

Legislature Meeting
March 28, 2023

Chairman Lynne Johnson called the meeting to order at 4:28 p.m., followed by the Pledge to the Flag. Veterans Services Director Nancy Traxler then gave the invocation.

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

Clerk Stenshorn has received a listing of Real Property Tax Refunds in the amount of \$425.02 from County Treasurer Kim DeFrank. The following two (2) letters that have been received were read aloud.

From Wendy Rosselli: I don't know the name of the employee who helped my mom last week, but I have to acknowledge how helpful she was. Mom had to get her truck registered in her own name as my dad had died 1 ½ years ago. She had been putting this off-it was just one more painful reminder that Dad was gone. She was nervous too as Dad always took care of those sorts of things. The girl who helped us was so kind and compassionate and even went above and beyond what she needed to do in tracking down Mom's insurance. Our experience, while extremely difficult for mom, was calm and pleasant due to the way we were treated. We appreciate that so much. Thank you!!! Sincerely, Wendy Rosselli

From Village of Holley Mayor Mark Bower in reference to a parcel on South Main St.: Kim, thank you for everything. There's never been a time when I've contacted you that you've not been helpful, respectful, and knowledgeable. I appreciate this so much. This particular property has been a lot of time, effort and energy expended on your part. My thanks to Kathy Bogan as well. Another effort between our county employees and a municipality that is truly what cooperation should look like. Mark

Legislator Allport presented a Proclamation to Weights & Measure Director Ron Mannella declaring that March 1-7, 2023 was Weights & Measurers Week.

Legislator Allport than presented a Proclamation declaring April 3-9, 2023 as National Public Health Week. Paul Pettit, Director of Public Health was present to receive this Proclamation.

Legislator Draper presented a Proclamation declaring April as Donate Life Month. Orleans County Clerk Nadine Hanlon and Deputy Clerk for DMV Pamela Boyer were present to receive this Proclamation.

Legislator Miller presented a Proclamation declaring March 29, 2023 as the Annual Observance of Vietnam War Veterans Day. Veteran Services Director Nancy Traxler was present to receive this Proclamation, along with the following Vietnam War Veterans: Glenn Whitmore, Art Washak, Larry Szakowski, David Higgins, Michael Donahue, Orville Prutor, David Barhite, Jackie Lonnen spouse of Merrill Lonnen, Ronald E. Pos, Chris Leavitt, David Kusmierczak, Peter Huth, and John 'Jack' Burus.

Treasurer Kimberly DeFrank stated that tax collection is on target from the town tax collection. We are expecting a \$585,000.00 REDI project reimbursement. Last week we received \$28,805.63 in Opioid money from the Endo Settlement. We look like we are in pretty good shape.

Chairman Johnson gave the following State of County.

Good afternoon and thank you for joining us today. I'd like to begin by acknowledging all the hard work and dedication of our county's elected officials over this past year; Vice Chairman Bill Eick, Majority Leader Don Allport, Minority Leader Fred Miller, Sheriff Chris Bourke, District Attorney Joe Cardone, County Clerk Nadine Hanlon, Treasurer Kim DeFrank, and all my fellow Legislators. A special thanks to our Chief Administrative Officer Jack Welch and our County Attorney Kathy Bogan who, on a daily basis, keeps me out of trouble. And also "my three angels" Lisa, Amber, and April who I personally could not do this job without.

I'd like to begin with a quote from one of our Country's greatest leaders, President Harry Truman. "America was built on courage, on imagination and unbeatable determination, to do the job at hand". I'm here to tell you that we are here to do the job at hand, because we are a county united in our goals and united commitment to success. That unity will help us overcome the obstacles and move us forward together.

There are so many notable facts worth mentioning that will help make this new year great for Orleans County and gives us the example of strength and creativity to prepare for next year. We've made hard financial decisions when faced with difficult financial times, and at the same time made smart choices with federal dollars that not only saved the County money, but also provided essential services for the public, when and where they needed it most. All of this with no increase in taxes in our 2023 budget.

Our next greatest accomplishment is providing affordable, reliable, high-speed internet for everyone in Orleans County. We just had a presentation by RTO, the vendor that has the contract through an RFP process. His hope is to have the entire county up and running by early summer. This has spanned an 8-year project for these Legislators. It has finally come to fruition.

Another significant win for us was the fight with the International Joint Commission's Plan 2014 on Lake Ontario levels that flooded us back in 2017 and 2019. The proof can be witnessed by this year's water levels which we trust the IJC will continue to hold to this new regulation. This also plays into our fishing and recreational boating season which brings thousands of sales tax revenues into our County.

Another infusion into to our fishing and recreational boating season was a New York State Resiliency and Economic Development Initiative (REDI) Funding Grant which we were awarded to dredge our harbor. That effort is continuing to move forward by the formation of the Lake Ontario Regional Dredging and Maintenance Council. Orleans County is "Lead Agency" for this with a group of six lake front counties along the Lake Ontario shore.

As we continue to see the COVID pandemic wind down. I want to personally take the time to thank the Orleans County Health Department under the leadership of Paul Pettitt, for their tireless work. The men and women of the Health Department lead the fight in educating us, testing us, and continue to vaccinate us. To all of you I say thank you.

In the same light of public health, we have launched our war on drug addiction which has mushroomed into an opioid epidemic. Increased prescriptions of opioid medications have led to an unbelievable widespread misuse of opioids before it became clear that these medications could indeed be highly addictive. More than 932,000 people have died since 1999 from a drug overdose. Nearly 75% of drug overdose deaths in 2020 were opioids.

Between COVID and opioids overdoses stands our Sheriff's Department. A beacon of light on the dedicated and committed work of our Orleans County Sheriff's Department under the leadership of Sheriff Chris Bourke, vigilant in efforts to protect the county and keeping watch over us day and night.

I'd also like to publicly recognize Justin Niederhofer, who follows in Dale Banker's retirement in the Emergency Management Office, for his leadership during our Christmas blizzard. We declared a State of Emergency and closed roads. Justin led multiple calls daily with Legislators, Department Heads, Mayors, Town Supervisors and School Superintendents to keep us apprised.

We truly live in a time of extraordinary change. How we work, where we work, how we educate our children, and how we take care of ourselves. As we wait to see exactly what the Governor's budget will bring to bear in the way of change for Orleans County, we already are fighting many of her proposals. One such proposal is to sweep millions of dollars meant for the counties into her own coffers. Today I heard she has a reserve of \$39 billion dollars. In years past we have received an Enhanced Federal Medicaid Percentage, eFMAP, which are funds provided by the federal government to help local governments offset the high costs of Medicaid spending. According to the Governor's budget materials, this proposal would shift \$625 million in Medicaid costs onto the local taxpayers of New York State in its first year, and the minimum four-year cost to local taxpayers is calculated at between \$2.5 billion and \$2.9 billion. This action would immediately strip over \$1 million dollars from Orleans County's budget, which will end up coming out of our resident's pockets. This is totally unacceptable! And this while our Towns and our Villages are asking us to increase their sales tax apportionment. We face quite a balancing act as Legislators. So, at the same time we continue to fight with Albany, we will help grow our economy by making sound financial decisions and attracting new businesses. And we have also been creating a community that works for everyone - because that is what good government is supposed to do.

Economic development is a critical component that drives economic growth in an economy, creating new job opportunities, and facilitating an improved quality of life for existing and future residents of Orleans County. We have identified several initiatives to help fortify and accelerate our economic growth and we are working with our EDA and numerous local agencies to ensure our plans for Orleans County will be the best possible results.

Last, but certainly not least is our infrastructure. Transportation and infrastructure are our core public sector responsibilities that impact everything from our daily commutes to supporting our local businesses. Led by John Papponetti, our DPW Commissioner, from building and maintaining roads and bridges to providing efficient county operations, this county is a driving force connecting communities and strengthening our economy. To that end, we have invested an extra \$19 million on the 2023 budget for infrastructure. In a post-war world, President Truman had said: "At no time in our history has unity among our people been so vital as it is at the present time. Unity of purpose, unity of effort, and unity of spirit

are essential to accomplish the task before us.

Ladies and gentlemen, I am here to tell you today that the State of our County, our Orleans County, is strong, and getting stronger with the unity of spirit and purpose. Yes, we have much work to do, but we are here to do the job at hand. And you are here to do the job at hand, together, united! Because that is what Orleans County does. I am asking you to continue to travel with me on this journey and help us to rebuild our County. Orleans has been through big changes before - wars, depression, hurricanes, floods, a pandemic, and blizzards. During every difficult part in our history, there have been those who told, in this very chamber that we fear these crises, we should do less and avoid change. But I am here to echo something you already know - change is constant and change is inevitable.

Upon closing, and on behalf of all my fellow colleagues, we make this promise. We will evaluate the old, only keep the good, and forever erase the saying "because it's always been done this way." Don't wait for opportunity, we need to create it. Thank you again for your time and support as we begin a very challenging year ahead and I look forward to doing it with you. Thank you.

Chairman Johnson then opened the meeting to the public for any open discussion as it related to the resolutions. Hearing none, Chairman Johnson asked the Legislators if there was any open discussion or comments.

There being none offered, Chairman Johnson began with the presentation of resolutions.

