

**Legislature Meeting**  
**June 27, 2023**

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Chairman Lynne Johnson called the meeting to order at 4:30 p.m., followed by the Pledge to the Flag. Veterans Services Director Nancy Traxler then gave the invocation.

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

The Clerk presented the following communications:

Phone Message Received: On May 31, 2023, Mary Hare called to that the service she received from Becky, and the rest of the team, in the Office For the Aging is Marvelous! She used words like fabulous, excellent, thorough, and indispensable. She said that even when Susie Miller was working, she went up and over what was expected to take care of a problem she was having. Bravo to them!

A post on the Facebook page for the Oak Orchard Open a Salmon and Trout team event that was held the June 10<sup>th</sup> & 11<sup>th</sup>: Thank you to Dawn and Lynne for setting up the tent and scales each day. They're from the County Tourism Department and promote our fishery and charter businesses.

The County Clerk's office received a card from Melissa Hall. Read aloud: *Hello! I wanted to send you a note to let you know how much I appreciate the kindness that each of you have shown us every time we call or step in for deeds and maps. It is so refreshing to work with happy, kind people. Great Job!! Melissa Hall*

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

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Town of Yates has submitted the following Resolution:

52-6/23 Resolution Urging the NYS Legislature and Governor to Draft and Enact Legislation Regarding a Voter Identification Process.

Town of Clarendon has submitted the following Resolution:

073 Resolution of the Clarendon Town Board Supporting the Orleans County State of Emergency for Illegal Immigrants.

RM2023-083 Resolution Urging the New York State Legislature & Governor Kathy Hochul to Draft and Enact Legislation Regarding a Voter's Identification Process.

Legislator Donald Allport presented a Proclamation to the Probation Department declaring that July 16-22, 2023 be National Pre-Trial, Probation and Parole Supervision Week. The following Probation Department Employees were present to receive the proclamation: Sarah Osborne, Matthew Quider, Karen Krug, Katie Vick, Michelle Coot, Casey Gearing, Christian Burns.

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

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

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

**RESOLUTION NO. 288-623**

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

RESOLVED, that this Legislature approves a one year extension on the agreement between the Orleans County Probation Department and STOP, LLC. for Electronic Monitoring Equipment, monitoring and insurance. Contract includes up to five (5) units @ \$3.58 per unit, per day. Electronic Monitoring devices are 100% reimbursable by NYS and are only authorized to be used for Raise the Age eligible cases. This represents a contract extension: June 1, 2023 through May 31, 2024.

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

**RESOLUTION NO. 289-623**

**APPROVING PROBATION DIRECTOR TO APPLY FOR AND ACCEPT MONIES FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ONGOING COSTS ASSOCIATED TO RAISE THE AGE**

RESOLVED, that this Legislature approves the Orleans County Probation Director to apply and accept aid in the amount of \$163,397.10, effective April 1, 2023 to March 31, 2024 to offset costs associated with Mandatory Raise the Age Legislation which went into effect on October 1, 2018.

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

**RESOLUTION NO. 290-623**

**AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS IN THE PROBATION BUDGET**

WHEREAS due to the need for an increase due to mandated training and Raise The Age (RTA) costs;

RESOLVED, that this Legislature authorizes the Orleans County Treasurer to transfer monies in the Probation Department budget as follows.

<u>FROM:</u>		
01.3140.0100	Personnel	\$10,000.00
<u>TO:</u>		
01.3140.0101	Overtime	\$ 3,000.00

01.3140.0251	Safety	\$ 1,000.00
01.3140.0460	Training	\$ 2,000.00
01.3140.0462	Mileage	\$ 2,000.00
01.3140.0463	Travel other than Mileage	\$ 2,000.00

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

**RESOLUTION NO. 291-623**

**AUTHORIZING THE APPOINTMENT AND FILLING OF POSITIONS IN THE PROBATION DEPARTMENT**

WHEREAS, after thirty three years in the Probation Department the Probation Director, Lucille Welch, is retiring from service beginning on July 10, 2023; now be it

RESOLVED, that as a result of said retirement, this Legislature does hereby authorize the appointment of Sarah Osborne to the newly vacant Probation Director position (3140.01), effective July 11, 2023, at Grade 10, Step 1 of the Orleans County Management Compensation Plan Salary Schedule; and be it

FURTHER RESOLVED, as a result of the promotion, that this Legislature does hereby authorizes the filling a newly vacant Probation Supervisor position (3140.02) in the Probation Department at Grade 22 of the CSEA Salary Schedule, effective July 11, 2023.

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

**RESOLUTION NO. 292-623**

**AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR GRANT FUNDING THROUGH FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION**

WHEREAS, the Orleans County Sheriff's Office requests to participate in the grant funding available through the Firehouse Subs Public Safety Foundation; now be it

RESOLVED, that this Legislature does hereby authorize the Sheriff to apply for grant funding through the Firehouse Subs Public Safety Foundation, granting direct purchases made by the foundation up to \$35,000.00 towards the cost lifesaving equipment purchased for law enforcement officers.

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

**RESOLUTION NO. 293-623**

AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES 2023 PUBLIC SAFETY ANSWERING POINT (PSAP) OPERATIONS GRANT

RESOLVED, that this Legislature authorizes the Sheriff's Office to apply for the Public Safety Answering Point (PSAP) Operations Grant through the NYS Division of Homeland Security and Emergency Services, Office of Interoperable and Emergency Communications, which allows reimbursement funding to counties for costs related to the operations of a PSAP for funding year 2023; and be it

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

**RESOLUTION NO. 294-623**

AUTHORIZING REPAIR SERVICE IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature authorizes a service repair bill from Bidelman Chevrolet, 4048 Oak Orchard Road, Albion, NY 14411, to replace the motor in a 2019 Chevrolet Tahoe at a cost not to exceed \$12,000; to be paid from Sheriff's budget 01.3110.0446-Vehicle Maintenance.

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

**RESOLUTION NO. 295-623**

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

WHEREAS, The Orleans County Sheriff's Office is changing over from outdated 45 mm handguns to 9 mm handguns and has six (6) outdated Glock Model 21, 45 ACP caliber pistols; and

WHEREAS, Medina Police Department, has agreed to purchase the outdated Glock Model 21, 45 ACP pistols from the Sheriff's Office at the cost of \$310.00 per pistol for a total of \$1860.00; now be it

RESOLVED, that this Legislature authorizes the sale of the Glock Model 21, 45 ACP caliber pistols to Medina Police Department for a total sales price of \$1,860.00; and be it

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

REVENUE:

01.3110.2265            Sale of Equipment       \$1,860.00

APPROPRIATION:

01.3110.0250            Other Equipment       \$1,860.00

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

**RESOLUTION NO. 296-623**

APPROVING APPOINTMENTS TO THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE

RESOLVED, that this Legislature approves the following appointments to the NYS Governor's Traffic Safety Committee effective through June 30, 2024:

<u>NAME:</u>	<u>REPRESENTATION:</u>
Christopher M. Bourke	Orleans County Sheriff
Todd Draper	Village of Medina Police Chief
David Mogle	Village of Albion Police Chief
Robert Barton	Village of Holley Police Chief
Gary Radford	New York State Police Sergeant
John C. Welch, Jr.	Orleans County Chief Administrative Officer
Merle Draper	Orleans County Legislature/Public Safety Chair
Donald Allport	Orleans County Legislature/Public Safety Vice Chair
Joseph Cardone	Orleans County District Attorney
John Paponetti	Orleans County Commissioner of DPW
Justin Niederhofer	Orleans County Director of EMO

FURTHER RESOLVED, that this Legislature approves the appointment of Christopher M. Bourke as Chairman of the NYS Governor's Traffic Safety Committee.

