



Zoom

Dial: 1 646 558 8656

Meeting ID: 853 3646 4419

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CONFERENCE SESSION

3:55 p.m. Culvert Repair Update-Taylor Road, DPW Commissioner John Papponetti

PUBLIC HEARING

4:10 p.m. Intro to Local Law 2 - Open Meeting Amendment

4:20 p.m. Additions to the Orleans County Agricultural District,
James Bensley-Barry Flansburg

LEGISLATURE MEETING - AGENDA

July 27, 2022 4:30 p.m.

Call to Order

Pledge to the Flag and Invocation lead by Rev. Rebecca Allis

Roll Call

Presentation of Communications

Proclamation(s)/Special Recognition(s)

Probation-Pretrial, Probation and Parole Supervision Week, July

Child Support Awareness Month – August

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

342. Approving Agreements with Sheriff's Office and Various Providers (Draper)

343. Renewal and Modification of the Rental Agreement with the Orleans County Public Defender (Draper)

344. Authorizing the use of Grant Funds for the Public Defender's Office to Purchase it Equipment from Dell Technologies (Draper)

345. Modifying Assignment and Stipends for an Assistant Public Defender Position (Draper)

346. Authorizing Filling Vacancy in the Probation Department (Draper)

347. Approving Agreement between Mental Health Department and Brian Amos, M.S., Ph.D. (Allport)

348. Authorizing a One Time Payment and Setting Up New Money in the Mental Health Budget (Allport)

349. Authorizing Filling of Positions in the Mental Health Department (Allport)

350. Approving Agreements between the Health Department and Various Agencies (Allport)

351. Approving Agreements between the Health Department and Various Agencies for Center-Based Preschool (Allport)

352. Approving Agreements between the Health Department and Various Agencies for Related Services Preschool (Allport)
353. Authorizing Out of State Travel for Health Department Employee (Allport)
354. Approving Renewal Agreement between Orleans County and NYS Unified Court System (Eick)
355. Approving Agreement with Department of Public Works and Zebra Painting Striping (Eick)
356. Authorizing County Treasurer to Transfer From Contingency Funds into the Department of Public Works Budget (Eick)
357. Authorizing County Treasurer to Set Up Funds in ARPA into the Department of Public Works (Eick)
358. Approving Agreement with the Department of Public Works and RAVI Engineering & Land Surveying P.C. (Eick)
359. Authorizing Setting Up New Money in the Department of Public Works (Eick)
360. Authorizing County Treasurer to Set Up New Money in the Department of Public Works Budget (Eick)
361. Authorizing County Treasurer to Transfer Funds and Set Up Funds in the Department of Public Works Budget (Eick)
362. Authorizing Payments from Capital Project Infrastructure Projects Account (Eick)
363. Authorizing Payments from Capital Project Lake Ontario REDI Account (Eick)
364. Resolution Approving Appointment to the County Planning Board (Eick)
365. Appointing Representative to the Genesee Finger Lakes Regional Planning Council (Eick)
366. Adopting Additions to Certified Agricultural District (Eick)
367. Approving Agreements with the Department of Social Services (Miller)
368. Amending Resolution No. 454-1021 Regarding Agreement between the Department of Social Services and the Mental Health Department (Miller)
369. Authorizing Filling Position in the Department of Social Services (Miller)
370. Approving Agreement Between Orleans County Job Development Agency and Livingston County on Behalf of the GLOW Workforce Development Board (Miller)
371. Authorize Abolishing, Creating and Filling Position in the Job Development Agency (Miller)
372. Authorizing Filling a Vacancy in the Department of Motor Vehicles (Draper)
373. Authorizing the County Treasurer to Adjust the Budgets of the Computer Services Department and the Department of Social Services (Draper)
374. Authorizing Execution of a Payment In Lieu Of Taxes Agreements with NY USLE Albion Long Bridge A LLC for Solar Energy Systems in Albion Pursuant to Real Property Tax Law Section 487 (Draper)
375. Approving Salary Review Committee's Recommendations (Draper)
376. Approving the Standard Work Day and Retirement Reporting for Elected and Appointed Officials (Draper)
377. Apopting Local Law No. 2 of 2022 to Adopt Amendments to the NYS Open Meetings Law for the Expanded Use of Videoconferencing (Draper)
378. Authorizing Payments from Capital Project Broadband (Draper)
379. Authorizing Interagency Installment Obligation Agreement by the County of Orleans Economic Development Agency (Draper)

380. Resolution Opposing Recently Enacted New York State Law Regulating Legally Authorized Concealed Carry Gun Permits and Banning Concealed Carry in Public as Being an Unconstitutional Attack Upon the Rights of Law Abiding Citizens (Allport)
381. Authorizing Payment of Claims for August Against the County (Allport)

Unfinished Business

Adjournment

RESOLUTIONS:

RESOLUTION NO. 342-722

APPROVING AGREEMENTS WITH SHERIFF'S OFFICE AND VARIOUS PROVIDERS

RESOLVED, that this Legislature does hereby approve the following agreements for the Sheriff's Office and the following agencies:

Pace Scheduler, 2040 Corporate Lane, Naperville, IL 60563, to provide software that allows email and/or text alerts, handle time off request and manage on-the-fly schedule changes. The contracted amount is \$7,950 for a yearly recurring fee.

PrimeCare Medical of New York, Inc. 3940 Locust Lane, Harrisburg, PA 17109, to provide health services for the Orleans County Jail at sixteen hours per day, seven days per week as well as Telemedicine beginning September 1, 2022 through August 31, 2025 with additional two one year optional renewal periods. The total maximum monthly base compensation is \$58,241.89 the first year.

Moved, Draper; second,

RESOLUTION NO. 343-722

RENEWAL AND MODIFICATION OF THE RENTAL AGREEMENT WITH THE ORLEANS COUNTY PUBLIC DEFENDER

WHEREAS, Resolution No. 412-921 provided for a rental agreement with the Public Defender's Office for office space and the partial reimbursement thereof for said rent to be reimbursed by Indigent Legal Services; and

WHEREAS, the 2021 Venesky Space Occupancy Cost Analysis Report has been received and the amount of rent needs to reflect the proper amount per square foot, as well as the amount of usable space; and

WHEREAS, this rental agreement will supersede previous Resolution No. 412-921; now be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an Office Rental Agreement with the Orleans County Public Defender's Office, effective July 1,

2022 to account for office space rent associated the Public Defender's Office, including the allocation of said rent; and be it

FURTHER RESOLVED, that the County Treasurer's Office shall prepare a quarterly invoice for rent for usable space at a rate of \$13.88/sq. ft.; and be it

FURTHER RESOLVED, that the Public Defender's Office shall submit a Claim for Payment to Indigent Legal Services Contract #CSTWIDEHH33, as set forth in the Agreement.

Moved, Draper; second,

RESOLUTION NO. 344-722

AUTHORIZING THE USE OF GRANT FUNDS FOR THE PUBLIC DEFENDER'S OFFICE TO PURCHASE IT EQUIPMENT FROM DELL TECHNOLOGIES

WHEREAS, the Public Defender's Office requires a laptop and docking station; and

WHEREAS, this resolution supplements Resolution #96-222; and

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

RESOLVED, that this Legislature authorizes the Public Defender's Office to purchase a laptop and docking station from Dell Technologies in the amount of \$2,560.80, at no cost to the County.

Moved, Draper; second,

RESOLUTION NO. 345-722

MODIFYING ASSIGNMENT AND STIPENDS FOR AN ASSISTANT PUBLIC DEFENDER POSITION

WHEREAS there is a need for additional supervision within the Public Defender's office now be it

RESOLVED that position 1170.03 shall be assigned as a part time First Assistant Public Defender at a grade 3, step 9 of the Management Compensation Plan; and be it

FURTHER RESOLVED that the First Assistant Public Defender (1170.03) shall receive a Justice Court Supervisory stipend in the annual amount of \$8,650.00; and be it

FURTHER RESOLVED that the First Assistant Public Defender (1170.03) shall receive a pay parity stipend in the annual amount of \$4,604.00; and be it further

FURTHER RESOLVED that the stipends set forth herein shall be retroactive to June 1, 2022, and shall thereafter be paid in equal payments as part of the regular pay schedule, and shall be subject to an annual increase of 2% each January 1st; and be it

FURTHER RESOLVED that these additional stipends shall have no County cost as the amounts for this Resolution shall be paid through grant funding from Indigent Legal Services, grant #CSTWIDEHH33, or any other grant; and be it

FURTHER RESOLVED that the stipend payments shall expire when these stipends are no longer eligible for reimbursement under the grant from Indigent Legal Services.

Moved, Draper; second,

RESOLUTION NO. 346-722

AUTHORIZING FILLING VACANCY IN THE PROBATION DEPARTMENT

RESOLVED, that this Legislature authorizes the filling of a full-time Probation Officer position (3140.09) in the Probation Department at a Grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the vacant position effective July 28, 2022.

Moved, Draper; second,

RESOLUTION NO. 347-722

APPROVING AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND BRIAN AMOS, M.S., PH.D.

RESOLVED, that this Legislature approves an agreement between Mental Health and Brian S. Amos, M.S., Ph.D., 1556 Fallen Leaf Terrace, Webster, NY 14580, providing services as a consulting psychologist for an average of 14 on-site hours per week for the duration of this contract (August 19, 2022 thru August 18, 2023) at an hourly rate of \$130.00. County cost is \$6,115.

Moved, Allport; second,

RESOLUTION NO. 348-722

AUTHORIZING A ONE TIME PAYMENT AND SETTING UP NEW MONEY IN THE MENTAL HEALTH BUDGET

WHEREAS the COVID-19 pandemic has created many stresses to our social norms and communication with each other in our society; and

WHEREAS we have witnessed a brokenness in our culture with events at the TOPS in Buffalo, the Robb Elementary School in Texas and events in Kendall; and

WHEREAS we are witnessing a culture of death and personal destruction on social media; and

WHEREAS this type of environment in which we are all living in creates challenges and stresses to our mental wellbeing when interacting with others; and

WHEREAS there is a lack of leadership and policy development from the Federal government and State governments to support members of our communities for who need assistance in dealing with these social pressures; and

WHEREAS Orleans County is fortunate to have a local Mental Health Department which is capable of providing mental health services to our residents; and

WHEREAS this Legislature appreciates the professional services our local Mental Health Department provides to our community; and

WHEREAS Orleans County is receiving an Office of Mental Health Workforce Grant award; and

WHEREAS the current labor market in our country makes it difficult to retain employees and maintain an adequate staffing patterns with the increase in the demand for mental health services; now be it

RESOLVED that this Legislature authorizes a one-time payment to each Orleans County employee employed by the Orleans County Mental Health Department of \$1,100; and be it

FURTHER RESOLVED that this one-time payment shall be available until December 31, 2022; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health budget for the setup of revenue and expense for OMH Workforce Grant money received as follows:

REVENUE:

01.4310.3495	OMH Workforce Grant	\$44,000
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APPROPRIATION:

01.4310.0100	Personal Services	\$33,550
01.4310.0460	Training & Education	\$ 2,337
01.4310.0810	State Retirement	\$ 5,551
01.4310.0820	Medicare	\$ 488
01.4310.0830	Social Security	\$ 2,074

Moved, Allport; second,

RESOLUTION NO. 349-722

AUTHORIZING FILLING OF POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the filling of a Clinic Therapist position (Position No. 4310.16) in the Mental Health Department at Grade 22 of the CSEA Salary Schedule, effective August 17, 2022; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the Coordinator of Administrative Services position (Position No. 4310.12) in the Mental Health Department at Grade 8 of the Management Compensation Plan, effective August 29, 2022.

Moved, Allport; second,

RESOLUTION NO. 350-722

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:

Monroe County Public Health 39 West Main Street Rm 307. Rochester, NY 14614. Medical Examiner - Forensic Pathology services for 14 full autopsy examinations and 5 blood/description type autopsies. All laboratory testing (including toxicology), laboratory analysis for the presence of LSD, analyses for unusual toxins and requests for rare or unusual toxins that cannot be performed at the Monroe County Office of the Medical Examiner facilities will be referred to a reference laboratory with the cost being billed separately to Orleans County. Any additional autopsies will be billed at \$2,500.00 each. Term January 1, 2022 to December 31, 2022.

Monroe County Public Health 39 West Main Street Rm 307. Rochester, NY 14614. TB Control Program - Contract to provide a Tuberculosis Control Program w/consulting pulmonary & critical care physicians & certified infection control practitioners for providing comprehensive medical & nursing/case management consultative services under the statutory jurisdiction of the Department of Public Health. Flat fee of \$4714.76 paid for electronic health record access, VNP services, IT consultations & continuing ED, telemedicine access, & ongoing clinical support. Fee of \$200.00/hr. for physician consults, & \$50/hr. for RN consults. 100%/36% reimbursement from State Aid.

Sanofi Pasteur, Discovery Drive, Swiftwater, PA 18370. Renewal: As a Minnesota Multi-state Contracting Alliance for Pharmacy member OCHD to purchase vaccines at a reduced rate. Term July 1, 2022 through June 30, 2025.

Moved, Allport; second,

RESOLUTION NO. 351-722

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES FOR CENTER-BASED PRESCHOOL

RESOLVED, that this Legislature does hereby approve the following agreements 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 with

reimbursement at 59.5% from NY State Aid Reimbursement and 40.5% Medicaid reimbursement or at Orleans County Department of Health Cost, term July 1, 2022 through June 30, 2025:

Albion Central School District, 324 East Avenue, Albion, NY 14411

Buffalo Hearing & Speech Center, 50 East North Street, Buffalo, NY 14203

Mary Cariola Childrens Center, 1000 Elmwood Avenue #100, Rochester, NY 14620

Time to Grow Services, 603 Division Street, N. Tonawanda, NY 14120

United Cerebral Palsy of Rochester dba Rochester CP, 3399 Winton Road South, Rochester, NY 14620

Wayne A. Second Therapeutic Preschool, 6395 Old Niagara Rd., Lockport, NY 14094

Western New York Speech-Language Pathology, OT/PT Consultants, PLLC, 590 Fisher Station Dr. Suite 130, Victor, NY 14564

Moved, Allport; second,

RESOLUTION NO. 352-722

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES FOR RELATED SERVICES PRESCHOOL

RESOLVED, that this Legislature does hereby approve the following agreements to provide appropriate related services for Orleans County preschool students with disabilities through the delivery of preschool special education related services within the 3-5 program at reimbursement at 59.5% from NY State Aid Reimbursement and 40.5% Medicaid reimbursement or at Orleans County Department of Health Cost, term July 1, 2022 through June 30, 2025:

Albion Central School District, 324 East Avenue, Albion, NY 14411

Barker Central School District, 1628 Quaker Rd., Barker, NY 14102

Building Blocks Comprehensive Services Inc. Po Box 1209, Canandaigua, NY 14424

Building Blocks Learning Center, 19 Robinson Rd, Clinton, NY 13323

Angela Botting, 8822 Seaman Road, Gasport, NY 14067

Linda Dressler, 5826 Sandy Lane, Lockport, NY 14094

Finger Lakes Therapy Works PLLC, 210 Clifton Springs Professional Park, Clifton Springs, NY 14432

Holley Central School District, 3800 North Main Street, Holley, NY 14470

Therese Lehman, 32 Mission Hill Drive, Brockport, NY 14420

Nida Laimute Lelis, 143 Torrey Pine Drive, Rochester, NY 14612

Debra McGrath, 121 Day Street, Albion, NY 14411

Music Therapy Pathways & Creative Arts Therapy PLLC, 80 South Main St., Oakfield, NY 14125

Paula Neuman, 7122 Chestnut Ridge Road, Lockport, NY 14094

Opalecky Physical Therapy Services, PLLC, 965 Kent Road, Kent, NY 14477

Room To Bloom Therapy Services, LLC, 1850 Buffalo Road Suite 200, Rochester, NY 14624

Cathy Rosenberg, 10436 Freeman Road, Medina, NY 14103

Marie Delobbe-Scott, 12589 Ashwood Road, Lyndonville, NY 14098

Kit Trapasso, 1117 West Avenue, Medina, NY 14103

Western New York Speech-Language Pathology, OT/PT Consultants, PLLC, 590 Fisher Station Dr. Suite 130, Victor, NY 14564

Moved, Allport; second,

RESOLUTION NO. 353-722

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEE

RESOLVED, that this Legislature does hereby authorize out of state travel by Paul Pettit, Director of Public Health & Brenden Bedard, Director of Community Health Services/ Deputy Public Health Director. To attend the Kresge Foundation – ELPH (Emerging Leaders in Public Health) Fall Meeting/Conference in Coronado, California; October 11-15, 2022. Costs covered by the Kresge Foundation. No County Cost.

Moved, Allport; second,

RESOLUTION NO. 354-722

APPROVING RENEWAL AGREEMENT BETWEEN ORLEANS COUNTY AND NYS UNIFIED COURT SYSTEM

RESOLVED, that this Legislature approves a one (1) year renewal agreement between Orleans County and the NYS Unified Court System for Court Cleaning and Minor Repairs (Contract No. C300472) for SFY 2022-2023 in the amount of \$82,102.00 at a maximum

compensation of 100% of that amount to the County by the State. This agreement shall be retroactive to April 1, 2022 and shall terminate on March 31, 2023; 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,

RESOLUTION NO. 355-722

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND ZEBRA PAINTING STRIPING

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Zebra Paint Striping, 7590 Airport Road, Hornell, NY 14843, to provide labor, material and equipment to Centerline and Edgeline stripe County owned and maintained roads. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #220-422; cost not to exceed \$90,000.00; contract period August 1, 2022 through December 31, 2022.

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

Moved, Eick; second,

RESOLUTION NO. 356-722

AUTHORIZING COUNTY TREASURER TO TRANSFER FROM CONTINGENCY FUNDS INTO THE DEPARTMENT OF PUBLIC WORKS BUDGET

WHEREAS, Resolution No. 217-422 approved an agreement with Trane for the rental of a chiller for the County Office Building North location due to a delay in obtaining a new unit; therefore be it

RESOLVED, that the County Treasurer is authorized to transfer money from the contingency fund in the Department of Public Works Budget as follows:

FROM:

01.1990.0435	Contingency Fund	\$58,395
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TO:

01.1620.0403	Buildings and Grounds Maintenance Projects	\$58,395
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Moved, Eick; second,

RESOLUTION NO. 357-722

AUTHORIZING COUNTY TREASURER TO SET UP FUNDS IN ARPA INTO THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, The Department of Public Works has entered into a contract with Wendel Companies to implement an Energy Performance Contract through the installation of energy efficient facility and infrastructure improvement measures which will result in energy and operational savings and revenue enhancements; now therefore be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up funds in ARPA for the Department of Public Works as follows:

REVENUE:

01.1326.4089	ARPA	\$193,443
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APPROPRIATION:

01.1326.0470.1620	Capital Construction Projects	\$193,443
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Moved, Eick; second,

RESOLUTION NO. 358-722

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

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Ravi Engineering & Land Surveying P.C. Rochester, NY 14618 to perform Professional Engineering, Design and ROW Incidents for the Taylor Hill Culvert Replacement Project in the Town of Ridgeway; and be it

RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$76,000.00; and be it

FURTHER RESOLVED, this Legislature authorizes the County Treasurer to set up funds from Infrastructure Reserve to Road Fund as follows:

RESERVE:

Infrastructure Reserve		\$76,000
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APPROPRIATION:

01.9901.0550	Transfer to Road Fund	\$76,000
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and be it

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

REVENUE:

03.5120.5031	Transfer from General Fund	\$76,000
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APPROPRIATION:

03.5120.0470	Capital Construction Project	\$76,000
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FURTHER BE IT RESOLVED the Chairman is authorized to execute agreement subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second,

RESOLUTION NO. 359-722

AUTHORIZING SETTING UP NEW MONEY IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that the County Treasurer is authorized to set up new money in the Department of Public Works budget due to an increase in funding reimbursement from NYSDOT Consolidated Local Street and Highway Improvement Program (CHIPS) for the purchase of two (2) vehicles as follows:

REVENUE:

04.5130.3501	Machinery CHIPS Revenue Account	\$151,701
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APPROPRIATION:

04.5130.0270	Machinery Capital Equipment Account	\$151,701
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Moved, Eick; second,

RESOLUTION NO. 360-722

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

WHEREAS, the NYS Department of Transportation awarded the Department of Public Works a Bridge New York "Project" Lakeshore Road Bridge over unnamed creek; and

WHEREAS, Resolution No. 320-622 approved an agreement with the NYS Department of Transportation for Preliminary Engineering and Design, ROW acquisition and ROW incidentals starting in 2022; therefore be it

RESOLVED, that the County Treasurer is authorized to set up monies within the Department of Public Works/Highway Division Budget for this project as follows:

REVENUE

03.5120.3503	Bridge Revenue	\$105,700
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APPROPRIATION:

03.5120.0470.2289	Lakeshore Road Bridge	\$105,700
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Moved, Eick; second,

RESOLUTION NO. 361-722

AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS AND SET UP FUNDS IN THE DEPARTMENT OF PUBLIC WORKS BUDGET

WHEREAS, the surge in the price of gas and diesel fuel has reached all time record highs and therefore the Department of Public Works needs to adjust for the increases in their budget to reflect more accurate costs for the remainder of 2022; now be it

RESOLVED, that the County Treasurer is authorized to transfer contingency funds into the Department of Public Works Budget as follows:

FROM:

01.1990.0435	Contingency Fund	\$46,180
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TO:

01.9901.0553	Transfer to Machinery Fund	\$46,180
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and be it;

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Department of Public Works budget as follows and make the necessary transfer and deposit of funds.

REVENUE:

04.5130.5031	Machinery transfer in	\$ 46,180
04.5140.2333	Fuel Farm (other gov'ts)	\$262,700

APPROPRIATION

04.5130.0413	Machinery gas and oil	\$ 21,180
04.5130.0449	Machinery Diesel fuel	\$ 25,000
04.5140.0449	Fuel Farm Diesel fuel Oil	\$262,700

Moved, Eick; second,

RESOLUTION NO. 362-722

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.251, Capital Project – Infrastructure Project – Culvert Improvements:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$326.24	Barre Stone Products	Emergency Repair – Yates Carlton Townline Road Culvert
\$29,053.81	Keeler Construction	Emergency Repair – Yates Carlton Townline Road Culvert

Moved, Eick; second,

RESOLUTION NO. 363-722

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT LAKE ONTARIO REDI ACCOUNT

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H1620.250, Capital Project – REDI Project – Lakeshore Road No 1:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$117,975.73	Keeler Construction	Final Payment Construction Services rendered through 6/30/2022

Moved, Eick; second,

RESOLUTION NO. 364-722

RESOLUTION APPROVING APPOINTMENT TO THE COUNTY PLANNING BOARD

RESOLVED, that this Legislature approves the following appointment to the Orleans County Planning Board:

<u>NAME & MAILING ADDRESS</u>	<u>REPRESENTS</u>	<u>EXPIRATION DATE</u>
Janet Navarra-Salvatore 169 South Clinton Street Albion, New York 14411	Village of Albion (Alternate)	12-31-2022

Moved, Eick; second,

RESOLUTION NO. 365-722

APPOINTING REPRESENTATIVE TO THE GENESEE FINGER LAKES REGIONAL PLANNING COUNCIL

RESOLVED, that this Legislature confirms the Chairman’s appointment of John Fitzak, Orleans County Legislator as the Chairman’s Alternate to the Genesee Finger Lakes Regional Planning Council, for a two-year term ending December 31, 2023.

FURTHER RESOLVED, that this Legislature appoints James Bensley, Diurector of Planning, as an Orleans County representative on the Genesee Finger Lakes Regional Planning Council, for a two-year term ending December 31, 2023.

Moved, Eick; second,

RESOLUTION NO. 366-722

ADOPTING ADDITIONS TO CERTIFIED AGRICULTURAL DISTRICT

WHEREAS, Article 25AA of State Agricultural and Markets Law provides for the addition of predominantly viable agricultural land into existing, certified agricultural districts following an annual thirty day enrollment period and public hearing; and

WHEREAS, said enrollment period occurred in June 2022 and proper notice was provided and a public hearing was held on July 27, 2022 following the report and recommendation of the Orleans County Agricultural and Farmland Protection Board;

THEREFORE, BE IT RESOLVED, that additions to Consolidated Agricultural District No. 1 of eight (8) whole tax parcels of predominantly viable farmland be adopted as identified by numbers 27.00-1-8.1, 60.00-1-9, 60.00-1-54, 82.00-2-33.22, 85.00-2-34.122, 93.00-1-19.11, 95.00-1-21.2 and 96.00-1-46.1; and be it

FURTHER RESOLVED, that a Notice of Determination of Non Significance - Negative Declaration shall be filed in the absence of a significant effect of this action on the environment, pursuant to Article 8 of Environmental Conservation Law.

Moved, Eick; second,

RESOLUTION NO. 367-722

APPROVING 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 agencies:

Job Development Agency, Albion, NY for the provision of Job Development Agency, Albion, NY for funding of summer employment for TANF eligible youth, ages 16-21; to be effective May 1, 2022 through September 30, 2022 at a cost of \$99,111. County cost \$0

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, 2022 through August 27, 2023 at a cost of \$17,500. County cost is \$0.

Orleans County Sheriff's Office, Albion, NY for safe transportation of youth to out-of-county detention facilities; to be effective September 1, 2022 through August 31, 2023 at a cost of \$15,000. County cost is \$7,650.

Orleans County Attorney, Medina, NY for the provision of 0.75 part-time attorney assigned to Social Services; to be effective January 1, 2022 through December 31, 2022 at a cost of \$61,181. County cost is \$20,802.

Law Office of Ashton, Franklin, Young LLP/Gregory A. Franklin, Esq., Located at 150 Allens Creek Road, Rochester, NY 14618, Legal and Other Services pertaining to Adoption Services by said firm for Orleans County DSS. Payment will be made as a one-time payment after all receipts are received, and the amount for the payment may not exceed the maximum level set by

NYS Office of Children and Family Services (OCFS) of \$2,000.00 per child; beginning June 1, 2022 through May 31, 2024.

Margaret Burt, Attorney at Law, located at 63 Callingham Road, Pittsford, NY 14534, Legal and Other Services pertaining to Adoption Services by said firm for Orleans County Department of Social Services Payment will be made as a one-time payment after all receipts are received, and the amount for the payment may not exceed the maximum level set by the NYS office of Children and Family Service (OCFS) of \$2,000 per child; beginning 1/1/2022 through 12/31/2024.

New Directions Youth & Family Services, Randolph, 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.

Moved, Miller; second,

RESOLUTION NO. 368-722

AMENDING RESOLUTION NO. 454-1021 REGARDING AGREEMENT BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND THE MENTAL HEALTH DEPARTMENT

WHEREAS, Resolution No. 454-1021 authorized an agreement between the Orleans County Department of Social Services and the Orleans County Mental Health, wherein Qualified Individuals will conduct assessments of foster children to make a determination, including but not limited to, whether the placement in a Qualified Residential Treatment Program is appropriate at a cost not to exceed \$15,000; and

WHEREAS, the current billing for the assessment of foster children has exceeded the current agreement; now be it

RESOLVED, that this Legislature approves amending Resolution No. 454-1021 and said agreement, to reflect an increase of \$10,000, with the maximum amount not to exceed \$25,000.

Moved, Miller; second,

RESOLUTION NO. 369-722

AUTHORIZING FILLING POSITION IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, as a result of a resignation, that this Legislature does hereby authorize filling a full-time Social Welfare Examiner position (6010.0104) in the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective July 28, 2022.

Moved, Miller; second,

RESOLUTION NO. 370-722

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY JOB DEVELOPMENT AGENCY AND LIVINGSTON COUNTY ON BEHALF OF THE GLOW WORKFORCE DEVELOPMENT BOARD

RESOLVED, that this Legislature approves the agreement between Orleans County and Livingston County, on behalf of GLOW Workforce Development Board (WDB), 6 Court Street, Geneseo, NY, 14454, for Orleans County Job Development to implement the provisions of the Workforce Innovation and Opportunity Act (WIOA) Title I Adult, Dislocated Worker and Youth Services from July 1, 2022 to June 30, 2023 at a cost of \$270,207. County cost \$0. Subject to County Attorney approval.

Moved, Miller; second,

RESOLUTION NO. 371-722

AUTHORIZE ABOLISHING, CREATING AND FILLING POSITION IN THE JOB DEVELOPMENT AGENCY

RESOLVED, that this Legislature authorizes the abolishment of a full-time Workforce Coordinator position (6210.08) in the Job Development Agency, effective July 28, 2022; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full-time Employment and Training Coordinator position in the Job Development Agency, at grade 17 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant position in the Job Development Agency effective July 28, 2022.

Moved, Miller; second,

RESOLUTION NO. 372-722

AUTHORIZING FILLING A VACANCY 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 9 of the CSEA Salary Schedule, effective August 1, 2022.

Moved, Draper; second,

RESOLUTION NO. 373-722

AUTHORIZING THE COUNTY TREASURER TO ADJUST THE BUDGETS OF THE COMPUTER SERVICES DEPARTMENT AND THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature authorizes the County Treasurer to adjust the Computer Services Department and the Department of Social Services budgets to provide appropriate resources to allow reimbursement from the State on Lease agreements:

DECREASE:

01.1680.0270	Capital Projects	\$13,964.51
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INCREASE:

01.6010.0222	Computer Equipment Leases	\$13,964.51
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Moved, Draper; second,

RESOLUTION NO. 374-722

AUTHORIZING EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENTS WITH NY USLE ALBION LONG BRIDGE A LLC FOR SOLAR ENERGY SYSTEMS IN ALBION PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

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

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

WHEREAS, NY USLE ALBION LONG BRIDGE A LLC has submitted a Notice of Intent to the County that it plans to build a solar energy system that meets the requirements for the exemption on a parcel of land located within the physical boundaries of the County at 3852 Long Bridge Road, New York Tax Map 82.-1-2 (the “Project”); and

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

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

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to enter into PILOT Agreements, and any amendments thereto, with NY USLE ALBION LONG BRIDGE A LLC for the building and operations of a Solar Energy System, in the form as filed with the Clerk of the Orleans County Legislature or as modified with the approval of the County Attorney and Chief Administrative Officer.

