

Legislature Meeting

November 16, 2022

Chairman Johnson called the meeting to order at 4:30, followed by the Pledge to the Flag. Orleans County Veteran Services Director Nancy Traxler Ayrault then gave the invocation.

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

The Clerk presented the following Communications:

Budget Officer John C. Welch, Jr. and Deputy Budget Officer Kimberly DeFrank have filed the Tentative Budget for the 2023 Orleans County Fiscal year as of Tuesday, November 15th in the Office of the Clerk of the Legislature.

I have received a Request for Use of Courthouse Square from Cynthia Stumer, Deputy Commissioner of Social Services is asking to place a banner on the lawn for Human Trafficking Awareness from January 2, 2023 through January 16, 2023. **Board Approval**

Legislator Draper presented a Special Recognition to Emergency Management Director, H. Dale Banker upon his retirement from Orleans County effective November 14, 2022. Mr. Banker thanked the Legislators and best wishes to Justin Niederhofer. Chairman Johnson, stated that this brings a close to a remarkable year that Dale has given to Orleans County. I remember since the day he was hired, he would only call me Chairman. As being friends, I have told him many times to call me Lynne. He never called me that. Dale, you may now call me Lynne.

Treasurer Kimberly DeFrank stated that this month our cash flow looks good. There are approximately \$850,000 in college bills to pay before the end of the year and a \$2.2 retirement bill at the end of December. We are in good shape financially.

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

Hearing none, Chairman Johnson then asked the public for any open discussion as it related to the resolutions.

Legislator David Godfrey Niagara County commented on the Special Recognition that was presented to H. Dale Banker. Mr. Godfrey stated that it has been a tremendous relationship between the Niagara County EMO and Orleans County over the years. Dale has been dedicated to the people, their safety and wellbeing will never be forgot. It takes a very special type of person to be there in the need in the worse weather and conditions. I congratulate you and thank you for a great relationship between our two counties. God bless you and you wife.

Assemblyman Hawley presented a citation to H. Dale Banker. Stating that this person is very dear to all of Orleans County, western NY and throughout the State of New York. He was the first to step forward when I received the endorsement to run for State Assembly. This comes from my heart, not only as a citizen, but the Assemblyman of WNY.

George Miller, 28-year resident in the Town of Carlton. Mr. Miller commented on Resolution No. 555-1122 for a PILOT in the Town of Carlton. He stated that he served as a Certified Code

Enforcement Officer for 8 years, Town Justice for 4 years, on the Town Planning Board for a number of years, re-wrote the town zoning, 15 years on the Board of Assessment. I have also been a volunteer Veteran Driver for 20 years. I support the solar farm incitive. I read the PILOT agreement on the agenda. I find no protection for the town in this agreement. Section 2B does not have a completion date. If construction lasts for 15 years, the exemption is in place for 15 years. The terms in Section 3 of 'more or less' 3.375 megawatts of power. What does 'more or less' mean? Who determines this? The exemption of the real property taxes includes the owners' residents. So, this exemption includes the solar farm and his residence. Who is responsible for contamination on this property if there be a need for clean up or catastrophic if there should be one? What happens when the owner files bankruptcy, ceases operation, walks away? Who will clean it up? School taxes are \$500 annually, including his residence over 15 years is \$7500.00. County Attorney Bogan stated that there is an educational contribution agreement that the school will receive. School will get an educational contribution agreement of a one lump sum payment of around \$100,000 to be used how they want. This does not count against their tax cap. Mrs. Bogan told Mr. Miller that she would be welcome to meet with him to discuss the PILOT in detail. Mr. Miller stated that when the Town Board received this PILOT on last Tuesday, they had not received it prior to the meeting, yet they approved it. My calculations are that over a 15-year period the town and county split at about \$8,000 a year in excess. I used a 2022 assessment projection over 15 years. Put that number against the PILOT contract, there is an excess of \$8238?? (In-audible as someone sneezed). 15 years at \$8,257 above what he would off paid. That would be a windfall for the County and Town. Although that number can be reduced if it doesn't meet the 'more or less' 3.375 megawatts as projected. County Attorney stated that language is in there because the project is not built yet. It can go up or down based on the grid capacity. This pays \$7,000 per megawatt split three ways. Mr. Miller stated the tax payers suffer if the project doesn't meet those numbers, or the project goes south. Mrs. Bogan stated there is a decommissioning bond in a separate agreement. Mr. Miller then stated that there are other properties within site of the project. Just speculating that those owners they will ask for a reduction in their assessments. This is not all a gain by the town, this will just hurt the town.

