



Zoom

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LEGISLATURE MEETING - AGENDA

August 22, 2023 4:30 p.m.

Call to Order

Pledge to the Flag

Invocation lead by Orleans County Veteran Services Director Nancy Traxler

Roll Call

Presentation of Communications

Special Recognition:

Lisa Stenshorn, Clerk of the Legislature: Certified Legislative Board Clerk

Proclamation:

Child Support Awareness Month: Renee Rowley – Coordinator, Danielle Kickbush,
Jennifer Hammons, Holden Carter, Pam Jenks and Danielle Champeney

United Way Month: Jim Punch

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

377. Authorizing Repair Service for the Sheriff's Department (Draper)
378. Authorizing Acceptance of Donations to the Sheriff's Office and Authorizing County Treasurer to Set Up Money in the Sheriff's Budget (Draper)
379. Approving Agreement with Orleans County Deputy Sheriff's Association (OCDSA) (Draper)
380. Authorizing Creating, Filling and Abolishment of Positions in the Sheriff's Office (Draper)
381. Authorization to Approve Request for Extended Sick Leave at Half Pay from the Sheriff's Office (Draper)
382. Authorizing the Office of Emergency Management to Expend Funds for the Purchase of Emergency Operations Center Software (Draper)
383. Authorizing Filling Vacancy in the Probation Department (Draper)
384. Amending Resolution No. 14-123 in the Mental Health Department (Allport)
385. Approving an Agreement between Mental Health Department and Brian Amos, M.S., Ph.D. (Allport)
386. Approving an Agreement between Mental Health Department and Brenda L Bierdeman, Psy.D. (Allport)
387. Approving the Mental Health Department to add MiFi's to the Verizon Account and Approving MiFi Use Agreements in the Mental Health Department (Allport)
388. Authorizing County Treasurer to Set Up New Money in the Mental Health Budget and Veterans Services Budget (Allport)

389. Approving Agreements between the Public Health Department and Various Agencies (Allport)
390. Authorizing Out of State Travel for Health Department Employees (Allport)
391. Authorizing Filling Position in the Public Health Department (Allport)
392. Approving Orleans County Board of Elections Grant Extension and Increase of Funds Received from NYS Board of Elections and Authorizing County Treasurer to Set Up New Money (Allport)
393. Approving Orleans County Board of Elections Grant Extension and Increase of Funds Received from New York State Board of Elections and Authorizing County Treasurer to Set Up New Money (Allport)
394. Authorizing Expansion of Hours for Deputy Elections Commissioners in the Orleans County Board of Elections (Allport)
395. Authorizing Creating and Filling Positions in the Board of Elections (Allport)
396. Approving Supplemental No. 1 Agreement with the Department of Public Works and Labella Associates (Eick)
397. Approving Agreement with the Department of Public Works and Labella Associates (Eick)
398. Approving Agreement with the Department of Public Works and Labella Associates (Eick)
399. Approving Agreement between the Orleans County Department of Public Works and All State Fire and Security (Eick)
400. Agreement between the Orleans County Department of Public Works and Keeler Construction Co., Inc. (Eick)
401. Amending Agreement between the Orleans County Department of Public Works and Keeler Construction Co., Inc. (Eick)
402. Approving Agreements with Department of Public Works and Killian Construction, LLC (Eick)
403. Approving Agreement with Department of Public Works and Midland Asphalt (Eick)
404. Approving Agreements with Department of Public Works and Zebra Painting Striping (Eick)
405. Approving Agreement between Department of Public Works and Monroe Tractor (Eick)
406. Amending Resolution No. 262-523 between Department of Public Works and Wendel Companies for Energy Performance Contract (Eick)
407. Approving Amendment No. 2 to the Energy Performance Contract (Eick)
408. Authorizing the Implementation, and Funding of the Costs of 100% of the Costs of a Transportation Project, which may be Eligible for Federal-Aid and/or State-Aid, or Reimbursement from Bridge NY Funds (Eick)
409. Authorizing Department of Public Works to Apply for and Accept Grant for State and Municipal Facilities Capital Program (SAM) Grant (Eick)
410. Approving Emergency Repair between the Department of Public Works and Trane (Eick)
411. Amending Resolution for Equipment Purchases for the Department of Public Works (Eick)
412. Approving Emergency Purchase of a CMC 72HD+ Arbor Pro and Authorizing the County Treasurer to Setup Monies within the Department of Public Works Budget (Eick)
413. Authorizing County Treasurer to Transfer Funds in the Department of Public Works (Eick)
414. Designating the Tourism Promotion Agency and Authorizing Application for the 2024 State Tourism Matching Funds Grant (Eick)
415. Setting Date of Public Hearing for Local Law No. 3-Intro of 2023 Regarding Hotel Occupancy Tax (Eick)
416. Approving Appointments to the Orleans County Shared Services Committee (Eick)
417. Authorizing Payments from Capital Project Broadband (Eick)
418. Approving Agreements with the Department of Social Services (Miller)

419. Authorizing the County Treasurer to Set Up New Money and Transfer Funds within the Department of Social Services Budget (Miller)
420. Authorizing Filling Positions in the Department of Social Services (Miller)
421. Approving Renewal Agreement between Office For the Aging and Pathstone-Rural Housing Action Corp (Miller)
422. Authorizing Office For the Aging to Continue Participation in and Approve Agreement between Office For the Aging and New York State Office for the Aging (Miller)
423. Authorizing Purchase of a Vehicle for the Office For the Aging and Authorizing County Treasurer to Transfer Funds (Miller)
424. Authorizing County Treasurer to Transfer Funds Within the County Clerk's Budget (Draper)
425. Approving Agreement Extension between Real Property Tax Service and Applied Business Systems (Draper)
426. Approving Salary Review Committee's Recommendations (Draper)
427. Authorizing Agreement between Orleans County Treasurer and Armory Associates, LLC (Draper)
428. Authorizing County Treasurer to Close Out Capital Project REDI (Draper)
429. Authorizing County Treasurer to Transfer Funds from Contingency to Provide an Allocation to the Orleans County Chamber of Commerce (Draper)
430. Amending Resolution No. 164 of the Year 1967 in Relation to Orleans County Sales and Compensating Use Taxes, Increasing the Rate of Taxes on Sales and Uses of Tangible Personal Property and on Certain Services, and on Occupancy of Hotel Rooms and Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York (Draper)
431. Approving Sale of County-Owned Property (Draper)
432. Authorizing Payment of Claims for September Against the County (Fitzak)

Open Discussion – New business

Executive Session

Adjournment

RESOLUTIONS:

RESOLUTION NO. 377-823

AUTHORIZING REPAIR SERVICE FOR THE SHERIFF'S DEPARTMENT

RESOLVED, that this Legislature authorizes a service repair bill from D&K Auto, 338 Childs St, Albion, NY 14411, for the repair of a 2022 Chevy Tahoe at a total cost of \$8,921.89, to be paid from Sheriff's Office budget 01.3110.414-Automotive parts.

Moved, Draper; second,

RESOLUTION NO. 378-823

AUTHORIZING ACCEPTANCE OF DONATIONS TO THE SHERIFF'S OFFICE AND AUTHORIZING COUNTY TREASURER TO SET UP MONEY IN THE SHERIFF'S BUDGET

RESOLVED, that this Legislature accepts generous donations received from community members to assist the Sheriff's Office budget; now be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new money in the Sheriff's Office budget, as follows:

REVENUE:

01.0001.2705	Gifts & Donations	\$100.00
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APPROPRIATION:

01.3110.0499	K9 – Sheriff	\$100.00
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Moved, Draper; second,

RESOLUTION NO. 379-823

APPROVING AGREEMENT WITH ORLEANS COUNTY DEPUTY SHERIFF'S ASSOCIATION (OCDSA)

RESOLVED, that this Legislature approves an agreement with the Orleans County Deputy Sheriff's Association (OCDSA) amending and extending the current 2021 through 2024 agreement; said agreement under Article 15 includes compressing the existing steps to four steps in each grade and a 2% salary increase for 2024, 2025, and 2026; as well as some housekeeping issues throughout the agreement.

Moved, Draper; second,

RESOLUTION NO. 380-823

AUTHORIZING CREATING, FILLING AND ABOLISHMENT OF POSITIONS IN THE SHERIFF'S OFFICE

WHEREAS, Resolution No. 299-623 authorized the creation and filling of a full-time Public Safety Dispatcher position (3150.16) in the Sheriff's Dispatch; now be it

RESOLVED, that this Legislature, subsequent to the filling of full-time Public Safety Dispatcher position (3150.16), does hereby authorizes the filling of a vacant part-time Public Safety Dispatcher position in the Sheriff's Communications Division at \$15.99 – Valid EMT or Paramedic Certification \$ 18.98 per hour effective August 30, 2023; and be it

FURTHER RESOLVED, that due to a resignation in the Sheriff's Road Division, this Legislature does hereby authorize the filling of a part-time Deputy Sheriff (3110.89) in the Sheriff's Road Division at \$ 25.38 per hour, effective August 30, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of two (2) temporary full-time Correction Officer positions (3150.19* and 3150.49*) in the Sheriff's Corrections Division at a Grade 5 of the Orleans County Sheriff's Employees Association (OCSEA) salary schedule, effective August 22, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of two (2) temporary full-time Correction Officers, effective August 22, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize that the temporary positions (3150.19* and 3150.49*) shall be abolished as each aforementioned employees 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 vacant full-time Deputy Sheriff's position (3110.48) in the Sheriff's Road Patrol at a Grade 1 of the OCDSA salary schedule, effective August 30, 2023; and be it

FURTHER RESOLVED, that due to a resignation in the Sheriff's Office Animal Control Division, this Legislature does hereby authorize the filling of one (1) vacant full-time Animal Control Officer position (3510.04) in the Sheriff's Animal Control Division at a Grade 4, of the Management Compensation Plan effective August 30, 2023.

Moved, Draper; second,

RESOLUTION NO. 381-823

AUTHORIZATION TO APPROVE REQUEST FOR EXTENDED SICK LEAVE AT HALF PAY FROM THE SHERIFF'S OFFICE

WHEREAS, section 12.2.1 of the OCSEA collective bargaining agreement provides for extended sick leave at half pay upon the request of the employee with the approval of the County Legislature and Sheriff, and

WHEREAS, this member of the OCSEA union has exhausted all accumulated sick leave time; and

WHEREAS, this member of the OCSEA union has requested a 30-day extended sick leave at half pay; and

WHEREAS, this member of the OCSEA union has supplied to appropriate medical documentation for this request; and

WHEREAS, the Sheriff is in support of granting this request; be it now

RESOLVED, that this Legislature grants approval of this request for a 30-day extended sick leave at the rate of one half pay for position 3150.43, to begin July 30, 2023 and ending August 30, 2023; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chief Administrative Officer to grant any future extensions that are appropriate in this case.

Moved, Draper; second,

RESOLUTION NO. 382-823

AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT TO EXPEND FUNDS FOR THE PURCHASE OF EMERGENCY OPERATIONS CENTER SOFTWARE

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend \$6,335.50 from Emergency Management Performance Grant (EMPG) FY22, \$6,335.50 from matching county funds, and \$79.00 from the EMO budget (01.3640.0418) to purchase WebEOC, an Emergency Operations Center software application from JUVARE LLC/ESi Acquisitions Inc, 235 Peachtree St NE, Suite 2300, Atlanta, GA 30303, at a cost not to exceed \$12,750.00; and be it

FURTHER RESOLVED, annual subscription costs of \$11,250.00 will be funded by future grant funding opportunities.

Moved, Draper; second,

RESOLUTION NO. 383-823

AUTHORIZING FILLING VACANCY IN THE PROBATION DEPARTMENT

RESOLVED, that this Legislature authorizes the filling of a full-time Probation Officer position (3140.07) 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 September 1, 2023.

Moved, Draper; second,

RESOLUTION NO. 384-823

AMENDING RESOLUTION NO. 14-123 IN THE MENTAL HEALTH DEPARTMENT

WHEREAS, Resolution No. 14-123 between the Mental Health Department and Spectrum Human Services was approved through August 31, 2023 and it is necessary to extend this agreement; now be it

RESOLVED, that this Legislature approves amending Resolution No. 14-123 with Spectrum Human Services, Inc., 227 Thorn Avenue, P. O. Box 631, Orchard Park, NY 14127-0631 providing mental health crisis response services via their CARES Team to residents of Orleans County from January 1, 2023 to August 31, 2023 at a cost of \$89,387. Funding provided by New York State Office of Mental Health from reinvestment of Medicaid dollars due to the closing of the Medina Behavioral Health Unit, effective through December 31, 2023, County cost is \$20,000.00 to be paid from Mental Health budget 01.3495.0467; and be it

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

Moved, Allport; second,

RESOLUTION NO. 385-823

APPROVING AN 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 18 of approved on-site and off- site hours per week for the duration of this contract August 18, 2023 thru August 17, 2024 at an hourly rate of \$133.00. County cost is \$8,044.00.

Moved, Allport; second,

RESOLUTION NO. 386-823

APPROVING AN AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND BRENDA L BIERDEMAN, PSY.D.

RESOLVED, that this Legislature approves an agreement between Mental Health and Brenda L Bierdeman, Psy.D. effective September 1st, 2023 with no end date, for the purpose of the Orleans County Mental Health Department to take over and maintain her confidential records as result of Ms. Bierdeman' s retirement. County cost is \$0.

Moved, Allport; second,

RESOLUTION NO. 387-823

APPROVING THE MENTAL HEALTH DEPARTMENT TO ADD MIFI'S TO THE VERIZON ACCOUNT AND APPROVING MIFI USE AGREEMENTS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the Mental Health Department to upgrade 3 MiFi's on the Verizon account, to be paid at \$37.99 per unit per month from Mental Health budget 01.4310.0421 – Telephone; and be it

FURTHER RESOLVED, that this Legislature approves the Department of Mental Health MiFi Use Agreement and further authorizes the use of these MiFi's for the following positions at the Mental Health Department: 4310.06, 4310.16, 4310.49.

Moved, Allport; second,

RESOLUTION NO. 388-823

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

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget accepting funds as a pass through to the Veterans Services Agency for the Dwyer Peer to Peer Program as follows:

REVENUE:

01.4310.1625	Miscellaneous Revenue	\$13,125.00
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APPROPRIATION:

01.4310.0418	Other Contractual	\$13,125.00
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FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Veterans Services Budget to accept the Dwyer Peer to Peer Program monies received by the Orleans County Mental Health Department as follows:

REVENUE:

01.6510.3711	Dwyer - Peer to Peer Program	\$13,125.00
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APPROPRIATION:

01.6510.0486	Special Grants	\$13,125.00
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Moved, Allport; second,

RESOLUTION NO. 389-823

APPROVING AGREEMENTS BETWEEN THE PUBLIC HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Medina Central School District, One Mustang Drive, Medina, NY 14103. To provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from the New York State Education Department and Medicaid. Center-based tuition, evaluation rates and SEIS rates are set by New York State. Effective March 1, 2023 through June 30, 2025 to run congruent with last agreement.

Room To Bloom Therapy Services, LLC. 1850 Buffalo Road, Suite 200, Rochester, NY 14624. To provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from the New York State Education Department and Medicaid. Center-based tuition, evaluation rates and SEIS rates are set by New York State. Effective March 1, 2023 through June 30, 2025 to run congruent with last agreement.

Moved, Allport; second,

RESOLUTION NO. 390-823

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEES

RESOLVED, that this Legislature does hereby authorize out of state travel by Jacob Bensley, Environmental Health Specialist to attend the 2023 FDA Northeast Retail Food Protection Seminar to be held at The Hotel Northampton, 36 King Street, Northampton, Massachusetts from September 19, 2023 through September 22, 2023. Costs covered by HRI -PH Infrastructure, Workforce & Data Systems Grant. No County Cost.

Moved, Allport; second,

RESOLUTION NO. 391-823

AUTHORIZING FILLING POSITION IN THE PUBLIC HEALTH DEPARTMENT

WHEREAS, we have received notice of retirement from a Senior Environmental Health Specialist effective September 3, 2023; now be it

RESOLVED, that this Legislature does hereby authorize the filling of the vacant Environmental Health Specialist position (4010.42) in the Public Health Department at Grade 20 of the CSEA schedule effective September 5, 2023.

Moved, Allport; second,

RESOLUTION NO. 392-823

APPROVING ORLEANS COUNTY BOARD OF ELECTIONS GRANT EXTENSION AND INCREASE OF FUNDS RECEIVED FROM NYS BOARD OF ELECTIONS AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY

WHEREAS, Resolution No. 382-821 authorized the Board of Elections to enter into an agreement for a Technology Innovation and Elections Resource (TIER) Grant (BOE01-T0004377-1110000) with and end date of January 27, 2023; now be it

RESOLVED, that this Legislature does hereby approve the extension of said grant effective through January 28, 2024; and be it

FURTHER RESOLVED, that this Legislature authorize the acceptance of additional funds in the amount of \$42,238.18; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Board of Elections budget as follows:

REVENUE:

01.1450.3218.2023	Elections Services	\$42,238.18
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APPROPRIATION:

01.1450.0486.3218	Special Grants – Technology Innovation And Election Resource (TIER) Grant	\$42,238.18
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Moved, Allport; second,

RESOLUTION NO. 393-823

APPROVING ORLEANS COUNTY BOARD OF ELECTIONS GRANT EXTENSION AND INCREASE OF FUNDS RECEIVED FROM NEW YORK STATE BOARD OF ELECTIONS AND AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY

WHEREAS, Resolution No. 467-922 authorized the Board of Elections to enter into agreement for Absentee Ballot Pre-Paid Postage Grant (BOE01-T004602-1110000) with an end date of December 31, 2022; and

WHEREAS, \$15,090.02 of these unexpended reimbursable funds were not spent, now be it

RESOLVED, that this Legislature does hereby approve the extension of said grant in the amount of \$15,090.02 effective through March 31, 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes the acceptance of additional funds in the amount of \$16,533.33; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up old and new monies in the Board of Elections budget as follows:

REVENUE:

01.1450.3219.2023	Elections Services	\$31,623.35
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APPROPRIATION:

01.1450.0486.3219	Special Grants-Absentee Ballot Pre-Paid Postage Grant	\$31,623.35
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Moved, Allport; second,

RESOLUTION NO. 394-823

AUTHORIZING EXPANSION OF HOURS FOR DEPUTY ELECTIONS COMMISSIONERS IN THE ORLEANS COUNTY BOARD OF ELECTIONS

RESOLVED, that this Legislature does hereby authorize the expansion of hours from thirty-five (35) to forty (40) per week for the two (2) positions of Deputy Elections Commissioners (1450.03 and 1450.04) in the Board of Elections effective March 13, 2023; and be it

FURTHER RESOLVED, that this Deputy Elections Commissioners positions (1450.03 and 1450.04) will have an increase in salary to \$56,759.00 that reflects the change in hours effective March 13, 2023.

Moved, Allport; second,

RESOLUTION NO. 395-823

AUTHORIZING CREATING AND FILLING ABOLISHING POSITIONS IN THE BOARD OF ELECTIONS

RESOLVED, that due to a retirement, this Legislature does hereby authorize the filling of the vacant full-time Deputy Elections Commissioner position (1450.04), at Grade 3, Step 9 of the Management Compensation Plan effective August 24, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation and filling of two (2), temporary part-time Senior Election Clerk positions (1450.15 and 1450.16) in the Board of Elections at a rate of \$22.50 per hour effective August 28, 2023 thru August 27, 2024.