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

**RESOLUTION NO. 297-623**

APPROVING APPOINTMENTS TO THE STOP-DWI COMMITTEE

RESOLVED, that this Legislature approves the following appointments to the STOP-DWI Committee effective through June 30, 2024 and be it,

<u>NAME:</u>	<u>REPRESENTATION:</u>
Christopher M. Bourke	Sheriff
Donald Draper, Jr.	Undersheriff
John C. Welch, Jr.	Chief Administrative Officer
Merle Draper	Legislator / Public Safety Chairman

Joseph Cardone	District Attorney
Sarah Osborne	Director of Probation
Robert Barton	Holley Police Chief
Todd Draper	Medina Police Chief
David Mogle	Albion Police Chief
Kathy Hodgins	GCASA
Daniel Calkins	Genesee/Orleans County Youth Bureau

FURTHER RESOLVED, that this Legislature approves the appointment of Christopher Bourke as Chairman of the STOP-DWI Committee.

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

**RESOLUTION NO. 298-623**

**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, 2024:

<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
Joe Fuller	Magistrates
Sarah Osborne	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
Donald Draper Jr.	Orleans County Undersheriff/ATI Coordinator
Connie Whittier	Crime Victim
Danielle Figura	Director of Community Services/Mental Health
Kathy Hodgins	GCASA

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

**RESOLUTION NO. 299-623**

**AUTHORIZING CREATING, FILLING AND ABOLISHING POSITIONS IN THE SHERIFF'S OFFICE**

WHEREAS, there are currently two (2) Correction Sergeants in the Orleans County Jail are out on a leave of absence; and

WHEREAS, to comply with supervision requirements, it is requested that two (2) temporary Correction Sergeants positions be created until such time as each the full-time employee returns to full duty; now be it

RESOLVED, that this Legislature does hereby authorize the creation of two (2) temporary full-time Correction Sergeant positions (3150.03\* and 3150.43\*) in the Sheriff's Jail at Grade 6 of the Orleans County Sheriff's Employees Association (OCSEA) salary schedule, effective July 5, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of two (2) temporary full-time Correction Sergeants, effective July 5, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize that the temporary positions (3150.03\* and 3150.43\*) shall be abolished as each aforementioned employee returns to full duty; and be it

FURTHER RESOLVED, that due to a resignation in the Sheriff's Office, this Legislature does hereby authorize the filling of a full-time Correction Officer (3150.06) in the Sheriff's Jail at Grade 5 of the OCSEA salary schedule, effective July 5, 2023; and be it

FURTHER RESOLVED, that this Legislature does, subsequent to the filling of the vacant full-time Correction Officer position (3150.06), hereby authorize the filling of a vacant part-time Correction Officer position in the Sheriff's Jail at \$15.99 per hour, effective July 5, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a full-time Public Safety Dispatcher position (3020.16) in the Sheriff's Dispatch at Grade 4 of the OCSEA Salary Schedule, effective July 5, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of newly created vacant permanent full-time Public Safety Dispatcher position (3020.16) in the Sheriff's Dispatch, effective July 5, 2023; and be it

FURTHER RESOLVED, that due to a resignation in the Sheriff's Office, this Legislature does hereby authorize the filling of a full-time Public Safety Dispatcher (3020.03) in the Sheriff's Dispatch at a Grade 4 of the OCSEA salary schedule, effective July 5, 2023; and be it

FURTHER RESOLVED, that this Legislature does, subsequent to the filling of the vacant full-time Public Safety Dispatcher position (3020.03), hereby authorizes the filling of a vacant part-time Public Safety Dispatcher position in the Sheriff's Dispatch at \$15.99–Valid EMT or Paramedic Certification \$18.98 per hour effective July 5, 2023.

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of vacant permanent full-time Administrative Chief Deputy position (3110.06) in the Sheriff's Office at Grade 8, Step 8 of the Management Compensation Plan Salary Schedule, with the position to work 40-hours per week and is eligible for compensatory time and overtime and for purposes of earning annual leave will be treated as an employee with five (5) years of service, effective June 28, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Confidential Secretary to the Sheriff in the Sheriff's Office at a Grade 4 of the Management Compensation Plan Salary Scheduled, effective July 5, 2023;

FURTHER RESOLVED, that due to a resignation in the Sheriff's Office, this Legislature does hereby authorize the filling of a vacant part-time Animal Control Officer position (3510.02) in the Sheriff's Animal Control at \$15.99 per hour, effective July 5, 2023; and be it

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

### **RESOLUTION NO. 300-623**

**AUTHORIZING EMERGENCY MANAGEMENT TO APPLY FOR THE 2023 STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA BASED GRANT**

WHEREAS, the NYS DHSES and Office of Interoperable & Emergency Communications has announced that funding to aid localities in making necessary improvements and provide for sustainment of land mobile radio systems (LMR), maintenance components supporting interoperability, continuous training and exercise through the 2023 Statewide Interoperable Communication Formula-Based Grant Program; and

WHEREAS, Orleans County meets the criteria for eligibility requirements to apply for grant funding; now be it

RESOLVED, that this Legislature authorizes the Director of Emergency Management to apply for the 2023 Statewide Interoperable Communications Formula Based Grant (SICG FY23) through the NYS Department of Homeland Security and Emergency Services; and be it

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

### **RESOLUTION NO. 301-623**

**AUTHORIZING EMERGENCY MANAGEMENT TO EXPEND GRANT FUNDS FOR THE PURCHASE OF TURNOUT GEAR AND AUTHORIZING THE COUNTY TREASURER TO SET UP FUNDS**

WHEREAS, the safety and health of the County Fire Investigators and Fire Coordinators is of the utmost importance while they carry out their duties, and the hazards faced by County Fire investigators and Fire Coordinators require proper personal protective equipment the meet public employee safety & health (PESH) requirements; now be it

RESOLVED, that this Legislature authorize the Director of Emergency Management to expend \$11,454.52 from the State Homeland Security Program Grant Funding and EMO Safety



Equipment budget to purchase four (4) sets of turnout gear through Hi-Tech Fire & Safety, Inc., 158 Allen Boulevard – Suite A, Farmingdale NY 11735; and be it

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

REVENUE:

01.3640.4309.2020	State Homeland Security Grant SHSP FY2020	\$1,967.00
01.3640.4309.2021	ST Homeland Security SHSP FY21	\$6,554.02
01.3640.4309.2022	ST Homeland Security Grant SHSP FY22	\$1,352.50

APPROPRIATION:

01.3640.0486.2020	Special Grants – FY2020	\$1,967.00
01.3640.0486.2021	Special Grants/SHSP FY21	\$6,554.02
01.3640.0486.2022	Special Grants S/SHSP FY22	\$1,352.50

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

**RESOLUTION NO. 302-623**

**APPOINTING MEMBERS TO THE RADIO SYSTEM ADVISORY BOARD**

RESOLVED, that this Legislature appoint the following members to the Radio System Advisory Board for a one year term beginning January 1, 2023 through December 31, 2023:

Lynne M. Johnson	Chairman of the Legislature
William Eick	Vice Chairman of the Legislature
Merle Draper	Chair, Public Safety Committee
John C. Welch, Jr.	Chief Administrative Officer
Christopher Bourke	Sheriff
Justin Niederhofer	Director of Emergency Management
Scott Buffin	Deputy Director/County Interop Coordinator
John Papponetti	Commissioner of Department of Public Works
Allen Turner	Dispatch
David Mogle	Chief of Police-Albion
Todd Draper	Chief of Police-Medina
Bob Barton	Chief of Police-Holley
Tim Warth	Public Safety Communications Manager
Gerald Bentley	Fire Chief's Association
Jonathan Higgins	Fire Advisory Board

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

**RESOLUTION NO. 303-623**

## APPROVING AGREEMENTS BETWEEN THE PUBLIC HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Bright Beginnings Therapy Services, 5205 Oakwood Drive, North Tonawanda, NY 14120. To provide Related Services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program for students with disabilities. Reimbursement at 59.5% from NYS Department of Health. Orleans County Department of Health is responsible for 40.5% partial Medicaid reimbursement. Term May 1, 2023 through June 30, 2025.

Time To Grow Services, 603 Divison Street, North Tonawanda, NY 14120. To provide Related Services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program for students with disabilities. Reimbursement at 59.5% from NYS Department of Health. Orleans County Department of Health is responsible for 40.5% partial Medicaid reimbursement. Term May 1, 2023 through June 30, 2025.

