



## **Zoom**

**Dial: 1 646 558 8656**

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## ***CONFERENCE SESSION***

4:20 p.m. Adam Seth Levine — Johns Hopkins University, in partnership with NYSAC and a researcher at Cornell, on a new initiative to connect research and policy at the county level.

## ***LEGISLATURE MEETING - AGENDA***

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**February 21, 2023 4:30 p.m.**

Call to Order

Pledge to the Flag and Invocation lead by Orleans County Veteran

Roll Call

Presentation of Communications

Proclamation: Developmental Disabilities Awareness Month – ARC GLOW

Cheryl Englert –Board President, Martin Miskell –Chief Executive Officer, Marlene Hill –Board Member, Lisa Bors – Director of Public Relations

Proclamation: National School Resource Officers Day – Deputy Prawel-Albion CSD, Deputy Barnum-Lyndonville CSD, Deputy White-Kendall CSD

Swearing in of Orleans County Deputies

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

65. Approving Agreements between Sheriff's Office/Jail and Various Agencies (Allport)
66. Authorizing Acceptance of NYS HSES Grant Funds and Authorizing County Treasurer to Set Up New Monies (Allport)
67. Authorizing Acceptance of Donations to the Sheriff's Office and Authorizing County Treasurer to Set Up Money in the Sheriff's Budget (Allport)
68. Authorizing County Treasurer to Set Up Grant Funds from the New York State Division of Homeland Security and Emergency Services in the Sheriff's Office Budget (Allport)
69. Authorizing the Sale of Outdated Handguns and Authorizing County Treasurer to Set Up New Money in the Sheriff's Budget (Allport)
70. Authorizing the Sheriff's Office/Jail to Trade in Eight (8) Glock 21 Pistols and Purchase Twelve (12) Glock 45 MOS 9 mm (Allport)
71. Authorizing the Filling of Vacancies in the Sheriff's Office (Allport)
72. Authorizing the Office of Emergency Management to Expend Funds for the Purchase of EPA Compliant Foam (Allport)
73. Authorizing the Office of Emergency Management to Expend Funds for the Purchase of IT Equipment and Software and Authorizing County Treasurer to Set Up Funds (Allport)

74. Authorizing the Emergency Management Office to Expend Funds for the Computer Services Purchase from Layer Three Technologies and Authorizing County Treasurer to Set Up Funds (Allport)
75. Appointing Members to the Emergency Medical Services Council (Allport)
76. Appointing Members to the Orleans County Fire Advisory Board (Allport)
77. Approving Agreement for Administrative Assistant for the Assigned Counsel Plan (ACP) Administrator (Allport)
78. Authorizing the District Attorney to Apply For and Accept Funds from the Criminal Justice Discovery Reform Grant and Authorizing County Treasurer to Set Up New Money in the District Attorney Budget (Allport)
79. Approving Agreements between Mental Health Department and Various Providers (Allport)
80. Approving Appointment to the Community Services Board (Allport)
81. Authorizing Abolishing, Creating, and Filling Positions in the Mental Health Department (Allport)
82. Approving Agreements between the Health Department and Various Agencies (Allport)
83. Approving Agreement between Genesee County Health Department, Livingston County and Orleans County (GLO) (Allport)
84. Authorizing County Treasurer to Set Up Grant Funds in Public Health Budget (Allport)
85. Authorizing Out of State Travel for Health Department Employees (Allport)
86. Authorizing Filling Position in the Public Health Department (Allport)
87. Authorizing County Treasurer to Set Up Grant Funds in the Board of Elections Budget (Allport)
88. Opposing Governor Hochul's Ban of Gas Stoves and Other New Fossil Fuel Heating Equipment (Allport)
89. Approving Agreement with Department of Public Works and GIS Workshop LLC (Eick)
90. Approving Extending Agreement between Orleans County and UGI Energy Services (Eick)
91. Authorizing Agreement for Motor Fuel Purchases between the County of Orleans and Qualifying Organizations (Eick)
92. Authorizing Repair Service from the Department of Public Works Budget (Eick)
93. Authorizing the Department of Public Works to Purchase a Volvo Excavator (Eick)
94. Authorizing the Department of Public Works to Purchase a Mohawk Vehicle Lift (Eick)
95. Authorizing the Department of Public Works to Purchase a Bobcat Compact Track Loader (Eick)
96. Approving Emergency Repair between the Department of Public Works and Trane U.S. Inc. (Eick)
97. Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Eick)
98. Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore (Eick)
99. Authorizing County Treasurer to Set Up Money from Building and Equipment Reserve into the Department of Public Works for 2022 Budgeted Projects (Eick)
100. Authorizing County Treasurer to Set Up Funds Within the Department of Public Works Budget for 2022 Budgeted Projects (Eick)
101. Authorizing County Treasurer to Reset Up Funds from Road Fund Infrastructure Reserve into the Department of Public Works for 2022 Budget Projects (Eick)
102. Authorizing County Treasurer to Reset Up Money from Building and Equipment Reserve into the Department of Public Works for 2022 Budgeted Projects (Eick)

103. Authorizing County Treasurer to Set Up Money from Infrastructure Reserve into the Department of Public Works for 2022 Budgeted Projects (Eick)
104. Authorizing Filling of a Position in the Department of Public Works (Eick)
105. Approving Brochure Distribution for Orleans County Travel and Fishing Guide (Eick)
106. Approving Advertising for Orleans County Tourism (Eick)
107. Awarding Bid for Printing 2023 County Travel Guide and Approving Agreement with Freeport Press (Eick)
108. Authorizing Payment of 2023 Tourism Matching Funds to Greater Niagara Region (Eick)
109. Approving Agreement between Orleans County and Toshiba Business Solutions (Eick)
110. Approving Agreement with Mercy Flight (Eick)
111. Authorizing Payment for 2023 Leadership Orleans Participants (Eick)
112. Adopting Local Law No. 2 of 2023, Entitled Amending Section 4 of Local Law No. 3 of the Year 2011 to Reapportion Legislative Districts (Eick)
113. Approving Agreements with the Department of Social Services and Various Agencies (Miller)
114. Calling On the State of New York to Continue to Pass-Thru Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds (Miller)
115. Authorizing Abolishing, Creating and Filling Positions in the Department of Social Services (Miller)
116. Approving Renewal Agreement between Office For the Aging Department and Lifeline (Miller)
117. Authorizing Purchases from Dell Technologies Inc by Computer Services (Fitzak)
118. Authorizing Purchases from Layer Three Technologies by Computer Services (Fitzak)
119. Authorizing Purchases from Shi International by Computer Services (Fitzak)
120. Authorizing Computer Services to Initiate a New Spectrum Circuit to the Department of Public Works (Fitzak)
121. Authorizing Filling a Position in the Computer Services Department (Fitzak)
122. Setting Date and Terms for Auction of County-Owned Tax Properties Notwithstanding any Resolution Heretofore (Fitzak)
123. Calling On the Governor of New York State to Remove from the 2024 Executive Budget Part M of the Article VII Revenue Bills (Fitzak)
124. Authorizing Payment of Claims for March Against the County (Fitzak)

Old Business

Adjournment

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## **RESOLUTIONS:**

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### **RESOLUTION NO. 65-223**

APPROVING AGREEMENTS BETWEEN SHERIFF'S OFFICE/JAIL AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby authorize the following agreements for the Sheriff's Office/Jail:

SolutionOne, Inc. PO Box 521, Spencerport, NY 14559, for the semi-annual hood suppression test and inspection at Sheriff's Jail, to be paid from the Jail's budget at a county cost of \$500.00 yearly, effective term April 1, 2023 through March 31, 2025.

LexisNexis, PO Box 9584, New York, NY 10087-4584 for inmate access at the Orleans County Jail for electronic legal research library account, at the monthly fee in the amount of \$200.00, for a period of March 1, 2023 through February 28, 2026.

Moved, Allport; second,

### **RESOLUTION NO. 66-223**

#### **AUTHORIZING ACCEPTANCE OF NYS HSES GRANT FUNDS AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONIES**

WHEREAS, Resolution # 141-322 authorized the Sheriff's Office to apply for grand funding with the New York State Division of Homeland Security and Emergency Services; now be it

RESOLVED, that the Orleans County Sheriff's Office is authorized to accept the grant agreement between the NYS Division of Homeland Security and Emergency Services and the Orleans County Sheriff's Office for Operation Stonegarden FY2022, and the grant award of \$56,775.20; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant Stonegarden FY2022 in the amount of \$56,775.20 for the Sheriff's Office to enhance cooperation and coordination between Federal, State, local and tribal enforcement agencies in joint operations to secure our borders, effective September 1, 2022 through August 31, 2025; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up new monies within the Sheriff's budget from Operation Stonegarden grant as follows:

#### REVENUE:

01.3110.4308.7422 Special Grants Stonegarden FY22 \$56,775.20

#### APPROPRIATION:

01.3110.0486.7422 Special Grants Stonegarden FY22 \$56,775.20

Moved, Allport; second,

### **RESOLUTION NO. 67-223**

#### **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 generous donations received from community members to assist the Sheriff's Office budget, and 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	\$150.00
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APPROPRIATION:

01.3510.0418	Other Contractual – Animal Control	\$125.00
01.3110.0499	K9 – Sheriff	\$ 25.00

Moved, Allport; second,

**RESOLUTION NO. 68-223**

AUTHORIZING COUNTY TREASURER TO SET UP GRANT FUNDS FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES IN THE SHERIFF'S OFFICE BUDGET

WHEREAS, numerous 2022 resolutions authorized acceptance and set up disbursing grant funds in the Sheriff's Office Budget to enhance cooperation, boarders and usage towards Law Enforcement terrorism prevention activities, now be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up the balances left in grant funds in the 2023 Sheriff's Office Budget in the following Resolution No., Grant Name, Contract #, Dollar Amount and Accounts as follows:

<u>Res No.</u>	<u>Grant Name</u>	<u>Contract #</u>	<u>Dollar Amount</u>
266-621	SG20-1001-D00	C972409	\$ 7,216.50
197-422	SG21-1003-D00	21-BUNROC-09-002	\$31,087.32
391-920	LE20-1020-D00	T972402	\$ 2,553.92
295-622	LE21-1009-D00	T838711	\$ 4,908.37
577-1222	LE22-1022-D00	T190160	\$26,888.00
388-822	2022-2023 HVEC		\$12,386.18

REVENUE:

01.3110.4308.7420	Homeland Security-20	\$ 7,216.50
01.3110.4308.7421	Homeland Security-21	\$31,087.32
01.3110.4308.5320	Homeland Security SLETPP FY2020	\$ 2,553.92
01.3110.4308.5321	Homeland Security SLETPP FY2021	\$ 4,908.37
01.3110.4308.5322	Homeland Security SLETPP FY2022	\$26,888.00
01.3315.2615.0000	2022-2023 HVEC	\$12,386.18

APPROPRIATION:

01.3110.0486.7420	Special Grants-Stonegarden 20	\$ 7,216.50
01.3110.0486.7421	Special Grants-Stonegarden 21	\$31,087.32
01.3110.0486.5320	Special Grants-SLETPP FY2020	\$ 2,553.92

01.3110.0486.5321	Special Grants-SLETPP FY2021	\$ 4,908.37
01.3110.0486.5322	Special Grants-SLETPP FY2022	\$26,888.00
01.3315.0486.0000	Special Grants-HVEC 2022-2023	\$12,386.18

Moved, Allport; second,

**RESOLUTION NO. 69-223**

AUTHORIZING THE SALE OF OUTDATED HANDGUNS AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE SHERIFF’S BUDGET

WHEREAS, The Orleans County Sheriff’s Office is changing over from outdated 45 mm handguns to 9 mm handguns and has three (3) outdated Glock Model 21, 45 ACP caliber pistols; and

WHEREAS, J.S. Palumbo/AKA: Albion Gun Shop, has agreed to purchase the outdated Glock Model 21, 45 ACP pistols from the Sheriff’s Office at the cost of \$310.00 per pistol for a total of \$930.00; now be it

RESOLVED, that this Legislature authorizes the sale of the Glock Model 21, 45 ACP caliber pistols to J.S. Palumbo/AKA Albion Gun Shop for a total sales price of \$930.00; 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:

01.3110.2265	Sale of Equipment	\$930.00
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APPROPRIATION:

01.3110.0250	Other Equipment	\$930.00
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Moved, Allport; second,

**RESOLUTION NO. 70-223**

AUTHORIZING THE SHERIFF’S OFFICE/JAIL TO TRADE IN EIGHT (8) GLOCK 21 PISTOLS AND PURCHASE TWELVE (12) GLOCK 45 MOS 9 MM

WHEREAS, the Orleans County Jail is in need to upgrade their weapons; and

WHEREAS, the Orleans County Jail has eight (8) Glock 21 pistols with night sights that are no longer needed; now be it

RESOLVED, that this Legislature authorizes the Sheriff’s Office/Jail to trade-in eight (8) Glock G21 pistols with night sights to Parros Gun Shop for a credit of \$275.00 per gun; and be it

FURTHER RESOLVED, that this Legislature authorizes the Sheriff's Office/Jail to purchase twelve (12) Glock-LE 45 MOS 9 mm 17rd guns with sight and twelve (12) Safariland 77-283-2 mag holders to be purchased from Parros Gun Shop & Police Supply, 601 US Rt 2, Waterbury, VT 05676 to be paid from the Sheriff's Jail Budget 01.3150.0270 – Capital Equipment for a total cost including trade-in of \$5,948.00.

Moved, Allport; second,

**RESOLUTION NO. 71-223**

**AUTHORIZING FILLING OF VACANCIES IN THE SHERIFF'S OFFICE**

RESOLVED, that due to resignations in the Sheriff's Office, this Legislature does hereby authorize the filling of two (2) vacant Part – Time Marine Deputy Sheriffs (3110.36 and 3110.81) in the Sheriff's Marine Patrol at \$18.40 – Certified and \$15.41 – Non-Certified per hour, effective March 1, 2023; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of a vacant Full Time Deputy Sheriff's position (3110.48) in the Sheriff's Office at a Grade 1 of the OCDSA salary schedule, effective March 1, 2023; and be it

FURTHER RESOLVED, that due to a resignation in the Sheriff's Office, this Legislature does hereby authorize the filling of a vacant Part – Time Deputy Sheriff (3110.86) in the Sheriff's Road Patrol at \$25.38 per hour, effective March 1, 2023; and be it

FURTHER RESOLVED, that due to a retirement in Corrections, this Legislature does hereby authorize the filling of a Full Time Correction Officer (3150.21) in the Sheriff's Jail at Grade 1 of the OCSEA salary schedule, effective March 1, 2023.

Moved, Allport; second,

**RESOLUTION NO. 72-223**

**AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT TO EXPEND FUNDS FOR THE PURCHASE OF EPA COMPLIANT FOAM**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend \$14,834.50 from the 2022 Emergency Management Performance Grant funding (EMPG FY22) and \$14,834.50 from matching county funds to purchase EPA compliant foam from Churchville Fire Equipment, 340 Sandford Road South, Churchville, NY 14428. 01.3640.0250 Other Equipment

Moved, Allport; second,

**RESOLUTION NO. 73-223**

AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT TO EXPEND FUNDS FOR THE PURCHASE OF IT EQUIPMENT AND SOFTWARE AND AUTHORIZING COUNTY TREASURER TO SET UP FUNDS

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend \$13,393.91 from State Homeland Security Program Grant funding and departmental budget to purchase six (6) new Surface Pro's and five (5) Visio licenses from CDW-G, 75 Remittance Drive, Suite 1515, Chicago, IL 60675; and be it

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

REVENUE:

01.3640.4086.2021	State Homeland Security Program FY2021	\$3,365.00
01.3640.4086.2022	State Homeland Security Program FY2022	\$8,237.00

APPROPRIATIONS:

01.3640.4309.2021	State Homeland Security - SHSP FY21	\$3,365.00
01.3640.4309.2022	ST Homeland Security - SHSP FY22	\$8,237.00

Moved, Allport; second,

**RESOLUTION NO. 74-223**

AUTHORIZING THE EMERGENCY MANAGEMENT OFFICE TO EXPEND FUNDS FOR THE COMPUTER SERVICES PURCHASE FROM LAYER THREE TECHNOLOGIES AND AUTHORIZING COUNTY TREASURER TO SET UP FUNDS

RESOLVED, that this Legislature authorizes the Emergency Management Office to expend SHSP FY21 grants funds for a purchase to be made by the Computer Services Department from Layer Three Technologies, 1645 Lyell Avenue, Suite #200, Rochester, NY 14606 for a 1-year subscription of Sophos Central Email Advanced; and be it

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

REVENUE:

01.3640.4309.2021	State Homeland Security Program FY2021	\$6,750.00
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APPROPRIATION:

01.3640.0486.2021	Special Grants SHSP FY21	\$6,750.00
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Moved, Allport; second,



**RESOLUTION NO. 75-223**

**APPOINTING MEMBERS TO THE EMERGENCY MEDICAL SERVICES COUNCIL**

RESOLVED, that this Legislature approve the following voting members to the Emergency Medical Services Council, effective January 1, 2023 with all terms expiring December 31, 2023:

<u>AGENCY</u>	<u>PRIMARY</u>	<u>ALTERNATE</u>
Albion Fire Department	Fred Piano	Brianna Caldwell
Barre Fire Company	Kara Smith	Christopher Flansburg
Carlton Fire Company	David Bertch	Robin Hughson
Clarendon Fire Company	Kerry McCormack	Don Mosier
East Shelby Fire Company	Mike Fuller	Sue Behrend
Kendall Fire Company	Sue Maslyn	Stephen Balka
Lyndonville Fire Company	Anna Schuner	
Medina Fire Department	Jacob Crooks	Steve Cooley
Murray Joint Fire District	Mark Porter	Hunter Salamaca
Ridgeway Fire Company	Kristin McAdoo	
Shelby Fire Company	Tiffany Petry	
OC EMO EMS Coord.	Scott Buffin	Gerald Bentley
Orleans County Public Health	David Bell	Cora Young
Orleans County Sheriff's Office	Christopher Bourke	
Orleans County Sheriff Dispatch	Allen Turner	
Orleans Community Health/MMH	MacKenzie Sullivan	Dr. Richard Elman

Moved, Allport; second,

**RESOLUTION NO. 76-223**

**APPOINTING MEMBERS TO THE ORLEANS COUNTY FIRE ADVISORY BOARD**

RESOLVED, that this Legislature approve the following voting members to the Orleans County Fire Advisory Board, effective January 1, 2023 with all terms expiring December 31, 2023:

<u>AGENCY</u>	<u>PRIMARY</u>	<u>ALTERNATE</u>
Albion Fire Department	Robert Conner	John Papponetti
Barre Fire Company	Ben Flansburg	James Neal
Carlton Fire Company	Dale Niehaus	Andrew Niederhofer
Clarendon Fire Company	Robert Frieda	Don Mosier
East Shelby Fire Company	Allen Turner	Deb Taylor
Kendall Fire Company	Randy Davis	Mike Schultz
Lyndonville Fire Company	Mike Heideman	Danny Woodward
Medina Fire Department	Matt Jackson	Jonathan Higgins
Murray Joint Fire District	Rick Cary	Pete Henderickson

Ridgeway Fire Company      Tyler Luckman      Kristin McAdoo  
Shelby Fire Company      David Moden      Scott Petry

FURTHER RESOLVED, that the following be approved as non-voting members of the Board:

Orleans County Emergency Management	Justin Niederhofer, Director
Orleans County Emergency Management	Scott Buffin, Deputy Director
Orleans 3 Deputy Coordinator	Francis Gaylord
Orleans 4 Deputy Coordinator	Gerald Bentley
Orleans 5 Deputy Coordinator	David Hydock
Orleans 6 Fire Investigator	David Clary
Orleans 7 Fire Investigator	Cole Hardenbrook
Orleans 8 Fire Investigator	Steven Cooley
Chairman of the Legislature	Lynne M. Johnson
Vice Chairman of the Legislature	William Eick
Public Safety Chairman	Merle Draper & Donald Allport
Orleans County Sheriff	Christopher Bourke & Donald Draper
NYS Office of Fire Prevention & Control	Rachel Ford
Mercy EMS	Aaron MacKenzie & Michael Guglizza
Monroe Ambulance	Eric Dodge & John Williams

Moved, Allport; second,

### **RESOLUTION NO. 77-223**

APPROVING AGREEMENT FOR ADMINISTRATIVE ASSISTANT FOR THE ASSIGNED COUNSEL PLAN (ACP) ADMINISTRATOR

RESOLVED, that this Legislature approves an agreement between the Public Defender and Virginia Nicholson, to provide Administrative Services to the Assigned Council Plan (ACP) Administrator and 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, 2023 through December 31, 2023; 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 this agreement shall terminate when said funds are no longer available.

Moved, Allport; second,

### **RESOLUTION NO. 78-223**

AUTHORIZING THE DISTRICT ATTORNEY TO APPLY FOR AND ACCEPT FUNDS FROM THE CRIMINAL JUSTICE DISCOVERY REFORM GRANT AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE DISTRICT ATTORNEY BUDGET

WHEREAS, the NYS Division of Criminal Justice Services is providing funding to support the increase of expenses directly related to the implementation of the NYS Discovery and Bail Reforms that took effect January 1, 2020; be it

RESOLVED, that this Legislature does hereby authorize the District Attorney to apply for and accept funds, as directed by the DCJS, from the 2021-23 Criminal Justice Discovery Reform Grant Project ID No: DG22-1041-D00 in the amount of \$158,282.00 for expenses incurred effective April 1, 2021 through March 31, 2023; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to execute all related documents associated with this grant, subject to review by the County Attorney; and be it

FURTHER RESOLVED, that this Legislature authorizes a one-time payment of \$4,940 for the Confidential Secretary to the District Attorney (1165.05); and a one-time payment of \$3,000 for each of the two Secretaries to the Assistant District Attorneys (1165.06 and 1165.13); and be it

FURTHER RESOLVED, that the one-time payments shall be made in February, 2023, and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up funds, to be used in the District Attorney's Office budget, for a one-time stipend, as follows:

REVENUES:

01.1165.3392	Criminal Justice Discovery Reform Grant	\$13,144.41
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APPROPRIATIONS:

01.1165.0100	Personal Services	\$10,940.00
01.1165.0810	Retirement	\$ 1,367.50
01.1165.0820	Medicare	\$ 158.63
01.1165.0830	Social Security	\$ 678.28

Moved, Allport; second,

**RESOLUTION NO. 79-223**

**APPROVING AGREEMENTS BETWEEN MENTAL HEALTH DEPARTMENT AND VARIOUS PROVIDERS**

RESOLVED, that this Legislature approves the following agreements for the Mental Health Department:

Community Action of Orleans and Genesee, 411 East State Street, Albion, NY 14411, providing summertime services for youths referred or approved by the Department of Mental Health. Contracted amount is not to exceed \$5,000.00; effective January 1, 2023 through December 31, 2023. County cost is \$0.

West Interactive Services Corp., 1110 Montlimar Dr, Suite 700, Mobile, AL 36609, providing automated voice, email, and SMS communication to be used with electronic health record software, TenEleven, for the delivery of patient appointment reminders; effective November 1, 2022 through October 31, 2027.

Moved, Allport; second,

**RESOLUTION NO. 80-223**

**APPROVING APPOINTMENT TO THE COMMUNITY SERVICES BOARD**

RESOLVED, that this Legislature approves an appointment to the Community Services Board as follows:

Aimee Chafee, waiver to serve first term effective February 1, 2023 and ending January 31, 2027.

Moved, Allport; second,

**RESOLUTION NO. 81-223**

**AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT**

RESOLVED, that this Legislature authorizes abolishing an Account Clerk Typist position (4310.24) in the Mental Health Department at Grade 9 of the CSEA Salary Schedule, effective February 22, 2023; and be it

RESOLVED, that this Legislature authorizes the creating and filling of a full time position Account Clerk (4310.24) in the Mental Health Department at Grade 9 of the CSEA Salary Schedule, effective March 3, 2023; and be it

RESOLVED, that this Legislature authorizes filling of the position Clinic Therapist (4310.08) in the Mental Health Department at Grade 22 of the CSEA Salary Schedule, effective March 3, 2023.

Moved, Allport; second,

**RESOLUTION NO. 82-223**

**APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES**

RESOLVED, that this Legislature approves the following agreements for the Health Department:

James McGuiness & Associates, 1482 Erie Blvd. Schenectady, NY 12305. This contract is for software maintenance and support for Preschool Education billing services that includes use of the Medicaid Service Bureau and allows for additional support hours if custom reports are requested.

Contract amount is \$9,500. Full County cost. Effective January 1, 2023 through December 31, 2023.

Erie County Public Health Lab, 503 Kensington Avenue, Buffalo, NY 14214. Contract to provide Lab services for Public Health Nursing & Environmental Health water program. Contract reimbursement from DWE (Drinking Water Enhancement) Grant and NYS Aid Article 6. Effective January 1, 2023 through December 31, 2024.

Moved, Allport; second,

**RESOLUTION NO. 83-223**

APPROVING AGREEMENT BETWEEN GENESEE COUNTY HEALTH DEPARTMENT,  
LIVINGSTON COUNTY AND ORLEANS COUNTY (GLO)

RESOLVED, that this Legislature approves an agreement with Genesee County Health Department, 3837 West Main Street Road, Batavia, NY 14020. GLO Inter-municipal Transportation agreement. To consolidate & Administer One shared program to cover the Early Intervention/ Pre-K Transportation Program across Genesee/Livingston/Orleans Counties (GLO). Developing a competitive regional bid for services for the 2022-2025 school year; meeting the needs of the Tri-county children GLO. region wide. Term effective April 1, 2022 through December 31, 2026. Each county will be invoiced 1/3 of the total expenses yearly.

Moved, Allport; second,

**RESOLUTION NO. 84-223**

AUTHORIZING COUNTY TREASURER TO SET UP GRANT FUNDS IN PUBLIC HEALTH BUDGET

WHEREAS the Orleans County Health Department received an extension on MRC Award #22-2237 as approved in Resolution No. 20-123 and;

WHEREAS all of the 2022 award was not expended in 2022; now be it

RESOLVED that this Legislature does hereby authorize the County Treasurer to set up the 2022 unexpended funds in the 2023 Public Health budget as follows:

REVENUE:

01.4010.1609	NACCHO	\$ 4,370.88
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APPROPRIATIONS:

01.4010.0460	Training & Education	\$ 1,800.00
01.4010.0478	Health Promo Supplies	\$ 1,000.00
01.4010.0487	Env. Health Supplies	\$ 1,570.88

Moved, Allport; second,

**RESOLUTION NO. 85-223**

**AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEES**

RESOLVED, that this Legislature does hereby authorize out of state travel for Mary Ellen Messmer, Supervising Public Health Nurse to attend the 35<sup>th</sup> East Coast Stream Forum in Orlando FL. from April 4, 2023 through April 7, 2023. Costs covered by the Migrant Health Grant, No County Cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel for Brenden Bedard, Director of Community Health Services to attend the Preparedness Summit at the Hyatt Regency, Atlanta GA. from April 24, 2023 through April 27, 2023. Costs covered by NACCHO, No County Cost.

Moved, Allport; second,

**RESOLUTION NO. 86-223**

**AUTHORIZING FILLING POSITION IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the Public Health Department has received notice of resignation from an Environmental Health Specialist effective March 3, 2023; now be it

RESOLVED, that this Legislature does hereby authorize the filling of the vacant Environmental Health Specialist (4010.18) in the Public Health department at Grade 18 of the CSEA schedule, effective March 6, 2023.

Moved, Allport; second,

**RESOLUTION NO. 87-223**

**AUTHORIZING COUNTY TREASURER TO SET UP GRANT FUNDS IN THE BOARD OF ELECTIONS BUDGET**

WHEREAS, Resolution No. 279-620 authorized the Board of Elections Office to accept HAVA Cybersecurity Remediation and Mitigation Grant (C004265) in the amount of \$70,729.99; and

WHEREAS, the above grant is good through December 31, 2023; now be it

RESOLVED, that this Legislature does hereby authorize the County Treasurer to set up 2022 unexpended funds from the HAVA Cybersecurity Remediation and Mitigation Grant in the 2023 Board of Elections budget as follows:

REVENUE:

01.1450.4215.4277	Elections Services	\$283.45
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APPROPRIATION:

01.1450.0486.4277	Special Grant- 'HAVA' Cybersecurity Remediation	\$283.45
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And Mitigation Grant

Moved, Allport; second,

**RESOLUTION NO. 88-223**

**OPPOSING GOVERNOR HOCHUL'S BAN OF GAS STOVES AND OTHER NEW FOSSIL FUEL HEATING EQUIPMENT**

WHEREAS, Governor Hochul's State-of-the-State address contained a proposal to prohibit the sale of new fossil fuel powered heating systems by 2030 for smaller buildings and by 2035 for larger building; and

WHEREAS, Governor Hochul is further calling for zero-emission new construction, with no on-site fossil fuel combustion by 2025 for small buildings and by 2028 for larger buildings; and

WHEREAS, President Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS, the Governor's ban is intended to help address climate change, but this government mandate is more of a burden on our region's working-class residents and will have a devastating effect on restaurants, businesses and manufacturing facilities they have to convert to all electric; and