Legislator Allport moved to add two resolutions to the agenda; second by Legislator Morgan. Motion carried. The following resolutions were presented for adoption:

RESOLUTION NO. 125-323

AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR GRANT FUNDING THROUGH THE NEW YORK STATE CANAL CORPORATION

RESOLVED, that this Legislature authorizes the Sheriff to apply for funding through the New York State Canal Corporation for the 2023-2024 Marine Patrol Grant for the purpose of funding marine patrols on the Erie Canal and Canalway trails.

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

RESOLUTION NO. 126-323

AUTHORIZING PURCHASE OF COMPUTER AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS IN THE SHERIFF'S BUDGET

RESOLVED, that this Legislature authorizes the purchase of a Dell XPS desktop computer for Dispatch to run the camera system from Dell Computer Corporation, PO Box 371964, Pittsburgh, PA at a cost of \$2,948.99 to be paid from Sheriff/Jail budget 01.3020.0250 – Other Equipment; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer monies within the Sheriff/Dispatch Department budget as follows:

FROM:

01.3020.0460	Training	\$350.00
01.3020.0462	Mileage	\$350.00

TO:

01.3020.0250	Other Equipment	\$700.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 127-323

AUTHORIZING ACCEPTING MONEY AND APPROVING SET UP OF THE LIVESCAN ESCROW ACCOUNT FROM ORLEANS COUNTY SHERIFF'S OFFICE BUDGET

WHEREAS, Resolution No. 292-622 approved the amendment to the agreement between Sheriff's Jail and Inmate Calling Solutions by adding The Bridge 8 Inmate Tablet system; and

WHEREAS, this agreement provided the Orleans County Jail with two (2) \$20,000 technology grant awards; and

WHEREAS, the Orleans County Sheriff's LiveScan systems requires the creation of a Fingerprint Escrow Account; now be it

RESOLVED, that this Legislature approves the agreement with New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210 to create the fingerprint escrow account; and be it

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

REVENUE:

01.3110.2708	IC Technology Grant	\$13,238.00
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APPROPRIATION:

01.3110.0486.2708	IC Technology Grant	\$13,238.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 128-323

APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND ORLEANS COUNTY ANIMAL CONTROL OFFICERS

WHEREAS, Resolution No. 573-1222 approved an agreement for compensation to Animal Control Officers within the Orleans County Sheriff's Office; now be it

RESOLVED, that this Legislature approve that Orleans County Animal Control Officer position (3510.02) be compensated for the collection and preparation of rabies specimens at a rate of \$25.00 per specimen effective March 3, 2023 through December 31, 2023, to be paid from the Sheriff's Animal Control Budget Account 01.3510.0452 – Personal Service Contracts.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 129-323

AUTHORIZING SALARIES FOR PART-TIME SHERIFF'S OFFICE EMPLOYEES

WHEREAS, the Orleans County Legislature approved Resolution #638-1222 authorizing the part-time hourly pay for Crew Leader (Sheriff) to be set at \$14.96 and the part-time hourly pay for Public Safety Dispatcher to be set at \$15.99, effective January 1, 2023; now be it

RESOLVED, that this Legislature authorizes an increase in the hourly rate to \$17.95 for part-time Crew Leaders (Sheriff) that have received a certificate from a Police Basic Training Course through a credentialed Police Training Academy effective March 29, 2023; and now be it

FURTHER RESOLVED, that this Legislature authorizes an increase in the hourly rate to \$18.98 for part-time Public Safety Dispatchers that possess a valid EMT or Paramedic certification effective March 29, 2023.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 130-323

AUTHORIZING FILLING OF VACANCIES IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature authorizes the filling of a vacant full time Animal Control Officer position (3510.01) in the Sheriff's Office at a Grade 4, of the Management Compensation Salary Schedule, effective April 5, 2023.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 131-323

APPROVING EMERGENCY REPAIR BETWEEN THE EMERGENCY MANAGEMENT OFFICE 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 A/C unit located at the County Communications Tower in Holley, NY, at a cost of \$9,622.00, pricing through OMNIA Racine #3341; to be paid from Emergency Management budget 01.3640.0418.

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

RESOLUTION NO. 132-323

AUTHORIZING ORLEANS COUNTY EMERGENCY MANAGEMENT OFFICE TO APPLY FOR GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH FEDERAL EMERGENCY MANAGEMENT AGENCY

WHEREAS, Federal Emergency Management Agency (FEMA) has identified Orleans County as being eligible to receive \$2,000,000.00 in federal funds under the FY2023 Emergency Operations Center (EOC) Grant Program to support the building of a new emergency management office to include EOC and backup dispatch center; and

WHEREAS, approved Department of Homeland Security/FEMA federal funding requires matching county funds in the amount of \$666,667.00, based on calculated projects costs per the Notice of Funding Opportunity template; now it be

RESOLVED that this legislature authorize the Chairman to apply for FY2023 Emergency Operations Center (EOC) Grant Program, in the amount of \$2,000,000.00 for use by the Emergency Management Office in accordance with the grant objective guidelines for the performance period beginning June 1, 2023 through May 31, 2026; and be it

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

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

RESOLUTION NO. 133-323

AUTHORIZATION TO ACCEPT GRANT FUNDING AND APPROVE AGREEMENT BETWEEN ORLEANS COUNTY OFFICE OF EMERGENCY MANAGEMENT AND NYS DEPARTMENT OF HOMELAND SECURITY

WHEREAS, Resolution 202-422 had granted permission to the Office of Emergency Management to apply for the Statewide Interoperable Communications Targeted Grant for 2022 (2022 SICG-Targeted); and

WHEREAS, NYS Department of Homeland Security approved the application for Orleans County Office of Emergency Management and approved funding in the amount of \$2,990,000.00 to be utilized for enhancing public safety operations by strengthening the communications and closing gaps in the National Interoperability channels; now be it

RESOLVED that this legislature authorize the Chairman to accept 2022 SICG-Targeted Grant, Contract xxxx-xxxx-xxx, in the amount of \$2,990,000.00 for use by the Emergency Management Office in accordance with the grant objective guidelines for the performance period beginning March 1, 2023 through February 28, 2027.

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

RESOLUTION NO. 134-323

AUTHORIZING EXPENDING GRANT FUNDS IN THE EMERGENCY MANAGEMENT BUDGET AND AUTHORIZING COUNTY TREASURER TO SET UP FUNDS

WHEREAS, Resolution No. 491-1022 approved an agreement between the Orleans County Health Department and OVC, LLC to develop and custom design a mobile application to push emergency notifications and alerts for county residents; and

WHEREAS, the resolution further approved an agreement for the total costs to be shared between the Public Health and Emergency Management Departments; now be it

RESOLVED, that this Legislature authorizes Emergency Management to expend \$3,147.50 of State Homeland Security Program (SHSP) FY22 Grant funds to OCV, LLC., 809 2nd Avenue, Opelika, AL 36801 for application development; and be it

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

REVENUE:

01.3640.4309.2022	ST Homeland Security Grant - SHSP FY22	\$3,147.50
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APPROPRIATION:

01.3640.0486.2022	Special Grants S/SHSP FY22	\$3,147.50
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 135-323

AUTHORIZING THE USE OF GRANT FUNDS FOR THE PUBLIC DEFENDER'S OFFICE TO PURCHASE BOOKS FROM THOMSON REUTERS FOR THE PUBLIC DEFENDER'S OFFICE & THE ASSIGNED COUNSEL PANEL ATTORNEYS

WHEREAS, various books maintained in the Public Defender's Office are in need of replacement, and additional books are required; and

WHEREAS, various books are required for use by the Assigned Counsel Panel attorneys; and

WHEREAS the amount of any balance from County Budget line 01.1170.0458 shall first be applied to the cost of the PD book purchases; and

WHEREAS, funds from the Hurrell-Harring grant (CSTWIDEHH33) were previously allocated for the purchase of said books; now be it

RESOLVED, that this Legislature authorizes the Public Defender's Office to purchase books from Thomson Reuters in the total amount of \$13,680.80 (PD- \$6,356.80 / ACP- \$7,324.00), at no additional cost to the County.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 136-323

APPROVING EXTENSION OF AGREEMENT BETWEEN PUBLIC DEFENDER AND NEW YORK OFFICE OF INDIGENT LEGAL SERVICES

WHEREAS, Resolution No. 380-919 approved an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, A.E., Smith Building 11th Floor, 80 Swan Street, Albany, New York 12210 (Contract #CSTWIDEHH33) for a five-year contract related to the Hurrell-Harring settlement, and be it

RESOLVED, that this Legislature approves an extension of an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, A.E., Smith Building, 11th Floor, 80 South Swan St, Albany, NY 12210 (Contract #CSTWIDEHH), to continue to provide remaining funds from the total amount of \$3,211,297.59, effective for an extension term of April 1, 2023 through March 31, 2024.

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 137-323

AUTHORIZING THE STUDY FOR THE ESTABLISHMENT OF A DISTRICT COURT IN ORLEANS COUNTY PURSUANT TO THE PROVISIONS OF THE UNIFORM DISTRICT COURT ACT OF NEW YORK STATE

WHEREAS, in recent years there have been abundant changes in State law affecting the operation of local courts and the legal proceedings conducted before them; and

WHEREAS, as a result of efforts in Orleans County to consolidate the local courts to provide a more effective local court system; and

WHEREAS, the Uniform District Court Act provides an alternative solution to modernize the local court system to potentially create a more effective and efficient justice system for the citizens of Orleans County; be it

RESOLVED, that the Orleans County Legislature does hereby authorize the formation of a District Court Committee to study the potential implementation of a District Court system in Orleans County, which committee shall be authorized to conduct meetings, public hearings, and meet with Village, Town, and State officials for the purpose of providing a recommendation to the Orleans County Legislature regarding the merits of the establishment of a District Court system in Orleans County, and for the further purpose of determining whether the Orleans County Legislature shall pass a Resolution for this issue to be addressed by referendum in the November 2023 general election.

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

RESOLUTION NO. 138-323

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

WHEREAS, County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law, and the Family Court Act; and

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

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

WHEREAS, at the same time there have been increases in the number of mandated programs and services County Probation Departments are required to provide; and

WHEREAS, the New York State Council of Probation Administrators, representing Probation Directors, Administrators, and Commissioners has diligently worked with the New York State Association of Counties (NYSAC) and state leaders to bring more awareness to the important work that Probation does to protect the public.

NOW, THEREFORE, BE IT RESOLVED, Orleans County supports proposals put forward by the Governor to immediately enact statutory and regulatory changes that improve Probation and Alternatives to Incarceration in the following ways:

1. In response to Raise The Age legislation:
 - A. Mandate that the state's evidence-based criteria should account for existing local best practice programs.
 - B. Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process.
 - C. Authorize law enforcement agencies to issue appearance tickets if deemed appropriate by the arresting officer, instead of physical arrest, when adolescent offenders and juvenile offenders are charged with most d felonies.
 - D. Allow law enforcement agencies to deliver adolescent offenders and juvenile offenders to be held in detention facilities after hours without a securing order until the youth part is in session.
2. Establish a dedicated funding stream through DCJA/OPCA for 100 percent of all local probation costs including but not limited to probation personnel and evidence-based programming associated with Raise The Age legislation.
3. Eliminate the requirement of a sentence of conditional discharge or probation for leandra law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
4. Local probation departments receive 100 percent state reimbursement of all pre-trial services costs including but not limited to probation personnel associated with bail reform.
5. That the executive chamber and the Office of Children and Families services (OCFS) work towards transitioning some of the closed OCFS or department of correctional and community supervision facilities to accommodate the lack of specialized secure detention beds as well as allowing county consortiums to open specialized secure detention facilities if desired.

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

Moved, Draper; second, Allport.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 139-323

APPROVING AN AGREEMENT BETWEEN THE MENTAL HEALTH DEPARTMENT AND CHERYL DOOL, RN

RESOLVED, that this Legislature approves an agreement between the Mental Health Department, and Cheryl Dool, Registered Nurse, 13105 Hanlon Road, Albion, NY 14411, to as a contracted provider in the role as a Registered Nurse for a one year period, effective March 13, 2023-March 12, 2023. Contract amount not to exceed \$8,400. County cost is \$588.

Moved, Allport; second, Miller.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 140-323

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

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health budget for the setup of revenue and expense for Federal Medicaid Salary Sharing money received as follows:

REVENUE:

01.4310.4490	Mental Health – Federal	\$17,995.00
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APPROPRIATION:

01.4310.0418	Other Contractual	\$17,995.00
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Moved, Allport; second, Miller.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 141-323

APPROVING RE-APPOINTMENT TO THE COMMUNITY SERVICES BOARD

RESOLVED, that this Legislature approves the re-appointment of Brenda Bierdeman Psy. D. to fifth term to the Community Services Board. Term is effective March 26, 2023 – March 25, 2027.

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

RESOLUTION NO. 142-323

AUTHORIZING REIMBURSEMENT TO DIRECTOR OF MENTAL HEALTH FOR CELL PHONE USAGE

RESOLVED, that this Legislature authorizes payment from the Mental Health budget, for the Director of Mental Health to be partially reimbursed for cell phone charges, incurred in conducting daily business, in the amount of \$50.00 per month, vouchered quarterly, effective January 1, 2023; and be it

FURTHER RESOLVED, that this partial reimbursement for cell phone charges incurred in conducting daily business will remain with this job title indefinitely.

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

RESOLUTION NO. 143-323

AUTHORIZING FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes filling the Clinic Therapist Position (4310.10) in the Mental Health Department, at Grade 22 of the CSEA Salary Schedule, effective May 1, 2023; and be it

FURTHER RESOLVED, that this Legislature authorizes filling the Receptionist Position (4310.36) in the Mental Health Department, at Grade 7 of the CSEA Salary Schedule, effective April 7, 2023.

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

RESOLUTION NO. 144-323

APPROVING AGREEMENTS BETWEEN THE PUBLIC HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Liberty University, 306 Liberty View Lane, Lynchburg, VA 24502. This agreement provides for Students of professional practicum placements from Liberty University; studying in the field of Public Health to intern during a school semester with Orleans County Health Department. For the term of February 10, 2023 through August 31, 2023. No County Cost.

Cornell University, 616 Thurston Avenue, Ithaca, NY 14853. This affiliation agreement is a joint agreement between Genesee and Orleans County Health departments with Cornell University to jointly host an intern for the purpose of carrying out their educational program. The term is for five semesters starting April 1, 2023 through March 31, 2023. No County Cost.

Genesee Community College, One College Road, Batavia, NY 14020. This affiliation agreement with Orleans County Health Department and Genesee Community College to host an intern for the purpose of carrying out their educational program. For a term of five years starting February 22, 2023 through February 21, 2027. No County Cost.

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

RESOLUTION NO. 145-323

AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH DEPARTMENT EMPLOYEE

RESOLVED, that this Legislature does hereby authorize out of state travel by Cora Young, Public Health Emergency Preparedness Educator, to attend MRC Regional Workshop in Richmond VA. from March 13, 2023 through March 15, 2023. Costs covered by the NACCHO No County Cost.

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

RESOLUTION NO. 146-323

AUTHORIZING FILLING POSITION IN THE PUBLIC HEALTH DEPARTMENT

RESOLVED, that due to a resignation, this Legislature does hereby authorize the filling of the vacant Case Manager (4010.39) in the Public Health department at Grade 15 of the CSEA schedule, effective April 7, 2023.

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

RESOLUTION NO. 147-323

APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND GARLAND/DBS, INC.

RESOLVED, that this Legislature does hereby approve an agreement between the Department of Public Works and Garland/DBS, Inc., 3800 East 91st Street, Cleveland, Ohio 44105 to provide material and construction services to repair 2nd Floor Dormitory 212 Flooring System at the Orleans County Jail at a cost not to exceed \$64,869.00, to be paid out of the Buildings and Grounds Division Jail budget 01.1620.0403.3150; Pricing is through OMNIA Partners purchasing agreement (MICPA) #PW1925.

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

RESOLUTION NO. 148-323

APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY DEPARTMENT OF PUBLIC WORKS AND WEST FIRE SYSTEMS

RESOLVED, that this Legislature approves an agreement with West Fire Systems, Inc., 53 Pixley Industrial Parkway, Rochester, New York 14624 for annual testing of the fire alarm systems at (8) locations throughout the County at a cost of \$3,425.00 per year; to be paid out of the Buildings and Grounds Division budget 01.1620.0447; and be it

FURTHER RESOLVED, that any additional repairs not listed in the contract will be billed at an additional cost to get the equipment back in working condition; additional repairs to be paid out of the Buildings and Grounds Division budget 01.1620.0403; contract period: April 1, 2023 through March 31, 2025.

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

RESOLUTION NO. 149-323

APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND CHASE ENTERPRISES

RESOLVED, that this Legislature does hereby approve an agreement between the Department of Public Works and Chase Enterprises, 24 County Route 1A, Oswego, New York 13126 to provide labor, materials and equipment for vegetation control on 200 centerline miles of Orleans County Roads; to be paid out of the Road Fund budget 03.5110.0432 at a cost of \$5,954.50.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 150-323

APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND STEPHENSON EQUIPMENT, INC.

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Stephenson Equipment Inc., 6108 Drott Drive, Syracuse, New York 13057 for a Roller Rental from June 1, 2023 through October 31, 2023; NYS OGS Rental Award #23182 Group 72007 at a cost of \$5,000.00/month; and subject to a partial reimbursement through the Consolidated Highway Improvement Program and town payments.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 151-323

AWARDING BIDS FOR VARIOUS MATERIALS AND COMMODITIES FOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Orleans County Department of Public Works sought bids for various materials and commodities for the years 2023-2024; and

WHEREAS, such bids have been received, opened on Friday, March 17, 2023 at 11:00 a.m. and reviewed to determine the lowest responsible bidder for each material and commodity; now be it

RESOLVED, that the bids for the various materials and commodities be awarded to the low bidders named on schedules for the dollar amounts per unit shown on such schedules, subject to the approval of the County Attorney.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 152-323

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 Route 237 over Bald Eagle Creek Bridge Replacement, Contract #D040292, P.I.N. 40R0.03, BIN: 3358760 in the Town of Kendall (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 \$247,527.00 for Route 237 over Bald Eagle Creek Bridge Replacement for Preliminary Engineering, Design and ROW Incidentals and Construction; 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 \$1,237,637.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,237,637.00 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 Supplemental Agreement #4 increasing funding for the construction phase for this project for a total cost of \$1,237,637.00; Federal Share of \$990,110.00;