Agri-Business Child Development ABCD Holley-Grace's Place, Holley, NY 14470. Community Partnership Agreement for the purpose of fulfilling the requirement of the Head Start Performance Standards and Regulations of the NYS Office of Child and Family Services 1304.20a(1)(ii). Collaboration with staff, families, and health professionals all child health concerns are identified within 30 days of entry and the family is linked to ongoing health care. To work together to provide services for families and the children in Orleans County. For term January 1, 2023 to December 31, 2023. No County cost.

Agri-Business Child Development ABCD Holley-Grace's Place, Holley, NY 14470. Memorandum of Agreement to establish the responsibilities of OCHD & Head Start relative to services for infants & toddlers who are suspected of, at risk for, or are diagnosed as having disabilities. Both OCHD & Head Start support the right of all infants & toddlers with disabilities to receive free & appropriate services including all necessary evaluations, early intervention, & related services which parents request, in accordance with state & federal statutes & regulations. For term February 10, 2023 to February 9, 2026. No County Cost.

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

### **RESOLUTION NO. 304-623**

## AUTHORIZING LEASE AGREEMENT FOR FOUR VEHICLES FOR THE PUBLIC HEALTH DEPARTMENT

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

WHEREAS, there is a need to replace aging fleet vehicles in the Public Health Department; now be it

RESOLVED, that this Legislature does hereby authorize the Public Health Department to lease three (3) 2023 Ford Escapes at a cost not to exceed \$78,000 for 48 months and one (1) Ford Expedition through Enterprise Fleet Management at a cost not to exceed a total cost of \$52,000 for 60 months as approved in the 2023 Public Health budget account 01.4010.0222-Leased Equipment; and be it

FURTHER RESOLVED, that the Legislature does hereby approve as a part of this agreement the sale of the county owned 2017 Chevrolet Equinox, 2017 Ford Fusion, 2017 Ford Escape, 2017 Chevrolet Tahoe to Enterprise Fleet Management and applying the trade-in values to the lease costs.

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

### **RESOLUTION NO. 305-623**

#### **AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEE**

RESOLVED, that this Legislature does hereby authorize out of state travel by Gabrielle Marcello, Epidemiologist, to attend OFR Mentor Site Visit located in Lawrenceburg, Indiana from July 19, 2023 through July 20, 2023. Costs covered by the Institute for Intergovernmental Research (IIR) and Article 6 State Aid. No County Cost.

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

### **RESOLUTION NO. 306-623**

#### **AUTHORIZING CREATING AND FILLING POSITION IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the Orleans County Health Department continues to review the departmental needs; now be it

RESOLVED, that this Legislature does hereby authorize the creation of a part-time Environmental Health Specialist position (4010.48) in the Public Health Department at Grade 18 of the CSEA schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of this newly created vacant part-time Environmental Health Specialist position (4010.08) effective July 10, 2023.

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

### **RESOLUTION NO. 307-623**

APPROVING AGREEMENT EXTENSION BETWEEN ORLEANS COUNTY BOARD OF ELECTIONS AND NEW YORK STATE BOARD OF ELECTIONS

RESOLVED, that this Legislature approves the Appendix X agreement extension between the Orleans County Board of Elections and the New York State Board of Elections, 40 North Pearl St., Albany, NY extending the period effective April 1, 2023 through March 31, 2024 that funds are available to the local Board of Elections for the following:

Contract #C003236 – HAVA Operations Expenses Shoebox Program – Original Funding amount of \$179,599.49 (Res. No. 160-412); current balance of \$5,607.36.

FURTHER RESOLVED, that this Legislature does hereby authorize the Chairman to execute the Appendix X extensions and acknowledges that all other provisions of said agreement shall remain in full force and effect.

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

**RESOLUTION NO. 308-623**

APPOINTING COMMISSIONER OF ELECTIONS

WHEREAS, Kathleen M. Case, commissioner of the Board of Elections, representing the Republican Party, will retire effective July 8, 2023; and

WHEREAS, the current term for the Commissioner of Elections expires December 31, 2024; and

WHEREAS, a recommendation has been received from the Orleans County Republican Committee recommending that Michael Mele be appointed as Commissioner of the Board of Elections to fill the unexpired term; now be it

RESOLVED, that this Legislature appoints Michael Mele as the Commissioner of Elections to fill the unexpired term effective July 10, 2023 through December 31, 2024; and be it

FURTHER RESOLVED, that this Legislature approves the salary as set in Resolution No. 594-1222 for the remainder of 2023 to be \$21,664.00 to be prorated and for the year 2024 to be \$22,097.00.

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

**RESOLUTION NO. 309-623**

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND SUIT-KOTE CORPORATION

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Suit-Kote Corporation, 1911 Lorings Crossing Road, Cortland, New York 13045 to provide labor, equipment and materials to In-Place Cold Recycle and Fog Seal Oak Orchard River Road (Route 279 to Route 18) and Yates Carlton Townline Road (Platten Road to Route 18) in Orleans County. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #151-323, Project ID: DPW90-2023; to be paid from Road Fund account 03.5112.0436. Pricing is not to exceed \$570,000.00 and is reimbursable through the Consolidated Highway Improvement Program.

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

### **RESOLUTION NO. 310-623**

APPROVING SUPPLEMENTAL AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND RAVI ENGINEERING & LAND SURVEYING P.C.

RESOLVED, that this Legislature does hereby approve a supplemental agreement with the Department of Public Works and Ravi Engineering & Land Surveying P.C. Rochester, NY 14618 to perform Construction Support and Construction Inspection services for the Taylor Hill Culvert Replacement Project in the Town of Ridgeway; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$55,000.00, to be paid out of the Road Fund Budget Account 03.5120.0470.

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

### **RESOLUTION NO. 311-623**

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

RESOLVED, that this Legislature does hereby approve a supplemental agreement with the Department of Public Works and C&S Engineers, Inc., 150 State Street, Suite 120, Rochester, NY 14614 to provide Construction Inspection and Construction Support services for the Replacement of Route 237 over Bald Eagle Creek Bridge TIP Project in the Town of Kendall. NYS DOT Contract #D040292, PIN 4OR0.03, BIN: 3358760; and be it

RESOLVED, this agreement is effective January 1, 2023 through December 31, 2023 at a cost not to exceed \$143,300.00; to be paid out of the 03.5120.0470.2287 Road Fund Capital Bridge account; 95% reimbursable through Federal and State funds; county cost \$7,165.00.

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

### **RESOLUTION NO. 312-623**

AMENDING AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND ELDERLEE, INC.

WHEREAS, Resolution No. 222-423 approved an agreement with Elderlee, Inc. to repair a box beam on Monroe County Line Road at a cost of \$15,400.00; now be it

RESOLVED, that after careful consideration and re-evaluation of this project, this Legislature hereby approves an amendment to the agreement with Elderlee, Inc., 729 Cross Road, Oaks Corners, NY 14518-0010 to repair a box beam located on Monroe Orleans County Line Road at a price not to exceed \$30,000.00. Pricing through NYS OGS #PC69495; to be paid out of the Road Fund Budget account 03.5120.0470.