Moved, Draper; second,

RESOLUTION NO. 375-722

APPROVING SALARY REVIEW COMMITTEE'S RECOMMENDATIONS

WHEREAS, the Salary Review Committee met to review the requests for upgrades. The review was performed in accordance with the guidelines contained in the salary review policy. Under this policy, a recommendation to upgrade must be based on the following: a change in job responsibilities or change in the qualifications or the position appearing to be underpaid when compared with comparable positions involving similar responsibilities; and

WHEREAS, the Salary Review Committee has reviewed requests for upgrades and has presented their recommendations to the Legislature on June 22, 2022; therefore be it

RESOLVED, that this Legislature approves the recommendations of the Salary Review Committee, and

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2023, Deputy County Clerk, Grade 4, Step 3 of the Management Compensation Plan; and

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2023, Index Clerk, Grade 10 of the CSEA contract; and

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2023, Motor Vehicle Application Examiner, Grade 10 of the CSEA contract; and

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2023, Pistol Permit Clerk, Grade 10 of the CSEA contract; and

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2023, Probation Officer, Grade 19 of the CSEA contract; and

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2023, Probation Officer II, Grade 20 of the CSEA contract.

Moved, Draper; second,

RESOLUTION NO. 376-722

APPROVING THE STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

RESOLVED, that the County of Orleans/10034 does hereby establishes the following standard work days for these titles and will report the following days worked to the New York State and Local Employees' Retirement System based on their record of activities as follows:

TITLE	NAME	STAN DARD WOR K DAY (Hrs/d ay)	Term	Days/ month	Not Sub- mitted
ELECTED OFFICIALS					
Legislator	Donald Allport	6	1/1/2022-12/31/2023	4.04	
Legislator	Frederick Miller	6	1/1/2022-12/31/2023	8.99	
Legislator	Merle Draper	6	1/1/2022-12/31/2023	24.19	
Legislator	John Fitzak	6	1/1/2022-12/31/2023	8.18	
Treasurer	Kimberly CL DeFrank	6	1/1/2022-12/31/2025	27.28	
APPOINTED OFFICIALS					
County Attorney	Katherine Bogan	6	1/1/2022-12/31/2023	21.56	
1 st Asst County Attorney	John Gavenda	6	1/1/2022-12/31/2023	12.64	
2 nd Asst County Attorney	Dana Graber	6	1/1/2022-12/31/2023	15.32	
1 st Asst Public Defender	Patricia Pope	6	1/1/2022-12/31/2023	10.66	
2 nd Asst Public Defender	Dominic Saraceno	6	1/1/2022-12/31/2023	15.36	
3 rd Asst Public Defender	Christopher Wilcox	6	1/1/2022-12/31/2023	4.39	
Asst Public Defender	Mark Murphy	6	1/1/2022-12/31/2023	8.71	
Asst Public Defender	Lindsey Pieper	6	1/1/2022-12/31/2023	8.13	
Medical Director	Dr. Thomas Madejski	6	1/1/2022-12/31/2023	.45	

Moved, Draper; second,

RESOLUTION NO. 377-722

APOPTING LOCAL LAW NO. 2 OF 2022 TO ADOPT AMENDMENTS TO THE NYS OPEN MEETINGS LAW FOR THE EXPANDED USE OF VIDEOCONFERENCING

WHEREAS, Local Law No. 2-Intro of the year 2022 was introduced at a regular meeting of the Orleans County Legislature held on June, 22, 2022 and a Public Hearing was held on July 27, 2022, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 2 of 2022:

A Local Law to Adopt Amendments to the NYS Open Meetings Law for the Expanded Use of Videoconferencing

SECTION 1: Purpose: The Orleans County Legislature intends by this local law to allow for expansion of the use of videoconferencing, under extraordinary circumstances, to conduct open meetings.

SECTION 2: Conditions: After due consideration of the amendment and the requirements thereto, the Orleans Legislature of the County of Orleans, New York, adopts the expanded use of videoconferencing to conduct open meetings pursuant to the follow procedures:

(a) Member of the Legislature shall be physically present at meetings, unless allowed remote attendance at location that do not allow for in-person physical attendance by the public, under extraordinary circumstances.

(b) The list of extraordinary circumstances is non-exhaustive, but shall include disability, illness, caregiving responsibilities or any other significant or unexpected factor or even which precludes the member's physical attendance at such meeting.

(c) Members shall provide notice of the inability to attend a meeting to the Clerk of the Legislator at least twenty-four (24) hours prior to the meeting or as soon as reasonably able.

(d) The Chairman of the Legislature shall retain discretion over permitted extraordinary circumstances for the Legislature and for Standing Committees when that committee Chair is unavailable.

(e) The Standing Committee Chairman or Vice Chairman, when available, shall retain discretion over permitted extraordinary circumstances for their committee.

(f) It is understood that members permitted to attend at a location that does not allow for in-person physical attendance by the public, will not count toward a quorum. Only members present at a physical location which allow for in-person attendance by the public, will count toward a quorum.

(g) Any member(s) of the public attending a meeting must be able to hear, see and identify any member of the public body who is attending remotely while the meeting is being conducted.

(h) If video conferencing is used to conduct a meeting, the public notice shall inform the public where they can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.