Moved, Allport; second,

RESOLUTION NO. 396-823

APPROVING SUPPLEMENTAL NO. 1 AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES

RESOLVED, that this Legislature does hereby approve a Supplemental No. 1 agreement with the Department of Public Works and Labella Associates PC, 300 State Street, Suite 201, Rochester, NY 14614 to perform Construction Support and Construction Inspection for the Replacement of Lakeshore Road Bridge over Unnamed Creek in the Town of Yates. Bin #3319090, Pin 4BNY.41; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$114,200.00 and is 95% reimbursable through the "Bridge NY" Funding; county cost \$5,710.00; 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. 397-823

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Labella Associates PC, 300 State Street, Suite 201, Rochester, NY 14614 to perform Preliminary Engineering and Design, ROW Incidentals and ROW Acquisition for the Preventive Maintenance No. 1 Bridge TIP Project consisting of 7 bridges. Bins: 2266640, 3319130, 3361960, 3361970, 3361980, 3319110, and 3319380 in the Towns of Gaines, Carlton and Hamlet of Kent. Pin 4OR0.07, NYS DOT Contract #D040812; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$90,100.00 and is 80% reimbursable through Federal Funds, 15% Marchiselli Funds; county cost \$4,505.00; 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. 398-823

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Labella Associates PC, 300 State Street, Suite 201, Rochester, NY 14614 to perform Preliminary Engineering and Design, ROW Incidentals and ROW Acquisition for the Preventive Maintenance No. 2 Bridge TIP Project consisting of 9 bridges. Bins: 3318850, 3318880, 3318950, 3318970, 3319150, 3319160, 3319200, 3319290, 3319300 in the Towns of Carlton, Murray, Kendall and Shelby, Pin 4OR0.08, NYS DOT Contract #D0408132; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$90,100.00 and is 80% reimbursable through Federal Funds, 15% Marchiselli Funds; County cost \$4,505.00; 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. 399-823

APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY DEPARTMENT OF PUBLIC WORKS AND ALL STATE FIRE AND SECURITY

RESOLVED, that this Legislature approves an agreement with All State Fire and Security, 400 Mineral Springs Road, Buffalo, New York 14224 to provide semi-annual system inspections at the Mental Health Department for a total annual cost of \$590/year: Contract period: August 22, 2023 through August 21, 2026; to be paid out of the Buildings and Grounds Division budget 01.1620.0447.

Moved, Eick; second,

RESOLUTION NO. 400-823

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

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Keeler Construction Co., Inc., 13519 West Lee Road, Albion, New York 14411 to furnish a paver, operator and screedman to assist the County DPW with paving the Mental Health Building parking lot located at 14014 Route 31 West, Albion, New York. Project ID: DPW97-2023. Pricing is through the Road and Bituminous Bid award resolution #151-323 with a

cost not to exceed \$7,500.00; to be paid out of Buildings and Grounds Division Budget 01.1620.0470-Capital Project.

Moved, Eick; second,

RESOLUTION NO. 401-823

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

WHEREAS, Resolution No. 358-723 approved an agreement between the Department of Public Works and Keeler Construction Company to provide labor, equipment and materials to pave portions of Yates Carlton Townline Road and Oak Orchard River Road; and

WHEREAS, a paving modification schedule requires an adjustment to allow for more time for paving these designated roads. As a result of the additional time requirement, the Contract price will necessitate an increase; now be it

RESOLVED, that this Legislature does hereby approve amending the contract between the County Department of Public Works and Keeler Construction Co., Inc., 13519 West Lee Road, Albion, New York 14411; Project ID: DPW92-2023 to increase the cost not to exceed \$60,000.00. Projects are reimbursable through the Consolidated Highway Improvement Program, County Cost \$0.00.

Moved, Eick; second,

RESOLUTION NO. 402-823

APPROVING AGREEMENTS WITH DEPARTMENT OF PUBLIC WORKS AND KILLIAN CONSTRUCTION, LLC

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Killian Construction, 1379 Brighton Henrietta Town Line Road, Rochester, New York 14623 to furnish a 7-ft wide self-loading mill with operator to assist the County Department of Public Works with milling portions of Yates Carlton Townline Road. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #151-323, Project ID DPW98-2023; pricing is not to exceed \$5,000.00 and reimbursable through the Consolidated Highway Improvement Program, Cost County \$0.00; to be paid out of the Highway Division Budget code 03.5112.0436; and be it

FURTHER RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Killian Construction, 1379 Brighton Henrietta Town Line Road, Rochester, New York 14623 to furnish a 7-ft wide self-loading mill with operator to assist the County Department of Public Works with milling the parking lot for the County Mental Health Department located at 14014 Route 31 West, Albion, New York. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 151-323. Project ID DPW99-2023, pricing is not to exceed \$5,000.00; to be paid out of the Buildings and Grounds Division Budget 01.1620.0470-Capital Projects.

Moved, Eick; second,

RESOLUTION NO. 403-823

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND MIDLAND ASPHALT

Resolved, that this Legislature does hereby approve an agreement with the County Department of Public Works and Midland Asphalt, 640 Young Street, Tonawanda, New York 14151-0388 to provide labor, equipment and materials to Pugmill 1,500 tons of 5/8" crusher run for Yates Carlton Townline Road and Oak Orchard River Road. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 151-323, Project ID DPW101-2023; to be paid from Road Fund budget 03.5112.0436. Pricing is not to exceed \$75,000.00 and is reimbursable through the Consolidated Highway Improvement Program, County Cost \$0.00.

Moved, Eick; second,

RESOLUTION NO. 404-823

APPROVING AGREEMENTS 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 No. 151-323; cost not to exceed \$100,000.00; contract period August 23, 2023 through December 31, 2023; and be it

FURTHER 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 stripe new pavement markings at County Building Parking Lots. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 151-323; cost not to exceed \$4,500.00; contract period August 23, 2023 through December 31, 2023.

Moved, Eick; second,

RESOLUTION NO. 405-823

APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND MONROE TRACTOR

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Monroe Tractor, 5035 Genesee Street, Buffalo, New York 14225 for a rental agreement for a Road Widener from August 21, 2023 through September 5, 2023; NYS OGS Rental Award #23182, PC#69114 at a cost of \$3,300.00/week; rental is reimbursable through the Consolidated Highway Improvement Program.

Moved, Eick; second

RESOLUTION NO. 406-823

AMENDING RESOLUTION NO. 262-523 BETWEEN DEPARTMENT OF PUBLIC WORKS AND WENDEL COMPANIES FOR ENERGY PERFORMANCE CONTRACT

WHEREAS, Resolution No. 402-822 approved an agreement with Wendel Companies for an Energy Performance Contract at \$178,442.49; and

WHEREAS, Resolution No. 262-523 approved an agreement with Wendel Companies for Professional Services for a Roofing Structural Evaluation at \$8,000.00; and

WHEREAS, Resolution No. 262-523 should have stated the agreement was Amendment No. 1 to the Energy Performance Contract; now be it

RESOLVED, that this Legislature approves amending Resolution No. 262-523 as Amendment No. 1 to the Energy Performance Contract for a total cost of \$186,442.49.

