s Jail budget as follows:

<u>REVENUE:</u>		
01.3150.2708	Local Grants	\$18,995.00
<u>APPROPRIATION:</u>		
01.3150.0250	Other Equipment	\$18,995.00

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

RESOLUTION NO. 536-1123

AUTHORIZING DIRECTOR OF EMERGENCY MANAGEMENT TO ACCEPT 2023 STATEWIDE INTEROPERABLE COMMUNICATION FORMULA GRANT FUNDING

WHEREAS, Resolution No. 300-623 authorized the Director of Emergency Management to apply for the 2023 Statewide Interoperable Communications-Formula Based Grant (SICG FY23); and

WHEREAS, the NYS Division of Homelands Security approved the application for Orleans County Office of Emergency Management in the amount of \$501,156.00 to be utilized for enhancing emergency response, improving capabilities, improvements in government structures, operating procedures, infrastructure development and addressing SAFECOM guidelines within the performance period beginning January 1, 2023 through December 31, 2025; and be it

RESOLVED, that this Legislature authorizes the Chairman to accept SICG-Formula Grant, Project No. XXXX-XXXX-XXX in the amount of \$501,156.00 for use by the Emergency Management Office in accordance with grant objective guidelines for performance period beginning January 1, 2023 through December 31, 2025.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 537-1123

AUTHORIZING VEHICLE LEASE AGREEMENT FOR THE EMERGENCY MANAGEMENT DEPARTMENT

WHEREAS, Resolution No. 407-920 approved a master Equity Lease Agreement with Enterprise Fleet Management; and

WHEREAS, there is a need to replace the 2019 Chevrolet Tahoe as it no longer meets mission requirements of the department; and be it

RESOLVED, this Legislature authorizes the 60-month lease of a 2024 Chevrolet 2500 Silverado with emergency upfitting from Enterprise Fleet Management, 600 Corporate Park Drive, St. Louis, MO 63105, at a cost not to exceed \$74,000.00, of which \$54,000.00 will be paid upon delivery utilizing FY23 Emergency Management Planning Grant Funds of \$19,202.00 and matching FY24 County funds of \$19,202.00 and \$15,596.00 from SHSP FY23; remaining lease payments to be paid from Emergency Management budget 01.3640.0270 Capital Equipment funds through 2028.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 538-1123

AUTHORIZING EXPENDING GRANT FUNDS AND APPROVING AN AGREEMENT BETWEEN EMERGENCY MANAGEMENT AND NOKIA AND AUTHORIZING THE COUNTY TREASURER TO SET UP FUNDS

WHEREAS, Resolution No. 133-323 approved the grant agreement between Emergency Management and NYS Department of Homeland Security and Emergency Services, for the 2022 Statewide Interoperable Communications Targeted Grant (SICG Contract #C197610); and be it

RESOLVED, that this legislature authorizes Emergency Management to expend 2022 SICG FY22 funds in the amount not to exceed \$268,934.05 to Nokia of America Corporation,

NYS OGS Contract PM67989 per the November 3, 2023 proposal 22.US.319585.01 for the Carlton Tower Hop; and be it

FURTHER RESOLVED, that this legislature authorizes the County Treasurer to set up funds as follows:

REVENUE:

01.3640.4309.0750	ST Homeland Security – SICG FY22 Targeted	\$268,934.05
-------------------	----------------------------------------------	--------------

APPROPRIATION:

01.3640.0486.0750	Special Grant – SICG FY22 Targeted	\$268,934.05
-------------------	---------------------------------------	--------------

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

RESOLUTION NO. 539-1123

APPROVING AGREEMENT FOR ASSIGNED COUNSEL ADMINISTRATOR WITH JAMES P. PUNCH

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

FURTHER RESOLVED, that, on December 1, 2020, the Orleans County Bar Association voted and approved the recommendation of the Assigned Counsel Advisory Committee that James P. Punch, Esq., be nominated as the Administrator of the ACP; and it is hereby

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute, on behalf of the County, a contract for the Assigned Counsel Administrator with James P. Punch, Esq., for providing all services as Assigned Counsel Administrator, at an annual cost of \$35,000.00; and said amount to be paid in quarterly installments of \$8,750.00, upon submission of a County Voucher at the end of each quarter, effective January 1, 2024 through December 31, 2024, all payments subject to the availability of state grant funds for this contract.