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

**RESOLUTION NO. 313-623**

AWARDING AND APPROVING AN AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND KEELER CONSTRUCTION

WHEREAS, the Orleans County Department of Public Works sought bids for the Construction of Lakeshore Road Bridge over unnamed Creek located in Orleans County in the Town of Yates on June 7, 2023 at 1:30 p.m.; and be it

RESOLVED, this Legislature awards and accepts the lowest bid submitted by Keeler Construction Co. Inc., 13519 West Lee Road, Albion, New York 14411 for the Lakeshore Road Bridge Replacement Project at a bid cost of \$750,675.00. Project is 95% reimbursable through Federal Funds and 5% local funds; to be paid out of the Road Fund Capital Project Account 03.5120.0470.2289; and be it

FURTHER RESOLVED, agreement is effective as soon as County gives notice to proceed; and that the Chairman is authorized to execute agreement subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

**RESOLUTION NO. 314-623**

APPROVING LEASE AGREEMENT FOR TWO VEHICLES AND AUTHORIZING COUNTY TREASURER TO SET UP MONIES IN THE DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, there is a need of replacing aging fleet vehicles in the Department of Public Works; now be it

RESOLVED, that this Legislature does hereby approves the Department of Public Works to lease of two (2) new 2024 Chevrolet 2500HD Silverado's at a total cost not to exceed \$130,000.00 for 60 months through Enterprise Fleet Management to be paid from the Department of Public Works budget 04.5130.0270; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up money in the Department of Public Works budget from monies received from the 2023 County Auction as follows:

REVENUE:

04.5130.2665	Sale of Equipment	\$130,000.00
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APPROPRIATIONS:

04.5130.0270	Capital Equipment	\$130,000.00
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Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

**RESOLUTION NO. 315-623**

APPROVING EQUIPMENT PURCHASES AND AUTHORIZING THE COUNTY TREASURER TO SETUP MONIES WITHIN THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that this Legislature does hereby approve the purchase of two (2) Reading 78" SRW Classic II Series service bodies at a cost of \$18,880.00 from Thru-Way Spring, 1609 Mount Read Blvd., Rochester, NY 14606 at a total cost not to exceed \$18,880.00; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up monies within the Department of Public Works budget as follows:

REVENUE:

04.5130.2665	Sale of Equipment	\$18,880.00
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APPROPRIATION:

04.5130.0270	Capital Equipment	\$18,880.00
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Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

**RESOLUTION NO. 316-623**

APPROVING EQUIPMENT PURCHASES AND AUTHORIZING THE COUNTY TREASURER TO SETUP MONIES WITHIN THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that this Legislature does hereby approve the purchase of One (1) 2023 Deck over Equipment Trailer from JPR Trailer Sales, 16761 Ridge Road, Holley, NY 14470, at a cost

not to exceed \$16,200.00, to be paid from the Department of Public Works budget 04.5130.0270-Capital Equipment; and be it

FURTHER RESOLVED, that this Legislature does hereby approve the purchase of two (2) 2023 Load Trail Single Axle Utility Trailers and one (1) Load Trail Equipment Trailer from JPR Trailer Sales, 16761 Ridge Road, Holley, NY 14470, at a cost not to exceed \$18,500.00, to be paid from the Department of Public Works budget 01.1620.0270-Capital Equipment; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up monies within the Department of Public Works budget as follows:

REVENUE:

01.1620.2665	Sale of Equipment	\$18,500.00
04.5130.2665	Sale of Equipment	\$16,200.00

APPROPRIATION:

01.1620.0270	Capital Equipment	\$18,500.00
04.5130.0270	Capital Equipment	\$16,200.00

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

**RESOLUTION NO. 317-623**

**AUTHORIZING REPAIR SERVICES FROM THE DEPARTMENT OF PUBLIC WORKS BUDGET**

RESOLVED, that this Legislature approves a service repair bill from Lee Shuknecht & Sons, Inc., 4458 Ford Road, Elba, NY 14058 to repair a 2005 Peterbilt Dump Truck for a total cost not to exceed \$10,000.00; to be paid from the Machinery fund account 04.5130.0444; and be it

FURTHER RESOLVED that this Legislature approves a service repair bill from Southworth-Milton, Inc., P.O. Box 3851, Boston, MA 02241-3851 for a removal and replacement of a radiator for the 2013 CAT Hauling Tractor at a total cost not to exceed \$8,000.00; to be paid from the Highway Division Budget account 04.5130.0444.

Moved, Eick; second, Morgan.  
Adopted. 6 ayes; 0 nays; 1 absent: Draper.

**RESOLUTION NO. 318-623**

**AUTHORIZING REIMBURSEMENT TO ASSISTANT ENGINEER FOR CELL PHONE USAGE**

RESOLVED, that this Legislature authorizes payment from the Orleans County Department of Public Works budget for the Assistant Engineer to be partially reimbursed for cell phone charges incurred in conducting daily business on a 24-hour basis in the amount of \$50.00 per month, vouchered monthly, effective June 5, 2023; to be paid out of the Machinery Fund budget account 04.5130.0401; and be it



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

Moved, Eick; second, Morgan.

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

### **RESOLUTION NO. 319-623**

#### **AUTHORIZING EXPANSION OF HOURS FOR CERTAIN DEPARTMENT OF PUBLIC WORKS EMPLOYEES**

RESOLVED, that this Legislature does hereby approve the expansion of hours from thirty-five (35) to forty (40) per week for the two (2) positions of Secretary II (5010.04 and 5010.06) in the Department of Public Works effective July 2, 2023; and be it

FURTHER RESOLVED, that the Secretary II position (5010.04) in the Department of Public Works will have an increase in salary to \$46,720.00 that reflects the change in hours effective July 2, 2023; and be it

FURTHER RESOLVED, that the Secretary II position (5010.06) in the Department of Public Works will have an increase in salary to \$45,437.00 that reflects the change in hours effective July 2, 2023.

Moved, Eick; second, Morgan.

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

### **RESOLUTION NO. 320-623**

#### **AUTHORIZING CREATING AND FILLING OF POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS**

RESOLVED, that this Legislature does hereby authorize the creation of a permanent part-time Auto Mechanic position (5110.26) in the Department of Public Works/Highway Division at grade H3 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of this newly created vacant part-time Auto Mechanic position (5110.26) effective July 10, 2023; and be it

RESOLVED, as a result of a resignation, this Legislature does hereby authorize the filling of a vacant permanent full-time Motor Equipment Operator position (5110.18) in the Department of Public Works at Grade H2 of the CSEA Salary Schedule; and be it

Moved, Eick; second, Morgan.

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

### **RESOLUTION NO. 321-623**

SETTING DATE FOR PUBLIC HEARING FOR ADDITIONS TO CERTIFIED COUNTY AGRICULTURAL DISTRICT

RESOLVED, that a public hearing will be held by this Legislature to consider requests for inclusion of additional agricultural lands in certified County Agricultural District on the 18<sup>th</sup> day of July 2023 at 4:20 p.m. at the Legislative Chambers, 14016 Route 31 West, Albion, New York; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall publish notice of said hearing in the official County newspaper.

Moved, Eick; second, Morgan.

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

**RESOLUTION NO. 322-623**

SUPPORTING ESSENTIAL CAREGIVERS ACT TO PROTECT HUMANE VISITATION POLICIES AT LONG-TERM CARE FACILITIES

WHEREAS, during the public health emergency caused by the COVID pandemic, caregivers were denied access to patients in nursing homes and long-term care facilities; and

WHEREAS, H.R. 3733, known as the Essential Caregivers Act, was introduced in the United States House of Representatives by New York State Representative Claudia Tenney, which allows essential caregivers access to long-term care facilities to provide care and support to a facility resident during any public health emergency; and

WHEREAS, an essential caregiver is defined in H.R. 3733 as an individual who provides direct care consisting of activities of daily living, emotional support, or companionship to a resident, and is chosen by the resident or the resident's legal representative; and

WHEREAS, for more than two (2) years, many residents in long-term care facilities have been separated from their loved ones – far too many lost their will to survive, and many others have suffered untold and irreversible emotional, psychological and physical pain as a result of this separation; and

WHEREAS, it is vital that we as a society realize the critical role that family members and caregivers play in the support and well-being of residents in long-term care facilities; and

WHEREAS, this Bill will ensure that in any future public health emergency, designated essential caregivers will have their access to their loved ones protected in a manner consistent with all applicable health and safety protocols; and

WHEREAS, this Bill further safeguards a resident's civil rights and other rights under Federal Law while taking into account public health concerns; now be it

RESOLVED, that the Orleans County Legislature does hereby strongly support the Essential Caregiver Act introduced as H.R. 3733; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, 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. 6 ayes; 0 nays; 1 absent: Draper.

### **RESOLUTION NO. 323-623**

#### **AUTHORIZING OUT OF STATE TRAVEL FOR LEGISLATORS**

RESOLVED, that this Legislature does hereby approve Chairman Lynne M. Johnson, Legislators Merle “Skip” Draper and John Fitzak to travel out of state to attend the First Responders Summit in Washington DC on July 26, 2023 through July 28, 2023 with all expenses to be paid from the Legislative budget account 01.1010.0463-Travel – other than Mileage.

Moved, Eick; second, Morgan.