Moved, Eick; second,

RESOLUTION NO. 407-823

APPROVING AMENDMENT NO. 2 TO THE ENERGY PERFORMANCE CONTRACT

RESOLVED, that this Legislature does hereby approve Amendment No. 2 to the Energy Performance Contract between the Department of Public Works and Wendel Companies, 375 Essjay Road, Suite 200, Williamsville, New York 14221 in the amount of \$56,187.00 for the implementation of the Energy Management Systems upgrades at Veterans Office, Central Hall, Emergency Management and Animal Control, as well as HVAC upgrades at the Department of Public Works; to be paid out of the Buildings and Grounds Division budget 01.1620.0470-capital projects; and be it

FURTHER RESOLVED, the total project cost for the Energy Performance Contract is \$242,629.49.

Moved, Eick; second,

RESOLUTION NO. 408-823

AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS

WHEREAS, a Project for the Lakeshore Road over Unnamed Creek Bridge Replacement, P.I.N. 4BNY.41 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Labella Associates PC will design, let and construct the Project; and

WHEREAS, the Legislature of Orleans County desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

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

RESOLVE, that the Orleans County Legislative Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Legislative Board hereby authorizes the County of Orleans to pay 100% of the cost of \$1,050,875.00 for Preliminary Engineering, Design, ROW Acquisition and Incidentals and Construction Inspection and Support work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further and it is further

RESOLVED, that the sum of \$1,050,875.00 is hereby appropriated from Orleans County and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Legislative BOARD hereby agrees that the County of Orleans shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the County of Orleans; and it is further

RESOLVED, that Orleans County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Chairman of the Legislature of the County of Orleans be and is hereby authorized to execute on behalf of the County of Orleans all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Orleans's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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

RESOLVED, this Resolution shall take effect immediately

Moved, Eick; second,

RESOLUTION NO. 409-823

AUTHORIZING DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND ACCEPT GRANT FOR STATE AND MUNICIPAL FACILITIES CAPITAL PROGRAM (SAM) GRANT

RESOLVED, that this Legislature authorizes the Department of Public Works to apply for the State and Municipal Facilities Capital Program (SAM) Grant in the amount of \$150,000.00 to assist in the purchase of a Road Widener with a start date of August 2023 and an anticipated completion date of October 2024; and be it

FURTHER RESOLVED, the remaining dollar amount for the Road Widener will be funded through the Consolidated Highway Improvement Program; No County cost; 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. 410-823

APPROVING EMERGENCY REPAIR BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND TRANE

RESOLVED, that this Legislature hereby approves an emergency repair with Trane U.S. Inc., 45 Earhart Drive, Suite 103, Buffalo, New York 14221 to do an emergency repair on the Roof Top Unit RTU-7 at the Public Safety Building at a cost of \$6,740.00 pricing through OMNIA Racine #3341; to be paid out of the budget code: 01.1620.0403.

Moved, Eick; second,

RESOLUTION NO. 411-823

AMENDING RESOLUTION FOR EQUIPMENT PURCHASES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution 265-523 approved purchases for multiple pieces of equipment for a total cost of \$125,769.36; and

WHEREAS, purchase order #63515 was created to reflect the vendor as Bentley Bros. and the County DPW was informed after the purchase order was created that some designated pieces of equipment on purchase order #63515 were being purchased and billed directly through another vendor; now be it

RESOLVED, that this Legislature does hereby amend Resolution 265-523 to reflect the purchase of multiple pieces of equipment from Bentley Bros, 13936 Route 31 West, Albion, NY 14411 at a cost of \$83,723.72 and Ariens Company, P.O. box 71237, Chicago, IL 60694-1237 at a cost of \$42,045.00 for a total cost of \$125,769.36.

Moved, Eick; second,

RESOLUTION NO. 412-823

APPROVING EMERGENCY PURCHASE OF A CMC 72HD+ ARBOR PRO AND AUTHORIZING THE COUNTY TREASURER TO SETUP MONIES WITHIN THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that this Legislature does hereby approve an emergency purchase of a CMC 72HD+ ARBOR Pro from SkyWorks Equipment Rental, 100 Thielman Drive, Buffalo, New York 14206 at a cost not to exceed \$137,000.00. Reimbursable through the Consolidated Highway Improvement Program (CHIPS), County Cost \$0.00; 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:

04.5130.3501	Machinery CHIPS Revenue Account	\$137,000.00
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APPROPRIATION:

04.5130.0270	Machinery Capital Equipment	\$137,000.00
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Moved, Eick; second

RESOLUTION NO. 413-823

AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that this Legislature authorizes the Orleans County Treasurer to transfer monies in the Buildings and Grounds Division budget for the purpose of utilizing the proper budget code for an appliance purchase as follows:

FROM:

01.1620.0403	Maintenance Projects	\$1,100.00
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TO:

01.1620.0211	Appliances	\$1,100.00
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and be it

FURTHER RESOLVED, that this Legislature authorizes the Orleans County Treasurer to transfer monies in the Highway Division budget for the purpose of utilizing the proper budget code for an annual software subscription purchase as follows:

FROM:

04.5130.0432	Miscellaneous Contracts	\$4,628.00
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TO:

04.5130.0225 Software Subscription \$4,628.00

Moved, Eick; second,

RESOLUTION NO. 414-823

DESIGNATING THE TOURISM PROMOTION AGENCY AND AUTHORIZING APPLICATION FOR THE 2024 STATE TOURISM MATCHING FUNDS GRANT

RESOLVED, that this Legislature does hereby designate the Orleans County Tourism Office as the official Orleans County Tourism Promotion Agency (TPA) to represent the county in tourism promotion efforts and for purposes of the 2024 New York State Matching Funds Program; and be it

FURTHER RESOLVED, that the TPA Project Director is hereby authorized to apply for the 2024 State Matching Funds and to receive such funds to the extent that local matching funds are available.

Moved, Eick; second,

RESOLUTION NO. 415-823

SETTING DATE OF PUBLIC HEARING FOR LOCAL LAW NO. 3-INTRO OF 2023 REGARDING HOTEL OCCUPANCY TAX

WHEREAS, there has been duly presented and introduced to this Legislature a proposed local law entitled “A Local Law Amending Local Law Number 4 of the Year 2003 Imposing a Hotel and Motel Room Occupancy Tax in the County of Orleans With Respect to the Expiration Date Thereof”; therefore be it

RESOLVED, that a public hearing will be held on the said proposed local law by this Legislature on September 26, 2023 at 4:25 p.m. at which time all interested parties will be heard.