Hearing no other comments from the public, Chairman Johnson began with the presentation of resolutions.

RESOLUTION NO. 526-1122

AUTHORIZING THE SALE OF UNUSED AMMO AND OUTDATED HANDGUN AND AUTHORIZING THE COUNTY TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET

WHEREAS, The Orleans County Sheriff's Office is changing over from outdated 45mm handguns to 9mm handguns and has unusable Winchester Q4170, 230 Grain, 45 APC Full Metal Jacket training ammunition and a Glock Model 21, 45 ACP caliber pistol; and

WHEREAS, The Albion Police Department has the need for this ammunition and pistol and has agreed to purchase both from the Sheriff's Office at the county cost of \$136.23 per case/500 for the ammo and \$310.00 for the pistol for a total of \$1,907.22; now be it

RESOLVED, that this Legislature authorizes the sale of a Glock Model 21, 45 ACP caliber pistol and Winchester Q4170 230 Grain 45 ACP Full Metal Jacket training ammunition to the Albion Police Department for a total sales price of \$1,808.53; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up new money in the Sheriff's Budget as follows:

REVENUE:

01.3110.2665	Sale of Equipment	\$1,808.53
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APPROPRIATION:

01.3110.0250	Other Equipment	\$1,808.53
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 527-1122

AUTHORIZING ACCEPTANCE OF DONATIONS TO THE SHERIFF'S OFFICE AND AUTHORIZING COUNTY TREASURER TO SET UP MONEY IN THE SHERIFF'S BUDGET

RESOLVED, that this Legislature accepts a generous donations received from community members to assist the Sheriff's Office budget, now be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new money in the Sheriff's Office budget, as follows:

REVENUE:

01.0001.2705	Gifts & Donations	\$100.00
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APPROPRIATION:

01.3110.0499	K9 – Sheriff	\$100.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 528-1122

RESCINDING RESOLUTION NO. 478-1022 WHICH AUTHORIZED A BUDGET SET UP IN THE SHERIFF'S DEPARTMENT BUDGET

WHEREAS, Resolution No. 478-1022 was approved to set up new money in the Sheriff's Department budget and authorized a purchase from Patriot3 and United Uniform LLC; now be it

RESOLVED, that this Legislature does hereby rescind the portion of Resolution No. 478-1022 which set up new money, \$22,406.00 in the Sheriff's Department Budget, as this was previously included in Resolution No. 295-622.

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

RESOLUTION NO. 529-1122

AUTHORIZING COUNTY TREASURER TO SETUP AMERICAN RESCUE PLAN ACT FUNDS FOR PAYROLL EXPENSE IN PUBLIC SAFETY BUDGET

WHEREAS, the interim final rule for the American Rescue Plan Act funds specifically states the funds may be used for payroll and covered benefits expense for public safety and public health; and

WHEREAS, for administrative convenience, the recipient may consider public health and safety employees to be entirely devoted to mitigating or responding to the COVID-19 public health emergency; now be it

RESOLVED, that this Legislature hereby authorizes the County Treasurer to setup funds from the American Rescue Plan Act funds for payroll in February, March, April, and May 2022 for the Jail as follows:

REVENUE:

01.1326.4089	American Rescue Plan	\$734,870.53
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EXPENSE:

01.1326.0100.3150	Personal Services	\$682,647.96
01.1326.0820.3150	Medicare	\$ 42,324.17
01.1326.0830.3150	Social Security	\$ 9,898.40

and be it

FURTHER RESOLVED, the County Treasurer is authorized to create the appropriate journal entry to reimburse the payroll lines in the Jail; and be it

FURTHER RESOLVED, that this Legislature hereby authorizes the County Treasurer to make any necessary budget entries within the American Rescue Plan Act for items budgeted in 2022.

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

RESOLUTION NO. 530-1122

AUTHORIZING AN AGREEMENT BETWEEN EMERGENCY MANAGEMENT AND AT&T CORP

WHEREAS, first responders and public safety professionals within Orleans County require reliable cellular communication and the current Verizon Service has been known to unreliable in certain areas; and

WHEREAS, FirstNet® Built with AT&T offers America's first responders with highly secure and reliable connectivity, whether it be a crisis or a routine task. FirstNet® subscribers have access to all AT&T LTE commercial spectrum bands, as well as Band 14 spectrum. The Band 14 is a high-quality lane set aside by the U.S. government, that can be uniquely cleared and locked

for use specifically for first responders and public safety professionals during an emergency situation; and

WHEREAS, the Emergency Management Office has determined the monthly cost of service is directly comparable to the current, non-dedicated coverage offered through Verizon and funds have been established in the remaining 01.3640.0401 budget for 2022 and anticipated for the 01.3640.0401 budget for 2023; now it be

RESOLVED, that this Legislature authorizes a cellular phone use agreement with AT&T Corp. and FirstNet®, 1 AT&T Way, Bedminster, NJ 07921; NYS OGS Contract PS68689 with initial service to a single Emergency Management vehicle line and to expand as needed.

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

RESOLUTION NO. 531-1122

RESOLUTION URGING GOVERNOR KATHY HOCHUL TO AMEND PARAGRAPH C OF GENERAL MUNICIPAL LAW 209-B, SUBDIVISION 4, TO ALLOW ALS INTERCEPT AGENCIES TO BILL DIRECTLY

WHEREAS, volunteer fire departments play a vital role in public safety; and

WHEREAS, the majority of volunteer fire departments are supported through a combination of municipal funding and community donations, and they do not bill patients or insurers for services provided; and

WHEREAS, many non-billing agencies, are not able to provide Advanced Life Support (ALS) services to their communities; and

WHEREAS, those agencies are required to request ALS services when needed for patient care, an may ALS agencies when ALS volunteers are unavailable; and

WHEREAS, Paragraph C of Section 209-B, Subdivision 4, of the General Municipal Law, as amended effective July 8, 2022, require ALS providers to bill transporting agencies for services provided, and prohibits the direct billing of patients or insurers; and

WHEREAS, this structure requires non-billing agencies to either begin billing patient/insurers in order to recover those costs, or to seek additional funding from their municipalities and through donations; and

WHEREAS, existing funding though municipal and community support is not sufficient to cover the increased costs associated with ALS intercepts; and

WHEREAS, non-billing fire departments have neither the funding nor the personnel necessary to implement a billing apparatus; and

WHEREAS, several fire departments do not have access to funding that would support other losses incurred through increased operating expenses, insufficient reimbursements, or non-payments; and

WHEREAS, the undue financial burden placed upon our non-billing fire departments will result in the continued depletion of effective EMS operations in many Counties, which are necessary, life-saving services that the Board of Legislators is desirous that anyone living, working, and visiting any of our communities receives when requested; now be it

RESOLVED, that the Orleans County Legislature urge Governor Kathy Hochul to amend Paragraph C of Section 209-B, Subdivision 4 of the General Municipal Law to allow ALS intercept agencies to bill directly; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senator Robert Ortt, Assemblyman Steve Hawley, Assemblyman Michael Norris, NYSAC, counties of New York State encouraging member counties to enact similar resolutions and all others deemed necessary and proper.

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

RESOLUTION NO. 532-1122

ACCEPTING AWARD AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, FM Global has provided funding for the purchase of fire investigation tools and a hydrocarbon detector; let it be

RESOLVED, that this legislature approves the Emergency Management Office to accept this award in the amount of \$3083.00; and be it

FURTHER RESOLVED, that this legislature authorizes the Orleans County Treasurer to set up new money in the Emergency Management budget as follows:

REVENUE:

01.3640.2262	FM Global Fire Prevention Award	\$3,083.00
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APPROPRIATIONS:

01.3640.0250	Other Equipment	\$3,083.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 533-1122

AMENDING RESOLUTION NO. 37-121 FOR GRANT PAYMENT TO RADIO TECHNOLOGIES

WHEREAS, Resolution 37-121 authorized an agreement with Radio Technologies 15 Pamda Dr., Rochester, NY 14617 for Phase 2 of the RFP for 5 RF Communication sites, 3 microwave sites, 1 PSAP site and all associated equipment including digital recording and logging equipment which is to be paid from SICG FY2020 Formula Based Grant Funds; now be it

RESOLVED, to amend said resolution to include these maintenance payments and consultant fees are to be paid SICG FY2021-2022 Formula Grant in addition to the originally requested SICG FY20 Formula Grant.

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

RESOLUTION NO. 534-1122

AUTHORIZING EMERGENCY MANAGEMENT TO SELL EXCESS SCBA BOTTLES

WHEREAS resolution 432-922 has allowed Emergency Management to purchase of new SCBA air cylinders and such a purchase would make our older but functional SCAB air cylinders excess assets; now be it

RESOLVED that the ten (10) excess cylinders, previously purchased with SHSP FY2020 Grant Funding, be sold by Emergency Management Office to Carlton Fire Department in the amount of \$500.00 each; and be it

FURTHER RESOLVED that the Orleans County Treasurer is authorized to set up these funds as follows:

REVENUE:

01.3640.2265	Sale of Equipment	\$5,000.00
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APPROPRIATIONS:

01.3640.0486.2665	Special Grants	\$5,000.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 535-1122

AUTHORIZING RETIREMENT AND FILLING POSITIONS IN EMERGENCY MANAGEMENT OFFICE

WHEREAS, the Director in the Emergency Management Office, H. Dale Banker, has submitted a letter of retirement from service beginning on November 14, 2022; now be it

RESOLVED, that as a result of said retirement, this Legislature does hereby authorize the appointment of newly vacant Emergency Management Office Director position to Deputy Director Justin Niederhofer, effective November 17, 2022, at Grade 7 of the Orleans County Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature approves the expansion of work hours for the Director of Emergency Management Office position from 35 hours per week to 40 per week and the increase in salary to \$63,949.00, effective November 17, 2022; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of newly vacant Deputy Director of Emergency Management position at Grade 5 of the Orleans County Management Compensation Plan, effective November 30, 2022.

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

RESOLUTION NO. 536-1122

AUTHORIZING AGREEMENT BETWEEN THE ORLEANS COUNTY PROBATION DEPARTMENT AND STOP, LLC

RESOLVED, that this Legislature approves an agreement between the Orleans County Probation Department and STOP, LLC. for Electronic Monitoring Equipment, monitoring and insurance. Contract includes up to five (5) units at \$3.58 per unit, per day. Electronic Monitoring devices are 100% reimbursable by NYS and are only authorized to be used for Raise the Age eligible cases. This represents a contract extension: January 1, 2022 through May 31, 2023.

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

RESOLUTION NO. 537-1122

APPROVING AGREEMENT BETWEEN PROBATION AND ALLPAID FORMERLY KNOWN AS GOVERNMENT PAYMENT SERVICES, INC

RESOLVED, that this legislature approves an agreement between the Orleans County Probation Department and allpaid, for the provisions of collecting offender dues by credit card, at no cost to the county. Agreement effective January 1, 2022 through December 31, 2026.

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

RESOLUTION NO. 538-1122

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

SUNY College at Brockport, 350 New Campus Drive, Brockport, NY 14420. Agreement to provide for Students of Professional Practicum placements for SUNY Brockport of Public Health Students with Orleans County Public Health Department to intern during the school semesters. Term August 15, 2022 through August 14, 2027. No County Cost.

The Summit Center, 150 Stahl Rd, Getzville, NY 14068. This Contract is to provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program, rates are set by NYS Education Department with reimbursement at 59.5% from NYS Department of Health, Orleans County Department of Health is responsible for 40.5% partial Medicaid reimbursement, term July 1, 2022 through June 30, 2025.

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

RESOLUTION NO. 539-1122

APPROVING AGREEMENTS BETWEEN DEPARTMENT OF PUBLIC WORKS AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby approve the following agreements between the Orleans County Department of Public Works and the following agencies (PROJECT ID: DPW59-2022):

Trane U.S. Inc., 45 Earhart Driver, Suite 103, Buffalo NY 14221 to provide installation of a Ductless Split System for the Public Health Department to keep the Vaccine Room at a proper temperature for a cost not to exceed \$36,755.00. Pricing is through OMNIA Partners Racine #3341.

Trane U.S. Inc., 45 Earhart Driver, Suite 103, Buffalo NY 14221 to provide installation of two (2) ductless split systems for the Orleans County Office Building IT Cooling to keep the IT equipment at the proper temperature and provide a backup a/c unit for the main server room at a cost not to exceed \$134,612.00. Pricing is through OMNIA Partners Racine #3341.

Garland/DBS, Inc., 3800 East 91st Street, Cleveland, OH 44105 for Roofing Material and Services to flashing for four pipe portals and six equipment rails at the County Office Building South at a cost not to exceed \$41,495.00. Pricing is through OMNIA Partners purchasing agreement (MICPA) #PW1925.