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

RESOLUTION NO. 540-1123

APPROVING AGREEMENT FOR ADMINISTRATIVE ASSISTANT FOR THE ASSIGNED COUNSEL ADMINISTRATOR

RESOLVED, that this Legislature approves an Agreement between the Public Defender and Virginia Nicholson, to provide Administrative Services to the Assigned Counsel Plan (ACP) Administrator and the ACP attorneys at an annual cost of \$6,000.00; to be paid in quarterly installments of \$1,500.00, at the end of each quarter, effective January 1, 2024 through December

31, 2024; and to be paid from grant funds through Indigent Legal Services (ILS) Grant #CSTWIDEHH33, and any subsequent ILS funding; and be it

FURTHER RESOLVED, that the Agreement shall terminate when said funds are no longer available.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 541-1123

APPROVING AGREEMENT FOR NON-PUBLIC DEFENDER ATTORNEY BRUCE R. SCHMIDT, ESQ., TO PROVIDE COVERAGE FOR THE CENTRALIZED ARRAIGNMENT PART

WHEREAS, Resolution No. 583-1222 authorized the Agreement between the County and Bruce R. Schmidt, Esq., to provide coverage for CAP sessions; now be it

RESOLVED, that, an Independent Contractor Agreement shall be entered into with Bruce R. Schmidt, Esq., to allow continued coverage for the CAP; and be it

FURTHER RESOLVED, that said Agreement shall be in effect from November 1, 2023 through October 31, 2024.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 542-1123

APPROVING AGREEMENT BETWEEN PUBLIC DEFENDER AND KENNETH R. SPOHR FOR INVESTIGATIVE SERVICES

WHEREAS, the Public Defender's Office and the Assigned Counsel Program require the use of investigative services for various cases; and be it

RESOLVED, that this Legislature approves an Agreement between the Public Defender and Kenneth R. Spohr, to provide Investigative Services on a per diem basis, not to exceed \$20,000.00 per year; effective January 1, 2024, through December 31, 2024; and to be paid from grant funds through Indigent Legal Services through #C2ND634, and any subsequent ILS funding.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 543-1123

RENEWAL AND MODIFICATION OF THE RENTAL AGREEMENT WITH THE ORLEANS COUNTY PUBLIC DEFENDER

WHEREAS, Resolution No. 343-722 provided for a rental agreement with the Public Defender's Office for office space and the partial reimbursement thereof for said rent to be reimbursed by Indigent Legal Services; and

WHEREAS, a new Venesky SOCA Report (2022) has been received and the amount of rent needs to reflect the proper amount per square foot; and

WHEREAS, this rental agreement will supersede previous Resolution No. 343-722; now be it

RESOLVED, that the Chairwoman of the Legislature is authorized to execute, an Office Rental Agreement with the Orleans County Public Defender's Office, effective July 1, 2023, through June 30, 2024, to account for rent associated with the Public Defender's Office, including the allocation of said rent; and be it

FURTHER RESOLVED, that the County Treasurer's Office shall prepare a quarterly invoice for rent at a rate of \$12.35/sq.ft.; and be it

FURTHER RESOLVED, that the Public Defender's Office shall submit a Claim for Payment to Indigent Legal Services under Contract CSTWIDEHH33, as set forth in the Agreement.

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

RESOLUTION NO. 544-1123

AUTHORIZING PROBATION DIRECTOR TO ACCEPT MONIES FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, the Governor's Traffic Safety Council is providing the Division of Criminal Justice Services (Office of Probation and Correctional Alternatives) a funding opportunity to support supervision of Leandra's Law provisions; now be it

RESOLVED, that this Legislature does authorize Orleans County Probation Department to accept \$5,896.00 for Leandra's Law Ignition Interlock Device cases. This represents an increase of \$1,942.00 over previous year's funding. The Grant period is from October 1, 2023 to September 30, 2024.

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

RESOLUTION NO. 545-1123

AUTHORIZE THE ACCEPTANCE OF FUNDS FOR THE YEAR 2023 THAT WAS AWARDED TO THE ORLEANS COUNTY LGU FROM OASAS AS A RESULT OF OPIOID SETTLEMENTS

WHEREAS, the Local Governing Unit (LGU) provided the Community Services Board and the Orleans County Legislature with notice of these received funds. The LGU distributed a Request of Proposals across agencies and programs within Orleans County to include but not limited to governmental agencies, and non-profit agencies to utilize the funds from the settlement to be compliant with the Approved Uses of funds such as treatment, prevention, and other strategies that may be categorized as restricted or unrestricted use; and

WHEREAS, the LGU reviewed the proposals and was supported by the Community Services Board to make recommendations to the proposals of awardees and awardee amounts; and

WHEREAS, the LGU presented the recommendations to the Community Services Board in October 2023, and the Community Services voted unanimously to approve the LGU's recommendations for the use of these funds, to include the awardees and the awarded amounts; and

WHEREAS, as a result the following agencies and providers entered into Memorandum of Understanding Agreements, between the Orleans County Mental Health Department for the purpose of the awarded funding from the LGU OASAS Abatement Funding for year 2023; now be it

RESOLVED, that this Legislature authorizes agreements between the Mental Health Department and the following agencies:

Oak Orchard Health, 300 West Avenue, Brockport, NY 14420. Total amount of awarded funding \$33,000.00. County Cost is \$0.

Suicide Prevention Coalition, 14014 Route 31 W, Albion, NY 14411. Total amount of awarded funding \$5,000.00. County Cost is \$0.

Orleans Recovery Hope Begins Here, 242 S. Main St, Suite 190, Albion, NY 14411. Total amount of awarded funding \$11,600.00. County Cost is \$0.

ARC GLOW, 18 Main St., Mount Morris, NY 14510. Total amount of awarded funding \$12,000.00. County Cost is \$0.

Community Action of Orleans & Genesee Counties, 409 East State St., Albion, NY 14411. Total amount of awarded funding is \$8,013.12. County Cost is \$0.

Mental Health Association of Genesee & Orleans Counties, 25 Liberty Street, Batavia, New York 14020. Total amount of awarded funding is \$10,000.00. County Cost is \$0.

FURTHER RESOLVED, this Legislature authorizes the County Treasurer to set up funds as follows:

REVENUE:

01.4310.3148	Opioid	\$79,613.12
--------------	--------	-------------

APPROPRIATION:

01.4310.0432	Misc. Contract/Agreements	\$79,613.12
--------------	---------------------------	-------------

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

RESOLUTION NO. 546-1123

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:

Orleans County Attorney, Katherine Bogan, 517 Main St, Medina, NY 14103. Contract to provide Attorney Services to the Orleans County Health Department and its various programs. Reimbursements from New York State Aid article 6 and not to exceed \$15,500.00, effective January 1, 2024 through December 31, 2024.

Orleans County Department of Public Works, 225 West Academy St, Albion, NY 14411. Contract to provide engineering services for the Orleans County Environmental Department. Reimbursement from New York State Water Grant and State aid article 6, effective January 1, 2024 through December 31, 2024.

Qiagen LLC. 19300 Germantown Rd, Germantown, MD 20874-1415. Contract to provide and equipment service plan on the QIAcuity One, 5plex instrument, 840. Service plan to provide; repair services, and periodic inspection/maintenance. Reimbursement through New York State article 6 100/36 at rate of \$5,905.00 a year for five years, effective January 1, 2024 through January 1, 2028.

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

RESOLUTION NO. 547-1123

AUTHORIZING PURCHASES FROM PUBLIC HEALTH DEPARTMENT BUDGET

WHEREAS, the Orleans County Health Department has been awarded funding from Health Research, Inc. for the purpose of strengthening the public health infrastructure, workforce and data systems; and

WHEREAS, the current ice and water dispenser is aging out and needs replacing; now be it

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase a Hoshizaki Ice Maker/Water Dispenser in the amount of \$ 5,337.00 per quote from Joseph Flihan Co., 418-426 Broad Street Corner of Second Street, Utica, New York 13504 under the NYS Contract Number PC68659. The purchase will be paid from health department budget 01.4010.0250-Other Equipment. No county cost.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 548-1123

APPROVING RENEWAL AGREEMENT BETWEEN ORLEANS COUNTY BOARD OF ELECTIONS AND NTS DATA SERVICES, LLC

RESOLVED, that this Legislature approves a renewal agreement between the Orleans County Board of Elections and NTS Data Services, LLC, 2079 Sawyer Drive, Niagara Falls, NY 14304. NTS will provide APEX, PACETS, and IMS software (“NTS Software”) to the Orleans County Board of Elections. The term of this agreement, will commence January 1, 2024 through December 31, 2026, with a payment of \$27,142.00 due to NTS by January 5, 2024 thereafter with annual payments each year of \$27,142.00 due to NTS by January 5th of each year through December 31, 2026. County Cost 100%.

Moved, Allport; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 549-1123

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND BERGMANN ARCHITECTURAL ASSOCIATES, INC.

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Bergmann Architectural Associates Inc., 40 LaRiviere Drive, Suite 200 Buffalo, NY 14202 to perform Preliminary Engineering and Design, ROW Incidentals and ROW Acquisitions for the Replacement of Route 279 Bridge over Beardsley Creek in the Town of Carlton. NYS DOT Contract #D041036, Bin #1044360, Pin 4BNY.52; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$226,000.00 and is 95% reimbursable through the “Bridge NY” Funding; and be it

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

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 550-1123

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND C&S ENGINEERS

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and C&S Engineers, 100 South Clinton Avenue, Suite 2700, Rochester, NY 14604 to perform Preliminary Engineering and Design, ROW Incidentals and ROW Acquisitions for the Replacement of Groth Road Bridge over East Branch of Sandy Creek in the Town of Murray, NYS DOT Contract #D041045, BIN #3319210, Pin 4BNY.61; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$278,700.00 and is 95% reimbursable through the "Bridge NY" Funding; and be it

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

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 551-1123

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND RAVI ENGINEERING

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Ravi Engineering, 2110 South Clinton Avenue, Suite 1, Rochester, NY 14618 to perform Preliminary Engineering and Design, ROW Incidentals and ROW Acquisitions for the Replacement of Eagle Harbor Road Culvert carrying the Tributary of Otter Creek in the Town of Barre, Pin 4BNY.68; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$192,000.00 and is 100% reimbursable through the "Bridge NY" Funding; and be it

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

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 552-1123

APPROVING AMENDMENT AGREEMENT NO. 3 WITH DEPARTMENT OF PUBLIC WORKS AND WENDEL COMPANIES

RESOLVED, that this Legislature does hereby approve Amendment No. 3 to the Energy Performance Contract between the Department of Public Works and Wendel Companies, 375 Essjay Road, Suite 200, Williamsville, New York 14221 in the amount of \$1,357,501.66 for the solar subcontractors to lock in material and labor pricing and to develop final labor and material for remaining upgrades pertaining to Mental Health HVAC Upgrades and Highway Department EMS Upgrades; to be paid out of the Buildings and Grounds Division budget 01.1620.0470-Capital Projects; and be it

FURTHER RESOLVED, the total project cost for the Energy Performance Contract is \$1,600,130.95.

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 553-1123

AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS

WHEREAS, a Project for the Route 279 Road over Beardsley Creek Bridge Replacement, P.I.N. 4BNY.52 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. will design, let and construct the Project; and

WHEREAS, the Legislature of Orleans County desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Orleans County Legislative Board, duly convened does hereby

RESOLVE, that the Orleans County Legislative Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Legislative Board hereby authorizes the County of Orleans to pay 100% of the cost of \$223,000.00 for Preliminary Engineering, Design and ROW Incidentals work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further and it is further

RESOLVED, that the sum of \$223,000.00 is hereby appropriated from Orleans County and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Legislative BOARD hereby agrees that the County of Orleans shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the County of Orleans; and it is further

RESOLVED, that Orleans County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Chairman of the Legislature of the County of Orleans be and is hereby authorized to execute on behalf of the County of Orleans all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Orleans's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further with the New York State Department of Transportation in connection with the advancement or approval of the

Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 554-1123

AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS

WHEREAS, a Project for the Groth Road over East Branch Sandy Creek Bridge Replacement, P.I.N. 4BNY.61 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, C&S Engineers Inc. will design, let and construct the Project; and

WHEREAS, the Legislature of Orleans County desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Orleans County Legislative Board, duly convened does hereby

RESOLVE, that the Orleans County Legislative Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Legislative Board hereby authorizes the County of Orleans to pay 100% of the cost of \$270,700.00 for Preliminary Engineering, Design and ROW Incidentals work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further and it is further

RESOLVED, that the sum of \$270,700.00 is hereby appropriated from Orleans County and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Legislative BOARD hereby agrees that the County of Orleans shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the County of Orleans; and it is further

RESOLVED, that Orleans County hereby agrees that construction of the Project shall begin

no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Chairman of the Legislature of the County of Orleans be and is hereby authorized to execute on behalf of the County of Orleans all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Orleans's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 555-1123

AUTHORIZING THE IMPLEMENTATION AND FUNDING OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT OF WHICH QUALIFIED COSTS MAY BE REIMBURSED FROM BRIDGE NY FUNDS

WHEREAS, a Project for the Eagle Harbor Road Culvert carrying the Tributary of Otter Creek P.I.N. 4BNY.68 (the Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, Ravi Engineering will design, let and administer all phases of the Project.