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

### **RESOLUTION NO. 324-623**

#### **AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND**

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$103,756.59	RTO Wireless	Inv # 06092023-NYOR-P1, Carlton Site, partial payment, concrete site shelter, power for generator

and be it;

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$2,600.00	RTO Wireless	Inv # 20230322-CPE-P2, Villages of Albion and Medina, CDBG installs reimbursement

Moved, Eick; second, Morgan.

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

### **RESOLUTION NO. 325-623**

#### **APPROVING AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES**

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

Orleans County Sheriff's Office, Albion, NY for safe transportation of youth to out-of-county detention facilities; to be effective September 1, 2023 through August 31, 2024 at a cost of \$15,000. County cost is \$7,650.00.

Orleans County Office for the Aging, Albion, NY for the provision of outreach activities for Low Income Home Energy Assistance Program (HEAP) recipients; to be effective August 28, 2023 through August 27, 2024 at a cost of \$17,500.00. County cost is \$0.

Orleans County Job Development Agency, Albion, NY for funding of summer employment for TANF eligible youth, ages 14-20; to be effective May 1, 2023 through September 30, 2023 at a cost of \$101,865.00. County cost \$0.

Berkshire Farm Center, Canaan, NY for the provision of residential foster care services; to be effective July 1, 2023 through June 30, 2024 at per diem rates as established by the State, not to exceed \$802,000.00. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

New Directions Youth & Family Services, Randolph, NY for the provision of residential foster care services; to be effective July 1, 2023 through June 30, 2024 at per diem rates as established by the State, not to exceed \$802,000.00. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

Moved, Miller; second, Fitzak.

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

### **RESOLUTION NO. 326-623**

APPROVING SUBMISSION OF THE ANNUAL PLAN UPDATE OF THE CHILD AND FAMILY SERVICES CONSOLIDATED SERVICE PLAN TO THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF SOCIAL SERVICES

WHEREAS, New York State Office of Children and Family Services requires each local district to submit an Annual Plan Update describing and explaining all available services provided to the public and changes made since the last submission was made; and

WHEREAS, the Child and Family Services plan (CFSP) covers the period of April 1, 2018 to March 31, 2023; and

WHEREAS, the Child and Family Services update describes any changes to the comprehensive plan, progress in implementation and strategies for improved service provision; and

WHEREAS, this present plan provides explanatory procedures and policy to those within the realm of needing services and assistance for their families; and

WHEREAS, in 23-OCFS-LCM-06 dated May 9, 2023 the 2018-2023 CFSP cycle was extended by one year, thus creating a 2018-2024 CFSP cycle requiring local districts to submit an

Annual Plan Update this year for their current CFSP in lieu of submitting a new multiyear CFSP; now be it

RESOLVED, that this legislature does hereby approve the complete submission of the Annual Plan Update of the Children and Family Services Plan to the State of New York as required.

Moved, Miller; second, Fitzak.

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

**RESOLUTION NO. 327-623**

**APPROVING PURCHASE WITHIN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED that this Legislature approves the purchase of computer equipment through Dell Marketing, LP, One Dell Way, Mail Stop 8129, Round Rock, TX 78682, NYS Vendor# 180147, to be paid from the Department of Social Services budget 01.6010.0220-Office Equipment, at a cost of \$10,749.43.

Moved, Miller; second, Fitzak.

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

**RESOLUTION NO. 328-623**

**AUTHORIZING 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:

01.6010.0418	Office Supplies and Materials	\$629.97
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TO:

01.6010.0210	Furniture and Furnishings	\$629.97
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Moved, Miller; second, Fitzak.

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

**RESOLUTION NO. 329-623**

**AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY AND ESTABLISH PETTY CASH FUND FOR THE CHILD AND FAMILY SERVICES UNIT WITHIN ORLEANS COUNTY DEPARTMENT OF SOCIAL SERVICES**

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

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

REVENUE:

01.0001.2705	Donations	\$767.68
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APPROPRIATION:

01.6010.0418.6104	Child and Family Services	\$767.68
	Donations	

and be it

FURTHER RESOLVED, that the Orleans County Treasurer be authorized to establish a petty cash fund in the amount of \$500.00 for the Child and Family Services Unit at the Orleans County Department of Social Services for the purpose of serving families.

Moved, Miller; second, Fitzak.

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

**RESOLUTION NO. 330-623**

**AUTHORIZING FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that, due to a retirement, this Legislature does hereby authorize the filling of one (1) permanent, full-time, Senior Child Support Specialist position (6010.0802) in the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective July 10, 2023; and be it

FURTHER RESOLVED, this Legislature does also hereby authorize the subsequent filling, in the Department of Social Services, of one (1) permanent, full-time Child Support Specialist position if the Senior Child Support Specialist position is filled internally, at Grade 11 of the CSEA Salary Schedule effective July 10, 2023; and be it

FURTHER RESOLVED, that, due to a resignation, this Legislature does hereby authorize the filling of one (1) permanent, full-time, Senior Legal Assistant position (6010.2012) in the Department of Social Services at Grade 15 of the CSEA Salary Schedule effective July 10, 2023; and be it

FURTHER RESOLVED, that due to a resignation, this Legislature does hereby authorize the filling of one (1) permanent, full-time, Clerk position (6010.0703) in the Department of Social Services at Grade 7 of the CSEA Salary Schedule effective July 10, 2023.

Moved, Miller; second, Fitzak.

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

**RESOLUTION NO. 331-623**

**APPROVING APPOINTMENT TO THE ORLEANS COUNTY YOUTH BOARD**

WHEREAS, the Orleans County Youth Board and Youth Bureau Executive Director do recommend the appointment to said Orleans County Youth Board at this time; now be it

RESOLVED, that this Legislature approves the following appointment of one new member to serve on the Orleans County Youth Advisory Board with a term and representation as noted:

James White

July 1, 2023 – June 30, 2026

Law Enforcement Rep.

Moved, Miller; second, Fitzak.

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

**RESOLUTION NO. 332-623**

**AUTHORIZING CREATING, FILLING AND ABOLISHING POSITIONS IN THE DEPARTMENT OF MOTOR VEHICLES**

WHEREAS, due to employee departures, it is important to continue servicing the public's needs in the Department of Motor Vehicles; now be it

RESOLVED, that this Legislature does hereby authorize the County Clerk to fill a vacant full-time Motor Vehicle Application Examiner position (1410.09) in the Motor Vehicle Department at Grade 10 of the CSEA Salary Schedule, effective July 10, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the County Clerk to create two (2) permanent full-time Senior Motor Vehicle Application Examiner positions (1410.19 and 1410.20) at Grade 12 of the CSEA salary schedule; and be it

FURTHER RESOLVED, that the County Clerk is authorized to fill the two (2) vacant Senior Motor Vehicle Applications Examiner positions (1410.19 and 1410.20), effective July 10, 2023.

Moved, Fitzak; second, Miller.

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

**RESOLUTION NO. 333-623**

**APPROVING AGREEMENT BETWEEN NYS INFORMATION TECHNOLOGY SERVICES, NYS DHSES AND ORLEANS COUNTY**

WHEREAS, this Legislature is aware of the need to protect the County data; and

RESOLVED, that this Legislature approves the Intergovernmental Agreement for the provision of Endpoint Protection and Response Services with the NYS ITS and the NYS DHSES effective July 5, 2023, no County cost.

Moved, Fitzak; second, Miller.

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

**RESOLUTION NO. 334-623**

APPROVING AGREEMENT OF MAINTENANCE AND TECHNICAL SUPPORT  
CONTRACT RENEWAL WITH DIGIUM, INC. FROM CDW-G

WHEREAS, this Legislature understands the need for a stable communications platform with the County's governmental offices, and

WHEREAS, this Legislature understands the specialized knowledge required to update and maintain the new Voice Over Internet Protocol phone system; now be it

RESOLVED, that this Legislature approves the purchase of a maintenance agreement between Orleans County and Digium Inc., 445 Jan Davis Drive NW, Huntsville, AL 35758, renewing an existing license and software maintenance contract for upgrade of operating systems and licenses, purchase is being made through CDW-G, 75 Remittance Drive, Suite #1515, Chicago, IL 60675-1515, Sourcewell #081419, cost is \$7,883.00, effective May 24, 2023-May 23, 2024, to be paid from Computer Services budget 01.1680.0418 – Other Contractual.