Suburban Electric, 225 East Bank Street, Albion, NY 14411 to provide electrical services to tie in the new HVAC equipment to existing lightning protection system at a cost not to exceed \$2,310.00; and be it

FURTHER RESOLVED, these agreements are effective as soon as the County gives notice to proceed at a total cost not to exceed \$215,172.00; 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. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 540-1122

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.250, Capital Project – Infrastructure Project – Bridge Replacement Program:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$ 2,070.00	LaBella Associates	County Bridge Inventory Management
\$16,520.00	LaBella Associates	Norway Bridge Hydraulic Study

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

RESOLUTION NO. 541-1122

APPROVING DECLARATION OF SEQRA LEAD AGENCY STATUS FOR ERIE CANAL CORRIDOR LOCAL WATERFRONT REVITALIZATION PROGRAM

WHEREAS, the County of Orleans is developing a Local Waterfront Revitalization Program (LWRP) which will help to coordinate a vision for the Erie Canal throughout the County and attract businesses, residents, tourists, and investment to the County; and

WHEREAS, the LWRP will include the following components:

1. Identify a LWRP boundary;
2. Conduct an inventory & analysis;
3. Establish LWRP policies;
4. Propose LWRP projects;
5. And identify techniques for implementing policies & projects

WHEREAS, the Legislature has reviewed the LWRP and has further received and considered the advice of its environmental specialists with respect to the classification of the Proposed Action in accordance with the State Environmental Quality Act (SEQRA); and

WHEREAS, the Proposed Action is a Type I Action under SEQRA; and

WHEREAS, the Legislature has commissioned LaBella Associates, D.P.C to prepare the Part 1 Full EAF for this project; now be it

RESOLVED, that in accordance with SEQRA, the Orleans County Legislature intends to serve as Lead Agency to conduct an environmental review of the Orleans County Canal Corridor LWRP; and be it

FURTHER RESOLVED, the Legislature will notify the Involved and Interested Agencies of its intention to act as Lead Agency for this project and has provided them with a copy of the LWRP and Part 1 of the Full EAF for review.

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

RESOLUTION NO. 542-1122

AUTHORIZING THE ORLEANS COUNTY TREASURER TO SET UP AMERICAN RESCUE PLAN ACT FUNDS IN THE TOURISM BUDGET

WHEREAS, the Orleans County Tourism department received a cut in State Matching Funds Grant for 2022; now be it

RESOLVED, that this Legislature does hereby authorizes the Orleans County Treasurer to set up funds as follows:

REVENUE:

01.1326.4089	American Rescue Plan	\$ 3,500.00
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EXPENSE:

01.1326.0418.6410	ARP Tourism	\$ 3,500.00
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FURTHER RESOLVED, that this money will be used by the Tourism Department to promote tourism to Orleans County per the American Rescue Plan Act Fund Guidelines.

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

RESOLUTION NO. 543-1122

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND PHASE 2

RESOLVED, that this Legislature authorizes the following payments to be made from account H8797.0251, Capital Project – Broadband Phase 2:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$ 46,451.75	United Way	Inv# 2018-2066CR, outreach/recruitment to LMI
\$254,752.00	RTO Wireless	Inv# 20221108-P2, Medina NY CBRS Network site

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

RESOLUTION NO. 544-1122

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND WNY TIRE LLC

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and WNY Tire LLC, 241 South Niagara Street, Lockport, New York 14094 to

provide an Oversize/Agricultural tire pick up service at a cost of \$7,250.75. Contract period: November 1, 2022 through November 30, 2022; to be paid out of the Solid Waste budget; and be it

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

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

RESOLUTION NO. 545-1122

APPROVING AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES

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

Children Awaiting Parents, 176 Anderson Avenue Suite F202, Rochester, NY 14607 for the provision of foster care services; effective January 1, 2023 through December 31, 2023, at per diem rates as established by the State, not to exceed \$802,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Children's Home of Wyoming Conference, Binghamton, NY for the provision of residential foster care services including Raise the Age; effective January 1, 2022 through December 31, 2022, at per diem rates as established by the State, not to exceed \$802,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Angels in Your Home, Hilton, NY for the provision of Consumer Directed Personal Assistance Program (CDPAP); effective January 1, 2023 through December 31, 2023 at rates set by NYS Department of Health. County cost is \$0.

Angels in Your Home, Hilton, NY for the provision of Personal Care Aide services to eligible Medicaid clients; effective January 1, 2023 through December 31, 2023 at rates set by NYS Department of Health. County cost is \$0.

Willcare, Inc. of Lafayette, LA to provide personal care aide services to Medicaid clients at rates to be set by the NYS Department of Health for the period January 1, 2023 through December 31, 2023.