Moved, Eick; second,

RESOLUTION NO. 416-823

APPROVING APPOINTMENTS TO THE ORLEANS COUNTY SHARED SERVICES COMMITTEE

RESOLVED, that this Legislature appoints the following County, Town and Village positions to the Orleans County Shared Services Committee:

Orleans County Legislature Chair

Supervisor from the: Town of Albion, Town of Barre, Town of Carlton, Town of Clarendon, Town of Kendall, Town of Murray, Town of Ridgeway, Town of Shelby and Town of Yates

Mayor from the: Village of Albion, Village of Holley, Village of Lyndonville and Village of Medina

Moved, Eick; second,

RESOLUTION NO. 417-823

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$1,950.00	RTO Wireless	Equipment installations, Albion and Medina, Inv. # 20230810-CPE

Moved, Eick; second,

RESOLUTION NO. 418-823

APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Berkshire Farm Center, Canaan, NY for the provision of an evidence-based preventive services program to accommodate the Raise the Age (RTA) population of 16-17 year olds so that they may benefit from the avoidance of foster care and detention programs. All costs incurred will be 100% reimbursable from the New York State Office of Children and Family Services. Contract will run from October 1, 2023 through September 30, 2024

Elmcrest, Syracuse, NY for the provision of residential foster care services; to be effective October 1, 2023 through September 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 financial eligibility of each child so placed.

LAMAR, 289 Exchange Street, Buffalo, NY 14204 to display and maintain poster flex outdoor advertising (billboards) at 5 locations throughout Orleans County from September 11, 2023 through November 5, 2023 at a cost of \$5,075.00 to be paid through Safe Harbour grant at \$0 County Cost.

Kids Peace National Center for Kids in Crisis, Schnecksville, PA for the provision of therapeutic foster care services, to be effective July 1, 2023 through June 30, 2024 at rates established by the New York State Office of Children and Family Services. Reimbursement will vary by child's eligibility for State and Federal funding.

Orleans County Mental Health for assessments of foster children to make a determination as to whether placement in a Qualified Residential Treatment Program (QRTP) is appropriate pursuant

to the Family First Prevention Services Act (FFPSA). The agreement is effective October 1, 2023 through September 30, 2024, cost to not exceed \$25,000.00. County cost is 50% of amount billed.

Orleans County Attorney, Medina, NY for the provision of 0.75 part-time attorney assigned to the Child Support unit of Social Services. Attorney services include 2 days per week for time spent in the DSS office. Changes in the amounts reflect changes in rates as required by the state. Contract is effective January 1, 2023 through December 31, 2023 at a cost of \$63,191.00. County cost is \$21,485.00.

Scott Stopa, 193 East Avenue, Lockport, NY for the provision of legal services relating to Child Support matters, effective July 1, 2022 through December 31, 2023. Rate from July 1, 2022 – March 31, 2023 is \$75.00 per hour and the rate is \$158.00 per hour thereafter. County cost is 34%.

Moved, Miller; second,

RESOLUTION NO. 419-823

AUTHORIZING THE COUNTY TREASURER TO SET UP NEW MONEY AND TRANSFER FUNDS WITHIN THE DEPARTMENT OF SOCIAL SERVICES BUDGET

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

REVENUE:

01.6010.3610	Social Svcs Administration	\$7,429.93
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APPROPRIATION:

01.6010.0210	Furniture & Furnishings	\$7,429.93
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and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer funds within the Department of Social Services budget as follows:

FROM:

01.6010.0432	Misc Contracts/Agreements	\$500.02
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TO:

01.6010.0210	Furniture & Furnishings	\$500.02
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Moved, Miller; second,

RESOLUTION NO. 420-823

AUTHORIZING FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, as a result of a retirement, that this Legislature does hereby authorize filling a full-time Fraud Investigator position (6010.0116) in the Department of Social Services at Grade 15 of the CSEA Salary Schedule effective September 1, 2023; and be it

FURTHER RESOLVED, as a result of a retirement, that this Legislature does hereby authorize filling a full-time Senior Child Support Specialist position (6010.0806) in the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective September 1, 2023; and be it

FURTHER RESOLVED, as a result of a resignation, that this Legislature does hereby authorize filling a full-time Caseworker position (6010.0215) in the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective September 1, 2023.

Moved, Miller; second,

RESOLUTION NO. 421-823

APPROVING RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING AND PATHSTONE-RURAL HOUSING ACTION CORP

RESOLVED, that this Legislature approves a renewal agreement between Pathstone-Rural Housing Action Corp-400 East Avenue, Rochester, NY 14607 and the Orleans County Office for the Aging to enter into a 5 year lease agreement for the first floor of the Albion Academy-16 East Academy Street, Albion, NY 14411 dated October 1, 2023 through September 30, 2028 for which this space will primarily be used for the Orleans County Nutrition Program contracted by the Office for the Aging and also utilizing it for other programming as needed. Rent for 2024 will be \$2,027.67 per month. County Cost \$169.33 per month.

Moved, Miller; second,

RESOLUTION NO. 422-823

AUTHORIZING OFFICE FOR THE AGING TO CONTINUE PARTICIPATION IN AND APPROVE AGREEMENT BETWEEN OFFICE FOR THE AGING AND NEW YORK STATE OFFICE FOR THE AGING

RESOLVED, that the Office for the Aging is authorized to continue participation in the renewal of a grant with New York State Office for the Aging for the purpose of expanding the capacity of existing NY Connects programs and enhance its functionally. The populations served are broadened and new partners are being added to fully realize the No Wrong Door/Single Point of Entry reform; and be it

FURTHER RESOLVED, that this Legislature authorizes the Director of Orleans County Office for the Aging to reapply for the New York Connects Enhancement and Expansion grant from NYSOFA, for \$217,786.00 from April 1, 2023 to March 31, 2024 at no county cost.

Moved, Miller; second,

RESOLUTION NO. 423-823

AUTHORIZING PURCHASE OF A VEHICLE FOR THE OFFICE FOR THE AGING AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS

RESOLVED, this Legislature authorizes purchasing one (1) 2023 Chrysler Pacifica for the Office For the Aging through Enterprise Fleet Management at a cost not to exceed \$50,000.00 to be reimbursable through state and federal funding at no County cost; to be paid from Office for the Aging budget 01.6772.0270 – Capital Equipment; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to transfer funds the Office for the Aging budget as follows:

FROM:

01.6772.0850	Health Insurance	\$19,147.00
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APPROPRIATION:

01.6772.0270	Capital Equipment	\$19,147.00
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Moved, Miller; second,

RESOLUTION NO. 424-823

AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS WITHIN THE COUNTY CLERK'S BUDGET

RESOLVED, that the County Treasurer is authorized to transfer monies within the County Clerk Department budget to purchase replacement equipment for all of the recording and filing needs, along with Pistol Permit Processing due to current equipment lease expiring at the end of the year. The funds are to be transferred as follows:

FROM:

01.1410.0447	Contractual Services & Equipment	\$10,000.00
01.1410.0461	Postage	\$ 2,000.00

TO:

01.1410.0220	Office Equipment	\$12,000.00
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Moved, Draper; second,

RESOLUTION NO. 425-823

APPROVING AGREEMENT EXTENSION BETWEEN REAL PROPERTY TAX SERVICE AND APPLIED BUSINESS SYSTEMS

WHEREAS, Resolution No. 321-819 approved an agreement between Real Property Tax Service and Applied Business Systems, 26 Harvester Ave, Batavia, NY for printing of the Orleans County tax bill, Village tax bill and School tax bills at a cost \$0.198 per bill, which such fees charged back to the municipalities; now be it

RESOLVED, that this Legislature approves an agreement extension for an additional 12 month period for printing services through August 31, 2024.