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of 100% of the costs of Eagle Harbor Road Culvert work for the Project or portions thereof.

NOW, THEREFORE, the Legislative Board, duly convened does hereby

RESOLVE, that the Orleans County Legislative Board hereby approves the Project; and it is hereby further

RESOLVED, that the Legislative Board hereby authorizes the County of Orleans to pay

100% of the cost of Eagle Harbor Road Culvert carrying Tributary of Otter Creek work for the Project or portions thereof; with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$951,625.00 is hereby appropriated from Orleans County [or, appropriated pursuant to Orleans County] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Orleans County Legislative Board hereby agrees that the County of Orleans shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the County of Orleans; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the County of Orleans shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYS Department of Transportation thereof, and it is further

RESOLVED, that the Orleans County Legislative Board hereby agrees that the County of Orleans hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Chairman of the County of Orleans be and is hereby authorized to execute all agreements, certifications or reimbursement requests with the NYSDOT for State-Aid and/or Bridge NY funding on behalf of the County of Orleans in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs; and it is further

RESOLVED, that the County of Orleans will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Moved, Eick; second, Morgan.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 556-1123

APPROVING AGREEMENT WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Children’s Home of Wyoming Conference, Binghamton, NY for the provision of residential foster care services including Raise the Age; to be effective January 1, 2024 through December 31, 2024, at per diem rates as established by the State, not to exceed \$802,000.00, County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Moved, Miller; second, Fitzak.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 557-1123

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	\$50.00
--------------	-----------	---------

APPROPRIATION:

01.6010.0418.6104	Child and Family Services	\$50.00
	Donations	

Moved, Miller; second, Fitzak.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 558-1123

APPROVING AGREEMENTS BETWEEN OFFICE FOR THE AGING DEPARTMENT AND WESTERN NEW YORK INTEGRATED CARE COLLABORATIVE, INC.

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

Western New York Integrated Care Collaborative, Inc. - to provide dietician services for Orleans County residents age 60 and older from December 1, 2023 to September 30, 2024 at a cost not to exceed \$16,640.00. County cost not to exceed \$708.60.

Moved, Miller; second, Fitzak.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 559-1123

**AUTHORIZING OFFICE FOR THE AGING TO REAPPLY AND ACCEPT GRANT FOR THE
MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT (MIPPA)
FUNDING AND ACCEPT FUNDING**

RESOLVED, that this Legislature authorizes Office for the Aging to apply for the MIPPA grant in the amount of \$16,084.00, to educate and assist Medicare beneficiaries with limited incomes, outreach and assistance with Medicare Part D for beneficiaries in rural areas, and assist with Low Income Subsidy and Medicare Savings Applications effective September 30, 2023 through September 29, 2024; No County Cost.

Moved, Miller; second, Fitzak.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 560-1123

AUTHORIZING FILLING POSITION IN THE JOB DEVELOPMENT AGENCY

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Employee and Training Program Assistant position (6210.20) in the Job Development Agency, at grade 7 of the CSEA Salary Schedule, effective November 28, 2023; and be it

FURTHER RESOLVED, that this position will remain dependent upon funding availability within the Job Development Agency budget.

Moved, Miller; second, Fitzak.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 561-1123

**APPROVING AGREEMENTS BETWEEN COUNTY CLERK AND ABSTRACT
COMPANIES**

RESOLVED, that this Legislature approves lease agreements with the following Abstract Companies for the leasing of space in the County Clerk's Office, agreements effective for the calendar years 2024 and 2025 at an annual cost of \$3,000.00 per year per company:

Independent Title Agency	Orleans Abstract
1001 James Street, Suite 203	P O Box 129
Corner of James & Oak Streets	Albion, NY 14411
Syracuse, NY 13203	

Moved, Fitzak; second, Miller.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 562-1123

**AMENDING RESOLUTION NO. 629-1222 WHICH APPROVED AN AGREEMENT
BETWEEN ORLEANS COUNTY AND TYLER TECHNOLOGIES FOR RECORDS
MANAGEMENT SOLUTIONS**

WHEREAS, the current go live date for the conversion of software solutions to Tyler Technologies in the Orleans County Clerk's Office has been moved into 2024; now be it

RESOLVED, that the agreement that was approved by the passage of Resolution 629-1222 is to be amended with Tyler Technologies removing the \$52,700.00 cost for final conversion and one time implementation and service fee that was to be paid in 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the Orleans County Clerk to execute the Project Change Request with Tyler Technologies.

Moved, Fitzak; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 563-1123

APPROVING AN EXTENSION OF AGREEMENT BETWEEN COUNTY CLERK AND AVENU ENTERPRISE SOLUTIONS INC.

WHEREAS, Resolution No. 499-1220 approved an agreement between the County Clerk and Avenu Enterprise Solutions for Information Technology Products and Services Agreement for the provision of Records Management Services at a cost of \$4,150.00 per month through December 11, 2023; now be it

RESOLVED, that this Legislature does hereby authorize the Orleans County Clerk to execute Amendment No. 1 to the Agreement for Information Technology Products and Services contract with Avenu Enterprise Solutions LLC, 8600 Harry Hines Blvd, Suite 300, Dallas, TX 75235, extending all terms and conditions through December 11, 2024 at a cost of \$4,150.00 per month while the records management software solutions conversion process continues with Tyler Technologies.

Moved, Fitzak; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 564-1123

APPROVING MEMORANDUM OF UNDERSTANDING AGREEMENT WITH GENESEE COUNTY FOR MAINTENANCE OF TAX MAPS

RESOLVED, that this Legislature does hereby approve a Memorandum of Understanding agreement between Orleans County and Genesee County, Old County Courthouse, 7 Main St, Batavia, NY, for Maintenance of the Orleans County tax maps at a cost of \$8,100 for the term January 1, 2024 through December 31, 2024.

Moved, Fitzak; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 565-1123

ADOPTING LOCAL LAW NO. 4 OF 2023, 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

WHEREAS, Local Law No. 4-Intro of the year 2023 was introduced at a regular meeting of the Orleans County Legislature held on October 24, 2023 and a Public Hearing was held on November 14, 2023, at which time all interested persons wishing to speak were heard; be it

RESOLVED, that this Legislature enacts the following Local Law No. 4 of 2023:

LOCAL LAW TO PROVIDE FOR SENIOR CITIZEN TAX EXEMPTION PURSUANT TO REAL PROPERTY TAX LAW § 467 AND DEFINE INCOME LIMITS FOR THE SAME

SECTION 1. STATUTORY AUTHORITY

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law and the Real Property Tax Law of the State of New York.

SECTION 2. PURPOSE AND INTENT

This local law provides for a partial property tax exemption for persons 65 years of age or older, based upon certain income qualifications, pursuant to Real Property Tax Law § 467.

SECTION 3. PARTIAL TAX EXEMPTION GRANTED UNDER RPTL § 467

Real Property owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by married a couple or by siblings, one of whom is sixty-five years of age or over, shall be exempt from taxation for county purposes up to a maximum of fifty percent (50%) of the assessed value provided the owner(s) meet the qualifications set forth below. Any person otherwise qualifying under this section shall not be denied the exemption under this section if they become sixty-five years of age after the appropriate taxable status date and on or before December thirty-first (31st) of the same year.

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPTION FROM TAXATION
\$19,000 or less	50%
\$19,000.01 - \$19,999.99	45%
\$20,000.00 - \$20,999.99	40%
\$21,000.00 - \$21,999.99	35%
\$22,000.00 - \$22,899.99	30%
\$22,900.00 - \$23,799.99	25%
\$23,800.00 - \$24,699.99	20%

SECTION 4. INCOME QUALIFICATIONS

(a) The “applicable income tax year” as used herein shall mean the second most recent calendar year.

(b) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions to Real Property Tax Law § 467 (3)(iv); provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

(1) any social security benefits not included in such federal adjusted gross income shall be considered income;

(2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall be considered income and shall not be excluded;

(3) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income;

(4) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:

(a) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars (\$3,000) per schedule,

(b) the net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000), and

(c) the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000);

(c) No exemption shall be granted

(1) If the income of the owner or the combined income of the owners of the property for the applicable income tax year exceed the sum provided in Section 3 of this local law.

(2) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed sub sum, except where one spouse or ex-spouse is absent from the property due to divorce, legal septation or abandonment, in which case only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

SECTION 5. REPEAL, AMENDMENT AND SUPERSESSION OF OTHER LAWS

This Local Law supersedes all resolutions and Local Laws adopted by the Orleans County Legislature to implement a partial real property tax exemption for persons sixty-five (65) years of age or older.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Department of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after March 1, 2024.

Moved, Fitzak; second, Miller.

Roll Call: 5 Ayes: Allport, Eick, Fitzak, Johnson, Miller and Morgan; 0 nays; 1 absent: Draper.
Adopted.

RESOLUTION NO. 566-1123

ADOPTING LOCAL LAW NO. 5 OF 2023, ENTITLED A LOCAL LAW TO PROVIDING 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

WHEREAS, Local Law No. 5-Intro of the year 2023 was introduced at a regular meeting of the Orleans County Legislature held on October 24, 2023 and a Public Hearing was held on November 14, 2023, at which time all interested persons wishing to speak were heard; be it

RESOLVED, that this Legislature enacts the following Local Law No. 5 of 2023:

LOCAL LAW TO PROVIDING 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

SECTION I: STATUTORY AUTHORITY

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law and the Real Property Tax Law of the State of New York.

SECTION 2: PERSONS ELIGIBLE FOR EXEMPTION

Pursuant to the provisions of Section § 459-c of the Real Property Tax Law, there is hereby established a partial exemption from real property taxes for real property owned by the following qualified individual(s) whose income is limited by reason of such disability, in accordance with the income schedule set forth in Section 4 below:

- (a) one or more persons with disabilities; or
- (b) by married person or a married couple, at least one of whom has a disability;
or
- (c) by siblings, at least one of whom has a disability

SECTION 3: DEFINITIONS

Sibling - a brother or sister, whether related through half blood, whole blood or adoption

Person with a Disability - a person who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits his/her ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who: (a) is certified to receive social security disability insurance (SSDI) or Supplemental Security Income (SSI) benefits under the Federal Social Security Act; or (b) is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act; or (c) has received a certificate from the State Commission for the Blind stating that such person is legally blind; or (d) is certified to receive a United States Postal Service disability pension. Or (e) is certified to receive a United States department of veterans affairs disability pension pursuant to 38 U.S.C. §1521. An award letter from the Social Security Administration or the Railroad Retirement Board, or a certificate from the State Commission for the Blind, or an award letter from the United States Postal Service or an award letter from the United States department of veterans affairs shall be submitted as proof of disability

SECTION 4: INCOME SCHEDULE

The income eligibility levels for determining qualification for the partial exemption from real property taxes for persons with disabilities and limited incomes are hereby established in accordance with the following schedule:

ANNUAL INCOME	PARTIAL TAX EXEMPTION
\$19,000.00 or less	50%
\$19,000.01 - \$19,999.99	45%
\$20,000.00 - \$20,999.99	40%
\$21,000.00 - \$21,999.99	35%
\$22,000.00 - \$22,899.99	30%
\$22,900.00 - \$23,799.99	25%
\$23,800.00 - \$24,699.99	20%
\$24,700.00 - \$25,599.99	15%
\$25,600.00 - \$26,499.99	10%
\$26,500.00 - \$27,399.99	5%

SECTION 5: INCOME QUALIFICATIONS

(a) The “applicable income tax year” as used herein shall mean the second most recent calendar year.

(b) The term "income" as used herein shall mean the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions to Real Property Tax Law § 459-c (5)(iv); provided that if no such return was filed for the applicable income tax year, the applicant's income shall be determined based on the amounts that would have so been reported if such a return had been filed; and provided further, that when determining income for purposes of this section, the following conditions shall be applicable:

- (1) any social security benefits not included in such federal adjusted gross income

shall be considered income;

(2) distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall be considered income and shall not be excluded;

(3) any tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income shall be considered income;

(4) any losses that were applied to reduce the applicant's federal adjusted gross income shall be subject to the following limitations:

(a) the net amount of loss reported on federal Schedule C, D, E, or F shall not exceed three thousand dollars (\$3,000) per schedule,

(b) the net amount of any other separate category of loss shall not exceed three thousand dollars (\$3,000), and

(c) the aggregate amount of all losses shall not exceed fifteen thousand dollars (\$15,000);

(d) Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

(e) Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in §2801 of the Public Health Law, provided that any income accruing to that person shall be considered income

SECTION 6: OTHER EXEMPTIONS

Any exemption provided by this local law shall be computed after all other partial exemptions allowed by law, excluding the school tax relief (STAR) exemption authorized by Real Property Tax Law § 425, have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this local law and Real Property Tax Law §467 (Senior Citizen Tax Exemption).

SECTION 7: INELIGIBILITY FOR EXEMPTIONS

No exemption shall be granted:

(a) If the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds the sum provided in Section 4 of this local law.

(b) Where title is vested in a married person, the combined income of such person and such person's spouse may not exceed such sum, except where one spouse or ex-spouse is absent from the property due to divorce, legal separation or abandonment, in which case only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

SECTION 8: ASSESSOR'S RESPONSIBILITY

At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

SECTION 9: APPLICATION TO TRUSTS

Notwithstanding any other provision of law to the contrary, the provision of this local law shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption were such person or persons the owner or owners of such real property.

SECTION 10: REPEAL, AMENDMENT AND SUPERSESSION OF OTHER LAWS

This Local Law supersedes all resolutions and Local Laws adopted by the Orleans County Legislature to implement a partial real property tax exemption for Persons with Disabilities and Limited incomes under §459-c of Real Property Tax Law.

SECTION 11: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Department of State and shall apply to assessment rolls prepared on the basis of taxable status duties occurring on and after March 1, 2024.

Moved, Fitzak; second, Miller.

Roll Call: 5 Ayes: Allport, Eick, Fitzak, Johnson, Miller and Morgan; 0 nays; 1 absent: Draper.
Adopted.

RESOLUTION NO. 567-1123

AUTHORIZING PURCHASE OF SOFTWARE LICENSING AND SUPPORT AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS WITHIN THE INFORMATION TECHNOLOGY SERVICES BUDGET

RESOLVED, that this Legislature authorizes the purchase renewal of cybersecurity software licensing and support from SHI International, 300 Davidson Ave, Somerset, NJ 08873, at a cost of \$24,128.78, effective December 22, 2023-December 21, 2024, to be paid from Information Technology Services budget 01.1680.0225-Subscriptions; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to transfer funds in the Information Technology Services budget as follows:

FROM:

01.1680.0418	Other Contractual	\$24,128.78
--------------	-------------------	-------------

TO:

01.1680.0225	Subscriptions	\$24,128.78
--------------	---------------	-------------

Moved, Fitzak; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 568-1123

AUTHORIZING CREATING AND FILLING POSITIONS IN THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the filling of a vacant Computer Specialist positions in the Information Technology Services Department position (1680.08) at grade 16 of the CSEA Salary Schedule effective November 28, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of two (2) Systems Engineer III positions (1680.10 and 1680.11) in the Information Technology Services Department at Grade 8 (40 hours) of the Management Compensation Plan Salary Schedule, effective November 15, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize that newly created vacant position (1680.10) be hired up to Grade 8, Step 8 (40 hours) of the Management Compensation Plan Salary subject to the approval of the Chief Administrative Officer; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of these newly created vacant positions effective November 15, 2023.

Moved, Fitzak; second, Miller.

Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 569-1123

SETTING PUBLIC HEARING DATE ON LOCAL LAW NO. 6-INTRO OF 2023 REGARDING SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled "A LOCAL LAW INCREASING THE SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS APPOINTED OR ELECTED FOR A DEFINITE TERM"; 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 on the 19th day of December 2023 at 4:25 p.m. at the Orleans County Legislature, 14016 Route 31 West, Albion, New York.

Moved, Fitzak; second, Miller.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

RESOLUTION NO. 570-1123

AUTHORIZING PAYMENT OF CLAIMS FOR DECEMBER 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 December 12, 2023 and December 26, 2023:

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

Moved, Fitzak; second, Miller.
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

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

With there being no comments from the public, Legislator Morgan made a motion to adjourn the meeting, seconded by Legislator Allport. The meeting was adjourned at 4:57 p.m.