Homespace Corporation, 135 Delaware Avenue, Buffalo, NY 14202, for the provision of residential foster care services including Raise the Age; effective January 1, 2023 through December 31, 2023, at per diem rates as established by the State, not to exceed \$802,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

GCASA, Batavia, NY for the provision of alcohol assessments for Public Assistance clients; effective January 1, 2023 through December 31, 2023 at a cost of \$169/client.

Reimbursement/County cost is dependent upon case type (TANF – 0% local cost, Safety Net – 100% local cost).

William George Agency, for the provision of residential foster care services including Raise the Age; effective January 1, 2023 through December 31, 2023, at per diem rates as established by the State, not to exceed \$802,000. 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. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 546-1122

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 budget to meet expenditures, as follows:

FROM:

01.6010.0220	Office Equipment	\$2,064.00
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TO:

01.6010.0441	Printing	\$1,500.00
01.6010.0418	Other Contractual	\$ 564.00

and be it

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

FROM:

01.6010.0220	Office Equipment	\$4,700.00
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TO:

01.6010.0210	Furniture & Furnishings	\$4,700.00
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Moved, Miller; second, Fitzak.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 547-1122

AUTHORIZING EXPANSION OF HOURS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Orleans County has determined that enhancing the Department of Social Services programmatic delivery capacities can be achieved by means of expansion of the work processes of the Director of Services position such that the normal work week for this position shall be thirty-seven and one-half (37.5) hours; now be it

RESOLVED, that the Legislature does hereby approve the expansion of hours from thirty-five (35) hours per week to thirty-seven and one-half (37.5) per week for the Director of Services position in the Department of Social Services and the increase in salary to \$68,893 that reflects the change in hours, effective November 20, 2022; and be it

FURTHER RESOLVED, that the Legislature does hereby approve the expansion of hours from thirty-five (35) hours per week to thirty-seven and one-half (37.5) hours per week for the Director of Temporary Assistance position in the Department of Social Services, and the increase in salary to \$68,893 that reflects the change in hours, effective November 20, 2022.

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

RESOLUTION NO. 548-1122

AUTHORIZING CREATING, FILLING AND ABOLISHING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, The Department of Social Services continuously reviews staffing to provide more efficient operation of County business; now be it

RESOLVED, that this Legislature does hereby authorize the creation and filling of a Senior Social Welfare Examiner position in the Department of Social Services at Grade 15 of the CSEA Salary Schedule, effective November 30, 2022; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the abolishment of a Social Welfare Examiner position in the Department of Social Services at Grade 13 of the CSEA Salary Schedule, effective upon filling of the newly created Senior Social Welfare Examiner position; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of a vacant Child Support Specialist position in the Department of Social Services at Grade 11 of the CSEA Salary Schedule, effective November 30, 2022.

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

RESOLUTION NO. 549-1122

APPROVING AGREEMENT BETWEEN OFFICE FOR THE AGING AND CCSI

RESOLVED, that this Legislature approves an agreement between the Office For the Aging and CCSI, 1099 Jay St, Rochester, NY 14611, provide technical support for the financial management fiscal; effective for January 1, 2023 through December 31, 2023 at a cost not to exceed \$1,700.00.

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

RESOLUTION NO. 550-1122

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

WHEREAS, the GLOW WDB 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; now be it

RESOLVED, that this Legislature does hereby approve the nomination of Jennifer G. Wakefield, Executive Director of Workforce Development for the BEST Center at Genesee Community College, to represent Higher Education and replacing John McGowan on the GLOW WDB, pursuant to the GLOW WDB By-Laws and in compliance with New York State Local Workforce Development Board (LWDB) eligibility criteria. There is no term limit for this appointment, and the representative shall serve as of December 9, 2022 and ongoing at the discretion of the GLOW Chief Elected Officials.

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

RESOLUTION NO. 551-1122

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS

WHEREAS, this Legislature is in receipt of the Semi-annual Mortgage Tax Report showing the amounts to be credited to each tax District of Orleans County, of the money collected during the preceding six months ending September 30, 2022; and be it

RESOLVED, that pursuant to Section 261 of the Tax Law, this Legislature issues a Tax Warrant for the payment of the respective taxed districts of the amounts so credited, and authorizes and directs the Orleans County Treasurer to pay said amounts to the respective districts in accordance with this report, as follows:

Mortgage Tax Apportionment
April 1, 2022 to September 30, 2022

	Town Taxable	Double	Village Taxable	Rate	Due Town	Village Share	Town Share
Albion	\$235,766,683	\$471,533,366	\$129,407,025	27.44%	\$45,570.43	\$12,506.29	\$33,064.14
Barre	\$116,637,070	\$0	\$0	0.00%	\$14,083.95	\$0.00	\$14,083.95
Carlton	\$227,750,094	\$0	\$0	0.00%	\$30,556.06	\$0.00	\$30,556.06
Clarendon	\$204,062,058	\$0	\$0	0.00%	\$76,265.31	\$0.00	\$76,265.31
Gaines	\$132,578,663	\$265,157,326	\$24,426,783	9.21%	\$17,487.61	\$1,610.99	\$15,876.62
Kendall	\$169,267,032	\$0	\$0	0.00%	\$22,319.54	\$0.00	\$22,319.54
Murray	\$197,782,129	\$395,564,258	\$59,238,365	14.98%	\$30,324.95	\$4,541.36	\$25,783.59
Ridgeway	\$239,743,319	\$479,486,638	\$97,839,119	20.40%	\$52,919.02	\$10,798.11	\$42,120.91
Shelby	\$204,908,274	\$409,816,548	\$81,145,548	19.80%	\$30,222.29	\$5,984.15	\$24,238.14
Yates	\$165,390,834	\$330,781,668	\$30,605,653	9.25%	\$18,592.82	\$1,720.31	\$16,872.51
					\$338,341.98	\$37,161.21	\$301,180.77

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

RESOLUTION NO. 552-1122

ADOPTING LOCAL LAW 3 OF 2022, ENTITLED AMENDING LOCAL LAW 4 OF THE YEAR 2014 AND INCREASING THE MAXIMUM INCOME ELIGIBILITY LEVEL FOR THE SENIOR CITIZEN TAX EXEMPTION UNDER SECTION 467 OF THE REAL PROPERTY TAX LAW

WHEREAS, Local Law No. 3-Intro of the year 2022 was introduced at a regular meeting of the Orleans County Legislature held on October 26, 2022 and a Public Hearing was held on November 16, 2022, at which time all interested persons wishing to speak were heard; be it

RESOLVED, that this Legislature enacts the following Local Law No. 3 of 2022 :

LOCAL LAW AMENDING LOCAL LAW 4 OF THE YEAR 2014 AND INCREASING THE MAXIMUM INCOME ELIGIBILITY LEVEL FOR THE SENIOR CITIZEN TAX EXEMPTION UNDER SECTION 467 OF THE REAL PROPERTY TAX LAW

SECTION 1: STATUTORY AUTHORITY

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

SECTION 2: TEXT OF LAW

The income eligibility level and the percentage of partial tax exemption previously established by Local Law No. 4 of the Year 2014 pursuant to Real Property Tax Law section 467 for persons sixty-five years of age or older is hereby repealed and there is substituted therefor the following schedule which shall control the income eligibility levels and the percentage of partial exemptions to be allowed effective immediately and shall apply to assessment rolls prepared on taxable status dates occurring on and after March 1, 2023; to wit :

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 3. REPEALER

Local Law No. 4 of the Year 2014 and any other prior inconsistent local law, ordinance or resolution adopted pursuant to Real Property Tax Law section 467 is hereby repealed.

SECTION 4. 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 and after March 1, 2023.

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

RESOLUTION NO. 553-1122

ADOPTING LOCAL LAW 4 OF 2022, ENTITLED AMENDING LOCAL LAW NO. 5 OF THE YEAR 2017 TO REVISE INCOME ELIGIBILITY LEVELS

WHEREAS, Local Law No. 4-Intro of the Year 2022 was introduced at a regular meeting of the Orleans County Legislature held on October 26, 2022 and a Public Hearing was held on November 16, 2022, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 4 of 2022

**LOCAL LAW AMENDING LOCAL LAW NO. 5 OF THE YEAR 2017
TO REVISE INCOME ELIGIBILITY LEVELS**

SECTION 1: STATUTORY AUTHORITY.

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

SECTION 2. REVISED INCOME SCHEDULE.

Section 4 of Local Law No. 5 of the Year 2017 is hereby amended to revise the income eligibility levels for determining qualification for the partial exemption for real property taxes for persons with disabilities and limited incomes. As amended, section 4 shall provide as follows:

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 follow 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 3. REVISED INELIGIBILITY FOR EXEMPTION.

Section 6(a) of the Local Law No. 5 of the Year 2017 is hereby amended to revise the income threshold which if exceeded, no exemption shall be granted. As amended, section 6(a) shall provide as follows:

- (a) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of Twenty-Seven Thousand Three Hundred Ninety-nine Dollars and Ninety-nine cents (\$27,399.99), income tax year shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife 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 at the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the income tax year, not rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the County Legislature, after a public hearing, adopts a local law or resolution providing therefore. In computing net rental income from self-employment no depreciation shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

SECTION 4. 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 bases of taxable status dates occurring on and after March 1, 2023.

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

RESOLUTION NO. 554-1122

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 \$7,500 for the term January 1, 2023 through December 31, 2023.

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

RESOLUTION NO. 555-1122

AUTHORIZING EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENTS WITH GSPP 13759 WATERPORT CARLTON ROAD, LLC FOR SOLAR ENERGY SYSTEMS IN CARLTON PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

WHEREAS, New York State Real Property Tax Law (“RPTL”) Section 487 exempts from taxation the increase in value to real property by reason of inclusion of qualified solar or wind energy systems or farm waste energy systems unless a county, city, town, village, or school district opts out of said exemption; and

WHEREAS, RPTL Section 487 provides that a county, city, town, village, or school district that has not acted to opt out of said exemption may require the owner of a property which includes a solar or wind energy system meeting the requirements for the exemption to enter into a contract for Payments in Lieu of Taxes (“PILOT”); and

WHEREAS, GSPP 13759 WATERPORT CARLTON ROAD, LLC has submitted a Notice of Intent to the County that it plans to build a solar energy system that meets the requirements for the exemption on a parcel of land located within the physical boundaries of the County at 13759 Waterport Carlton Road, New York Tax Map 28.-1-23 (the “Project”); and

WHEREAS, the Owner has submitted, or will submit to the assessor of the Town of Carlton an RP – 487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating the Project’s eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be placed on an exempt portion of the assessment roll and the Owner will not be assessed for any statutory real property taxes for which it might otherwise be subject to under New York law with respect to the Project; now, therefore be it

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to enter into PILOT Agreements, and any amendments thereto, with GSPP 13759 WATERPORT CARLTON ROAD, LLC for the building and operations of a Solar Energy System, in the form as filed with the Clerk of the Orleans County Legislature or as modified with the approval of the County Attorney and Chief Administrative Officer, pending approval by the Town of Carlton and Albion Central School District.

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

RESOLUTION NO. 556-1122

APPROVING CHANGE TO MANAGEMENT COMPENSATION PLAN

WHEREAS, there has been an increase in the demands of the Orleans County Attorney; now be it

RESOLVED, that this Legislature approves the change in the Management Compensation Plan, increasing the County Attorney from 1500 hours per year to 1650 hours per year effective January 1, 2023.

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

RESOLUTION NO. 557-1122

SETTING PUBLIC HEARING DATE ON LOCAL LAW NO. 5-INTRO OF 2022 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 2022 at 4:25 p.m. at the Orleans County Legislature, 14016 Route 31 West, Albion, New York.

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

RESOLUTION NO. 558-1122

APPROVING INTERMUNICIPAL AGREEMENT BETWEEN COUNTY OF ORLEANS AND ALBION CENTRAL SCHOOL DISTRICT

WHEREAS, the purpose of this agreement is to authorize the County Treasurer to be the sole and exclusive authority to collect the 2023/2024 Albion Central School District taxes, and

WHEREAS, the terms and conditions for this 2023/2024 School tax collection, and the consideration to be paid by Albion Central School to the County are set forth in such agreement; now be it

RESOLVED, this Legislature authorizes this agreement to be signed by the Chairman of this Legislature and the County Treasurer upon approval of the County Attorney.

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

RESOLUTION NO. 559-1122

AUTHORIZING PAYMENT OF CLAIMS FOR DECEMBER AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, Department of Public Works, 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 funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Commissioner of the Department of Public Works, 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 14, 2022:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General		
Utility Payments	Paid on line	
Department of Public Works		
Job Development		
Self Insurance		

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Commissioner of the Department of Public Works, 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 28, 2022:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General		
Utility Payments	Paid on line	
Department of Public Works		
Job Development		
Self Insurance		

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

Chairman Johnson stated that Resolution 535-1122 appoints Justin Niederhofer as the Direct of Emergency Management.

Chairman Johnson asked if the Legislators had any old or unfinished business to discuss. There being none, Chairman Johnson asked for open discussion from the public.

Hearing no comments from the public, Legislator Morgan made a motion to close the meeting, second by Legislator Allport. The meeting closed at 5:05.