

Legislature Meeting
September 26, 2023

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

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

The Clerk then presented the following communications:

DSS is asking to light the Courthouse dome purple in recognition of October being Domestic Abuse Month from October 1-14, 2023. **Board Approved**

Department of Taxation and Finance has received acknowledgement of receipt of Orleans County Resolution No. 430-823 adopted on August 22, 2023 which was the enactment extending the county's additional one percent rate of sales and compensating use taxes for the period December 1, 2023 through November 30, 2025.

New York State Department of Agriculture and Markets has certified that the land included in the Orleans County Agricultural District is viable agricultural land, and as proposed is feasible and shall serve the public interest in assisting in maintaining a viable agricultural industry within the District.

The following letters were received from various residents and neighbors were read aloud:

Thank you cards to Justin Niederhofer

Thank you from GLOW Executive Director Jay Lazarony

Great service from Amber in the DMV

Good Job email from Jim Salmon

Orleans County will have an ornament hanging on the tree in the NYS Capital. We thank Carol Culhane for painting the Court House on an ornament.

Legislator Draper present Treasurer Kimberly DeFrank with the 90+ Award for cashVest® by three+one. Mrs. DeFrank stated that in order to get this, the County was scored in five different categories. The category that I want the tax payers to most know about is that every dollar of your money is invested in something. We are earning money on every single dollar the county has. That is why I received this award.

Chairman Johnson recognized Tourism Director Dawn Borchert for being awarded the 2023 NYS Tourism Excellence Award in Tourism Marketing Campaigns, Project & Program for the Fall Fishing Program: 'More Water = More Fish'. Also present for recognition were Lynne Menz and Ron Bierstine. Dawn Borchert stated that this began with the initiative that the NYS Canals did in 2018-19, when Ron Bierstine was appointed to a Governor Task Force for the reimagine the calas program. We did some brainstorming and came up with the idea that more water will bring more fish, hence the saying "more water = more fish". Ron Bierstine showed the NYS Canals that releasing water into our tributaries would benefit the fish. When the water is higher, more fish will come out of the Lake and spawn upward through the river and tributaries. This extends the fishing season in our county. Ron Bierstine is glad to be part of the team and very thankful for

the cooperation of the Canals. I'm just a fishing guide with a passion and a sporter of the fishing on the Oak Orchard River and the Lake Ontario fishery in Orleans County. I hope we can continue creating a good economic impact from that. Right now, this program is underway as the state has bolstered flows in the Oak Orchard River and Sandy Creek and fishing is pretty good right now. The summer was wet and now we have been dry, the flow has been the same because of the water coming from the canal. Fishing is still good. Thank you.

Legislator Miller presented a Proclamation to Department of Social Services employees Judianne Gearing, Domestic Violence Supervisor and Kelley Ortiz, Domestic Violence Services Coordinator proclaiming October 2023 to be Domestic Violence Month.

Legislator Draper presented a Proclamation to Undersheriff Draper, Sergeant Hazel, Deputy Goetze, Deputy Martindale and Deputy Tackley proclaiming September 17-23, 2023 to be Sheriff Week.

Treasurer Kimberly DeFrank stated school tax collection is in full swing. We are collecting from Albion, Lyndonville and Medina School Districts. We have been very busy. The auditors have completed the single audit from 2022. We had three payrolls in August, paid out of cash, but our balance is doing well.

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

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

RESOLUTION NO. 433-923

AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR AND ACCEPT VARIOUS NEW YORK STATE STOP DWI GRANTS AND AUTHORIZING THE COUNTY TREASURER TO SET UP NEW FUNDS

RESOLVED, that this Legislature authorizes the Sheriff's Office to apply online to the New York State STOP DWI Foundation's 2023-2024 High Visibility Engagement Grant funding in the amount of \$15,000.00. Grant funds would allow the Sheriff's Office, and other local law enforcement agencies, to participate in increased STOP DWI patrols (Campaigns) during peak holiday periods throughout the year. Grant period dates effective from October 1, 2023 through September 30, 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes the Sheriff's Office to apply online to the New York State Department of Motor Vehicles Governor's Traffic Safety Committee 2024 STOP DWI Plan in the amount of \$30,850.00, This funding for this plan would allow the Sheriff's Office, and other local law enforcement agencies, to participate in increased STOP DWI patrols throughout the year with combined total of \$5,000.00 and equipment with the combined total of \$5,000.00, This Plan will also allow the ten town courts funding to defray cost with combined total \$5,000.00. This Plan also covers Probation for percentage of wages to the Probation Officer handling the DWI caseload and equipment with the combined total of \$5,000.00, the Orleans County Youth Bureau for outreach, and education with the combined total of

\$10,500.00, and Administrative to include NYMIR and Association dues with combined total of \$350.00. STOP DWI Plan period dates effective from January 1, 2024 through December 31, 2024; and be it

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

FURTHER RESOLVED, that this Legislature accepts grant funding appropriated by the State of New York in the amount of \$16,500.00 for Orleans County, for services related to county special traffic options programs for driving while intoxicated (STOP DWI) programs; and be it

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

REVENUE:

01.3315.3486	STOP DWI GTCS Grant	\$16,500.00
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APPROPRIATION:

01.3315.0486.3486	Special Grants- STOP DWI GTCS	\$16,500.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 434-923

AUTHORIZING PURCHASE OF EQUIPMENT FROM THE SHERIFF'S SWAT BUDGET

WHEREAS, the Sheriff's Office is in need of a drone for the benefit of the public health, safety, and welfare of all SWAT team members to be properly equipped to perform their duties to protect Orleans County residents at large by responding to high risk situations and minimizing casualties; now be it

RESOLVED, that this Legislature does hereby authorize the purchase from RMUS, 595 N 1250 West #3, Centerville, UT 84014, of a DJI Matrice 30T+ drone in the amount of \$14,920.99, under Sourcewell contract #011223-RMS, to be paid from Sheriff's SWAT budget 01.3130.0250-Other Equipment:

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

RESOLUTION NO. 435-923

AUTHORIZING ACCEPTANCE OF FUNDING TO THE SHERIFF'S OFFICE AND SETTING UP NEW MONEY IN THE SHERIFF'S BUDGET

WHEREAS, Resolution No. 201-423 authorized the Sheriff's Office to apply for grant funding through Walmart Foundation; and

WHEREAS, Walmart Foundation has awarded the Sheriff's Office \$4,000.00 in grant funding that would enable the Sheriff's Office to participate in a local holiday outreach program benefiting children and families within our community. Grant period to end December 31, 2023; now be it

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

REVENUE:

01.0001.2705	Gifts and Donations	\$4,000.00
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APPROPRIATION:

01.3110.0478	Promotional Supplies	\$4,000.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 436-923

AUTHORIZING THE COUNTY TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET

WHEREAS, The Orleans County Sheriff's Office is no longer using outdated X26 model tasers; and has 22 outdated model x26 tasers; and

WHEREAS, Accredited Security, has agreed to purchase the outdated model X26 tasers from the Sheriff's Office for a total of \$410.00

RESOLVED, that this Legislature authorizes the sale of the model x26 tasers to Accredited Security for a total sales price of \$410.00; and be it

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

REVENUE:

01.3110.2665	Sale of Equipment	\$410.00
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APPROPRIATION:

01.3110.0250	Other Equipment	\$410.00
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Moved, Draper; second, Allport.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 437-923

APPROVE AGREEMENT AND AUTHORIZING EMERGENCY MANAGEMENT TO EXPEND GRANT FUNDING FOR COSTS INCURRED FOR ANNUAL INSPECTION OF COUNTY COMMUNICATION TOWERS

WHEREAS, Orleans County has nine (9) LMR communication towers requiring annual inspection to maintain functionality; now be it

RESOLVED, that this Legislature approve an agreement with Patriot Towers, 870 Scottsville-Chili Rd., Scottsville, NY 14546 from September 18, 2023 to December 31, 2023; and be it

FURTHER RESOLVED, that this legislature approve the amount of \$9,500.00 for the inspection of all nine (9) LMR communication tower sites to be performed by Patriot Towers be funded by State Interoperable Communications Grant (01.3640.0486.2274).

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

RESOLUTION NO. 438-923

APPROVING AGREEMENT FOR COURT LIAISON IN THE PUBLIC DEFENDER'S OFFICE

RESOLVED, that this Legislator does hereby approve an agreement between the Public Defender's Office and Lucille Welch to provide the service of Court Liaison at an annual amount of \$20,000.00, to be paid in equal monthly installments of \$1,666.67, upon submission of a County Voucher at the end of each month; and be it

FURTHER RESOLVED, that this Agreement shall be effective October 1, 2023 through September 30, 2024; and to be paid from grant funds through Indigent Legal Services through #CSTWIDEHH33, and any subsequent ILS funding; with no County cost; and be it

FURTHER RESOLVED, that this Agreement will terminate when the grant funding ceases to pay for the cost of this contract.

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

RESOLUTION NO. 439-923

AUTHORIZING THE CREATION AND FILLING OF PART-TIME ASSISTANT PUBLIC DEFENDER POSITIONS WITHIN THE PUBLIC DEFENDER'S OFFICE

RESOLVED, that this Legislature authorizes the creation and the hiring of two part-time Assistant Public Defender positions (1170.17 and 1170.18) at Grade 2, of the Management Salary Schedule, effective October 1, 2023; and it is hereby

FURTHER RESOLVED, that the salary shall be subject to annual automatic increases; and it is

FURTHER RESOLVED, that the salary and fringe necessary to pay for these positions, and any increases thereafter, shall be covered by Contract #CSTWIDEHH33, or any subsequent contract; and it is

FURTHER RESOLVED that these positions shall have no County cost as the salary and fringe for these positions shall be paid by grant funding provided through the NYS Office of Indigent Legal Services. These positions shall be contingent upon continued funding; and it is

FURTHER RESOLVED that these positions shall receive a CAP Court stipend in the amount of \$10,000.00 per calendar year, with fringe; and be it

FURTHER RESOLVED that the attorneys shall be entitled to mileage reimbursement for the round-trip distance between their home and the CAP Court, consistent with the Orleans County rate, and upon submission of a voucher itemizing and verifying same; and be it

FURTHER RESOLVED that these positions shall receive a pay parity stipend in the annual amount of \$5,552.00; and be it

FURTHER RESOLVED that the pay parity stipends set forth herein shall commence on October 1, 2023, and shall thereafter be paid in equal payments as part of the attorney's regular pay schedule, and shall be subject to an annual increase of 2% each January 1st; and be it

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

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

RESOLUTION NO. 440-923

APPOINTING MEMBER TO THE LAW LIBRARY BOARD OF TRUSTEES FOR THE 8TH JUDICIAL DISTRICT

RESOLVED, that this Legislature confirms the appointment of Merle Draper to be a trustee representing Orleans County on the 8th Judicial District Law Library Board of Trustees, to a two-year term effective October 1, 2023 through September 30, 2025.

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

RESOLUTION NO. 441-923

SUPPORTING SENATE BILL S7645 THAT REPEALS CERTAIN PROVISIONS OF THE EXECUTIVE LAW ESTABLISHING A FEE FOR BACKGROUND CHECKS ON CERTAIN

FIREARM AND AMMUNITION PURCHASES

WHEREAS, Senate Majority Leader Andrea Stewart-Cousins sponsored Bill S51001, referred to as the "Concealed Carry Improvement Act" (CCIA) which amended the penal law, the general business law, the executive law, the civil practice law and rules and the state finance law, in relation to licensing and other provisions relating to firearms; and

WHEREAS, said so-called " Concealed Carry Improvement Act" was signed into law by Governor Hochul on July 1, 2022; and

WHEREAS, said Act included regulations that allow the State to have oversight over background checks for firearms and ammunition purchases; and

WHEREAS, said Act amended state executive law to add a new section 228, authorizing the New York State Police to run national instant criminal background (NICS) checks and serve as a State point of contact rather than utilizing the current NICS background check system; and

WHEREAS, said Act also created a new bureau within the State Police financed by new " background check fees" upon purchasers to cover the costs associated with performing state background checks; and

WHEREAS, these provision of the so-called CCIA have resulted in onerous background check fees upon citizens equal to \$2.50 for every ammunition purchase and \$9.00 for every firearm purchase with the potential for increases without legislative approval; and

WHEREAS, the CCIA infringes on the Constitutional right to own and bear arms guaranteed by the Second Amendment; and

WHEREAS, Senate Bill S.7645, sponsored by Senator Mark Walczyk would repeal Subdivision 5 of Section 228 of the Executive Law of S51001 relating to the background check fees for firearms and ammunition as included in the CCIA; now be it

RESOLVED, that the Orleans County Legislature does hereby endorses Senate Bill S7645 that would repeal certain provisions of the Executive Law establishing a fee for background checks on certain firearm and ammunition purchases and amends state finance law, in relation to the source of funds for the background check fund; and be it

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

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

RESOLUTION NO. 442-923

APPROVING AGREEMENTS BETWEEN THE MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Gloria Zukoski, LCSW., 1294 Hilton Avenue, