

## Legislature Meeting May 25, 2022

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Chairman Lynne Johnson called the meeting to order at 4:30 p.m., followed by the Pledge to the Flag. Pastor Tim Lindsay asked for a moment of silence for the lives that were lost due to a mass shootings on May 14, 2022 in Buffalo, New York and on May 23, 2022 in Uvalde, Texas. He then gave the invocation.

Clerk Lisa Stenshorn called the roll. All Legislators were present in the Chambers.

The Clerk presented the following Communication:

The Annual Financial Report Update Document for the County of Orleans for the Fiscal Year Ended on December 31, 2021 has been filed the Orleans County Treasurer. Orleans County Treasurer Kimberly DeFrank has filed in the Clerk of the Legislature's Office the Year End Adjustments for the 2021 Fiscal year per Resolution No. 552-1221.

Request for Use of Courthouse Square from Natasha Wasuck of the Albion Merchants Association to have a Food Truck Rodeo on Saturday, July 16<sup>th</sup>, 2022 from 11:00 a.m. - 7:00 p.m. They will have food trucks along W. State Street with bands playing on the Courthouse lawn. The request also includes a power cord. **BOARD APPROVED**

### **Town/Village Resolutions that have been received:**

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Town of Yates has submitted a Resolution No. 43-4/22 titled:

Resolution Calling for a State-wide Coalition of Counties Opposing Industrial Wind Turbines in Lake Ontario and Lake Erie

Legislator Draper presented a Proclamation declaring National EMS Appreciation Week to Emergency Management Services Director Dale Banker. Mr. Banker thanked the Legislators on behalf of all the volunteers and EMS providers.

Legislator Draper presented David Quaranto, Probation Supervisor, with a Special Recognition for his upcoming retirement and thanked him for 30 years of service to Orleans County.

Legislator Draper honored Heather Jackson for receiving the 2022 Helen R. Brinsmaid Memorial Youth Worker Award.

Legislator Allport presented a Proclamation declaring May as Mental Health Awareness Month to Mental Health Director Danielle Figura, Melinda Rhim, Lynn Fearby and Alyssa Thomas.

Legislator Eick presented a Special Recognition to Wayne Krull for receiving the Douglas C. Zefting Award.

Legislator Eick presented a Proclamation declaring May as National Public Works Month to DPW Commissioner John Papponetti and the following Department of Public Works employees: Wayne Krull, Ryan Hill, Craig Lane, John Grager, Joe Grager, Lisa Mannella and Becky Bush.

Treasurer Kimberly DeFrank reported that in April the office has paid out 1<sup>st</sup> quarter sales tax to the towns and villages. Also paid the schools and villages for their tax releves. The 2021 annual report was filled timely with the state Comptroller.

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

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

### **RESOLUTION NO. 248-522**

#### **AUTHORIZING ACTIVE SHOOTER EQUIPMENT PURCHASE FROM THE SHERIFF'S BUDGET**

RESOLVED, that this Legislature does hereby approve the following patrol vehicle active shooter equipment with the following agency:

Rescue Essentials, 8770 Trade St. Leland, NC 28551 for active shooter event casualty response kits in the amount of \$6,018.27 on GSA Contract No: GS-07F-0188Y, Contract period: January 1, 2012- December 31, 2026 to be paid from the Sheriff's Capital Equipment Budget Account 01.3110.0270.

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

### **RESOLUTION NO. 249-522**

#### **APPROVING APPOINTMENTS TO THE ALTERNATIVE TO INCARCERATION BOARD**

RESOLVED, that this Legislature approves the following appointments to the Orleans County Alternatives to Incarceration Board, term expiring June 30, 2023.

<u>NAME:</u>	<u>REPRESENTATION:</u>
Lynne Johnson	Chairmen, Orleans County Legislature
Sanford Church	County & Supreme Court Judge
Joseph Cardone	District Attorney
Joanne Best	Public Defender
Dawn Keppler	Magistrates
Luci Welch	Probation Director
John C. Welch, Jr.	Chief Administrative Officer
Christopher M. Bourke	Orleans County Sheriff
Merle Draper	Legislator/Public Safety Committee, Chairman
Donald Allport	Legislator/Public Safety Committee, Vice Chairman
Jeffrey Gifaldi	Orleans County Undersheriff/ATI Coordinator
Connie Whittier	Crime Victim
Danielle Figura	Director of Community Services/Mental Health
Kathy Hodgins	GCASA

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

**RESOLUTION NO. 250-522**

**AUTHORIZING UPDATING CIVIL OFFICE FEE SCHEDULE FOR THE ORLEANS COUNTY SHERIFF'S OFFICE BY ZIP CODE**

RESOLVED, that this Legislature approves the following fee schedule for Civil service processing performed by the Sheriff's Office effective June 1, 2022:

\*All fees for service must be paid in advance. Fees for service are for each person to be served. When multiple types of process are served simultaneously, the statutory fee for each type of process will be charged. Mileage and notary fees will be added to all services EXCEPT Income Executions.

Notary Fee- Per affidavit	\$	2.00
Mileage Rates per Zip Code, based on round trip:		
14012 Barker	\$	28.00
14058 Elba	\$	22.00
14098 Lyndonville	\$	23.00
14103 Medina	\$	24.00
14105 Middleport	\$	24.00
14411 Albion	\$	14.00
14420 Brockport	\$	22.00
14422 Clarendon	\$	21.00
14470 Holley	\$	21.00
14476 Kendall	\$	24.00
14477 Kent	\$	22.00
14571 Waterport	\$	22.00
Income Execution, 1 <sup>st</sup> and 2 <sup>nd</sup> stage	\$	86.00
Re-Service of 1 <sup>st</sup> Stage	\$	49.00
Recalculation Fee	\$	50.00

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

**RESOLUTION NO. 251-522**

**AUTHORIZING OUT OF STATE TRAVEL FOR SHERIFFS EMPLOYEES**

RESOLVED, that this Legislature does hereby authorize out of state travel by Undersheriff Jeff Gifaldi and Chief Rob Riemer to travel out of state to attend the 2022 National Homeland Security Conference in Cleveland, Ohio on July 10, 2022 through July 14, 2022, cost to be paid from Sheriff budget 01.3110.0460 Training & Educational and 01.3110.0463 Travel (other than mileage).

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

## **RESOLUTION NO. 252-522**

RESOLUTION ENCOURAGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR TO ENACT S.5331 (STEC) / A.857 (JONES) AND S.8189 (HINCHEY) / A.9164 (KELLES)

WHEREAS, many counties throughout the state are experiencing significant staffing shortages in emergency medical services, jeopardizing the community emergency response to those in need of assistance; and

WHEREAS, Senator Dan Stec and Assemblymember Billy Jones have introduced legislation that would authorize municipalities, including counties, to establish a special district to finance and operate general ambulance services; and

WHEREAS, this legislation would also require the Division of Homeland Security and Emergency Services (DHSES) Commissioner to identify challenges concerning volunteer emergency services or personnel; and

WHEREAS, by authorizing counties to establish special districts, this legislation would increase the quality of emergency protection services in New York State with economies of scale, particularly in the Adirondack region and the rural regions; and

WHEREAS, in addition to Senator Stec and Assemblymember Jones' legislation, Senator Michelle Hinchey and Assemblymember Anna Kelles have introduced legislation that would establish a CHIPS-based funding formula for municipal EMS districts; and

WHEREAS, a 2013 analysis by the New York State Department of Health (NYSDOH) found that, while the average scene-to-destination time throughout New York State was 13.16 minutes, some parts of the Adirondacks have significantly longer wait times. The average scene-to-destination time is 17.77 minutes in Clinton County, 18.32 minutes in Franklin County, 21.59 minutes in Warren County, 25.55 minutes in Essex County, and 53.46 minutes in Hamilton County; and

WHEREAS, this delayed response poses a significant threat to the lives of those who live and recreate in these counties; and

WHEREAS, states have long used special districts to enhance services for ever evolving communities; and

WHEREAS, Emergency Services Districts (ESDs), in particular, can reduce response times and increase the survival rate of patients who require prehospital care in areas that have been historically underserved; and

WHEREAS, according to the National Census Bureau, 150 ESDs were created to provide local fire protection and ambulance services between 2012 to 2017 in the United States; now be it

RESOLVED, that the New York State Association of Counties (NYSAC) encourages the Governor and State Legislature to enact S.5331 (Stec) / A.857 (Jones) and S.8189 (Hinchey) / A.9164 (Kelles); and be it

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

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

### **RESOLUTION NO. 253-522**

RESOLUTION CALLING ON NEW YORK STATE TO SUFFICIENTLY INVEST IN 9-1-1 FUNDING TO ENSURE PROPER MAINTENANCE WITH EXISTING SYSTEMS AND PREPARE FOR NEXT GENERATION 9-1-1 TECHNOLOGIES

WHEREAS, the funding mechanism that New York State counties use to help operate, maintain and upgrade 9-1-1 system capability and performance is out of date and does not correspond well to recent technology and marketplace changes; and

WHEREAS, the FCC has released their latest report for 2020 and it shows that New York collected \$241,643,008.00 and diverted over \$100,765,134.34 (41.7 percent) to other non 9-1-1 related purposes and the general fund; and

WHEREAS, currently it states in the Tax Law, Article 186-f, Section 5, forty-one and seven-tenths of the revenues collected and received are swept into the state general fund and not provided for public safety services; and

WHEREAS, this diversion shifts the bulk of Next Generation 9-1-1 (NG 9-1-1) readiness financing to counties and other local governments PSAPs in New York State; and

WHEREAS, the diversion of E9-1-1 funds results in a system that does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement NG 9-1-1 technology required under federal law; and

WHEREAS, under current law, for the last four budget years, \$10 million was authorized and targeted directly to PSAP's and up to \$65 million was set aside for the provision of grants and reimbursements to counties administered by the state interoperable communications grants (SICG) program, administered by the New York State Division of Homeland Security and Emergency Services; and

WHEREAS, due to the designation of E9-1-1 fees for non 9-1-1 related expenses, New York State PSAPs are not eligible for any of the \$115 million federal grant funding for E9-1-1 and NG 9-1-1 enhancements and IP based advanced networks; and

WHEREAS, the goal of upgraded NG 9-1-1 systems is to make sure that all devices capable of connecting to the system can do so using voice, text, video images and other data formats to better inform the emergency responders to the situation they will be entering; and

WHEREAS, NG 9-1-1 upgraded systems will be able to better pinpoint an emergency call that may be in a remote area of the state or in a multi-storied building in one of our communities; and

WHEREAS, recognizing a more precise location of those needing emergency services will improve outcomes and save lives, but this cannot be accomplished without consistent and timely funding from the State; and now

BE IT RESOLVED, that the New York State Association of 5 Counties (NYSAC) calls on Governor Kathy Hochul and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications to release all funds authorized within the Enacted State Budget to ensure eligibility for federal FCC E9-1-1/NG9-1-1 resources, and to ensure monies collected for the Public Safety Surcharge are allocated within that budget year and remain in the Public Safety Surcharge fund and not moved into the general fund for nonpublic safety related purposes; and be it

FURTHER RESOLVED, that NYSAC further calls on the State Division of Homeland Security and Emergency Services (DHSES) to implement the draft 9-1-1 plan, and ensure the creation of a statewide NG 9-1-1 system connecting all of the county and municipal 9-1-1 systems into one statewide system; and be it

FURTHER RESOLVED, the NYSAC further calls on the State to fund NG 9-1-1 implementation with state resources; and be it

FURTHER RESOLVED, releasing these funding obligations on a regular schedule will provide certainty and build continuity as we upgrade and maintain existing systems and prepare for NG 9-1-1 development and implementation; and be it

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

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

#### **RESOLUTION NO. 254-522**

#### **AUTHORIZING PURCHASE AND EXPENDING GRANT FUNDS IN THE EMERGENCY MANAGEMENT BUDGET**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to purchase portable radios and accessories from Castner Communications, 2525 County Road 28, Canandaigua, NY 14424 and expend State Interoperable Communications (SICG) Grant funds at a cost not to exceed \$236,000; to be paid from Emergency Management budget line as follows:

SICG FY19 01.3640.0486.1974 \$ 5,197.00  
SICG FY20 01.3640.0486.2074 \$230,803.00

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

**RESOLUTION NO. 255-522**

APPROVING PROBATION DIRECTOR TO APPLY FOR AND ACCEPT STATE AID FROM THE NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES

RESOLVED, that this Legislature approves the Orleans County Probation Director to apply for and accept state reimbursable aid in the amount of \$149,616 effective July 1, 2022 to June 30, 2023 calendar year from the NYS Division of Probation and Correctional Alternatives.

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

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

**RESOLUTION NO. 256-522**

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

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

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

WHEREAS, state funding for probation was drastically reduced between 1990 and 2015 from a 46.5 percent State share in 1990 to less than 10 percent in 2022, 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 New York State 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, that NYSAC 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 DCJS/OPCA for 100 percent of all local probation costs including but not limited to probation personnel and evidence-based programming associated with raise the age legislation.
3. Eliminate the requirement of a sentence of a conditional discharge or probation for leandra law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
4. That local probation departments receive 100 percent of all pre-trial services cost including but not limited to probation personnel associated with bail reform.
5. Eliminate the mandate that pre-sentence investigations must be conducted when a sentence of up to one year in jail has been negotiated.

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

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

#### **RESOLUTION NO. 257-522**

#### **AUTHORIZING OUT OF STATE TRAVEL FOR PROBATION DIRECTOR**

RESOLVED, that the Legislature does hereby authorize attendance and out of state travel for Luci Welch, Probation Director, to attend the American Probation and Parole Association's (APPA) 47th Annual Training Institute held in Chicago, Illinois from August 28, 2022 through August 31, 2022 to promote the field of Probation in New York State. No county cost.

Moved, Draper; second, Allport.



Adopted. 7 ayes; 0 nays.

**RESOLUTION NO. 258-522**

**AUTHORIZING FILLING OF VACANCY IN THE PROBATION DEPARTMENT**

WHEREAS, the Probation Supervisor has submitted a letter of retirement effective June 11, 2022; now be it

RESOLVED, as a result of a retirement, that this Legislature authorizes the filling of a vacant full-time Probation Supervisor position (3140.02) in the Probation Department at a Grade 22 of the CSEA Salary Schedule, effective June 13, 2022.

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

**RESOLUTION NO. 259-522**

**APPROVING AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND COORDINATED CARE SERVICES, INC.**

RESOLVED, that this Legislature approves an agreement between Mental Health and Coordinated Care Services, 1099 Jay Street, Rochester, NY 14611 providing specialized financial management services and preparation and submission of CFR reports beginning January 1, 2022 and ending December 31, 2022 at a cost of \$35,640. County cost is \$2,495.00.

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

**RESOLUTION NO. 260-522**

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

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

NMS LABS, 200 Welsh Road, Horshaw, PA 19044. Contract to provide for medical examiner program and services (Forensic Laboratory Tests) to Orleans County Health Department under the provision of NYS Public Health and County law governing this service. 100% cost to county under budget number 1185 – coroners/medical examiners. For term May 1, 2022 through April 30, 2024.

SANOFI PASTEUR, Discovery Dr. Swiftwater, PA 8370. Contract - As a Minnesota Multi-state Contracting Alliance for Pharmacy member OCHD is able to receive vaccine at a reduced rate for use in our clinics for the public. For term to run July 1, 2022 through June 30, 2025, No County Cost.

HOLLEY CENTRAL SCHOOL DISTRICT, 3800 North Main St, Holley, NY 14470. Contract is to provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from the New York State Education Department and Medicaid. Center-based tuition, evaluation rates and SEIS rates are set by New York State. Term to run March 1, 2022 through June 30, 2025 to run congruent with last agreement.

NEW YORK STATE DEPARTMENT OF HEALTH BUREAU ON COMMUNICABLE DISEASE, Empire State Plaza, Corning Tower Room 651, Albany, NY 12237-0672. The grant is for implementation of a rabies plan to protect residents of Orleans County from contracting rabies following a comprehensive rabies protocol based on current NYSDOH guidelines. The contract allows for reimbursement of actual expenses related to rabies prevention, suppression and control. This grant covers three years of reimbursement at \$16,349 per year for a contract total of \$49,047. This grant will be executed via the Grants Gateway, No County Cost.

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

#### **RESOLUTION NO. 261-522**

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 91<sup>st</sup> Street, Cleveland, Ohio 44105 to provide material and construction services to repair three (3) jail cells at the Orleans County Jail at a cost not to exceed \$10,000.00, to be paid out of the Buildings and Grounds Division Jail budget code 01.1620.0403.3150; Pricing is through OMNIA Partners purchasing agreement (MICPA) #PW1925; and be it

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

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

#### **RESOLUTION NO. 262-522**

APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND TRANE

RESOLVED, that this Legislature hereby approves (3) three agreements with Trane, 45 Earhart Drive Suite 103, Buffalo, New York 14221 to repair (3) three Roof Top Units 2, 4 and 6 at the Public Safety Building located at 13925 Route 31 West, Albion, NY at a cost of \$12,222.00. Pricing is through National IPA Omnia Partners contract #15JLP023, to be paid out of the Buildings and Grounds Division budget 01.1620.0403.

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

**RESOLUTION NO. 263-522**

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, 2022 through October 31, 2022; NYS OGS Rental Award #PS69119 at a cost of \$4,000.00/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. 264-522**

AGREEMENT BETWEEN ORLEANS COUNTY DEPARTMENT OF PUBLIC WORKS AND KEELER CONSTRUCTION CO., INC.

WHEREAS, Resolution 166-322 authorized the Commissioner of Public Works to replace the Yates Carlton Townline Road Culvert over a tributary of Johnson Creek and granted the Commissioner emergency authorization to procure all materials, labor and equipment necessary to complete the work in an expedited manner; and

WHEREAS, the Commissioner of Public Works needs to supplement his limited workforce and equipment with labor and equipment from a contractor to complete this emergency project in an expedited manner; and therefore be it

WHEREAS, the Department of Public Works wishes to enter into an agreement with Keeler Construction Co., Inc. to provide labor and equipment that is currently not available to the Orleans County Department of Public Works on a time and material cost basis; now therefore be it

RESOLVED, that the County of Orleans Legislature hereby approves an agreement between the Orleans County Department of Public Works and Keeler Construction Co., Inc., 13519 West Lee Road, Albion, New York 14411 to provide all necessary labor and equipment to assist the Orleans County Department of Public Works complete the emergency replacement of the Yates Carlton Townline Road Culvert over a tributary of Johnson Creek on a time and material cost basis to be paid out of Bond Money Account H5120.251.

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

**RESOLUTION NO. 265-522**

AUTHORIZING REPAIR SERVICE FROM THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that this Legislature approves a service repair bill from Five Star Equipment, Inc. P.O. Box 176, Dunmore, PA 18512 to repair the 1999 John Deere Crawler Dozer for a total cost not to exceed \$6,300.00; to be paid from the Machinery fund account 04.5130.0444.

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

**RESOLUTION NO. 266-522**

AUTHORIZING THE COUNTY OF ORLEANS TO APPLY, APPROVE AND ACCEPT A GRANT DISBURSEMENT AGREEMENT WITH DORMITORY AUTHORITY OF THE STATE OF NEW YORK

RESOLVED, that this Legislature authorizes the County of Orleans to apply for a Grant through the Dormitory Authority of the State of New York for the NO. 01 Lakeshore Road (Route 97) REDI Project (Project ID 19313); and be it

FURTHER RESOLVED, that this Legislature approves and accepts the Grant Disbursement Agreement between the County of Orleans and Dormitory Authority of the State of New York (DASNY), 515 Broadway, Albany, New York 12207 for the NO. 01 Lakeshore Road (Route 97) REDI Project in the amount of \$1,613,539.20; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to execute the grant disbursement agreement and all related documents associated with this grant; subject to the review by the County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 267-522**

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE STATE MULTI-MODAL PROGRAM-AID [AND STATE ADMINISTERED FEDERAL PROGRAM-AID] ELIGIBLE COSTS, OF A CAPITAL PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the South Holley Road Location from NYS Route 237 to Taylor Road, P.I.N.: 4MA548.30A (the Project") is eligible for funding [under Title 23 U.S. Code, as amended, and] New York State's Multi-Modal Program administered by the NYS Department of Transportation (ANYSDOT@); and

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

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

RESOLVE, that the Orleans County Legislative Board hereby approve 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 \$50,000.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$50,000.00 is hereby appropriated from the County of Orleans and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orleans County Legislative Board 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 Multi-Modal Program Funding on behalf of the County of Orleans with NYSDOT 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 all Project costs that are not so eligible; and it is further

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

RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the County of Orleans and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

## **RESOLUTION NO. 268-522**

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE STATE MULTI-MODAL PROGRAM-AID [AND STATE ADMINISTERED FEDERAL PROGRAM-AID] ELIGIBLE COSTS, OF A CAPITAL PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the South Holley Road Location from Taylor Road to NYS Route 31A, P.I.N.: 4MA549.30A (the Project") is eligible for funding [under Title 23 U.S. Code, as amended, and] New York State's Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT@); and

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

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

RESOLVE, that the Orleans County Legislative Board hereby approve 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 \$100,000.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$100,000.00 is hereby appropriated from the County of Orleans and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orleans County Legislative Board 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 Multi-Modal Program Funding on behalf of the County of Orleans with NYSDOT 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 all Project costs that are not so eligible; and it is further

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

RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the County of Orleans and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

#### **RESOLUTION NO. 269-522**

**RESOLUTION URGING THE GOVERNOR AND STATE LAWMAKERS TO GRANT  
DESIGN-BUILD CONSTRUCTION AUTHORITY TO COUNTIES AND NEW YORK CITY**

WHEREAS, current road, bridge, building, and infrastructure construction projects are cumbersome and expensive for local governments and taxpayers in New York State; and

WHEREAS, design-build contracting saves time and money by eliminating time in procuring design services separately from construction services, and by making a single entity responsible for a project, reducing the possibility of contract claims related to design errors or omissions; and

WHEREAS, design-build is a method of construction project delivery in which one entity works under a single contract to provide design and construction services; and

WHEREAS, design-build projects minimize project risk for the owner, increase the accountability of contractors and streamlines the delivery schedule by compressing two procurements into one, eliminating one full procurement cycle; and

WHEREAS, design-build further streamlines the delivery schedule by overlapping the design and construction phases of a project; and

WHEREAS, the New York City Public Works Investment Act, authorizes some New York City agencies to use the design-build delivery method for certain capital projects over a specified dollar threshold amount; and

WHEREAS, New York State has granted design-build authority to itself and to New York City with great success the same authority should be granted to counties; and

WHEREAS, the State has proven this method saves both time and taxpayer spending all while minimizing project risk.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) hereby calls on the Governor and State Lawmakers to grant county governments the authority to use design-build construction to achieve these needed construction project results; and be it

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

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

## **RESOLUTION NO. 270-522**

### **RESOLUTION URGING THE ENACTMENT OF AN INCREASE IN THE STATUTORY CHIPS BIDDING THRESHOLD**

WHEREAS, under current law, the local assistance funds allocated for local street or highway projects under the Consolidated Local Street and Highway Improvement Program

(CHIPS) are used to undertake work on projects either with the municipality's own resources and work forces or by competitively bid contracts; and

WHEREAS, when the estimate for the contract work exceeds \$350,000 the work must be competitively bid in accordance with the provisions for competitive bidding in the General Municipal Law; and

WHEREAS, raising the competitive bidding threshold for highway projects is necessary to compensate for increases in inflation impacting material, transportation, labor, equipment and other highway construction costs; and

WHEREAS, Governor Kathy Hochul included an increase in the current cost threshold from \$350,000 to \$750,000 over which local highway and bridge construction work under the CHIPS program must be competitively bid in the 2022-2023 Executive Budget; and

WHEREAS, the Governor justifies the need for the increase in the minimum competitive bid threshold to mitigate the inflationary impacts on materials, labor, equipment and other construction related costs and maintains that enactment of this increase is necessary to allow more flexibility for municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports the adoption of budget language that increases the CHIPS bidding threshold to give municipalities flexibility and the option to bid out or perform in-house projects that cost less than \$750,000 to allow more opportunities for county governments to act to minimize the cost of its transportation projects on behalf of local taxpayers; and be it

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

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

**RESOLUTION NO. 271-522**

**AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE DEPARTMENT OF PUBLIC WORKS BUDGET**

RESOLVED, that the County Treasurer is authorized to set up new monies within the Department of Public Works/Highway Division Budget due to an increase in funding to cover the cost of a new 2021 Dodge Ram 5500 equipment purchase.

REVENUE:

04.5130.3501	Consolidate Highway Aid	\$89,138.74
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APPROPRIATION:

04.5130.0270	Capital Equipment	\$89,138.74
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Moved, Eick; second, Morgan.  
Adopted. 7 ayes; 0 nays.

**RESOLUTION NO. 272-522**

**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 Custodial Worker position (1620.13) in the Department of Public Works at Grade 4 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this vacant position; effective May 26, 2022.

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

**RESOLUTION NO. 273-522**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT LAKE ONTARIO REDI ACCOUNT**

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H1620.0250, Capital Project – REDI Project – Lakeshore Road No 1:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$2,721.26	Wendel	Professional Services through 4/1/2022

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

**RESOLUTION NO. 274-522**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT**

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.0251, Capital Project – Infrastructure Project – Culvert Improvements:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$1,875.00	Hoffman Land Surveying Geomatics	Yates Carlton Townline Rd. Culvert Repair

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

**RESOLUTION NO. 275-522**

RESOLUTION IN SUPPORT OF ASSEMBLY BILL A9990 AND SENATE BILL S8999 TO ALLOW NEW YORK STATE-PRODUCED WHOLE AND 2% MILK BACK INTO SCHOOLS

WHEREAS, Federal regulations enacted under the Obama Administration were put in place about ten years ago prohibiting whole and 2% milk from being served in schools which was intended to lower childhood obesity and diabetes rates as it was thought that fat free and 1% milk were inherently healthier; and

WHEREAS, since the implementation of this restriction, childhood obesity and diabetes rates have continued to rise and many have become concerned that the restriction could be exacerbating the problem; and

WHEREAS, countering the narrative that whole and 2% milk are unhealthy for children, recent studies have shown children who drink full-fat dairy products tend to be leaner than their peers and have a lower risk of becoming overweight; and

WHEREAS, other studies have found those who consume whole-fat dairy may have a lower risk for heart disease and Type 2 diabetes, lower blood pressure, an increased satiety without weight gain and better sleep; and

WHEREAS, the removal of these milk options has also had a negative effect on dairy farms throughout upstate New York where milk dumping is on the rise. Already facing numerous obstacles in maintaining their viability as a business in recent years, Dairy Farms have long counted on revenue from milk sales to schools to keep their businesses operational; and

WHEREAS, the removal of whole and 2% milk from school cafeterias has had nothing but negative impacts on all involved, including children and farmers. Providing more dairy options to students will encourage students to get the nutrition their growing bodies need from milk and help farmers recoup revenue lost since the passage of this ill-conceived prohibition; now therefore

BE IT RESOLVED, that the Orleans Legislature fully supports Assembly Bill A9990 and Senate Bill S8999 to allow New York State-produced whole and 2% milk back into schools and encourages the Governor and State Legislation to enact the same; and be it

FURTHER RESOLVED, that the Clerk to the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, the New York State Association of Counties and all others deemed necessary and proper.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays.

**RESOLUTION NO. 276-522**

DESIGNATING THE CHIEF ADMINISTRATIVE OFFICER AS CERTIFYING OFFICER FOR A GRANT FUNDED BY HOUSING TRUST FUND CORPORATIONS (HTFC) AND OFFICE OF COMMUNITY RENEWAL (OCR) SUBMITTED FOR NEW YORK STATE

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES) FUNDS

WHEREAS, the NYS CDBG CARES grant for broadband equipment for Low Moderate Income households requires a certifying officer for conducting the environmental review process; now be it

RESOLVED, that this Legislature does designate the Chief Administrative Officer, John C. Welch, Jr. as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG project number 857cvp523-21 awarded to the County of Orleans; and be it

FURTHER RESOLVED, that the Chief Administrative office is to review and sign any and all necessary documents required to be completed by the Certifying Officer.

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

**RESOLUTION NO. 277-522**

AUTHORIZING COUNTY TREASURER TO SET UP FUNDS FROM INFRASTRUCTURE RESERVE AND TRANSFER TO CREATE CAPITAL PROJECT BROADBAND

WHEREAS, this Legislature approved Resolution No. 352-721 awarding the bid for wireless internet services for the entire County of Orleans with RTO Wireless to give access to broadband needs to the unserved and underserved areas of Orleans County; and

WHEREAS, this Legislature approved Resolution No. 520-1121 approving the agreement with RTO for wireless services for the Towns of Barre, Carlton, Clarendon, Kendall, Murray, Ridgeway and Yates; and

WHEREAS, this Legislature approved Resolution No. 149-322 approving the execution of lease agreements with RTO for to provide wireless internet services using three towers located in the Towns of Clarendon, Kendall and Yates; now be it

RESOLVED, this Legislature authorizes the County Treasurer to set up funds from our Infrastructure reserve and transfer the funds to create Capital Project Broadband as follows:

FROM:

Reserve for Infrastructure	\$1,000,000.00
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TO:

01.9901.0955	Transfer to other funds- Capital Project Broadband	\$1,000,000.00
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Moved, Eick; second, Morgan.  
Adopted. 7 ayes; 0 nays.

**RESOLUTION NO. 278-522**

RESOLUTION APPROVING RENEWAL AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Berkshire Farm Center, Canaan, NY for the provision of residential foster care services; to be effective July 1, 2022 through June 30, 2023 at per diem rates as established by the State, not to exceed \$802,000. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

Kids Peace National Center for Kids in Crisis, Schnecksville, PA for the provision of therapeutic foster care services; to be effective July 1, 2022 through June 30, 2023 at rates established by the New York State Office of Children and Family Services. Reimbursement will vary by child's eligibility for State and Federal funding.

Redwood Toxicology Laboratory, 3650 Westwind Blvd, Santa Rosa, CA and the Department of Social Services for Rapid Drug & Alcohol Screening Devices for use in Child and Family Services. Effective July 1, 2022 through May 30, 2027. Projected annual cost of \$1,500 with county cost of \$480 (32%).

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

**RESOLUTION NO. 279-522**

RESOLUTION CALLING ON THE GOVERNOR TO COMPLETE AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE RECONCILIATIONS THAT ARE YEARS OVERDUE AND PROVIDE A FULL ACCOUNTING OF FUNDS OWED TO COUNTIES AND NEW YORK CITY AND A SCHEDULE FOR RELEASE OF THESE FEDERAL FUNDS

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the state requires the counties and New York City to contribute \$7.6 billion annually to pay for the federal and state defined and controlled program; and

WHEREAS, additionally, counties and New York City also voluntarily contribute about \$1 billion annually to draw down available federal funds to support publicly owned or supported nursing homes, clinics, and hospitals; and

WHEREAS, the local share the state requires counties and New York City to pay is the highest of any state in the country; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, under the Affordable Care Act (ACA) the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York state billions of dollars; and

WHEREAS, the state is required under federal law to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match; and

WHEREAS, the state has utilized a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue; and

WHEREAS, the balance of savings owed to counties is required to be reconciled annually to ensure the withheld savings are transferred to county budgets and local taxpayers, as well as meeting the intent of federal law; and

WHEREAS, for the first three years after enactment of the Affordable Care Act the state followed through on a relatively timely basis with the initial pass through of savings based on 80 percent of the estimated value of these federal savings to counties and New York City and when actual data became available after the close of the state fiscal year the final 20 percent was reconciled; and

WHEREAS, the last completed reconciliation and transfer of federal savings owed to counties was for state fiscal year 2015-16 with the reconciliation being implemented in December of 2020; and

WHEREAS, for each of these completed reconciliations of the final 20 percent of federal savings nearly all counties received additional federal savings based on the final data and caseload numbers; and

WHEREAS, as of February 8, 2022, counties and New York City are waiting on five years of final reconciliations for SFY's 2017, 2018, 2019, 2020 and 2021; and

WHEREAS, individual counties and NYSAC have made numerous requests, over multiple years, regarding the status of outstanding Medicaid ACA eFMAP reconciliations and the federal funds withheld from counties; and

WHEREAS, due to the lack of a meaningful response from state officials, dozens of counties have submitted Freedom of Information Law (FOIL) requests to the New York State Department of Health (DOH); and

WHEREAS, as of February 8, 2022, 34 counties have received responses from DOH to their FOIL inquiries and that these calculations show that up to \$232 million could be owed to these counties, and when these 34 responses are extrapolated statewide for all counties and New York City that over \$1.7 billion in federal funding could be owed to counties and New York City for SFY's 2017, 2018, 2019 and 2020; and

WHEREAS, because the state is withholding these federal funds it requires counties and New York City to reserve funds locally to make up for the loss, meaning local taxes have been

kept higher than they need to be over multiple years, or local services are scaled back or eliminated; and

WHEREAS, in the years leading up to the last completed ACA eFMAP reconciliation, counties were provided an estimate of their coming year Medicaid costs by September, in time to incorporate the savings in their budgets, which ceased when regular reconciliations ended;

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) urges the Governor to complete these unfinished reconciliations as soon as possible and to provide counties and New York City a full accounting of the federal funds owed, and to take immediate steps to release the funds to localities; and

BE IT FURTHER RESOLVED, the state should also renew its practice of providing timely notice to counties of coming year Medicaid costs so they can appropriately budget those savings for local taxpayers and to preserve highly desired local quality of life services provided in our communities; and be it

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

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

## **RESOLUTION NO. 280-522**

**RESOLUTION IN SUPPORT OF RAISING THE CHILDCARE SUBSIDY RATE AND INCREASING THE TOTAL ALLOTMENT TO SOCIAL SERVICES DISTRICTS IN ORDER TO IMPROVE EQUITABLE ACCESS TO CHILDCARE ACROSS NEW YORK STATE**

WHEREAS, for years, access to high-quality childcare has been limited to those who can afford it or are fortunate enough to receive a subsidy and be able to locate quality care, limiting the ability of parents of young children to enter and succeed in the workforce and for employers to find and retain skilled workers; and

WHEREAS, the average cost of childcare for an infant in New York State is \$15,394 per year, which is more expensive than in all but five states in the country; and

WHEREAS, childcare in New York State costs more than college, and infant care is more expensive than the average rent; and

WHEREAS, the lack of affordable and accessible childcare during the pandemic has driven women, in particular, out of the workforce in large numbers and led many to weigh whether staying out of the workforce is more cost-efficient; and

WHEREAS, New York State's Child Care Availability Task Force, which was co-chaired by then-Lieutenant Governor Kathy Hochul, recognized that childcare is not just a

women’s issue but a societal and economic issue that touches every family, in every community, regardless of neighborhood or economic status; and

WHEREAS, according to a statewide poll conducted in the fall of 2020, the majority of New York State business leaders say the lack of accessibility and availability of high-quality childcare for infants and toddlers negatively impacts their businesses and their ability to hire and retain employees; and

WHEREAS, New York employers specifically cite employee absenteeism and calling-out due to a lack of access to and availability of childcare for infants and toddlers, as well as reduced employee productivity and turnover due to child care issues, as contributing to loss in revenue; and

WHEREAS, on average, working parents in America miss five to nine days of work per year because of childcare problems, costing U.S. businesses \$3 billion a year in lost productivity; and

WHEREAS, Governor Hochul, in one of her first addresses to the business community as Governor, identified childcare as one of her top three priorities to support the economic recovery from the COVID-19 pandemic; and

WHEREAS, Office of Children & Family Services (OCFS) Commissioner Sheila Poole, in a September 2021 interview, called childcare “the superhighway to economic recovery”; and

WHEREAS, the significant difference between the childcare subsidy rate set by OCFS and the actual cost of providing care has contributed to extremely low wages for childcare workers, 98 percent of whom are women and 60 percent of whom are minorities; and

WHEREAS, low wages have led to a shortage of childcare workers, which has meant that childcare providers cannot keep up with demand and have fewer childcare slots to offer; and

WHEREAS, 64 percent of New Yorkers live in communities that qualify as child care deserts, meaning the community lacks sufficient child care for the vast majority of families that need it; and

WHEREAS, the size of the gap between subsidy rates and the true cost of quality varies by region but exists across the state for infants and toddlers; and

WHEREAS, the Child Care Availability Task Force’s final report called on New York State to adopt subsidy rates that are aligned with the true cost of quality care, including recognizing the higher cost of care necessary for infants and toddlers; and

WHEREAS, high-quality childcare promotes healthy child development, which has long-term benefits for children and families, the economy, and society as a whole, as it is proven to reduce rates of incarceration, homelessness, and poverty in later life; and

WHEREAS, children who have quality early learning experiences are less likely to drop out of high school, need public assistance, or become a teen parent and are more likely to go to college and have good health as an adult; and

WHEREAS, quality early care and learning also helps reduce the disparities that are often associated with race, ethnicity, language, citizenship status, and socio-economic level; and

WHEREAS, investing in quality childcare is a critical public investment into a better functioning, more equitable, democratic economy and society;

NOW, THEREFORE, BE IT RESOLVED, that the New York State Association of Counties (NYSAC) supports increasing the subsidy rate in the FY 2023 State Budget so it more closely aligns with the actual cost of care; and

BE IT FURTHER RESOLVED, that NYSAC supports increasing the total allotment given to social service districts around the state so they can pay the increased subsidy rate without having to decrease the number of children and families receiving the subsidy; and be it

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

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

#### **RESOLUTION NO. 281-522**

**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**

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, these state funding shifts have increased county and New York City social services costs by hundreds of millions of dollars annually because the state requires that all services still be provided in full, sometimes including new and more comprehensive service levels, but with less state resources; and

WHEREAS, these cuts include a 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, the Governor's state fiscal year 2023 budget proposal would eliminate the 45-day waiting period for cash assistance under the Safety Net Program which will increase county and New York City costs by \$40 million annually; and

WHEREAS, the SFY 2023 budget proposal includes provisions to settle long standing state litigation related to inadequate foster care rates paid to foster parents; and

WHEREAS, in another recent state negotiated settlement to end litigation the Hurrell-Harring agreement provided 100 percent state funding support for all new costs of the settlement; and

WHEREAS, counties and New York City were not part of the foster care payment adequacy lawsuit or the settlement and it was the New York State Office for Children and Family Services that agreed to its terms, including significant increases in expenditures, without providing a corresponding increase in state funds to support the settlement and the Foster Care Block Grant;

NOW, THEREFORE BE IT RESOLVED, the State should provide 100 percent of the necessary funding to cover the settlement they negotiated with The Adoptive and Foster Family Coalition of New York, estimated at \$200 million by county officials (\$117 million for New York City and \$83 million for the remaining counties) for the cost of reaching the Maximum State Aid Rate, plus annual rate increases, along with additional funds to cover the new Extraordinary rate category, which has been publicized as a 46 percent increase to New York City with other increases statewide; and

BE IT FURTHER RESOLVED, 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, NYSAC urges the Governor and Legislature to restore state matching support for Safety Net Programs to 50 percent without further reducing any other public assistance reimbursement before considering benefit expansions as proposed; and be it

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

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

#### **RESOLUTION NO. 282-522**

**RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO FOCUS ON RENT ALLOWANCE AND STANDARD OF NEED, INCLUDING THE RESTORATION OF 50/50 COST SHARING FOR SAFETY NET PROGRAMS AND CLARIFYING ITS**

## HOMELESSNESS PREVENTION GOALS 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 by increasing rental rates and decreasing housing supply, while state policy is increasing the reliance on temporary housing assistance in shelters and motels; and

WHEREAS, the Emergency Rental Assistance Program funding provided by Congress to prevent people from losing their homes and increasing homelessness was an essential strategy as the human hardships would have been far more devastating if we had not kept people housed; 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 is contemplating new hotel regulations that could reduce the number of units available to homeless families, leaving county officials with very limited options that may be less effective and more expensive in managing local homeless populations; 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 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, 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 adjusted in decades to fully address the dramatic growth in housing, energy and food costs; and

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

BE IT FURTHER RESOLVED, as most counties rely on hotels and motels to shelter homeless individuals and families, the state should pare back or end highly burdensome hotel and motel regulations that end up limiting the supply of rooms available to counties that have little choice but to rely on this method of temporary housing; 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 allow them to work with community partners to develop service models that achieve permanency through innovative and flexible approaches that meet local needs; and

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

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

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

#### **RESOLUTION NO. 283-522**

#### **APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR THE AGING DEPARTMENT AND PURFOODS, LLC DBA MOMS MEALS**

RESOLVED, that this Legislature does hereby authorize the following agreement for the OFFICE FOR THE AGING Department:

PurFood, LLC dba Moms Meals - to provide Meals through their home delivery program from June 1, 2022 to May 31, 2023 to residents needing meals, to alleviate a waiting list and ability to offer special diets. County cost \$0.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays.

#### **RESOLUTION NO. 284-522**

#### **AUTHORIZING TRANSFER OF FUNDS IN THE OFFICE FOR THE AGING BUDGET**

RESOLVED, that this Legislature authorizes the County Treasurer to transfer monies within the Office for the Aging Budget to cover the cost of required state in person training as follows:

FROM:

01.6772.0860          Health Insurance    \$ 2,000

TO:

01.6772.0486          Mileage Out    \$2,000

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

**RESOLUTION NO. 285-522**

2022 YOUTH BUREAU RESOURCE ALLOCATION PLAN

WHEREAS, The Orleans County Youth Bureau and Department of Social Services have developed a joint plan to be eligible for state aid from the New York State Office of Children and Family Services under the Child and Family Services Planning Guidelines, and

WHEREAS, The Orleans County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2022 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Orleans County appropriation, and

WHEREAS, Guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Orleans County Youth Bureau and the Committee on Economic Assistance and Opportunity does recommend approval at this time; now be it

RESOLVED, That the Orleans County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2022 Orleans County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

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

**RESOLUTION NO. 286-522**

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS

WHEREAS, this Legislature is in receipt of the Semi-annual Mortgage Tax Report showing the amounts to be credited to each tax District of Orleans County, of the money collected during the preceding six months ending March 31, 2022; and be it

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

Mortgage Tax Apportionment							
October 1, 2021 to March 31, 2022							
	Town Taxable	Double	Village Taxable	Rate	Due Town	Village Share	Town Share
Albion	\$ 236,182,469	472,364,938	130,015,557	27.52%	\$ 34,143.90	\$ 9,397.90	\$ 24,746.00
Barre	\$ 115,232,138				\$ 5,335.21		\$ 5,335.21
Carlton	\$ 228,076,299				\$ 29,864.99		\$ 29,864.99
Clarendon	\$ 171,838,482				\$ 23,333.46		\$ 23,333.46
Gaines	\$ 132,574,247	265,148,494	24,441,745	9.22%	\$ 10,870.97	\$ 1,002.10	\$ 9,868.87
Kendall	\$ 168,895,852				\$ 23,185.93		\$ 23,185.93
Murray	\$ 195,800,092	391,600,184	57,099,290	14.58%	\$ 90,814.70	\$ 13,241.71	\$ 77,572.99
Ridgeway	\$ 240,000,170	480,000,340	97,890,425	20.39%	\$ 42,764.04	\$ 8,721.22	\$ 34,042.82
Shelby	\$ 199,507,366	399,014,732	76,038,516	19.06%	\$ 35,522.39	\$ 6,769.35	\$ 28,753.04
Yates	\$ 164,159,780	328,319,560	30,449,442	9.27%	\$ 14,994.64	\$ 1,390.65	\$ 13,603.99
					\$310,830.23	\$ 40,522.93	\$ 270,307.30

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

**RESOLUTION NO. 287-522**

APPOINTING MEMBERS TO SAFETY COMMITTEE

RESOLVED, that this Legislature appoints the following members to the Safety Committee for a two-year term beginning January 1, 2022 through December 31, 2023:

Rachel Mulholland	CSEA Union Representative
Lynne M. Johnson	Legislature Chairman
William Eick	Chairman, Highway Committee
Mike Christopher	OCSEA Union Representative
Matthew Prawel	OCDSA Union Representative
Jack Welch	Chief Administrative Officer
Peter Houseknecht	Department of Public Works
Dale Banker	Director of Emergency Management
Katie Harvey	Director of Personnel and Self-Insurance

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

**RESOLUTION NO. 288-522**

UPDATING THE EMPLOYEE HANDBOOK WITH THE NEW YORK STATE ELECTRONIC MONITORING LAW

WHEREAS, On November 8, 2021 New York State Governor Hochul signed a law amending the New York State Civil Rights law requiring employers to provide employees notice of employer electronic monitoring effective May 7, 2022; and be it

RESOLVED, that employees shall be advised that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system including, but not limited to, the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring by the County of Orleans at any and all times and by any lawful means; and be it

FURTHER RESOLVED, that this disclosure shall be placed in the Orleans County Employee Handbook.

Moved, Draper; second, Fitzak.

Adopted. 7 ayes; 0 nays.

### **RESOLUTION NO. 289-522**

RESOLUTION URGING THE GOVERNOR AND THE NEW YORK STATE LEGISLATURE TO FULLY FUND THE COSTS OF FASHION INSTITUTE OF TECHNOLOGY CHARGEBACKS FOR STUDENTS WORKING TOWARD BACHELOR'S AND MASTER'S DEGREES

WHEREAS, Community colleges are government-funded two-year colleges that grant associate's degrees and certificates; and

WHEREAS, the Fashion Institute of Technology (FIT), is not a traditional community college because it provides Bachelor's and Master's degrees in addition to Associate's degrees; and

WHEREAS, under state law, funding for New York's community colleges is to be provided through a combination of state aid, a county sponsor contribution, and student tuition and fees; and

WHEREAS, the establishment and continued operation of a statewide community college system was based on a commitment to ongoing State aid funding of at least one-third of community college operating costs; and

WHEREAS, Section 6305 of the State education law requires the state to reimburse counties for Fashion Institute of Technology chargebacks, but the state has not provided the necessary appropriations to comply with this state law requirement; and

WHEREAS, counties are currently being charged back for students attending FIT for Bachelors and Master's degrees, which was not the intent of state law and the community college chargeback funding requirement.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) calls on the Governor and State Legislature to restore the full funding of FIT chargebacks to counties for this year and in future years related to all educational instruction provided after two years (coursework necessary for a 4-year, and/or master's degree); and be it

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

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

**RESOLUTION NO. 290-522**

**CALLING FOR A PUBLIC HEARING REGARDING SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT**

RESOLVED, that this Legislature hereby calls for a public hearing to obtain the views of citizens, public agencies, and other interested parties on the housing and community development needs of the County the and the County's submission of a request to the New York State Office of Community Renewal for approval of the use of Community Development Block Grant funding to implement a microenterprise assistance program, such public hearing to be held at 4:25 p.m. on June 22, 2022 at the Legislative Chambers located at 14016 Route 31 West, Albion, New York 14411.

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

**RESOLUTION NO. 291-522**

**AUTHORIZING PAYMENT OF CLAIMS FOR JUNE AGAINST THE COUNTY**

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

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Commissioner of the Department of Public Works, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for June 8, 2022:

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

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Commissioner of the Department of Public Works, and the Self-Insurance Administrator be

authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for June 22, 2022:

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

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

Chairman Johnson asked for any unfinished business from the Legislators, there was none offered. Chairman Johnson then opened the floor to the public for any discussion. Mrs. Johnson then stated that the flags are at half-mast until all those killed at the TOPS in Buffalo and those killed at the school shooting in Texas are buried.

Legislator Draper presented a Proclamation declaring National Police Week to Sheriff Christopher Bourke. Chairman Johnson stated that this Legislature appreciates all the safety that he provides to the residents of this County, now more than ever.

Legislator Draper made a motion to close the meeting, seconded by Legislator Miller. The meeting closed at 5:08 p.m.