Moved, Fitzak; second, Miller.

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

**RESOLUTION NO. 335-623**

APPROVING AGREEMENT BETWEEN SPECTRUM COMMUNICATIONS AND  
COMPUTER SERVICES

WHEREAS, this Legislature approved an agreement between Time Warner Cable Business Class and Computer Services, Resolution 442-1003, for a 7 X 768K per second connection at 13925 Route 31 (Public Safety Building) for county operations; and

WHEREAS, this Legislature is aware of the changes being made to provide a stronger failover capability for the County operations; now be it

RESOLVED, that the Orleans County Legislature authorizes the increase of that circuit to 300 X 10M bandwidth, with new monthly payments to be \$149.98, with a one time installation fee of \$99.00, to be paid from Computer Services Department budget 01.1680.0421 – Telephone and Internet, effective upon notice to proceed, pricing under NYS OGS Contract.

Moved, Fitzak; second, Miller.

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

Chairman Johnson stated that Governor Hochul renewed a gaming compact with the Seneca Nation to put a casino in downtown Rochester, NY, unbeknownst to them. Legislator Morgan stated that the State Assembly did not vote on this. The following resolution was adopted.

**RESOLUTION NO. 336-623**

DECRY LACK OF TRANSPARENCY AND IMPACT ANALYSIS IN RENEWAL OF  
COMPACT WITH SENECA NATION



WHEREAS, it has been learned that the Governor of the State of New York has been in negotiations with the Seneca Nation to renew a Gaming Compact for a period of twenty (20) years; and

WHEREAS, Seneca Nation President Rickey Armstrong, Sr. has announced that the Nation has reached an agreement in principle on a Gaming Compact with New York State; and

WHEREAS, the terms and principles of said agreement have not been made public; and

WHEREAS, multiple media reports, generally citing sources, indicate that the Gaming Compact will include a new Casino in Rochester, New York; and

WHEREAS, legislation has been introduced in the New York State Legislature (SS7579/A07771) that will authorize Governor Hochul to negotiate and sign the new Compact; and

WHEREAS, said legislation was introduced as a Message of Necessity with no prior Public Notice and passed the New York State Senate with no debate; and

WHEREAS, the New York State Assembly has not yet taken action though it has been reported that the Assembly will return for a Special Session that may include this matter; and

WHEREAS, the lack of transparency and closed door manner in which this matter has been handled is not an acceptable way in which to conduct New York State affairs; and

WHEREAS, any renewed Gaming Compact with the Seneca Nation should include local government leaders and a fiscal impact analysis for existing casino and gaming facilities, as well as local governments, that would be impacted by a new Casino facility; and

RESOLVED, that the Orleans County Legislature hereby decries the manner in which the Governor of the State of New York and the New York State Senate have conducted themselves in these secret and non-transparent negotiations; and be it further

RESOLVED, that the Orleans County Legislature urges the New York State Assembly to continue to hold on voting on Bill A07771 until all facts and impacts on this Gaming Compact Renewal are publicly disclosed and understood; and be it further

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, all Counties that share with Orleans County in Host Agreements with existing gaming facilities, and all others deemed necessary and proper.

Moved, Fitzak; second, Miller.

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

Legislator Allport stated he opposed the changes being made to this plan. The last major changes made to management compensation plan in 2008 only affected new employees. Anyone taking a Department Head job or manager job in Orleans County knew the rules and regulations. The plan

was there. They read it, knew what it was regarding and knew what we had to abide by when they were getting ready to lead the county. To change these rules at the end of their term, is unfathomable to me. This should not happen. The plan was there, they knew what it was and they agreed to it when they took the job. That is why I am opposed to this. Along with the cost down the road to the county tax payers. The following resolution was adopted.

### **RESOLUTION NO. 337-623**

#### **APPROVING THE MANAGEMENT COMPENSATION PLAN FOR 2024 AND 2025**

WHEREAS, this Legislature desires to control costs and provide certainty for the budget process as it relates to compensation for management and elected officials; therefore, be it

RESOLVED, that the Management Compensation Plan salary schedule will be expanded to include two (2) additional salary schedules for Management employees working 37.5 and 40 hours per week; and be it

FURTHER RESOLVED, that various adjustments will be made to the plan that allow for implementation of quality of life measures at little or no cost to the county effective January 1, 2024 and compensation increases of 2% in January 2024 and January 2025; and be it

FURTHER RESOLVED, that the aforementioned plan is to be filed with the Clerk of the Legislature by the Chief Administrative Officer and Director of Personnel and Self Insurance and that the terms and provisions of the plan as filed are incorporated herein by reference as if fully set forth in this resolution.

Moved, Fitzak; second, Miller.

Adopted. 5 ayes; 1 nays: Allport; 1 absent: Draper.

Chairman Johnson asked County Attorney to talk to the following resolution. Attorney Bogan stated this is an amendment to the NYS Racing and Pari-Mutual Wagering and Breeding Law § 502. The county is opposing this and authorizing litigation against the State for their removal of the current board of directors of WNY OTB and replacing them with representatives from each of the small counties with one vote, verses the 200-300 votes that representatives now get from the County of Erie, County of Monroe, City of Rochester and City of Buffalo. Out of the 17 members, 3 members will now make a quorum. Orleans county will have no voice on how that board is being operated. This is a public benefit corporation that Orleans County joined in 1973. This has benefited Orleans County greatly over the last few years. Now with State passed budget, that structure has completely changed. Orleans County has no voice now on that board. This resolution will authorize us to investigate and commence any and all litigation necessary in an attempt to override that decision made in the budget. The following resolution was approved.

### **RESOLUTION NO. 338-623**

**A RESOLUTION TO AUTHORIZE ORLEANS COUNTY TO INVESTIGATE, ENGAGE COUNSEL, AND COMMENCE ANY AND ALL LITIGATION TO ENJOIN IMPLEMENTATION AND ENFORCEMENT OF THE 2023 MODIFICATION AND AMENDMENT OF N.Y. RAC. PARI-MUT. WAG. & BREED. LAW § 502**

WHEREAS, in July 1973, the State of New York (the "State") enacted Chapter 346 of the Laws of 1973 to create regional off-track betting corporations with the purpose to: (i) create legal venues in which off-track horse race wagering could take place, with the goal of curbing unlawful bookmaking and other illegal wagering; and (ii) provide an added source of revenue for participating local governments, the State's horse racing industry and the State itself. Pursuant to the authorizing legislation, in order for a regional off-track betting corporation to file a certificate with the secretary of state, at least 3 participating jurisdictions within the region representing at least 30% of the applicable region's population had to pass local enabling legislation to participate in the regional off-track betting corporation. Once a region satisfied the abovementioned requirements, it was then able to legally form, and thereafter affect certain organizational steps to commence operations.

WHEREAS, a fundamental consideration of the local jurisdictions [i.e. County or City] prior to participating in a regional off-track betting corporation impacting their communities was their ability to appoint their own member to the board of directors of such gaming entity to ensure their community interests and concerns were represented in the management and administration of such gaming entity.

WHEREAS, in passing Chapter 346 of the Laws of 1973, the New York State legislature recognized the need for local governmental oversight, and explicitly provided for such oversight in Section 172, when it authorized that each participating jurisdiction of a regional off-track betting corporation to appoint one member to the board of directors of the regional off-track betting corporation.

WHEREAS, in 1973, pursuant to such enabling legislation, the Orleans County Legislature passed companion legislation that authorized and empowered Orleans County to participate in the Western Region Off-Track Betting Corporation (WROTB) as had been created by the state and signed into law by then Governor Nelson Rockefeller, and

WHEREAS, such 1973 legislation of the Orleans County Legislature specifically provided that it was "subject to permissive referendum and shall become effective in accordance with Section 24 of the Municipal Home Rule Law of the State of New York", and

WHEREAS, WROTB was established in September 1973 as "a body corporate and politic constituting a public benefit corporation," with headquarters in Batavia, New York, to operate a system of off-track horse racing pari-mutuel betting facilities in a region of Western New York. Eleven counties and two cities initially chose to participate in the management and administration of WROTB with the understanding that each would have the ability to appoint a single member to its board of directors. Four additional counties elected to participate in WROTB between 1976 and 1979 under the same understanding. Each of the participating jurisdictions joined WROTB pursuant to local enabling legislation pursuant to the Home Rule Law [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 and 1988 N.Y. Op. Att'y Gen. (Inf.) 147 (1988)], and

WHEREAS, WROTB is administered by a board of directors consisting of one member appointed by each of the fifteen [15] participating counties (i.e. Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne and Wyoming), as well as directors for the cities of Rochester and Buffalo [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney)], and

WHEREAS, when originally enacted, Section 502 of the Racing, Pari-Mutuel Wagering and Breeding Law (the "PML") directed that the operations of regional off-track betting corporations "be administered by a board of directors . . . one member from each . . . participating county." (PML § 502). Members to the board of directors were to be appointed by the county governing body. (Id.). Similarly, the mayors of Rochester and Buffalo each appointed a single member to the board of directors of WROTB with the approval of the city's legislative body. (Id.). Each Director had one vote, such votes were all of equal weight, and

WHEREAS for the past nearly 50 years, all New York State regional off-track betting corporations have operated under local administration and management but also with general state oversight. Each participating local jurisdiction of the WROTB corporation elected to join WROTB with the understanding that it would have the ability to participate in the administration and management of the same. In addition, each participating jurisdiction had equal control of the operations of WROTB, and

WHEREAS, WROTB owns and operates 11 off-track betting branches, 27 E-Z Bet locations and a telephone wagering service in 15 Western New York counties, as well as Batavia Downs Gaming, a standardbred racetrack and gaming facility, and

WHEREAS, since its inception, WROTB has generated **over \$250 million** in operating and surcharge revenues to the taxpayers of those participating municipalities, and

WHEREAS, throughout its long history of serving the 15 counties and two cities that comprise the corporation, the enabling legislation provided that the Board of Directors of WROTB would be comprised of one representative from each of the 17 affected municipalities with one vote per representative given all equal weight [See: N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 (McKinney)], and

WHEREAS, in 2021 and 2022, Batavia Downs once again shattered attendance and wager records, with more than 625,000 attendees wagering nearly \$700 million in that year alone, leading to record earnings distributions for the 17 municipalities that have come to rely on their WROTB distributions to contribute to their local budgets thereby reducing the property tax burden for businesses and homeowners, and

WHEREAS, WROTB's financial success and stable leadership enabled it to secure a \$30 million loan for multiple improvements, upgrades and restructuring of debt, as well as the purchase of an 84-room hotel, and

WHEREAS, commencing in January 2022, in light of the success of WROTB, New York State Senator Timothy M. Kennedy (D – Buffalo) proposed New York State Senate bills to "amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation and thereby seize control of WROTB from the founding municipalities; and

WHEREAS, in January 2023 New York State Senator Timothy M. Kennedy (D – Buffalo) again proposed a Senate Bill to "amend the racing, pari-mutuel wagering and breeding law, in relation to the membership of the Board of Directors of the Western Regional Off-Track Betting Corporation; and

WHEREAS, Sen. Kennedy's proposals would have violated nearly 50 years of statutory precedent in the statutory formation of WROTB and attempted to destroy the equal representation held by the local municipalities who have contributed to the success of WROTB, and

WHEREAS, Sen. Kennedy did not consult with the local municipalities who comprise the Board of Directors of WROTB before introducing his legislation, that sought to destroy the equal representation held by the local municipalities who contributed to the success of WROTB further underscoring the gross partisan politics of the Kennedy Senate Bill proposals; and

WHEREAS, Sen. Kennedy's partisan proposal violated N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 [5][a] which provided that the present corporate existence of WROTB shall continue until terminated by law; provided, however, that no such law shall take effect so long as the corporation shall have bonds, notes or other obligations outstanding. The Kennedy Senate Bills not only violated the enabling legislation for WROTB but would have destabilizing the organizational structure of WROTB and harming WROTB's credit worthiness in the eyes of lenders and thereby harm to its member counties, and

WHEREAS, both of Sen. Kennedy's proposals, that sought to change the nearly 50 years of statutory precedent in the statutory formation of WROTB, failed, and

WHEREAS, on May 2, 2023 as a part of the New York State Budget, changes were effected through the 2023 Budget process and amendments to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502 and control of WROTB was taken from the founding counties and the majority of votes were given to Erie County, Monroe County and the City of Buffalo through weighted voting, and WHEREAS, Article IX, Section 2(b)(2) of the Constitution (the "Home Rule Law") restricts the State legislature's ability to act in relation to the "property, affairs or government" of any local government, the Municipal Home Rule Clause (NY Const, art IX, § 2 [b] [2]) allows the legislature to

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b), except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the legislature.

WHEREAS, it is unknown whether the Governor's message of necessity comported with the New York State Constitution, in particular, article III, § 14. That provision requires that bills be "printed and upon the desks of the members" of the Legislature at least three calendar legislative days before final passage (N.Y. Const., art. III, § 14; Although, this mandate may be circumvented if the Governor "certifie[s] ... the facts which in his or her opinion necessitate an immediate vote" on the bill (N.Y. Const., art. III, § 14. It is unknown whether any facts are stated by the Governor in a certificate of necessity that form the basis in her opinion that necessitated an immediate vote, and

WHEREAS, the New York State Court of Appeals recognized in *Matter of Moran v. La Guardia*, 270 N.Y. 450, 452 that "To repeal or modify a statute requires a legislative act of equal dignity and import." Nothing less than a Home Rule Message from a majority of the founding

counties will suffice. [i.e. the doctrine of Legislative Equivalency”] The doctrine of legislative equivalency has uniformly been applied with respect to the modification and or amendment of prior legislation, and

WHEREAS, none of the founding counties, especially Orleans County, enacted Home Rule Messages requesting that N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, be modified and/or amended, especially a relinquishment of control of WROTB to Erie County, Monroe County and/or the City of Buffalo, now therefore be it

RESOLVED, that the Orleans County Attorney is hereby authorized to commence all necessary litigation to enjoin implementation and enforcement of the 2023 modification and or amendment to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, passed on May 2, 2023 and name the following as potential Defendants in such legal action, The State of New York, The Governor of the State of New York, The Assembly of the State of New York, and The Senate of the State of New York and any other party deemed necessary to bring full relief to the residents of Orleans County.

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

### **RESOLUTION NO. 339-623**

#### **APPROVING UPGRADE FOR CERTAIN ASSISTANT COUNTY ATTORNEY POSITIONS**

WHEREAS, The New York State Governor Hochul has mandated a 47.5% increase in the billable rate for Assigned Counsel Attorney’s working for New York State; and

WHEREAS, this drastic salary increase statewide on Assigned Counsel rates has put a burden on Orleans County’s ability to maintain qualified competent and experienced local Attorneys in the County Attorney’s office, and

WHEREAS, the Department of County Attorney has to maintain its exact staffing levels over the past number of decades, with only two part time Assistants since 1978 with no increases whatsoever in Attorney’s or Staff despite the increasing pressures and increasing caseloads and demands now put upon the part-time Attorneys; now be it

RESOLVED, that this Legislature approve the upgrade of the First Assistant County Attorney position (1420.03) to Grade 9, Step 7 and the Second Assistant County Attorney position (1420.04) to Grade 9, Step 6 of the Management Compensation Plan in the Department of County Attorney, to be effective July 2, 2023.

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

### **RESOLUTION NO. 340-623**

#### **ACCEPTING PROPOSAL FROM VENESKY & COMPANY FOR COUNTYWIDE COST ALLOCATION AND SPACE OCCUPANCY REPORT**

RESOLVED, that this Legislature accepts the proposal from Venesky & Company, which will provide for the preparation of the 2023, 2024 and 2025 consolidated County-wide Cost Allocation Plan, a Department of Social Services Indirect Cost Proposal, and the determination of County-wide allocated indirect costs; and be it

FURTHER RESOLVED, the Chairman of the Legislature and County Treasurer are authorized to sign said proposal, which shall be in effect during the calendar years 2024, 2025 and 2026 at a cost of \$11,750 each year. Cost of the Plan will be billed departmentally in order to maximize reimbursement to the Department of Social Services, Public Health and County Treasurer.