WHEREAS, the cost to convert a house to electric will result in a cost between \$20,000-\$50,000 per household and would not include any kind of backup system in the event of a power outage; and

WHEREAS, the conversion to electric will create unnecessary financial burden and hardship for businesses that compete on a national or global level; and

WHEREAS, the ban will push a lot of businesses out of the state and will contribute to accelerated population loss for those that are fed up with high taxes, the high cost of living, unreasonable government mandates, reckless spending by the government, and unrealistic environmental mandates not consistent with our geographic region; and

WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and an exposed electrical infrastructure; appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

WHEREAS, this past December saw a blizzard rip through portions of Orleans County leaving hundreds of residents stuck in their homes without power, many for several days; gas appliances, fed by a more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food during those days needed to clear the roads and restore electricity; our neighboring counties suffered loss of life during this storm – some froze to death; many more would have suffered if they had to rely on a power grid for cooking and emergency heating; and

WHEREAS, current technology, that is expected to replace gas appliances, such as space heating, does not work well in our climate; this fact was noted in the recent Climate Action Council's report which proposed requiring two heating sources for New York Residents who live in areas that are frequently too cold; and

WHEREAS, electrical appliances have more moving parts and are expensive to maintain and repair; and

WHEREAS, all electric appliances have been shown to be less efficient and therefore cost more to generate the same amount of heat than natural gas fed appliances; and

WHEREAS, mandating the purchase of electrical appliances is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth; and

WHEREAS, with the higher costs, energy bills will go through the roof for residents, further exacerbating the recent price spikes in food, transportation, and general merchandise; and

WHEREAS, as we have seen with California's recent push to make everything electric, this government mandate will likely lead to an increased strain on our state's electrical grid leading to black outs and rationing, which is especially dangerous with the winter weather we routinely experience; and

WHEREAS, the costs to bury power lines, increase renewable energy infrastructure, and increase the capacity of transformers will be passed on directly to consumers in the form of increased energy costs; and

WHEREAS, individual homes, especially those in older housing stock like Orleans County, will be forced to conduct costly in-home electrical panel upgrades to accommodate the increased demand from their appliances; and

WHEREAS, the ban on fossil-fuel powered heating equipment and appliances will cause severe hardship on the residents and businesses within Orleans County and Western New York; and

WHEREAS, the Orleans County Legislature condemns the New York State Legislature and Governor Hochul for continuing to pass hypocritical and nonsensical environmental laws which burden the working-class citizens of the county and state all the while ignoring the largest source of pollution – China, a country that has virtually no environmental protections and continues to be irresponsible and indefensible with environmental policies which ultimately end up subsidized by United States consumers through the purchase of hundred-of-billions of imports much of which are brought to market through New York City ports; no, therefore, be it

RESOLVED, that the Orleans County Legislature hereby vehemently opposes the Governor's plan to ban natural gas heating and appliances as not feasible or warranted for Orleans County and much of Western New York; and be it further



RESOLVED, that the Orleans County Legislature hereby strongly urges Governor Hochul and the New York State Legislature to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and be it further

RESOLVED, that the Clerk of the Legislature is to forward certified copies of this resolution to Governor Hochul, the Western New York Delegation to the New York State Senate and Assembly, NYSAC and any other party deemed necessary and proper.

Moved, Allport; second,

**RESOLUTION NO. 89-223**

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND GIS WORKSHOP LLC

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and GIS Workshop, 3905 South 148<sup>th</sup> Street, Suite 200, Omaha, Nebraska 68144 to provide Annual Support and Maintenance for the PubWorks Software at a cost of \$4,628.00. Contract period: March 1, 2023 through February 28, 2024; to be paid out of the 04.5130.0432 Machinery budget account.

Moved, Eick; second,

**RESOLUTION NO. 90-223**

APPROVING EXTENDING AGREEMENT BETWEEN ORLEANS COUNTY AND UGI ENERGY SERVICES

RESOLVED, that this Legislature does hereby approve an agreement extension between Orleans County and UGI Energy Services, LLC, One Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610 for the purchase of natural gas for Orleans County per contract price of \$4.715 per DTH effective March 1, 2023 through February 28, 2026.

Moved, Eick; second,

**RESOLUTION NO. 91-223**

AUTHORIZING AGREEMENT FOR MOTOR FUEL PURCHASES BETWEEN THE COUNTY OF ORLEANS AND QUALIFYING ORGANIZATIONS

RESOLVED, that this Legislature hereby approves the execution of an agreement for Motor Fuel Purchases between the County of Orleans and organizations that are exempt from the payment of New York State sales and use taxes effective February 1, 2023 through January 31, 2024; and may automatically renew annually, through January 31, 2028 unless either party wishes to renegotiate the terms of the agreement.

Moved, Eick; second,

**RESOLUTION NO. 92-223**

AUTHORIZING REPAIR SERVICE FROM THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that this Legislature approves a service repair bill from Brian Holmes/dba BNH Auto Repairs, 1331 Two Rod Road, Alden, New York 14404 to sandblast the 2015 Felling Lowboy Trailer for a total cost of \$9,500.00; to be paid from the Machinery fund account 04.5130.0444.

Moved, Eick; second,

**RESOLUTION NO. 93-223**

AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A VOLVO EXCAVATOR

RESOLVED, that this Legislature does hereby approve the purchase of a Volvo Excavator ECR145E through Alta Construction Equipment NY, LLC, 5985 Court Street Road, Syracuse, New York 13206. The Excavator is being purchased under NYS OGS Contract #PC69437 at cost of \$207,367.00 and is reimbursable through CHIPS (Consolidated Highway Improvement Program) with a County cost of \$0; to be paid from the Highway Division Machinery budget account 04.5130.0270.

Moved, Eick; second,

**RESOLUTION NO. 94-223**

AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A MOHAWK VEHICLE LIFT

RESOLVED, that this Legislature does hereby approve the purchase of a Mohawk T25 Vehicle lift through Mohawk Lifts, LLC, 65 Vrooman Avenue, Amsterdam, New York 12010. The Mohawk lift is being purchased under NYS OGS Contract #PC69416 at cost of \$48,597.67; to be paid from the Highway Division Machinery budget 04.5130.0270.

Moved, Eick; second,

**RESOLUTION NO. 95-223**

AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A BOBCAT COMPACT TRACK LOADER

RESOLVED, that this Legislature does hereby approve the purchase of a T770 T4 Bobcat Compact Track Loader through Clark Equipment Company/dba Bobcat Company, 250 East Beaton Drive, West Fargo, ND 58078. The Bobcat Compact Track Loader is being purchased under NYS OGS Contract #PC69396 at cost of \$95,547.22 and is reimbursable through CHIPS

(Consolidated Highway Improvement Program) with a County cost of \$0; to be paid from the Highway Division Machinery budget 04.5130.0270.

Moved, Eick; second,

**RESOLUTION NO. 96-223**

APPROVING EMERGENCY REPAIR BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND TRANE U.S. INC.

RESOLVED, that this Legislature hereby approves an emergency repair with Trane U.S. Inc., 45 Earhart Drive, Suite 103, Buffalo, New York 14221 to provide labor and materials to repair the B-2 Heat Exchanger on the Boiler located at the Orleans County Jail at a cost of \$46,975.00 pricing through OMNIA Racine #3341; to be paid out of the Buildings and Grounds Division budget 01.1620.0403.3150.

Moved, Eick; second,

**RESOLUTION NO. 97-223**

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the Preventive Bridge Maintenance #1, Contract #D040812, P.I.N. 4OR0.07, BINS: 2266640, 3319110, 3319130, 3319380, 3361960, 3361970, 3361980 in the Town of Carlton, Town of Gaines and Hamlet of Kent and (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 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$17,200.00 for Preventive Bridge Maintenance #1 for Preliminary Engineering, Design and ROW Incidentals; and

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 Orleans County Legislative Board hereby authorizes the County of Orleans to pay in the first instance 100% of the federal and non-federal share of the cost of \$86,000.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$86,000.00 is hereby appropriated from the County of Orleans and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds 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 Chairman of the Legislative Board of the County of Orleans be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Orleans 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 be it

FURTHER RESOLVED, that this Agreement is for Preliminary Engineering, Design and ROW Incidentals for a total cost of \$86,000.00; Federal Share of \$68,800.00; State Marchiselli Funding of \$12,900.00 and County Cost \$4,300.00; effective September 1, 2022 through September 1, 2032. Resolution shall take effect immediately.

Moved, Eick; second,

### **RESOLUTION NO. 98-223**

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the Preventive Bridge Maintenance #2, Contract #D040813, P.I.N. 4OR0.08, BINS: 3318850, 3318880, 3318950, 3318970, 3319150, 3319160, 3319200, 3319290, 3319300 in the Towns of Carlton, Murray, Kendall, and Shelby and (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 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$17,200.00 for Preventive Bridge Maintenance #2 for Preliminary Engineering, Design and ROW Incidentals; and

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 Orleans County Legislative Board hereby authorizes the County of Orleans to pay in the first instance 100% of the federal and non-federal share of the cost of \$86,000.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$86,000.00 is hereby appropriated from the County of Orleans and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds 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 Chairman of the Legislative Board of the County of Orleans be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Orleans 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 be it

FURTHER RESOLVED, that this Agreement is for Preliminary Engineering, Design and ROW Incidentals for a total cost of \$86,000.00; Federal Share of \$68,800.00; State Marchiselli Funding of \$12,900.00 and County Cost \$4,300.00; effective September 1, 2022 through September 1, 2032. Resolution shall take effect immediately.