Moved, Draper; second,

RESOLUTION NO. 426-823

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 July 18, 2023; now be it

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

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, County Treasurer, Grade 11, Step 6 of the Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Deputy County Treasurer, Grade 8, Step 4 of the Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Secretary to the District Attorney, Grade 4, Step 9 of the Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Secretary to the Assistant District Attorneys, Grade 2 of the Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Assistant Director of Office for the Aging, Grade 7, Step 5 of the Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Senior Caseworker, Grade 19 of the CSEA contract; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Caseworker, Grade 17 of the CSEA contract; and be it

FURTHER RESOLVED, that this Legislature approves the following upgrade, effective January 1, 2024, Clinic Therapist, Grade 25 of the CSEA contract; and be it

FURTHER RESOLVED, that this Legislature approves a stipend in the amount of \$250 for each Qualified Individual Assessment completed by a State certified Mental Health employee, effective January 1, 2023.

Moved, Draper; second,

RESOLUTION NO. 427-823

AUTHORIZING AGREEMENT BETWEEN ORLEANS COUNTY TREASURER AND ARMORY ASSOCIATES, LLC

WHEREAS, pursuant to a request from the Orleans County Treasurer to meet the requirements set forth under GASB 75, the County must hire professional services for providing the actuary services for GASB 75 valuing the Orleans County's Other Post-Employment Benefits (OPEB) other than pensions; and

WHEREAS, after careful review, the County Treasurer is recommending the contract be renewed with Armory Associates, LLC, 250 South Clinton Street, Suite 502, Syracuse, NY 13202 at the cost of \$8,400.00 for the Fiscal year 2024; \$2,200.00 for the interim year 2025; \$8,400.00 for Fiscal year 2026; \$2,200.00 for the interim year 2027; \$8,400.00 for Fiscal year 2028; now be it

RESOLVED, that the Orleans County Treasurer and Chairman of the Orleans County Legislature are hereby authorized to sign the agreement between, Orleans County and Armory Associates, LLC for GASB 75 Actuary Services.

Moved, Draper; second,

RESOLUTION NO. 428-823

AUTHORIZING COUNTY TREASURER TO CLOSE OUT CAPITAL PROJECT REDI

WHEREAS, Resolution No. 511-1219 authorized the remediation related to Lake Ontario Lakeshore Flooding, and the Capital Project REDI has been completed; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to close out said Capital Project, in accordance with the rules per the NYS Comptroller.

Moved, Draper; second,

RESOLUTION NO. 429-823

AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS FROM CONTINGENCY TO PROVIDE AN ALLOCATION TO THE ORLEANS COUNTY CHAMBER OF COMMERCE

RESOLVED, that the County Treasurer is authorized to transfer funds from the contingency fund to provide an allocation to the Orleans County Chamber of Commerce for the purchase of Eclipse glasses as follows:

FROM:

01.1990.0435	Contingency Fund	\$9,045.00
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TO:

01.7989.0439 Other Culture & Recreation \$9,045.00

Moved, Draper; second,

RESOLUTION NO. 430-823

AMENDING RESOLUTION NO. 164 OF THE YEAR 1967 IN RELATION TO ORLEANS COUNTY SALES AND COMPENSATING USE TAXES, INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND ON CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

BE IT RESOLVED, BY THE ORLEANS COUNTY LEGISLATURE AS FOLLOWS:

That Resolution No. 164 of the Orleans County Board of Supervisors adopted November 30, 1967, as amended by Resolution No. 17 of said Board, adopted February 6, 1969, Resolution No. 90 and 91 of said Board, both adopted June 4, 1970, and as further amended by the Orleans County Legislature by Resolution No. 547-1290, adopted December 12, 1990, of said Legislature, Resolution No. 264-593, adopted May 1, 1993, Resolution No. 388-795, adopted July 29, 1995, of said Legislature, Resolution No. 396-997, adopted September 24, 1997, Resolution No. 380-1099, adopted October 13, 1999, and Resolution No. 377-901, adopted September 12, 2001, and Resolution No. 387-903, adopted September 10, 2003, and Resolution No. 272-705, adopted July 27, 2005, and Resolution No. 361-807, adopted August 22, 2007 and Resolution No. 297-909, adopted on September 9, 2009, and Resolution No. 254-811, adopted on August 24, 2011, and Resolution No. 291-813, adopted on August 28, 2013; and Resolution No. 323-915, as adopted on September 28, 2015; and Resolution No. 305-817, as adopted on August 23, 2017; and Resolution No. 288-720, as adopted on July 22, 2020 be amended in its several parts as follows:

SECTION 1. The first sentence of section 2 of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after September 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing June 1, 1993 and ending November 30, 2025, there is hereby imposed and shall be paid an *additional* tax of one percent upon:

SECTION 2. Subdivision (g) of section three of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing June 1, 1993 and ending November 30, 2025, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to June 1, 1993, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to February 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to May 31, 1993. Nothing herein shall be deemed to exempt from tax at the rate

in effect prior to June 1, 1993 any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after June 1, 1993, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible

personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land, as defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specification of an addition or capital improvement to such real property, property or land.

(f) For purposes of Clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Paragraph (B) of subdivision one of section eleven of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the *additional* tax of one percent imposed for the period beginning June 1, 1993 and ending November 30, 2025, in respect to the use of property used by the purchaser in this County prior to June 1, 1993.

SECTION 5. Subdivision (b) of section fourteen of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(b) Net collections attributable to the *additional* one percent sales and compensating use taxes imposed for the period beginning June 1, 1993, and ending November 30, 2025, are set aside for County purposes and shall be available for any County purpose.

SECTION 6. This resolution shall take effect on December 1, 2023.

Moved, Draper; second,

RESOLUTION NO. 431-823

APPROVING SALE OF COUNTY-OWNED PROPERTY

WHEREAS, a public auction of various parcels of property owned by the County under the In Rem Foreclosure was held August 22, 2023; and

WHEREAS, bids for various properties were obtained by the auctioneer at such auction in accordance with the stated terms of auction; and

WHEREAS, due deliberation has been made by the Orleans County Legislature as to the propriety of each of the said bids; now, therefore be it

RESOLVED, that bids for various parcels set forth on the schedule hereto annexed be, and the same individually are accepted pursuant to the provisions of the Real Property Tax Law; and be it

FURTHER RESOLVED, that the standard form quitclaim tax deeds be prepared for the separate parcels and delivered to the County Treasurer for execution and delivery upon receipt of the balance of the purchase price set forth in the said deed.