State Marchiselli Funding of \$185,646.00 and County Cost \$61,881.00; effective March 3, 2022 through August 31, 2028. Resolution shall take effect immediately.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 153-323

APPROVING PURCHASE BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND AMERICAN ROCK SALT COMPANY LLC

RESOLVED, that this Legislature hereby approves a purchase with American Rock Salt Company LLC, P.O. Box 536188, Pittsburgh, PA 15253-5903 for Bulk Ice Control Salt for \$5,060.39. Pricing through NYS OGS #PC68889 Award #23175; to be paid out of the Road Fund Budget 03.5142.0436.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 154-323

AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A 2023 JOHN DEERE WHEEL LOADER

RESOLVED, that this Legislature does hereby approve the purchase of a 2023 John Deere 644P Wheel Loader from Five Star Equipment Inc., 60 Paul Road, Rochester, New York 14624. The Loader will be purchased under the NYS OGS Contract #PC69403 at cost of \$312,501.08 minus a Trade-in value of \$56,000.00 for a total cost not to exceed \$256,501.08. The Loader is reimbursable through the Consolidated Highway Improvement Program (CHIPS) with a County cost of \$0; to be paid from budget 04.5130.0270.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 155-323

AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE DECK PANELS FROM ACROW

RESOLVED, that this Legislature does hereby approve the purchase of (2) Bridge Deck Panels from ACROW, 181 New Road, Suite 202, Parsippany, NJ 07054 for Lakeside Bridge over Johnson Creek BIN #3318990 at a cost of \$11,962.50 which is a sole source provider for these panels; to be paid from the Road Fund Bridge budget 03.5120.0470.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 156-323

AMENDING RESOLUTION NO. 93-223 AUTHORIZING PURCHASE OF A VOLVO EXCAVATOR FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 93-223 approved a purchase for a Volvo Excavator ECR145E in the amount of \$207,367.00, Purchase Order #63343; and

WHEREAS, there has been a reduction in price due to an option for an Adapter Bracket that is no longer being purchased; now be it

RESOLVED, that this Legislature authorizes amending Resolution No. 93-223 to 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 new cost of \$202,286.00 and is reimbursable through CHIPS (Consolidated Highway Improvement Program) with a County cost of \$0; to be paid from the Highway Division Machinery budget 04.5130.0270.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 157-323

AUTHORIZING THE SALE OF DECLARED SURPLUS COUNTY EQUIPMENT TO THE TOWN OF CARLTON

WHEREAS, the County of Orleans has declared a 2000 John Deere 450H bulldozer surplus property; and

WHEREAS, the fair market value minus required repair cost has been determined to be \$20,000.00; and

WHEREAS, the Town of Carlton wishes to purchase the bulldozer from the County of Orleans for the fair market value minus required repair cost; now be it

RESOLVED, that this Legislature authorizes the sale of the 2000 John Deere 450H bulldozer to the Town of Carlton for \$20,000.00.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 158-323

APPROVING AGREEMENT WITH WENDEL AND AUTHORIZING COUNTY TREASURER TO SET UP FUNDS FROM BUILDING AND EQUIPMENT RESERVE INTO THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that this Legislature does hereby approve an agreement with Wendel Companies, 375 Essjay Road, Suite 200, Williamsville, New York 14221 to provide additional

design services associated with the Department of Public Works new facility addition project at a cost of \$15,000.00 to be paid out of the Buildings and Grounds Division 01.1620.0470; and be it

FURTHER RESOLVED, due to additional Professional Services that are required to complete the design phase for the new facility addition project, this Legislature authorizes the County Treasurer to set up money from Building and Equipment reserve into the 2023 Department of Public Works budget as follows:

FROM:

Building and Equipment Reserve	\$15,000.00
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TO:

01.1620.0470	Capital Construction Project	\$15,000.00
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Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 159-323

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 has in-house maintenance projects and building services agreements in 2022 that are unfinished projects located at the Orleans County Jail; 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	\$30,732.56
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TO:

01.1620.0403.3150	Maintenance Projects - Jail	\$30,732.56
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Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 160-323

RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATORS TO ENACT INCREASES FOR LOCAL HIGHWAY, BRIDGE AND CULVERT PROGRAMS TO RESPOND TO A 22 PERCENT INCREASE IN CONSTRUCTION COSTS AND ONGOING FUNDING GAPS

WHEREAS, Governor Kathy Hochul proposed, and the Legislature approved, a record \$1.228 billion investment in local road and bridge programs in the 2023 State Budget that will

improve safety for millions of motorists and create tens of thousands of jobs at a critical time to promote economic recovery; and

WHEREAS, this new 5-year State Transportation Capital Plan provides unprecedented support for local governments to maintain and improve roads and bridges highlighted by the Consolidated Local Streets and Highway Improvement Program (CHIPS) funded at \$538 million, BRIDGE-NY funded at \$200 million per year, PAVE-NY at \$150 million, and Extreme Winter Recovery and State Touring Routes Programs at \$100 million each; and

WHEREAS, Governor Hochul also initiated a brand-new program, Operation Pave Our Potholes (POP), to provide \$1 billion over 5 years with fifty percent of the funds to be distributed annually to local governments to resurface and renew the state's worst roadway pavements; and

WHEREAS, however, these tremendous gains in resources for counties, towns, cities, and villages are threatened by inflation and the rapidly rising costs of construction inputs; and

WHEREAS, the real value of local highway and bridge funding has been reduced by a 16.5 percent increase in construction costs in 2022 and is projected to be further eroded by inflationary increases of 5.1 percent in 2023, according to the US Bureau of Labor Statistics; and

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

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

WHEREAS, this vast system of local roads, bridges and culverts requires a sustained high level of funding immediately and in the future to continue to reverse the deterioration of our aged and ailing transportation infrastructure and build up its resistance to severe winter storms and other natural disasters due to climate change; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned a study released in November, 2013 and periodically updated since then, finds that current expenditures on local roads is not keeping pace with pavement and bridge needs, and that over \$2 billion in additional revenue is required annually to address the accelerating deterioration of the pavement and bridge infrastructure that will adversely impact the motoring public, system safety and the economic vitality of New York state; and

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

NOW, THEREFORE, BE IT RESOLVED, that Orleans County and NYSAC commend the Governor and the legislature for their ongoing commitment to enhancing state investments in local roads, bridges, and culverts; and

BE IT FURTHER RESOLVED, recognizing the impacts of cost inflation for such highway construction inputs as steel, fuel and asphalt, state value of state funding to local transportation funding programs is rapidly declining, meaning fewer critical road, bridge and culvert projects are able to be undertaken; and

BE IT FURTHER RESOLVED, the reported funding gap between what level of funding is needed and what is made available from all sources is \$2 billion and getting wider every year; and be it

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

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 161-323

RESOLUTION RECOGNIZING THE CHALLENGES LOCAL HIGHWAY DEPARTMENTS FACE TO COMPLY WITH THE STATE'S CLIMATE GOALS AND TO ESTABLISH A LOCAL HIGHWAY DEPARTMENT ADVISORY GROUP

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

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

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

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned a study released in November 2013 and periodically updated which found that current expenditures on local roads is not keeping pace with pavement and bridge conditions, and an additional \$2.074 billion in annual spending is needed to address local pavement and bridge conditions of this local system, not including New York City; and

WHEREAS, the cost of transitioning the state and local highway departments' construction equipment, vehicles, and snowplows to run on electricity is at this juncture incalculable, but expected to exceed the ability to be financed without substantial sources of new revenues that will need to be directed strictly for the retrofit or procurement of such electric equipment and vehicles; and

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

WHEREAS, the State is promoting “Green Procurement” initiatives through such programs as Green NY and Green Purchasing Community and an Executive Order was issued to develop products that meet a State’s Sustainability Product Specifications standards; and

WHEREAS, this goal must be implemented in a way that is affordable while assuring adequate supplies of these specialized products and materials are available to meet the State’s Sustainability Product Specifications; and

WHEREAS, recognizing these potential impacts on the ability of local governments to deliver necessary transportation services and facilities to the traveling public and businesses at an affordable cost, it is vital that state elected representatives and state agencies assist county highway departments in assuring the development of the state’s strategies for achieving these aggressive greenhouse gas emissions reduction goals and procurement standards consider these market and fiscal barriers to transition; and

WHEREAS, the Climate Action Council has approved a Scoping Plan which is to be the roadmap for state agencies to develop and promulgate regulation to implement the transition to a carbon-free economy and the aggressive transition to electrification of the transportation system; and

WHEREAS, all levels of government need to work together throughout the regulatory process to assure strategies and mandates put in place to meet the CLCPA goals for the transportation sector are realistic and achievable and will benefit the environment.

NOW, THEREFORE, BE IT RESOLVED, Orleans County along with New York State Association of Counties calls on the Governor, the Department of Transportation (NYSDOT) and the Department of Environmental Conservation (NYSDEC) Commissioners and Legislative Leaders to commit to providing support for addressing these concerns in the regulatory process and to dedicate the funding necessary to fully cover the counties’ costs of complying with the state mandates under the CLCPA; and

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

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

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

RESOLUTION NO. 162-323

REAPPOINTING THE COMMISSIONER OF PUBLIC WORKS

RESOLVED, that this Legislature does hereby reappoint John M. Papponetti as Commissioner for the Orleans County Department of Public Works; effective April 8, 2023 through April 7, 2027 at Grade 12, Step 9 of the Management Compensation Plan; now be it

FURTHER RESOLVED, that this Legislature appoints John M. Papponetti to the position of County Engineer effective April 8, 2023 through April 7, 2027 and establishes a stipend of \$26,500.00; and be it

FURTHER RESOLVED, that the appointee will continue paid health coverage as an employee hired prior to December 31, 2007 and for the purposes of earning annual leave will be treated as an employee that has completed 11 years of service or the actual years of service whichever is greater.