Moved, Eick; second,

**RESOLUTION NO. 99-223**

**AUTHORIZING COUNTY TREASURER TO SET UP MONEY FROM BUILDING AND EQUIPMENT RESERVE INTO THE DEPARTMENT OF PUBLIC WORKS FOR 2022 BUDGETED PROJECTS**

WHEREAS, the Department of Public Works had entered into various agreements in 2022 to provide Building and Equipment services for the County Clerk's door, County Office Building Lightning Protection, Public Health Vaccination room, County Office Building IT Cooling system and the Mental Health VAV controls, and due to unfinished service projects; now be it

RESOLVED, this Legislature authorizes the County Treasurer to set up money from the Building and Equipment reserve into the 2023 Department of Public Works budget as follows:

FROM:

Building and Equipment Reserve \$282,491.00

TO:

01.1620.0470 Capital Construction Projects \$282,491.00

Moved, Eick; second,

**RESOLUTION NO. 100-223**

**AUTHORIZING COUNTY TREASURER TO SET UP FUNDS WITHIN THE DEPARTMENT OF PUBLIC WORKS BUDGET FOR 2022 BUDGETED PROJECTS**

WHEREAS, in 2022, the Department of Public Works entered into Professional Service Contracts for the Angling Road Bridge TIP Project, Lakeshore Bridge NY Project, Route 237 Bridge TIP Project and County Line Road Bridge TIP Project; now be it

RESOLVED, that due to unfinished professional services and project delays, this Legislature authorizes the County Treasurer to set up funds in the 2023 Road Fund bridge budget account as follows:

REVENUE:

03.5120.3503	Bridge Revenue	\$249,780.49
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APPROPRIATION:

03.5120.0470.2287	Route 237 Bridge	\$ 665.96
03.5120.0470.2288	County Line Road Bridge	\$ 77,146.98
03.5120.0470.2289	Lakeshore Bridge NY	\$ 87,342.02
03.5120.0470.2292	Angling Road Bridge	\$ 84,625.53

and be it

FURTHER RESOLVED, the Legislature authorizes the County Treasurer to set up money from Infrastructure Reserve to cover the 5% County Cost of said projects into the 2023 Department of Public Works budget as follows:

FROM:

Road Fund Infrastructure Reserve	\$13,146.34
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TO:

03.5120.0470.2287	Route 237 Bridge	\$ 35.04
03.5120.0470.2288	County Line Road Bridge	\$ 4,060.37
03.5120.0470.2289	Lakeshore Bridge NY	\$ 4,596.95
03.5120.0470.2292	Angling Road Bridge	\$ 4,453.98

Moved, Eick; second,

**RESOLUTION NO. 101-223**

**AUTHORIZING COUNTY TREASURER TO RESET UP FUNDS FROM ROAD FUND INFRASTRUCTURE RESERVE INTO THE DEPARTMENT OF PUBLIC WORKS FOR 2022 BUDGET PROJECTS**

WHEREAS, in 2022, the Department of Public Works entered into a contract with Ravi Engineering to provide Preliminary Engineering, Design and ROW Incidentals for the Taylor Hill Culvert project, Resolution No. 358-722; now be it

RESOLVED, that due to unfinished professional services and project delays, this Legislature authorizes the County Treasurer to reset up funds from the Road Fund Infrastructure reserve into the 2023 Department of Public Works budget as follows:

FROM:

Road Fund Infrastructure Reserve	\$26,257.00
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TO:

03.5120.0470	Bridge Capital Project	\$26,257.00
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Moved, Eick; second,

**RESOLUTION NO. 102-223**

AUTHORIZING COUNTY TREASURER TO RESET UP MONEY FROM BUILDING AND EQUIPMENT RESERVE INTO THE DEPARTMENT OF PUBLIC WORKS FOR 2022 BUDGETED PROJECTS

WHEREAS, the Department of Public Works had entered into an agreement in 2022 with Trane U.S. Inc., Resolution #113-222 to provide two (2) replacement Boilers at the County Office Building North location and due to project delay; now be it

RESOLVED, this Legislature authorizes the County Treasurer to reset up money from the Building and Equipment reserve into the 2023 Department of Public Works budget as follows:

FROM:

Building and Equipment Reserve	\$109,372.00
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TO:

01.1620.0470	Capital Construction Projects	\$109,372.00
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Moved, Eick; second,

**RESOLUTION NO. 103-223**

AUTHORIZING COUNTY TREASURER TO SET UP MONEY FROM INFRASTRUCTURE RESERVE INTO THE DEPARTMENT OF PUBLIC WORKS FOR 2022 BUDGETED PROJECTS

WHEREAS, the Department of Public Works had entered into agreements in 2022 to provide professional services for the Fuel Farm Design, County Office Building Pump Station, new Department of Public Works facility, a Public Safety Building Site Assessment and Energy Performance Contract, and due to unfinished professional services; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up money from Infrastructure reserve into the 2023 Department of Public Works budget as follows:

FROM:

Infrastructure Reserve \$551,790.78

TO:

01.1620.0470 Capital Construction Projects \$551,790.78

Moved, Eick; second,

**RESOLUTION NO. 104-223**

**AUTHORIZING FILLING OF A POSITION IN THE DEPARTMENT OF PUBLIC WORKS**

RESOLVED, as a result of a promotion, this Legislature does hereby authorize the filling of a vacant permanent full-time Motor Equipment Operator position (5110.23) in the Department of Public Works at Grade H2 of the CSEA Salary Schedule; and be it

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

Moved, Eick; second,

**RESOLUTION NO. 105-223**

**APPROVING BROCHURE DISTRIBUTION FOR ORLEANS COUNTY TRAVEL AND FISHING GUIDE**

RESOLVED, that this Legislature approves distribution of our tourism marketing materials in the state of Pennsylvania, with Getaways on Display, Inc, 147 Arrowhead Drive, Manheim PA 17545 in the amount of \$5,076.00 to be paid from Tourism Account 01.6410.0468 – I Love New York. 50% Reimbursement from I Love NY Matching Funds.

Moved, Eick; second,

**RESOLUTION NO. 106-223**

**APPROVING ADVERTISING FOR ORLEANS COUNTY TOURISM**

RESOLVED, that this Legislature approves advertising in the 2023 Campground & RV Park Guide through (CONY) Campground Owners of NY, Inc., 1 Grove St, Ste 200, Pittsford, NY 14534 for the purpose of placing a three (3) page advertisement in this directory is to promote Orleans County Campgrounds in the amount of \$5,800 to be paid from Tourism Account 01.6410.0468 – I Love New York. 50% Reimbursement from I Love NY Matching Funds.

Moved, Eick; second,



**RESOLUTION NO. 107-223**

**AWARDING BID FOR PRINTING 2023 COUNTY TRAVEL GUIDE AND APPROVING AGREEMENT WITH FREEPORT PRESS**

WHEREAS, advertisement for printing bids occurred and two bids were received and opened on December 2<sup>nd</sup>, 2022; now, be it

RESOLVED, that is Legislature approves an agreement with Freeport Press, 2127 Reiser Ave SE, New Philadelphia, OH 44663 in the amount of \$21,100.24 for 45,000 Travel Guides consisting of 48 pages to be printed on 70# paper, which \$4,995.00 deposit was paid from 2022 I Love New York Matching Funds and \$14,440.99 will be paid out of 2023 I Love New York Matching Funds from Account 01.6410.468 and \$1,664.25 of freight charges will be paid from 6410.0461 and subsidized by advertising Sales.

Moved, Eick; second,

**RESOLUTION NO. 108-223**

**AUTHORIZING PAYMENT OF 2023 TOURISM MATCHING FUNDS TO GREATER NIAGARA REGION**

WHEREAS, Resolution No. 408-822 authorized application for, and receipt of, State I Love New York Matching Funds which, in part, are committed to regional tourism promotion; now be it

RESOLVED, that this Legislature hereby authorizes payment of \$ 33,729.00 to the Greater Niagara Region, c/o Orleans County Tourism, 14016 Rte. 31 W, Albion, NY 14411, to be paid from Tourism Account 01.6410.0468 - I Love New York Matching Funds, as it becomes available, with said amount to be expended for regional tourism promotion programs which may include the following:

- 4-County Fresh Air Adventures Promotion (GLOW)
- 5-County Greater Niagara Region Promotion
- Lake Ontario Sportfishing Promotion (LOSPC)
- 100 Must See Miles on the Erie Canal
- Haunted History Trail

Moved, Eick; second,

**RESOLUTION NO. 109-223**

**APPROVING AGREEMENT BETWEEN ORLEANS COUNTY AND TOSHIBA BUSINESS SOLUTIONS**

RESOLVED, that this Legislature approves a 48-month lease agreement between Orleans County and Toshiba Business Solutions, 100 Colvin Woods, Ste 100, Tonawanda, NY 14150 to provide five (5) Toshiba e-Studio multifunction machines effective July 1, 2023 through June 30, 2026 as follows:

Clerk of Legislature	ESTUDIO3525AC	\$186.00 per month
Public Health	ESTUDIO5516ACT	\$271.00 per month
Above are bill per copy B&W \$0.00750 per page and Color \$0.04750 per page, with an annual increase of 2.5%		

Computer Services	ESTUDIO3528AC	\$82.00 per month
Elections	ESTUDIO3528AC	\$102.00 per month
Above are bill per copy B&W \$0.00750 per page, with an annual increase of 2.5%		

Public Health	ESTUDIO330AC	\$91.00 per month
Above are bill per copy B&W \$0.01290 per page and color \$0.07500 per page, with an annual increase of 2.5%		

Moved, Eick; second,

**RESOLUTION NO. 110-223**

**APPROVING AGREEMENT WITH MERCY FLIGHT**

RESOLVED, that this Legislature approves an agreement with Mercy Flight, Inc. for the provision of necessary air medical transfers; Orleans County to pay \$5,000 for the 2023 calendar year; no increase from 2018.

Moved, Eick; second,

**RESOLUTION NO. 111-223**

**AUTHORIZING PAYMENT FOR 2023 LEADERSHIP ORLEANS PARTICIPANTS**

RESOLVED, that this Legislature authorizes payment to Leadership Orleans c/o Community Action of Genesee Orleans, 409 East State Street, Albion, NY 14411 in the amount of \$5,850.00 for three (3) Leadership Orleans 2023 Program Participant Tuition for Orleans County Employees to be paid from Unassigned Unallocated Expense Account 01.1910.0418-Other Contractual Expenses.

Moved, Eick; second,

**RESOLUTION NO. 112-223**

**ADOPTING LOCAL LAW NO. 2 OF 2023, ENTITLED AMENDING SECTION 4 OF LOCAL LAW NO. 3 OF THE YEAR 2011 TO REAPPORTION LEGISLATIVE DISTRICTS**

WHEREAS, Local Law No. 2-Intro of the year 2023 was introduced at a regular meeting of the Orleans County Legislature held on January 24, 2023 and a Public Hearing was held on February 9, 2023 at which time all interested persons wishing to speak were heard; not be it

RESOLVED, that this Legislature enacts the following Local Law No. 2 of 2023 as follows:

COUNTY OF ORLEANS  
LOCAL LAW NO. 2 OF 2023

A LOCAL LAW AMENDING SECTION 4 OF LOCAL LAW NO. 3 OF THE YEAR 2011 TO  
REAPPORTION LEGISLATIVE DISTRICTS

Be it enacted by the Legislature of the County of Orleans, as follows:

SECTION 1. TITLE:

A Local Law Amending Section 4 of Local Law No. 3 of the Year 2011 to Reapportion Legislative Districts.

SECTION 2. AUTHORITY:

This Local Law is enacted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(13) which authorizes local governments to reapportion their legislative bodies in order to comply with the one person one vote standards enunciated by the United States Supreme Court.

SECTION 3. PURPOSE:

The purpose of this Local Law is to amend Section 4 of Local Law No. 3 of the Year 2011 by reapportioning the legislative districts established therein by removing that portion of the Village of Medina situate within the Town of Shelby lying east of the center line of Gwinn Street from County Legislative District 2 and adding that portion of the Village of Medina situate within the Town of Shelby lying east of the center line of Gwinn Street to County Legislative District 1.

Also, removing the area known as Election District #5 in the Town of Murray from County Legislative District 4 and adding that portion to County Legislative District 3.

SECTION 4. AMENDMENT OF SECTION 4:

Section 4 of Local Law No. 3 of the Year 2011 is hereby amended by replacing the provisions of Section 4 with the following provisions which shall read as follows:

A. The remaining four (4) county legislators shall be elected from four (4) separate legislative districts as follows:

Legislative District 1 shall include that part of Orleans County being all of the Towns of Clarendon and Barre and that portion of the Town of Shelby bounded and described as follows: All of the Town of Shelby excluding the portion of the Village of Medina situated with in the said town of Shelby lying West of the center line of Gwinn Street.

Legislative District 2 shall include that part of Orleans County being all of the Towns of Yates and Ridgeway and that portion of the Town of Shelby bounded and described as follows: The portion of the Village of Medina situated with in the said town of Shelby lying West of the center line of Gwinn Street.

Legislative District 3 shall include that part of Orleans County being all of the Towns of Gaines and Albion and that portion of the Town of Murray bounded and described as follows: Beginning at the intersection of Ridge Road and the Murray/Gaines Town Line and proceeding easterly along Ridge Rd to Creek Rd, and proceeding southerly along Creek Rd to Fancher Rd, and proceeding

southerly along Fancher Rd to the Clarendon/Murray town line, and proceeding westerly along the Clarendon/Murray town line to the Albion/Murray town line, and proceeding northerly along the Albion/Murray town line to the Murray/Gaines Town Line, and proceeding northerly along the Murray/Gaines Town Line to the point of beginning.

Legislative District 4 shall include that part of Orleans County being all of the Towns of Carlton and Kendall and that portion of the Town of Murray bounded and described as follows: Beginning at the intersection of Ridge Road and the Murray/Gaines Town Line and proceeding easterly along Ridge Rd to Creek Rd, and proceeding southerly along Creek Rd to Fancher Rd, and proceeding southerly along Fancher Rd to the Clarendon/Murray town line, and proceeding easterly along the Clarendon/Murray town line to the Murray/Monroe County Line, and proceeding northerly along the Murray/Monroe County Line to the Murray/Kendall Town Line, and proceeding westerly along the Murray/Kendall Town Line to the Murray/Gaines Town Line, and proceeding southerly along the Murray/Gaines Town Line to the point of beginning.

#### SECTION 5. LEGISLATIVE DISTRICTS CONTINUED:

The four legislative districts as previously bounded and described by Section 4 of the Local Law No. 3 of the Year 2011 shall continue as such for the limited purpose of continuing in office the legislators elected from said districts through December 31, 2023 and such current legislative districts shall continue to exist through December 31, 2023. For the purpose of the general election of 2023 and all other purposes on January 1, 2024 the County of Orleans four legislative districts are described in Section 4. Hereinabove and more particularly shown on a map entitled Orleans County Legislative Districts attached hereto and made a part hereof.

#### SECTION 6. EFFECT OF OTHER LAWS OR ACTS:

Any law, ordinance, resolution or other act inconsistent with the provisions hereof shall be superseded by this Local Law.

#### SECTION 7. SEPARABILITY:

If any clause, sentence, paragraph or section of this Local Law shall be adjudged by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, or paragraph thereof directly involved in the controversy in which such judgment shall have been rendered.

#### SECTION 8. SUBJECT TO REFERENDUM ON PETITION:

This local law shall take effect fort-five (45) days after its adoption hereof, or after approval of the affirmative vote of a majority of the qualified voters of the County of Orleans voting on a proposition for its approval if within forty-five (45) days after its adoption there be filed with the Clerk a petition protesting against this Law in the form, signed and authenticated, as provided for in section 24 of the Municipal Home Rule Law of the State of New York.

Moved, Eick; second,

### **RESOLUTION NO. 113-223**

**APPROVING AGREEMENTS WITH 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:

Orleans County Public Health Department to provide nursing services to clients and families affected by substance abuse disorders on a part-time basis. County cost is reimbursed at 100% up to \$50,000 total by a grant from the New York State Office of Children and Family Services (OCFS)

Orleans County Computer Services for the provision of computer programming, maintenance, and consultation services; to be effective January 1, 2023 through December 31, 2023. At a cost of \$66,314. County cost \$23,210.

Orleans County Attorney Contract covers 0.25 full-time equivalent for one attorney assigned to Social Services. Changes in the amounts reflect changes in contracts required by the state. Attorney Services provided for Temporary Assistance and Child and Family Services need to be separate contracts. This contract is for Temporary Assistance. To be effective January 1, 2023 through December 31, 2023 at a cost of \$21,064. County cost is \$7,946.

Orleans County Attorney Contract covers one (1) full-time equivalent for one (1) attorney assigned to Social Services. Changes in the amounts reflect changes in contracts required by the state. Attorney services provided for Temporary Assistance and Child and Family Services need to be separate contracts. This contract is for Child and Family Services to be effective January 1, 2023 through December 31, 2023 at a cost of \$79,746. County cost is \$27,939.

The Department of Public Works, Albion, NY for the provision of Messenger and Custodial Services; to be effective January 1, 2023 through December 31, 2023 at a cost of \$77,755. County cost is \$27,214.

Orleans County Sheriff's Office, Albion, NY for the provision of deputy security services in the way of screening visitors and managing the metal detector in the entrance of the Orleans County Office Building. Deputy will also manage noncompliant visitors to the complex and respond to requests from employees for assistance as needed. To be effective January 1, 2023 through December 31, 2023 at a cost of \$99,235. County cost is \$34,732.

Gustavus Adolphus C&FS Jamestown, NY for the provision of residential foster care services; to be effective March 1, 2022 through February 28, 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.

Sarah Hedden, Esq., Lockport, NY, for the provision of Legal and Other Services pertaining to KinGAP Services by said firm for Orleans County Department of Social Services. Payment will be made as a one-time payment after all receipts are received, and the amount for the payment may not exceed the maximum level set by the NYS Office of Children and Family Service (OCFS) of \$2,000.00 per child.

Moved, Miller; second,

**RESOLUTION NO. 114-223**

CALLING ON THE STATE OF NEW YORK TO CONTINUE TO PASS-THRU FEDERAL AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE FUNDS

WHEREAS, the SFY 2024 State Budget proposal would end the Affordable Care Act (ACA) enhanced Federal Medical Assistance Percentage (eFMAP) federal pass-thru to counties and New York City; and

WHEREAS, the State is proposing to keep all of these federal savings going forward and use them to cover further expansions of Medicaid eligibility and benefits and to increase payments to health care providers; and

WHEREAS, the elimination of this ACA eFMAP federal pass-thru will require the 57 counties to spend at least \$280 million more in SFY 2024, and approximately \$1 billion when New York City is included; and

WHEREAS, the SFY 2024 costs to counties and New York City are scheduled to grow by 30 percent by SFY 2027; and

WHEREAS, it is the strong view of NYSAC that congress intended these federal savings to be shared with counties proportional to the amount they contributed toward the nonfederal Medicaid match; and

WHEREAS, since 2003, the state has shared the funds proportionally based on our analysis of savings we have received during periods when an enhanced federal Medicaid match was enacted by Congress; and

WHEREAS, enacted in 2011, the Medicaid statutory cap for all 62 counties is \$7.6 billion. The Medicaid statutory cap for the 57 counties outside of New York City is \$2.25 billion.; and

WHEREAS, starting in SFY 2014, New York began sharing these federal ACA savings directly with counties. The savings for a year were provided by lowering the weekly payments each county and NYC make to the state to support the State's Medicaid program. Through February 1, 2023, the state continues to share the federal savings from the ACA eFMAP with the 57 counties and NYC; and

WHEREAS, counties strongly disagree with the need to cut county funding so deeply when the Governor's budget proposes to fully fund its own reserves two years ahead of schedule de depositing \$5.4 billion into reserves before the end of SFY 2023, while also projecting a general fund surplus of \$35 billion by the end of SFY 2024.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties calls on the State to continue to share these federal funds with counties as has been the precedent for over 20 years; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to the Governor of the State of New York, the New York State Legislature, the New York State Congressional Delegation, and all others deemed necessary and proper.