Moved, Fitzak; second, Miller.

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

### **RESOLUTION NO. 341-623**

#### **AUTHORIZING PAYMENT OF CLAIMS FOR JULY 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 July 11, 2023 and July 25, 2023:

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

Moved, Fitzak; second, Miller.

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

#### **ADD-ON RESOLUTION**

### **RESOLUTION NO. 342-623**

#### **RESOLUTION URGING THE GOVERNOR TO VETO A.04282B/S.3505B TO MOVE CERTAIN LOCAL ELECTIONS TO EVEN-NUMBERED YEARS**

WHEREAS, the Orleans County Legislature believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

WHEREAS, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move local elections to even-number years during the 2023 legislative session; and

Whereas, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

WHEREAS, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

WHEREAS, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

WHEREAS, the Orleans County Legislature has several concerns with this bill; and

WHEREAS, this legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

WHEREAS, local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

WHEREAS, we believe that establishing the schedule of local elections is the right of the local government, and has been for more than 100 years; and

WHEREAS, The Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation; and

WHEREAS, this legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, creating an inequity among New York voters; and

WHEREAS, this legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

Whereas, the proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impacts; and

WHEREAS, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

WHEREAS, there are concerns that the current election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

WHEREAS, this will create confusion amongst voters in towns and counties across New York State; and



WHEREAS, separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns; and

WHEREAS, moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements, and

WHEREAS, there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; now be it

RESOLVED, that the Orleans County Legislature urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and be it

FURTHER RESOLVED, that copies of this resolution be distributed by the Clerk of the Legislature to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Assemblyman Steve Hawley, NYSAC and all others deemed necessary and proper.

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

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

Luci Welch thanked Sarah Osborne on her appointment to the position to Probation Director. Chairman Johnson stated that she appreciated the years that Luci Welch made to Orleans County, she has made a difference here.

There being no additional comments from the public, Legislator Morgan moved to recess this meeting. Legislator Eick, second the motion. Motion carried. The meeting was recessed at 5:01 p.m.

**Legislature Meeting**  
**July 18, 2023**  
**Recessed Meeting of June 27, 2023**

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Chairman Lynne Johnson called the recessed meeting to order at 3:00 p.m. Clerk Lisa Stenshorn called the roll. Legislators present in the Chambers were: Draper, Eick, Fitzak, Johnson and Morgan. Legislator Miller was absent. Legislator Allport entered the meeting at 3:02 p.m.

Legislator Eick moved to enter into executive session at 3:01 p.m. per Open Meeting Law §105 (f) to discuss recommendations of the Salary Review Committee and Open Meetings Law §105 (h) to discuss proposed acquisition of real property, second by Legislator Morgan. Motion Carried.

**RESOLUTION NO. 342A-623**

APPROVING THE JOINT ACQUISITION WITH THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY OF CERTAIN PROTECTIVE EASEMENTS LOCATED IN ORLEANS COUNTY

WHEREAS, the Orleans County Legislature is a duly authorized governing body consisting of seven elected officials representing the residents of Orleans County and is authorized to acquire real property for lawful county purposes by County Law §215; and

WHEREAS, the County of Orleans Industrial Development Agency (“COIDA”) is a public benefit corporation established pursuant to the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, and Section 892-g of the General Municipal Law, as amended (collectively, the “Act”) for the benefit of the County of Orleans and the inhabitants thereof. COIDA’s mission as the sole industrial development agency of Orleans County is to create and retain employment opportunities and enhance the general prosperity and economic welfare of the people of Orleans County; and

WHEREAS, in furtherance of its mission on behalf of the inhabitants of Orleans County, COIDA has undertaken the development of Medina Business Park, an approximately 300-acre business park located in the Village of Medina and Town of Shelby; and

WHEREAS, the continued development of the Medina Business Park and the ability of COIDA and the County of Orleans to attract certain larger-scale businesses to locate their operations at the Medina Business Park is dependent in part on the continued availability of sewer facilities or discharge points with sufficient capacity to process or accept sewer discharges; and

WHEREAS, the Medina Business Park is in close proximity to Oak Orchard River. Oak Orchard River in the Town of Shelby has been proposed by the Genesee County Industrial Development Agency (“Genesee County IDA”) and its affiliated entity STAMP Sewer Works, Inc. as the discharge point location for a sewer treatment facility to be constructed and operated for the benefit of the Western New York Science and Technology Advanced Manufacturing Park (the “STAMP Project”), which is located in the Town of Alabama in Genesee County. Although currently permitted to begin discharge of one million gallons/day, up to six million gallons/day have been contemplated. The use of Oak Orchard River in this manner will adversely affect economic development opportunities within Orleans County and potentially foreclose opportunities to attract end-users at Medina Business Park with significant discharge capacity needs; and

WHEREAS, sport fishing in Oak Orchard River represents the number one tourism draw in Orleans County. The use of Oak Orchard River as proposed for the STAMP Project will have negative environmental impacts, and the County believes that it will adversely affect tourism in Orleans County; and

WHEREAS, Genesee County IDA has been purchasing temporary and permanent easements from property owners in Orleans County along NYS Route 63 in order to install a sewer discharge pipeline and related appurtenances from the STAMP Project site in the Town of Alabama to a discharge facility proposed in the Town of Shelby into Oak Orchard River. It has done so in apparent violation of Section 854(4) of the General Municipal Law (GML), which prohibits an

industrial development agency from “using its funds or providing financial assistance in respect of any project wholly or partially outside the municipality for whose benefit the agency was created without the prior consent thereto by the governing body or bodies of all the other municipalities in which a part or parts of the project is, or is to be, located.” No such consent pursuant to GML 854(4) has been granted by the County of Orleans. STAMP Sewer Works, Inc. has also called a public hearing in the Town of Alabama on July 27, 2023 for the purpose of acquiring, through the eminent domain process, easement rights to two parcels of real property located in Orleans County; and

WHEREAS, in light of the foregoing circumstances, the County of Orleans and COIDA desire to jointly acquire exclusive protective easements from Orleans County property owners as for the express purpose of preserving economic development opportunities and to protect Oak Orchard River, all of which are specifically impacted by the STAMP Project. The protective easements will include a restrictive covenant prohibiting the granting of access (temporary and permanent) and the construction and installation of any post treated effluent force main facility, pipeline(s), and related appurtenances for the benefit of the STAMP Project without the prior consent of the County of Orleans and COIDA; and

NOW, THEREFORE, the County of Orleans resolves as follows:

RESOLVED, that the County of Orleans hereby authorizes the joint acquisition with the COIDA of certain easements and property rights with respect to the parcels of real property located at 4636 South Gravel Road in the Town of Shelby (SBL No. 90.16-2-26), 4814 South Gravel Road in the Town of Shelby (SBL No. 101.-1-9.11) and 11316 Oak Street in the Town of Shelby (SBL No. 90.16-2-23.1) for a purchase price to be negotiated on behalf of COIDA and the County by the Chair and CEO/CFO of COIDA and the County Chief Administrative Officer (CAO) with the respective landowners, at an aggregate cost not to exceed Twenty Thousand Dollars (\$20,000.00); and it is further

RESOLVED, that the County of Orleans and COIDA determine that the aforesaid acquisition (i) qualifies as a Type II action under SEQRA for which no further environmental review is required and (ii) is in furtherance of the corporate purposes of COIDA, which has been established for the benefit of Orleans County and the inhabitants thereof; and it is further

RESOLVED, the Chair and CEO/CFO are each authorized to execute such documents, instruments and agreements and take such as actions may be necessary to effectuate the purpose and intent of these resolutions.

Moved, Draper; second, Fitzak.

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

Legislator Eick moved to exit out of executive session and reconvene the meeting at 4:06 p.m.; second by Legislator Morgan. Motion Carried.

Legislator Fitzak made a motion to close the meeting, seconded by Legislator Allport. Motion carried. The meeting was closed at 4:08 p.m.