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

RESOLUTION NO. 163-323

AUTHORIZING FILLING OF A POSITION IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED; as a result of a resignation, this Legislature does hereby authorize the filling of a vacant permanent full-time Senior Building Maintenance Position (1620.22) in the Department of Public Works at Grade 15 of the CSEA Salary Schedule, effective April 7, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the subsequent filling of an internal position should it be vacated by the promotion into the Senior Building Maintenance Position. effective April 7, 2023.

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

RESOLUTION NO. 164-323

AUTHORIZING THE CREATING, FILLING AND ABOLISHING OF POSITION IN THE PLANNING AND DEVELOPMENT DEPARTMENT

RESOLVED, that this Legislature authorizes the creation of a full time Senior Account Clerk position in the Department of Planning and Development, at Grade 10 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created Senior Account Clerk position in the Department of Planning and Development, effective April 7, 2023; and be it

FURTHER RESOLVED, that this newly created position will be a 37.5 hour position to align with the established hours of the Department of Planning and Development; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the abolishing of a full-time Account Clerk (8020.03) in the Department of Planning and Development at Grade 9 of the CSEA Salary Schedule.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 165-323

APPROVING AGREEMENT FOR DOCK WORKER/CUSTODIAL SERVICES AT ORLEANS COUNTY MARINE PARK

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Ronald Bierstine, 2038 Peter Smith Road, Kent NY 14477, to provide dock worker and custodial services at Orleans County Marine Park from April 15, 2023 to October 16, 2023 at a cost not to exceed \$18,047.00 to be paid from Marine Park Account 01.7180.0432–Misc. Contracts/agreements.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 166-323

APPROVING AGREEMENT WITH PRESTON’S LAWN CARE & LANDSCAPING FOR CLEANUP AND MOWING AT ORLEANS COUNTY MARINE PARK

RESOLVED, that this Legislature hereby approves an agreement with Preston’s Landscape, 511 Densmore St., Albion, NY 14411 for 2023 spring clean-up at the Orleans County Marine Park, Point Breeze site, boat dock rental site, and Rte. 98/18 site at a cost of \$7,250.00 all sites, to be paid from Marine Park Account 01.7180.0418-Misc. Contracts/Agreements; and be it

FURTHER RESOLVED, that this Legislature hereby approves an agreement with Preston’s Landscape, 511 Densmore St., Albion, NY 14411 for mowing and trimming at the Orleans County Marine Park, Point Breeze site, boat dock rental site, and Rte. 98/18 site at a cost of \$650 per mowing and \$300 per weed trimming at all sites, from April 28, 2023 through November 15, 2023; to be paid from Marine Park Account 01.7180.0432-Misc. Contracts/Agreements.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

Legislator Morgan stated that a group wants to change the makeup of the current Soil & Water Board which currently consists of 7 member: a farmer, a farm bureau member, a non-farmer, 2 legislators, . This has been working well in our County and other counties for 50 years. There are others down states that would like more environmentalists and non-farm related people sitting on this board. There are sponsors in Albany to give them the floor. I believe that 100% of the Soil & Water Boards are against changing the makeup of the board. This is county founded and works well the way it is. We are very fortunate to have the makeup that we have. Our employees are doing great work. I very much oppose this change. The following resolution was adopted.

RESOLUTION NO. 167-323

RESOLUTION IN OPPOSITION TO ALTER THE NEW YORK SOIL AND WATER CONSERVATION DISTRICT LAW

WHEREAS, Soil and Water Conservation Districts (SWCDs) have existed for over 70 years in communities across New York State and were established to meet the needs of the state's diverse geographical regions with local leadership; and

WHEREAS, SWCDs provide counties with a wide range of environmental services, including watershed monitoring, soil health protection, sediment and erosion control, stormwater management, invasive species mitigation; and

WHEREAS, SWCDs strive to make programs and services that are inclusive and open to everyone; and

WHEREAS, state law establishes that each SWCD's Board of Directors shall have two members of the county board and three members who are not of the county board, two of whom shall be practical farmers selected by the county Grange and county Farm Bureau; and

WHEREAS, this framework provides each county with the flexibility to select a Board that meets its unique needs; and

WHEREAS, the New York State Association of Conservation Districts (NYACD) was notified that the Watershed Health Coalition has proposed significant changes to Soil and Water Conservation Districts Law without adequate input from local stakeholders; and

WHEREAS, the proposed changes include a mechanism by which a District's two county board representatives may be removed and replaced via open election; and

WHEREAS, the proposed changes include the revocation of the county Grange and County Farm Bureau's authority to appoint representatives; and

WHEREAS, SWCD Board members from the county board, Grange, and Farm Bureau provide local knowledge and experience to SWCDs that enable them to deliver valuable conservation services to their communities; and

WHEREAS, changing the structure of SWCD Boards could have a significant negative impact on their ability to make decisions through informed partners on the very issues that SWCDs deal with every day; and

WHEREAS, the proposed changes would also impact local initiatives that counties receive funding for through other sources and change how planning would be done, as watersheds extend past county and municipal boundaries.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature, New York State Association of Conservation Districts (NYACD) and the New York State Association of Counties (NYSAC) opposes any amendments to Soil and Water Conservation District laws that would change the make-up, mission, and function of the State and County Soil and Water Conservation Districts without local input; and

BE IT FURTHER RESOLVED, that the Orleans County Legislature urges the New York State Legislature to seek input from County Legislatures and Boards of Supervisors, the New York Farm Bureau, the New York State Grange, the NYS Department of Agriculture and Markets, and SWCDs before proposing changes to SWCD law; and

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

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 168-323

AMENDING RESOLUTION NO. 45-123 AND AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND

WHEREAS, Resolution No. 45-123 authorized a payment in the amount of \$56,079.00 be made to RTO Wireless for Inv #20221219-P1 Carlton Site, Permit; and

RESOLVED, that this Legislature authorizes amending Resolution No. 45-123 payment for Inv #20221219-P1 to be made from Account H8797.0250, Phase 1, Capital Project – Broadband to be:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$42,579.00	RTO Wireless	Inv # 20221219-P1, Carlton Site, Permit

and be it;

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$4,875.00	RTO Wireless	Inv # 20230301ct-p1, Carlton Site, EBI Consulting, full NEPA report

and be it;

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$5,850.00	RTO	Inv #20230322-CPE, Install Cust Equip

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

RESOLUTION NO. 169-123

APPROVING AGREEMENT WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Allied Universal a New York Corporation, 229 West 36th Street, 12th floor, New York, NY 10018, a for the provision of armed security services for the County Office Building; to be effective January 1, 2023 through December 31, 2023. Rate for January 1, 2023 - February 28, 2023 to be \$28.93/hr., at a county cost of \$10.13/hr. Rate for March 1, 2023 - December 31, 2023 to be \$34.47/hr., at a county cost of \$13.65/hr.

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

RESOLUTION NO. 170-323

AMENDING RESOLUTION NO. 50-123 IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Resolution No. 50-123 authorized the Department of Social Services to add cell phones to the Verizon account; now be it

RESOLVED, that due to a part-time position being abolished in the Department of Social Services, the position 6010.0266 cell phone is to be removed from the Verizon account.

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

RESOLUTION NO. 171-323

AUTHORIZING EXTENSION OF ESTABLISHED COUNTY INDIGENT BURIAL RATES

WHEREAS, the Department of Social Services, pursuant to Section 141 of the Social Services Law, is required to pay for the burial of certain indigent persons (including indigent veterans); and

WHEREAS, Resolution No. 132-417 established specified rates that will be paid to funeral homes and cemeteries for such services; now, therefore be it

RESOLVED, that this Legislature does hereby authorize the extension of the established indigent burial rates as adopted by Resolution No. 132-417 until new rates are established by action of this board.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 172-323

RESOLUTION URGING THE GOVERNOR AND NEW YORK STATE LEGISLATURE TO RESTORE CRITICAL STATE FUNDING SUPPORT FOR CHILD WELFARE SERVICES, SAFETY NET PROGRAMS AND TO FULLY FUND THE RECENT FOSTER CARE RATE SETTLEMENT WITH STATE RESOURCES AND ASSIST COUNTIES IN LOCATING ADDITIONAL CHILD CARE PROVIDERS

WHEREAS, over the last 15 years the state has devolved away from their historic and constitutional responsibilities of providing social services and support for low-income families and individuals, as demonstrated through significant reductions in state financial support for these programs, thereby shifting state costs and responsibilities to counties and New York City; and

WHEREAS, the state budget is making a major infusion of child care dollars available to counties and counties do not have the child care providers available to meet the existing demand; and

WHEREAS, the reduction of state fiscal match from 65 percent to 62 percent for child welfare services, and lowering state fiscal matching funds for Safety Net Programs from 50 percent to 29 percent along with maximizing federal funding to offset some of this loss, but the federal funds no longer offset losses for most counties today; and

WHEREAS, state funding support for the Foster Care Block Grant was cut by \$62 million in state fiscal year 2018, a 14 percent reduction; and

WHEREAS, many counties have child care deserts that prevent expending the child care funds allocated to local district; and

WHEREAS, the SFY 2023 adopted budget also included provisions to settle longstanding state litigation related to inadequate foster care rates paid to foster parents, with no consultation with counties, a new extraordinary rate is being developed.

NOW, THEREFORE, BE IT RESOLVED, that Orleans County along with the New York State Association of Counties (NYSAC) urges the Governor and the Legislature to restore the state open ended child welfare matching rate to 65 percent; and

BE IT FURTHER RESOLVED, that Orleans County urges the Governor and Legislature to restore state matching support for Safety Net programs to 50 percent; and

BE IT FURTHER RESOLVED, that Orleans County urges the state to fully fund with state resources 100 percent of increased costs related to the foster care rate settlement reached with The Adoptive and Foster Family Coalition of New York, and the new extraordinary rate that is currently in development that the state negotiated; and

BE IT FURTHER RESOLVED, that Orleans County urges the state to provide assistance to developing an adequate pool of childcare providers to meet anticipated demand; and

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

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 173-323

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

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

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

WHEREAS, the provision of additional Code Blue funding is appreciated, many localities still struggle with a lack of shelter resources to meet the needs of the homeless; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that Orleans County, along with the New York State Association of Counties (NYSAC) calls on the Governor and state legislature to prioritize permanency in housing and to update rental allowances and the standard of need which have not been properly updated in decades to fully address the dramatic growth in housing, energy and food costs; and

BE IT FURTHER RESOLVED, as part of the effort the state must restore the Safety Net state share to 50 percent; and

BE IT FURTHER RESOLVED, counties need brick and mortar solutions to existing housing problems; and

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

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

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

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

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

RESOLUTION NO. 174-323

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

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

FROM:

01.6010.0411	Office Supplies and Materials	\$758.09
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TO:

01.6010.0210	Furniture and Furnishings	\$758.09
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Moved, Miller; second, Fitzak.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 175-323

AUTHORIZING ACCEPTANCE OF DONATIONS AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE DEPARTMENT OF SOCIAL SERVICES BUDGET

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

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

REVENUE:

01.0001.2705	Donations	\$3,472.44
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APPROPRIATION:

01.6010.0418.6104	Child and Family Services Donations	\$3,472.44
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Moved, Miller; second, Fitzak.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 176-323

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, due to a retirement, this Legislature does hereby authorize abolishing one (1) full-time Senior Caseworker position (6010.0206) in the Department of Social Services at Grade 18 of the CSEA Salary Schedule effective March 29, 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 April 7, 2023; and be it

FURTHER RESOLVED that, due to a promotion, this Legislature does also hereby authorize the filling of one (1) permanent, full-time, Caseworker position (6010.0227) in the Department of Social Services at Grade 16 of the CSEA Salary Schedule, effective April 7, 2023.

FURTHER RESOLVED that, due to a resignation, this Legislature does also hereby authorize the filling of one (1) permanent, full-time, Social Welfare Examiner position (6010.1702) in the Department of Social Services at Grade 13 of the CSEA Salary Schedule, effective April 7, 2023.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 177-323

APPROVING A RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND SUPPORTIVE CARE OF ORLEANS

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

Supportive Care Of Orleans, 14080 Route 31 W, Albion, NY 14411-Orleans County Office for the Aging's subcontractor to provide Meals through their nutrition program from May 1, 2023 to April 30, 2024 to residents needing meals, Supportive Care of Orleans will reimburse Orleans County Office for the Aging per meal. County cost \$0 – Revenue Source.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 178-323

APPROVING APPOINTMENTS TO THE AGING ADVISORY COUNCIL

RESOLVED, that this Legislature approves the following appointments to the Office for the Aging Advisory Council for a three year term, effective April 1, 2023 through March 31, 2026.

*Jon Costello, 2060 Eagle Harbor Road, Waterport, NY 14477

*Lynn Creasey, 11076 W. Center Street Ext, Medina, NY 14103

*Peggy Francisco, 14350 Northwood Dr, Apt. 402, Albion, NY 14411

*Denotes last term

and be it

FURTHER RESOLVED, that this Legislature approves the following appointments to the Office for the Aging Advisory Council for a three year term, effective April 1, 2022 through March 31, 2025.

*Emily Cebula, 15 Miller Drive, Lyndonville, NY 14098

*Denotes last term

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 179-323

AUTHORIZING FILLING PART-TIME EMPLOYMENT AND TRAINING PROGRAM ASSISTANT POSITION IN THE JOB DEVELOPMENT AGENCY

RESOLVED, that this Legislature authorizes filling the Part-time Employee and Training Program Assistant position (6210.20) in the Job Development Agency, at grade 7 of the CSEA Salary Schedule, effective April 7, 2023; and be it

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

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 180-323

AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN ORLEANS COUNTY CLERK AND CSC

WHEREAS, the Orleans County Clerk would like to begin non-mandatory e-Recording to provide an efficient alternative to recordings in the County Clerk Office, and

WHEREAS, customers/submitters prepare and sign documents, transmit them in electronic format, and that the transmitted electronic likeness of the original documents can be considered as the “original” record of the transaction in substitution for, and with the same intended effect as, the original paper format; now be it

RESOLVED, that this Legislature authorizes the Orleans County Clerk to enter into a Memorandum of Understanding (MOU) Agreement with CSC (Corporation Service Company, 251 Little Falls Drive, Wilmington DE 19808 who will submit the electronic documents to the Orleans County Clerk’s Office based on CSC’s responsibilities as prescribed in the agreement. This Memorandum of Understanding will be reviewed for renewal at the end of 2028.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 181-323

AUTHORIZING EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENTS WITH PESCARA 1 SOLAR, LLC FOR SOLAR ENERGY SYSTEMS IN GAINES PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

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

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

WHEREAS, PESCARA 1 SOLAR, LLC has submitted a Notice of Intent to the County that it plans to build a solar energy system that meets the requirements for the exemption on a parcel of land located within the physical boundaries of the County at 2309 Gaines Road, New York, Tax Map 39.-3-10.1 (the “Project”); and

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

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

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to enter into PILOT Agreements, and any amendments thereto, with PESCARA 1 SOLAR, LLC for the building and operations of a Solar Energy System, in the form as filed with the Clerk of the Orleans County Legislature or as modified with the approval of the County Attorney and Chief Administrative Officer, pending approval by the and Albion Central School District.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 182-323

AUTHORIZING EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENTS WITH PESCARA 2 SOLAR, LLC FOR SOLAR ENERGY SYSTEMS IN CARLTON PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

WHEREAS, New York State Real Property Tax Law (“RPTL”) Section 487 exempts from taxation the increase in value to real property by reason of inclusion of qualified solar or wind

energy systems or farm waste energy systems unless a county, city, town, village, or school district opts out of said exemption; and

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

WHEREAS, DG GAINES, LLC has submitted a Notice of Intent to the County that it plans to build a solar energy system that meets the requirements for the exemption on a parcel of land located within the physical boundaries of the County at 2267 Gaines Road, New York Tax, Map 39.-1-17.1 (the “Project”); and

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

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

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to enter into PILOT Agreements, and any amendments thereto, with PESCARA 2 SOLAR, LLC for the building and operations of a Solar Energy System, in the form as filed with the Clerk of the Orleans County Legislature or as modified with the approval of the County Attorney and Chief Administrative Officer, pending approval by the Town of Carlton and Albion Central School District.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 183-323

APPROVING AGREEMENT BETWEEN SPECTRUM COMMUNICATIONS AND COMPUTER SERVICES

WHEREAS, this Legislature approved an agreement between Spectrum Business Class and Computer Services, to initiate a leased circuit Ethernet Private Line (EPL) between the County Clerks Building and the Public Safety building to provide Network capabilities for the downtown offices, buildings and departments, with a bandwidth of 500M X 500M for the Unified Communications Project, and

WHEREAS, this Legislature is aware of the changes in County operations and the continuing increase in burden on all of our network circuits, as well as an increase in the Guest network recently resolved as part of the increase in the overall bandwidth of the entire county due to evolving changes in third party needs and devices while at Orleans County, placing greater strain on the bandwidth requirements of the county’s Internet circuit, now be it

RESOLVED, that the Orleans County Legislature authorizes the increase of this leased EPL circuit to 1000 X 1000 EPL, with full annual increased costs to be paid for from Computer Services budget 01.1680.0421 – Telephone and Internet Services, for 2023 and moving forward to be equalized and apportioned in cost for Internet services across all departments and computers at an increased cost of \$1,630.00 per month, a 16.6% increase over our current EPL circuit costs. Term of the contract shall be effective April 1, 2023 through March 31, 2028.

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

RESOLUTION NO. 184-323

AUTHORIZING PURCHASE BY COMPUTER SERVICES OF SECURITY ACCESS CONTROL MAINTENANCE CONTRACT FOR ORLEANS COUNTY

WHEREAS, the Legislature is aware of the wide range of security access control requirements across the majority of buildings in Orleans County Government, and

WHEREAS, the Legislature is committed to the security and safety of assets and people in Orleans County employ, now be it;

RESOLVED, that this Legislature authorizes the purchase of a maintenance contract renewal for security access control hardware from LINSTAR Inc., 430 Lawrence Bell Drive, Buffalo, NY 14221, effective April 1, 2023 – March 31, 2024, in the amount of \$6,542.63 (Req. #3245) to be paid from Computer Services Account budget 01.1680.0418 – Other Contractual.