Moved, Miller; second,

**RESOLUTION NO. 115-223**

AUTHORIZING ABOLISHING, CREATING AND FILLING 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 abolishing two (2) part-time Caseworker positions (6010.0265 and 6010.0266) in the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective February 22, 2023; and be it

FURTHER RESOLVED, that this Legislature does also hereby authorize the creation and filling of one (1), permanent, full-time Caseworker position in the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective March 3, 2023; and be it

FURTHER RESOLVED, that, due to a retirement, this Legislature does also hereby authorize the filling of one (1) permanent, full-time, Caseworker position (6010.0219) in the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective March 3, 2023.

FURTHER RESOLVED, that this Legislature does also hereby authorize the filling of one (1) permanent, full-time, Caseworker position (6010.0241) in the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective March 3, 2023.

Moved, Miller; second,

**RESOLUTION NO. 116-223**

APPROVING RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND LIFELINE

RESOLVED, that this Legislature approves the renewal agreement between the Office for the Aging Department and Philips Lifeline, 111 Lawrence Street, Framingham, MA 01701 to provide personal emergency response systems from November 1, 2023 through October 31, 2026 at a cost of \$42,580.00 (1st year, November 1, 2023-October 31, 2024). County cost \$0.

Moved, Miller; second,

**RESOLUTION NO. 117-223**

**AUTHORIZING PURCHASES FROM DELL TECHNOLOGIES INC BY COMPUTER SERVICES**

WHEREAS, this Legislature is aware of the need to enhance and protect the County data; now be it

RESOLVED, that this Legislature authorizes the following purchases from DELL Technologies INC., PO Box 6547, Carol Stream, IL 60197-6547 be made by the Computer Services Department as follows:

One (1) large format server for the Computer Services Capital Project eBizDocs Project in the amount of \$17,800.00 (Quote # 3000142607471.1) to provide the failover capability to protect the data and provide fault tolerance and user accessibility to the information contained therein. Pricing under NYS OGS Contract PM20820/1000041162 Dell NYS Umbrella Contract, to be paid from Computer Services budget 01.1680.0270-Capital Equipment.

Large Format Server for the Computer Services Jail/County NVR Capital Project in the amount of \$19,800.00 (Quote # 3000142607827.1). Pricing under NYS OGS Contract PM20820/1000041162 Dell NYS Umbrella Contract, to be paid from Computer Services budget 01.1680.0270-Capital Equipment.

Three (3) PowerEdge servers for the Computer Services Virtual Hosts Capital Project in the amount of \$44,280.00 (Quote # 3000142318886.1) which will increase data transfer speeds by 10 times and provide three times the storage space as is current. Purchase Order and pricing under NYS OGS Contract PM20820, Group 73600, Award 22802, IT Umbrella Contract, to be paid from Computer Services budget 01.1680.0270-Capital Equipment.

Moved, Fitzak; second,

**RESOLUTION NO. 118-223**

**AUTHORIZING PURCHASES FROM LAYER THREE TECHNOLOGIES BY COMPUTER SERVICES**

WHEREAS, this Legislature is aware of the need to enhance and protect the County data; now be it

RESOLVED, that this Legislature authorizes the following purchases from Layer Three Technologies, 1645 Lyell Avenue, Suite # 200, Rochester, NY 14606 be made by the Computer Services Department as follows:

Sophos Central Intercept X Advanced End Point protection for desktops, mobile devices and servers in the amount of \$12,785.00, to be paid from Computer Services budget 01.1680.0418 - Other Contractual.

3-year license for 100 Mobile users, with a one-time installation assistance cost, to be used for the purposes of conducting county business from non-county locations in the amount of \$4,920.00, to be paid from Computer Services budget 01.1680.0418-Other Contractual



One (1) SOPHOS XG550 1yr-FullGuard with Webserver Protection renewal to protect the Orleans County Network from external threats to security, improved protected wireless access control and email support protection throughout the county offices in the amount of \$13,100.00, to be paid from Computer Services budget 01.1680.0418-Other Contractual; and be it

FURTHER RESOLVED, that this Legislature authorizes the purchase of a 1-year subscription of Sophos Central Email Advanced for all email sent to Orleans County in the amount of \$9,500.00 to be paid \$2,750.00 from Computer Services budget 01.1680.0270-Capital Projects and \$6,750.00 from EMO budget 01.3640.0486.2021-Special Grants SHSP FY21.

Moved, Fitzak; second,

### **RESOLUTION NO. 119-223**

#### **AUTHORIZING PURCHASES FROM SHI INTERNATIONAL BY COMPUTER SERVICES**

WHEREAS, this Legislature is aware of the importance of upgrading our networks to current levels to take advantage of time technology improvements; now be it

RESOLVED, that this Legislature approves the purchase of a 10 Sophos APX 740 Wireless Access Points from SHI International, at a cost of \$8,043.80, from Quote #23056892, to be paid from Computer Services budget 01.1680.0250 - Other Equipment. Quote and Pricing under NJPA-Sourcewell, Tech Catalog Solutions, Contract # 081419-SHI, to be paid from Computer Services budget 01.1680.0250-Other Equipment.

Moved, Fitzak; second,

### **RESOLUTION NO. 120-223**

#### **AUTHORIZING COMPUTER SERVICES TO INITIATE A NEW SPECTRUM CIRCUIT TO THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Legislature is aware that the existing circuit going to the Department of Public Works is much larger than desired for the program requirements needed; now be it

RESOLVED, that this Legislature authorizes the initiation of one High Speed Direct (HSD) Business Class circuit at the Department of Public Works, 222 West Academy Street, Albion, NY 14411, from Spectrum Enterprises, 425 Michigan Ave., Buffalo, NY 14203, to replace the existing Fiber circuit at that location, cost to be \$84.98/month with a one-time installation cost of \$99.00, to be managed by the Computer Services Department as the primary connection for the Gasboy program, to paid by the Department of Public Works budget 04.5140.0421-Telephone and Internet Services.

Moved, Fitzak; second,

### **RESOLUTION NO. 121-223**

## AUTHORIZING FILLING A POSITION IN THE COMPUTER SERVICES DEPARTMENT

WHEREAS, there has been a resignation in the Computer Services department, now be it;

RESOLVED, that this Legislature does hereby authorize the filling a permanent full time Computer Specialist position (1680.08) in the Computer Services Department at Grade 16 of the CSEA salary schedule, effective March 3, 2023.

Moved, Fitzak; second,

### **RESOLUTION NO. 122-223**

## SETTING DATE AND TERMS FOR AUCTION OF COUNTY-OWNED TAX PROPERTIES NOTWITHSTANDING ANY RESOLUTION HERETOFORE

RESOLVED, that the following terms of auction for County-owned property for the auction to be held Wednesday, June 27, 2023 at 10:00 a.m. at the Orleans County Fairgrounds, 12690 Route 31, Albion, New York, be approved by this Legislature as follows:

**TERMS OF AUCTION ORLEANS COUNTY TAX PROPERTY AUCTION  
ORLEANS COUNTY FAIRGROUNDS  
12690 ROUTE 31 ALBION, NEW YORK  
June 27, 2023 10:00 AM**

This is the sale at public auction of various parcels of real property, which have been conveyed in the County of Orleans by final judgment under the so-called In Rem Tax Foreclosure Proceedings. This sale is ordered by various resolutions of the Orleans County Legislature and is in accordance with the appropriate provisions of the Real Property Tax Law. This sale and sale of each and every parcel herein is upon the following terms:

### TERMS AND CONDITIONS OF THE AUCTION

INTERNET TERMS (in addition to standard terms below):

1. Registration. All bidders are required to register and provide suitable I.D. (photo copy acceptable) prior to the auction, all registrations will take place ONLINE. The Internet Bidding Packet (IBP) will be emailed via electronic link once bidder registers for the auction at NYSAuctions.com. A sample IBP can be found at the top of the auction web listing approximately 30 days prior to the auction. Auctioneer reserves the right to decline registration if I.D. produced is not sufficient. A copy of the bidder's valid driver's license or passport must be provided to the auctioneer. NO EXCEPTIONS.
2. Bidder approval for internet. In order to bid online, you will need to complete the Internet Bidding Packet (IBP) that was emailed to you via electronic link. A sample IBP can be found at the top of the auction web listing approximately 30 days prior to the auction. Complete and return to the office of the auctioneer/broker no later than 4:00 PM on Monday, June 20, 2022, to be approved to bid online for this auction. NO EXCEPTIONS.

3. No Recourse. Internet bidding through our Provider is offered as a service to our customers, and bidders shall not hold Orleans County and/or Absolute Auctions & Realty, Inc., responsible for any failure due to the loss of the internet connection supplied to Absolute Auctions & Realty, Inc., by the Provider.

**STANDARD TERMS:**

1. Orleans County acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings; and/or as a result of forfeiture.

2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.

3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water assessments are the responsibility of the purchaser, whether they are received or not; (d) the levied 2023 Town and County tax bill including any relieved taxes, any Village taxes relieved after May 31, 2023, the 2023/2024 school tax the 2024 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction, in addition to any other applicable charges, (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.

4. The purchaser shall be solely responsible for the payment of: the levied 2023 Town and County tax bill including any relieved taxes, any Village taxes levied after May 31, 2023, the 2023/2024 school taxes, the 2024 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction.

5. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date of the auction. Upon delivery of the quitclaim deed by the County of Orleans to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

6. No personal property is included in the sale of any of the parcels owned by Orleans County, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.

7. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. **THE COUNTY, THE AUCTIONEER, AND THE AUCTION SERVICE MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.**

8. The County of Orleans reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.

9. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and sold subject to the provisions of law applicable thereto.

10. ALL REGISTRATION PAPERWORK MUST BE COMPLETED ONLINE VIA LINK SENT TO REGISTERED BIDDERS. All bidders are required to register and provide suitable personal identification, such as a driver's license or passport, at registration. Auctioneer reserves the right to decline registration if identification is not sufficient. Individuals other than lawyers, acting on behalf of others (including spouses), not in attendance at the auction, must produce a "Power of Attorney" duly executed and notarized. Incorporated entities (Inc., Corp., LLC., etc.) are required to provide AT REGISTRATION: 1) a copy of the state entity incorporation filing receipt, 2) EIN number and 3) a corporate resolution duly embossed with incorporation seal authorizing the registrant to purchase real property for said entity.

11. All bidders are required to use the bidder number issued to them for all purposes associated with the auction. A bidder may not bid on behalf of a party who is on the prohibited bidder list.

12. Bidder acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards, mold, asbestos or any other hazardous substances.

13. The former owner of the property, or his agent, shall not be deemed to be the successful bidder on the property or purchase same at the public auction, unless the bid amount exceeds the amount of the purchase price to affect the release of County's interest. If the former owner or his agent reacquires the property, all liens existing prior to the foreclosure, will be reinstated and the purchaser (former owner) must sign the deed to reinstate the liens.

14. Purchaser shall provide information necessary to complete, and shall execute, the necessary forms and documents required for recording the deed in the Orleans County Clerk's Office. The purchaser executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid, unless the County agrees in writing. The deed prepared will be in the name of the successful bidder (and spouse) only. No third-party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal.

15. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the proceeding bid.

16. The Purchaser will execute an Offer to Purchase form immediately upon being declared the high bidder. The approval of each bid by Resolution of the County Legislature will not constitute a Contract of Sale and the County reserves the right to reject any bid prior to the closing of title and the recording of the deed.

17. The Purchaser shall be responsible for the payment of an eleven percent (11%) buyer's premium (1% buyer's premium discount for cash or other guaranteed funds) in addition to the accepted purchase price, an advertising fee of 1.5% of the bid price, and the closing fees/costs. The "buyer's premium" is the fee/commission earned by the auctioneer. Accepted purchase price is the amount bid by the highest bidder, which has been approved by the Orleans County Legislature.

18. All required deposits must be paid in full for all successful bids immediately upon being declared the successful bidder. Any successful bidder, who fails to tender the deposit immediately upon being declared the successful bidder, will be forbidden to participate in this or any other auction. Any parcels which the County did not receive deposits for, as per these terms and conditions, will be considered to be defaulted, and resold and the bidder will be disqualified from further bidding.

19. 25% of the total contract price (total contract price is the combination of the high bid plus the buyer's premium, as defined in section 17 of these terms and conditions), shall be paid as a down

payment on the day of the auction upon execution of an Offer to Purchase Form. The buyer's premium is wholly based on the down payment type. Total contract prices selling \$250 or less must be paid in full at auction, including all closing costs which consist of the following will be paid with the down payment on the day of the auction for each parcel: (a) New York State Transfer Tax [\$4.00 for the first \$1,000; \$2.00 for each \$500 thereafter of the purchase/bid price]; (b) Filing Fee for the Real Property Transfer Report [\$125.00 if the parcels classification code is 100-199, 200-299 or 411-C; \$250.00 for all parcels otherwise classified], (c) Filing Fee for combined Gains Transfer Tax Affidavit [\$5.00]; (c) all fees required by the Orleans County Clerk for recording of the deed [\$50.00 to record a one page deed; \$5.00 for each additional page], (d) 1.5% advertising fee as described in section 17. Closing costs may be subjected to an increase in fees as required by law, without notice. All deposits must be made in cash or guaranteed funds payable to the "Orleans County Treasurer" and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions.

20. The Purchaser paying the minimum deposit by credit card understands and agrees that all deposits collected by credit card will be turned over to the Orleans County Treasurer. Credit cards can be used for the minimum deposit only, not the total contact price. The Purchaser paying by credit card(s) agrees that they shall NOT attempt a charge back on their credit card(s) used in this/these transaction(s) for any reason whatsoever. In such event that a charge back is initiated by Purchaser and that such attempt is upheld in favor of Auctioneer/Orleans County, Purchaser agrees and authorizes to compensate Auctioneer with a \$750.00 recovery fee as a new charge to their credit card(s) without requiring additional Purchaser signature(s). Failure to pay such recovery fee will result in collection action against said Purchaser(s).

21. All bids shall be subject to approval by the Orleans County Legislature, which shall have the right, in the Legislature's sole discretion, to reject any bid for any reason whatsoever.

22. The entire balance of the accepted purchase price, the buyer's premium, as defined in section 17 of these terms and conditions, and all closing costs/fees must be paid by cash or guaranteed funds to the Orleans County Treasurer's Office on or before July 28, 2023. The County is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the total contract price plus closing costs and fees as herein provided, the deposit shall be forfeited. The County reserves the right, in its sole discretion, to extend the time of payment upon such terms and conditions it deems appropriate.

23. If the successful bidder fails to tender such amount due by the close of business on July 28, 2023, then the County may, but is not obligated to offer any unsold property to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.

24. All parcels for which you are the successful bidder for must be paid in full. No selective closings subsequent to the auction. Failure to remit full payment on all parcels for which you are the successful bidder will result in a default of all deposits tendered and you will not be permitted to close on any other parcels for which you are the successful bidder.

25. All sales shall be final, absolute and without recourse, once title has closed and the deed has been recorded. In no event, shall Orleans County and/or Absolute Auctions & Realty, Inc. be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against Orleans County and/or Absolute Auctions & Realty, Inc. arising from this sale.

26. The County of Orleans will execute no warranties concerning the parcel or title thereto and will not deliver or be responsible for abstracts, title insurance, title searches, surveys, maps or other documents concerning a parcel whatsoever.

27. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the accepted purchase price, buyer's premium, and closing fees/costs. POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE ORLEANS COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED. It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording the deed.

28. A quitclaim deed issued as a result of the auction shall contain the following provisions: (a) "Nothing contained in any description herein is intended to convey more than the assessed owner owned at the time of the levy of the tax, the non-payment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein;" (b) Orleans County shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, or for any encroachments or disputed boundaries; and that no claim or demand of any nature shall ever be made against said Orleans County arising from such sale or conveyance or any proceedings leading thereto.

29. Evictions, if necessary, are solely the responsibility of the successful purchaser after closing and recording of the deed. PLEASE NOTE: All bidders are advised that the properties are sold subject to the rights of tenants or persons otherwise occupying the properties, if any. Responsibility to evict any tenants or take similar action concerning occupancy of the premises is the sole responsibility of the bidder. Eviction proceedings are subject to NYS law including any Executive Orders of the Governor and Administrative Orders of the NYS court system.

30. Bidder gives permission for Auctioneer and those acting pursuant to its authority to photograph, video tape, or use any other electronic method of recording my likeness and/or voice to be used at the Auctioneer's discretion in auction-related publications and/or websites.

Moved, Fitzak; second,

### **RESOLUTION NO. 123-223**

**CALLING ON THE GOVERNOR OF NEW YORK STATE TO REMOVE FROM THE 2024 EXECUTIVE BUDGET PART M OF THE ARTICLE VII REVENUE BILLS**

WHEREAS, On February 1, 2023, the Governor of New York State announced New York State's Fiscal Year 2024 Executive Budget (the "Budget"); and

WHEREAS, the Budget includes Article VII Revenue Bills; and

WHEREAS, Article VII Revenue Bills includes Part M adding a new section 989 of the Real Property Tax Law titled "Distribution of surplus in tax enforcement proceedings" ("Proposed Budget Legislation"); and

WHEREAS, the Proposed Budget Legislation seeks to require municipalities governed by Article 11 of the Real Property Tax Law (“RPTL”) to give excess money to a prior owner of real property sold by the municipality after taking title pursuant to Article 11 of the RPTL; and

WHEREAS, the Proposed Budget Legislation should be removed from the Fiscal Year (“FY”) 2024 Budget because (1) it is unconstitutional since Article VIII, Section 1 of the New York Constitution restricts a county from giving any money to or in aid of any individual, or private corporation or association or private undertaking, (2) it is unfair to lien holders since all liens are cut off by Section 1131 of Article 11 at the time an interested party fails to redeem or answer, which time comes prior to the County taking title and selling the parcel, (3) it will be practically impossible for a county to accurately account for all administrative costs associated with administering enforcement of taxes for thousands of parcels during a two year time period involving subcontractors and staff from multiple departments, (4) it is unclear whether litigation costs incurred in enforcing taxes pursuant to Article 11 would be included, (5) the number of unpaid parcels are likely to increase with owners knowing that they do not have to pay lien holders, including the mortgage lien on their home, real estate agents and other costs that would be required absent this Proposed Budget Legislation, (6) the Proposed Budget Legislation does not address the circumstances where there is no “prior owner” or the prior owner has deceased or the method and attempts required to ensure that the “prior owner” accepts payment and (7) it is unfair to the gross majority of parcel owners in the County who timely pay their taxes or properly sell their home if they no longer desire to own it; and

WHEREAS, the Finance Committee has reviewed this resolution and recommends that the Governor remove Part M from the FY 2024 Executive Budget; now, therefore, be it

RESOLVED, that the Orleans County Legislature hereby calls on the Governor of New York State to remove from the FY 2024 Executive Budget Part M of the Revenue Bills; and further, be it

RESOLVED, that the Clerk of this Board transmit a certified copy of this resolution to Governor Kathy Hochul and Orleans County's representatives in the New York State Legislature: Senator Robert Ort, and Assemblyman Steve Hawley and any other party deemed necessary and proper.

Moved, Fitzak; second,

### **RESOLUTION NO. 124-223**

#### **AUTHORIZING PAYMENT OF CLAIMS FOR MARCH 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 March 14, 2023 and March 28, 2023:

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

Moved, Fitzak; second,