(i) Meetings conducted using videoconferencing shall be recorded and those recordings shall be posted or linked within five (5) business days of the meeting and maintained for five (5) years thereafter. Recordings shall be transcribed upon request.

(j) In those meetings where videoconferencing is used the public shall be able to view the meeting via video and participate in the proceedings via videoconference in real time where public participation is authorized.

(k) Open meetings using videoconferencing shall use technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act.

(l) The in person participation requirements of the Resolution shall not apply during a state disaster emergency declared by the governor or a local state of emergency as declared by the chief executive of the county if it is determined that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

(m) These written procedures shall be conspicuously posted on the County's website and so stated in the Orleans County Rules of Procedure.

SECTION 3: Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

SECTION: 4 Severability: If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of the Local Law or in its application to the person, individual, corporation, firm partnership, entity, or circumstance directly involved in the controversy in which such judgement or order shall be rendered.

SECTION 5: Expiration: This local law shall be effective until July 1, 2024 as set forth by NYS in chapter 56 of the Laws of 2022.

Moved, Draper; second,

RESOLUTION NO. 378-722

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$254,752.00	RTO Wireless	Payment for Kendall, NY CBRS Network Site, Invoice #2

Moved, Draper; second,

RESOLUTION NO. 379-722

AUTHORIZING INTERAGENCY INSTALLMENT OBLIGATION AGREEMENT BY THE COUNTY OF ORLEANS ECONOMIC DEVELOPMENT AGENCY

WHEREAS, the County of Orleans Economic Development Agency has requested from the County short term funding assistance with its cash flow obligations arising from various projects in the principal sum of \$500,000, be it

RESOLVED, that this Legislature hereby authorizes an Interagency Installment Obligation Agreement by the County of Orleans Economic Development Agency in the principal sum of \$500,000 to be repaid together with interest at the rate of 2% for a term of one year, and be it further

RESOLVED, that the Chairman is authorized to execute the said Agreement in the form substantially presented to this Legislature subject to final approval in form and substance by the County Treasurer, County Budget Officer, and County Attorney, and be it further

RESOLVED, that the County Treasurer is authorized to make such transfers as are necessary and appropriate to effectuate this resolution, and be it further

RESOLVED, that this resolution is not subject to permissive referendum.

Moved, Draper; second,

RESOLUTION NO. 380-722

RESOLUTION OPPOSING RECENTLY ENACTED NEW YORK STATE LAW REGULATING LEGALLY AUTHORIZED CONCEALED CARRY GUN PERMITS AND BANNING CONCEALED CARRY IN PUBLIC AS BEING AN UNCONSTITUTIONAL ATTACK UPON THE RIGHTS OF LAW ABIDING CITIZENS

WHEREAS, on June 1, 2022, New York State Legislature enacted Senate Bill S.51001 and Assembly Bill A.41001, which among other things, makes obtaining and retaining a concealed carry gun permit an overly involved lengthy burdensome process, requiring citizens to divulge their social media accounts; and

WHEREAS, among the most onerous of its provisions, it makes it a felony for any individual who has a valid concealed carry permit to bring a handgun into ANY New York State Park, house of worship and restaurants, where residents, businesses and municipalities operate, live, work, socialize, worship and pay taxes; and

WHEREAS, legislation is the result of a knee-jerk, unvetted and political reaction to the recent Supreme Court decision, *New York State Rifle and Pistol Association, Inc., v. Bruen*, and was surreptitiously rushed through legislature without public discussion, input or knowledge; and

WHEREAS, the Orleans County Legislators consider this law to be an unconstitutional infringement upon our Second Amendment right for law abiding citizen's right to bear arms and an overt infringement upon freedom and liberty in New York State, which is devoid of common sense and does nothing to deal with the problems of crime and illegal firearms; now be it

RESOLVED, that the Orleans County Legislature is strongly against new gun control Legislation changes requiring both New York State citizens and various permit issuing agencies to navigate new regulations that are riddled with cumbersome, confusing and redundant barriers of compliance, requires multiple processes of recertification that will lead to further confusion and create additional record sharing between agencies to be repealed; and be it

FURTHER RESOLVED, that the Orleans County Legislature vehemently, adamantly and with full resolve oppose this new concealed carry law (S.51001/ A.41001) and demand that the provision relative to the prohibition of concealed carry pistol permit holders be subject to a felony if brought into New York State Parks, houses of worship and restaurants be repealed; and be it

FURTHER RESOLVED, that the Orleans County Legislature vehemently, adamantly and with full resolve does oppose the new concealed carry law's (S.51001/A.41001) remaining provisions as they are also unconstitutional and violate United States law as stated in *New York State Rifle and Pistol Association, Inc., v. Bruen*, and are a veiled and poor attempt to skirt Bruen falling woefully short of any rational constitutional basis; and be it

FURTHER RESOLVED, that the Orleans County Legislature calls upon all other municipalities within the State of New York, and American Civil Liberties Union, the American Center for Law and Justice, and any and all advocates who claim to protect freedom and liberty in the United States, to immediately challenge this law in court as it is most clearly unconstitutional; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to New York State 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, Allport; second,

RESOLUTION NO. 381-722

AUTHORIZING PAYMENT OF CLAIMS FOR AUGUST 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 August 10, 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 August 24, 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, Allport; second,