ORLEANS COUNTY AUCTION
August 22, 2023

		Sold To:	Amount:
ALBION-VILLAGE			
62.18-3-39	COVILLE SUSAN		
PC 210	COVILLE ROBERT		
	154 CAROLINE ST 55.30 X 392.00		
	LAND - 7,200 TOTAL - 46,700		
73.6-5-25	KINSEY DAVID		
	132 MCKINSTRY ST 64.68 X 132.00		
	LAND - 6,700 TOTAL - 50,100		
73.11-1-13	SCHARPING JASON B		
PC 210	405 EAST AVE 66.50 X 227.00		
	LAND - 9,900 TOTAL - 45,100		
ALBION			
85.-2-7.2	NEWBOULD DAVID J		
PC 270	15510 HOLLEY RD 1.10 ACRES		
	LAND - 16,800 TOTAL - 19,600		
BARRE			
93.-1-47.121	KELLEY DAVID E		
PC 270	KELLEY DOLORES J		
	4600 EAGLE HARBOR RD 2.24 ACRES		
	LAND - 21,200 TOTAL - 45,000		
106.-1-40.1	FLINT WILMA		
PC 312	5116 OAK ORCHARD RD 19.30 ACRES		
	LAND - 45,300 TOTAL - 50,000		
CARLTON			

8.-1-10	HILLSBORO INLET LLC		
PC 314	(NOW KNOWN AS GARY ELEANOR)		
	E SHORE DR .24 ACRES		
	LAND - 3,200 TOTAL - 3,200		
18.-1-11	BATES THOMAS		
PC 210	14573 ERWAY SUB LN 1.30 ACRES		
	LAND - 21,000 TOTAL - 95,200		
29.-1-15	SPIKES DOROTHY M		
PC 314	ROBINSON JUIL JR		
	14754 ROOSEVELT HWY 5.90 ACRES		
	LAND - 20,500 TOTAL - 20,500		
29.1-1-2.11	BURDICK BARBARA		
PC 270	FORMERLY WILCOX THOMAS & MARY		
	1626 OAK ORCHARD RD 1.86 ACRES		
	LAND - 13,500 TOTAL - 34,700		
29.1-1-43.1	CATLIN BRYANT		
PC 430	1754 OAK ORCHARD RD 1.22 ACRES		
	LAND - 11,400 TOTAL - 104,800		
	CLARENDON		
98.-1-15	HILLSBORO INLET LLC		
PC 311	(NOW KNOWN AS ROWLETTE BRYANT L)		
	FOURTH SECTION RD .92 ACRES		
	LAND - 800 TOTAL - 800		
98.13-1-30	GRATHOUSE WILLIAM		
PC 215	GRATHOUSE NICOLE M		
	4581 HOLLEY BYRON RD 3.36 ACRES		
	LAND - 21,900 TOTAL - 125,000		
	GAINES		
60.4-1-10	GILL DANIEL A		
PC 210	13379 EAGLE HBR KNOWLESVILLE RD .37 ACRES		
	LAND - 9,400 TOTAL - 42,300		
	KENDALL		
20.-1-20.1	FITZWATER DAVID		
PC 210	FITZWATER MARIE		
	1393 TRANSIT RD 4.00 ACRES		
	LAND - 18,300 TOTAL - 78,400		
42.-1-16	LAWRENCE-RICHARD JODI-ANN		
PC 210	2160 W KENDALL RD 120.00 X 204.00		
	LAND - 10,000 TOTAL - 49,500		
	MURRAY-VILLAGE		
88.29-1-19	DIAZ CHEMICAL CORP.		
PC 210	54 S MAIN ST .37 ACRES		
	LAND - 10,000 TOTAL - 60,000		
	MURRAY		
53.-2-14.1	OWENS MEGAN K		
PC 210	16191 RIDGE RD 1.00 ACRES		
	LAND - 10,000 TOTAL 68,400		
54.-1-3.114	PRITT BURLEY		
PC 322	RIDGE RD 10.20 ACRES		
	LAND - 26,600 TOTAL - 26,600		
	RIDGEWAY		
46.-1-25.2	YOUNG MARY ANN		
PC 240	C/O NETTIE DUBOIS		
	POSTLE RD 1.85 ACRES		
	LAND - 14,400 TOTAL - 14,400		

69.-1-27	ZIETZ JOSPEH		
PC 314	ZIETZ KIRSTEN		
	HORAN RD 100.00 X 275.25		
	LAND - 5,500 TOTAL - 5,500		
70.2-2-17.11	WODRICH LEO R JR		
PC 210	WODRICH DONNA		
	12657 PRESBYTERIAN ST 2.40 ACRES		
	LAND - 12,100 TOTAL - 70,200		
SHELBY - VILLAGE			
79.16-1-22	MORRISON KELLY		
PC 220	SPARKS LAWRENCE E IV		
	NOW KNOWN AS CANDLELIGHT PROPERTIES LLC		
	956 GWINN ST 66.00 X 173.25		
	LAND - 10,900 TOTAL - 11,900		
79.60-2-9	FLINT WILMA J		
PC 210	702 WEST AVE 36.00 X 92.50		
	LAND - 5,100 TOTAL - 40,200		
80.45-2-15	RIDDER DOUGLAS		
PC 210	RIDDER DIANE		
	NATHANIEL DICKES		
	726 SOUTH MAIN ST 52.00 X 89.00		
	LAND - 4,100 TOTAL - 33,600		
80.45-3-41	RICHARD WENDEL		
PC 210	LAWRENCE RICHARD JODI-ANN C		
	725 CHURCH ST 66.00 X 132.00		
	LAND - 6,000 TOTAL - 30,000		
SHELBY			
90.-1-12	PADOLESKI BARBARA		
PC 210	ATTN: KEITH DENNIS		
	10764 MAPLE RIDGE RD 1.00 ACRES		
	LAND - 13,000 TOTAL - 82,900		
YATES			
12.3-1-7	KERR PATRICIA		
PC 210	10214 ROOSEVELT HWY 1.10 ACRES		
	LAND - 11,200 TOTAL - 42,500		
14.3-1-3	O'CONNOR ELEANORE		
PC 270	1425 LYNDONVILLE RD 90.00 X 167.00		
	LAND - 7,000 TOTAL - 17,100		

Moved, Draper; second,

RESOLUTION NO. 432-823

AUTHORIZING PAYMENT OF CLAIMS FOR SEPTEMBER 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 September 12, 2023 and September 26, 2023:

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

Moved, Fitzak; second,