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

RESOLUTION NO. 185-323

AUTHORIZING THE PURCHASE OF ADDITIONAL SOFTWARE LICENSES FROM BRITE COMPUTERS FOR MOBILITY OPERATIONS

WHEREAS, the Legislature understands the need to maintain a secure connection for remote users and PCs using the Orleans County Network for their operational workload, now be it;

RESOLVED, that this Legislature approves the purchase of an additional 100 copies of NetMotion connectivity software from Brite Computers, 7647 Main Street Fishers, Victor, NY 14564, effective April 1, 2023 – October 5, 2023, at a cost of \$7,180.33 (Req. #3251) to be paid from Computer Services budget 01.1680.0418 – Other Contractual.

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

The following resolution was withdrawn by Legislator Draper.

RESOLUTION NO. 186-323 - WITHDRAWN

AUTHORIZING THE PURCHASE OF SOFTWARE LICENSING FEES FROM THE COMPUTER SERVICES BUDGET

WHEREAS, the Legislature understands the need for quality backup software for our Virtual Environment to provide Fault Tolerance and User Accessibility as well as Disaster Recovery and Business Continuity capabilities, now be it;

RESOLVED, that this Legislature approves the purchase of Veeam Backup software License renewal for a three year protection program from ePlus Technologies, Inc, 13595 Dulles Technology Drive, Herndon, VA, 20171 at a cost of \$4,999.95 (Requisition # 3260), effective July 1, 2023 – June 30, 2024, to be paid from Computer Services budget 01.1680.0418 – Other Contractual.

RESOLUTION NO. 187-323

AUTHORIZING LICENSE AGREEMENT PURCHASE FOR COMPUTER SERVICES FOR THE SOPHOS XGS126 XSTREAM DEVICE AT THE MARINE PARK

WHEREAS, this Legislature is aware of the need for constant, uninterrupted communications with the Orleans County Network to the Marine Park Deputies and Patrols as well as the Surveillance needs at the Orleans County Lighthouse, now be it

RESOLVED, that this Legislature authorizes the purchase of a 2 year license for two (2) Sophos XGS126 Xstream Device at the Marine Park to provide the dedicated connection and security to the Orleans County network from Layer 3 Technologies, 1645 Lyell Avenue, Suite #200, Rochester, NY 14606, effective June 14, 2023 – June 13, 2026, in the amount of \$2,300.00 to be paid from Computer Services budget 01.1680.0250 – Other Equipment.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 188-323

AUTHORIZING COMPUTER SERVICES TO RENEW SOFTWARE FOR REMOTE ASSISTANCE AND TICKETING

WHEREAS, the Legislature is aware that remote assistance and ticket tracking is required for Computer Services, now be it

RESOLVED, that this Legislature authorizes Computer Services to renew software package NinjaOne from NinjaOne, LLC, 26750 US Highway 19 North, Clearwater, FL 33761 for \$12,939.36 (Req. # 3239) for software and licensing, effective April 1, 2023 – March 31, 2024, to be paid from Computer Services budget 01.1680.0418 – Other Contractual.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 189-323

AUTHORIZING COMPUTER SERVICES TO RENEW THE COMMUNICATIONS SOFTWARE FOR SMTP MESSAGING TO ORLEANS COUNTY EMPLOYEES AND CITIZENS

WHEREAS, the Legislature is aware of the need for a robust communications strategy to communicate with governmental employees and if possible, the general Orleans County citizen at large, and;

WHEREAS, the Legislature is committed to information dissemination at the broadest terms possible to both employees and citizens, now be it;

RESOLVED, that this Legislature authorizes the renewal of TextMyGov software and user licensed messaging platform with implementation/setup from TextMyGov, P.O. Box # 3784, Logan, Utah 84323, for the Orleans County website, effective March 16, 2023 – May 8, 2025, in the amount of \$5,200.00 (Req. # 3250), to be paid from Computer Services budget 01.1680.0418 – Other Contractual.

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

RESOLUTION NO. 190-323

OPPOSING NEW YORK STATE'S POOR FISCAL POLICIES RESULTING IN PRIVATE EMPLOYER FUTA CREDIT REDUCTIONS

WHEREAS, the New York State Unemployment Insurance Program (UIP) provides immediate, short-term financial protection for employees who become unemployed through no fault of their own, and

WHEREAS, a UIP fund, administered by the State of New York, was established to provide benefit payments to eligible claimants, and

WHEREAS, the UIP fund is paid for by employers through an unemployment insurance contribution on their payrolls, and

WHEREAS, job losses caused by New York State's terrible pandemic policies, including massive inappropriate and unnecessary employer shut-downs, and failure to properly vet unemployment insurance benefit claims caused a record number of unemployment insurance claims in New York and also resulted in record unemployment insurance fraud, and

WHEREAS, it is estimated by the New York State Comptroller that despite two warnings over more than a decade to the New York State Department of Labor that its UI claim systems were woefully out of date, the UI system became overwhelmed by the impact of the COVID era closedown and over \$11 billion dollars were lost due to fraud, largely because of UI system undetected identity theft, and

WHEREAS, if collective employee claims for unemployment exceed the amount of collective employer contributions, states may take a Federal Unemployment Account (FUA) loan from the federal government to pay such unemployment claims, and

WHEREAS, as detailed by the Office of the State Comptroller, New York's UIP fund did not have sufficient funds to pay the surging legitimate and fraudulent unemployment insurance claims, and began to borrow funds to cover said claims from the federal government starting in May of 2020, and

WHEREAS, while many states had to borrow from the federal government to support UI claims during the pandemic, New York is one of only four states or territories with UI funds that continue to be in debt to the federal government, and the size of the outstanding loan balance—\$8.1 billion—is second only to California, and

WHEREAS, in May of 2022 while New York State paid \$1.2 billion of its federal loan, its UI debt has remained outrageously high despite steady employment gains and State tax rates that have already increased to maximum permissible levels, and

WHEREAS, since New York's outstanding balance was not fully repaid by November 10, 2022, interest costs mounted, as did the federal portion of employers' 2022 tax bills, and

WHEREAS, since New York still has outstanding FUA loans to pay benefits, the amount of the allowable credit to FUTA is now subject to reduction, and

WHEREAS, New York has thus sadly become a "credit reduction state" as it had an outstanding FUA loan that remained unpaid as of the repayment date and thus has become subject to a credit reduction on its Federal Unemployment Tax rate until its loan has been paid off, and

WHEREAS, each year a FUA loan continues to be unpaid, the credit reduction increases by 0.3%, and

WHEREAS, as a result, the U.S. Department of Labor announced that California, Connecticut, Illinois and New York will now be subject to Federal Unemployment Tax Act (FUTA) credit reductions for 2022, and

WHEREAS, as a result, private employers in these four states will pay an additional 0.3% in federal unemployment tax for wages paid to employees in these states, or up to \$21 in additional tax for each employee, based on the FUTA taxable wage base of \$7,000, and

WHEREAS, after notification, on January 25, Illinois Gov. J.B. Pritzker and the Illinois Department of Employment Security announced that the state officially repaid its remaining FUA trust fund loan and as a result the state will likely not face a credit reduction for 2023 unless it borrows again and has a loan balance on November 10, 2023, and

WHEREAS, employers in New York State are already subject to high taxes and burdensome regulations and should not have to pay additional FUTA tax because the State of New York was fiscally irresponsible in managing the COVID Pandemic UI claims and its resulting FUA loan, now, therefore, be it

RESOLVED, that Orleans County states that New York State should immediately pay its FUA balance as required and not subject New York employers to additional expenditures to operate their businesses due to the State's ill-conceived fiscal policies and deficient oversight, and be it further

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

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

Legislator Allport stated that the following resolution should be opposed. In the Resolved, our country is founded on the fact that everyone is treated equally and fairly. The way this resolution is described on how they are going to do this study, as far as hiring people to work for the government, it does everything but that. They will have a more flexible hiring process and ability to more quickly respond to more potential employees. But it also says they need to reflect the citizens they are representing. That is not a more fair treatment of everyone. Being equal and fair does not mean everyone has the same abilities. I'm not an artist or an athlete. People have different talents and different mental statuses. This also says you can hire someone and put them in the position and after 9 months if there is no state test offered, they become permanent employees. Why have the test? If the test is given it is dumbed down to a pass or fail grade. This violates everyone that is sitting on the list right now and has taken the test for a certain position, thinking the test no longer counts. They also want to dumb down the test to get more people on the lists. This resolution should be very straight forward. It should say that the Counties and department Heads are open like a business to interview people looking to seek the job and hire the one most qualified. The State should not be involved in that. It should be a local decision. This study is a waste of our tax money, unless they are going to change this to the fact that you can interview and hire who you think is more qualified.

Legislator Eick asked if this was an Inter-County supported resolution. Chairman Johnson stated that this was a NYSAC supported resolution.

The following resolution was withdrawn.

RESOLUTION NO. 191-323-WITHDRAWN

RESOLUTION CALLING FOR STUDY AND REFORM OF NEW YORK STATE CIVIL SERVICE SYSTEM TO SUPPORT LOCAL GOVERNMENT EMPLOYEE RECRUITMENT

WHEREAS, in New York, 16.4 percent of the workforce are employed by state, local, or federal level governments, providing needed services to our residents; and

WHEREAS, county governments employ more than 3.6 million public servants nationwide; and

WHEREAS, prior to the COVID pandemic, the public sector employment trend in New York was to do more with less, spurred on by state funding cuts in certain programs, resulting in a total workforce reduction of 4.5 percent from 2010 to 2020; and

WHEREAS, the Bureau of Labor Statistics showed this downturn in public employment levels has only worsened in the last two years, as the number of private-sector jobs surpassed its pre-pandemic level, while there are 664,000 fewer people employed in the public sector; and

WHEREAS, the counties of New York have all expressed concerns over recent trends regarding the difficulty to hire and retain quality employees as this downturn in public employment levels is putting more stress on our local governments' abilities to provide needed services; and

WHEREAS, now counties are in a hiring crisis of a shrinking hiring pool and the increase in needed county skilled labor; and

WHEREAS, New York's counties all are seeking to increase employment numbers and create a qualified and diverse workforce; and

WHEREAS, current restrictions caused by New York State Civil Service Laws create hurdles that are stalling local governments' ability to expand their workforce; and

WHEREAS, while current New York State Civil Service Laws were put in place with good intentions, most were implemented prior to current societal and technological advancements and the time to study and improve this system is long overdue; and

WHEREAS, State Civil Service system changes are needed for county governments to compete with the private sector for potential employees, including the ability to more quickly respond to candidates seeking employment; and

WHEREAS, county governments need hiring flexibility and are best situated to know what job titles should have residency requirements and which should have flexibility to ensure efficient and quality county services; and

WHEREAS, the Governor's proposed Executive Budget recognizes the need for Civil Service reform and proposes an idea the New York State Association of Counties (NYSAC) called for in 2022, continuous recruitment—allowing local governments the option to hold examinations continuously for candidates to apply at any time to take recruitment examinations; and

WHEREAS, NYSAC thanks the Governor for seeking this needed change, and we call for more to be done to help cure the recruitment challenges we jointly face; and

WHEREAS, additional specific changes to NYS Civil Service Laws include but are not limited to:

- Codifying the electronic canvassing process authority—allowing email and phone contacts in lieu of mailing letters;*
- Simplify standard grading metrics, make them understandable and predictable in order to assist potential applicants to take multiple-choice exams, as well as complete experience-based exams;*
- Licensed occupation local approval—allowing local governments to bypass exam or civil service requirements for positions that require already approved and obtained New York accredited licenses;*

- *Transitioning from provisional to permanent appointments at local option—allow if a state test is not offered within nine months after an individual is provisionally appointed to a position, an employee becomes permanent and/or if an exam is offered within nine months, a person in the provisional appointment is scored as pass/fail on that exam;*
- *Allow at local option residency requirements—amend public officers law § 3 and allow for full home rule authority to determine county employee residency requirements to increase the candidate pool; and*
- *Expand the number of eligible employees for appointments to a rule of 5—by expanding the rule of 3, would allow a higher number of candidates to be eligible to be canvassed when public employers are seeking employees.*

NOW, THEREFORE, BE IT RESOLVED, the State must immediately reform NYS Civil Service Law; and

BE IT FURTHER RESOLVED, this reform must result in local governments' having more flexibility in hiring practices and the ability to more quickly respond to potential employees; and

BE IT FURTHER RESOLVED, counties seek these changes to meet public service needs with a quality workforce that best reflects the residents they serve; and

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

Moved, Draper; second, Fitzak.

RESOLUTION NO. 192-323

AUTHORIZING FILLING A POSITION IN THE PERSONNEL DEPARTMENT

WHEREAS, a Civil Service Examination Monitor has resigned; now be it

RESOLVED, that this Legislature does hereby authorize the filling of the vacant part-time Examination Monitor position (1430.04) at a rate of \$69.35 per half day and \$138.69 per full day effective April 7, 2023.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

Legislator Allport request that this resolution be defeated for a simple process that we are here representing the people of Orleans County. The resolution that enacted the 3% to 4% tax increase was passed on 1993. That was to be a temporary increase. I understand that government thinks they need all the money they need to operate. We do very well to serve the community to hold down the taxes. People in this county are facing 9% inflation. Interest rates are being raised by the feds, which causes the credit cards debt to soar in this country to get to these economic times. We are in a recess. Even though the government wants to deny that. This 1% would put

\$5,000,000.00 back into the local economy. Back into the hands of the tax payers to spend and try to get through this time. For the sake of the citizens in the county we need to drop the tax rate back to 2% and put that back into the local economy for our people and our businesses. The following resolution was adopted.

RESOLUTION NO. 193-323

AMENDING RESOLUTION NO. 521-1022 REQUESTING THE ENACTMENT OF A SPECIAL LAW AUTHORIZING AND EMPOWERING THE COUNTY OF ORLEANS TO EXTEND THE EXPIRATION OF THE IMPOSITION OF AN ADDITIONAL 1% SALES AND COMPENSATION USE TAX

WHEREAS, Resolution No. 521-1022 requested the enactment of a special law amending the tax law in relation to extending the expiration of the authorization to the County of Orleans to impose an additional 1% sales and compensating use tax is in the best interests of the County of Orleans; and

WHEREAS, that pursuant to Article IX of the Constitution, the County of Orleans requests the enactment of a senate bill and an assembly bill, entitled “An Act to amend the tax law in relation to extending the expiration of the authorization to the County of Orleans to impose an additional 1% sales and compensating use tax”; said bills to extend the sales tax increase through November 30, 2026; now be it

RESOLVED, that this Legislature amend Resolution No. 521-1022 to extend the sales tax increase through November 30, 2025.

Moved, Draper; second, Fitzak.
Adopted. 6 ayes; 1 nay: Allport.

RESOLUTION NO. 194-323

AUTHORIZING COUNTY TREASURER TO SET UP RESERVE MONIES FOR THE PAYMENT OF RETIREMENT BILL

WHEREAS, Resolution No. 621-1222 authorized the reopening of Sections 552 and 553 of the Retirement and Social Security Law for two Sheriff Department employees and;

WHEREAS, the County Treasurer needs to set up the funds to pay for the cost of the retirement plan; now, be it

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

RETIREMENT:

Reserve	\$260,000.00
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APPROPRIATION:

01.3110.0810	Sheriff-Retirement	\$260,000.00
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Moved, Draper; second, Fitzak.
Adopted. 7 ayes; 0 nays.

RESOLUTION NO. 195-323

AUTHORIZING PAYMENT OF CLAIMS FOR APRIL 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 April 11, 2023 and April 25, 2023:

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

Moved, Morgan; second, Fitzak.
Adopted. 7 ayes; 0 nays.

The following add on resolutions were presented for adoption:

RESOLUTION NO. 196-323

AUTHORIZING THE SHERIFF'S OFFICE TO CONTINUE WITH THE ALTERNATIVES TO INCARCERATION PROGRAMS AND APPROVING THE APPLICATION FOR GRANT FUNDING FOR THIS PROGRAM

RESOLVED, that this Legislature authorizes the Sheriff's Office to continue with the Alternatives to Incarceration Program and also authorizes its continued application to NYS Division of Criminal Justice Services (DCJS) for grant funding available for Article 13-A Classification Alternatives to Incarceration (ATI) Programs, as a reimbursable cost to the county of \$10,762.00 effective for the grant period July 1, 2023 through June 30, 2024; and be it

FURTHER RESOLVED, that upon approval by NYS DCJS, the Chairman is hereby authorized to execute grant agreement, Contract # C523944, and all related documents associated with this grant.

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

RESOLUTION NO. 197-323

AUTHORIZING ORLEANS COUNTY SHERIFF'S OFFICE TO APPLY FOR GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT

WHEREAS, United States Department of Agriculture Rural Development (USDA) has identified Orleans County as being eligible to receive funds for the purchase of a Bearcat Emergency Vehicle; now be it

RESOLVED that this legislature authorize the Sheriff's Office to apply for United States Department of Agriculture Rural Development (USDA) grant funds; and be it

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

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

Chairman Johnson then opened the floor for discussion from the public.

Kenny Ortiz, Medina. I filled a document on March 15, 2023. Did you receive this? Chairman Johnson told Mr. Ortiz that he has an active lawsuit against the Legislative body. I will talk only through your attorney and you can talk through our attorney. Thank you very much. Mr. Ortiz continued stating, I want to talk about the miss management of these tax dollars. How can the Legislature guarantee the that these tax dollars that you are appropriating through these programs won't be missed managed like they were with Anthony Bruce when he applied for employment with the Legislature based on false information and he was paid. What is the Legislature doing now to guarantee it won't happen again? Chairman Johnson stated that she has already told him once. Mr. Ortiz asked if she was aware the Anthony Bruce was unauthorized to be employed in Orleans County? Chairman Johnson stated for the third time that she will have him removed. Mr. Ortiz again asked questions that Mrs. Johnson stated she cannot answer. Mrs. Johnson asked the Officers to remove Mr. Ortiz.

There being no additional comments from the public, Legislator Miller made a motion to close the meeting, seconded by Legislator Allport. The meeting was closed at 5:31 p.m.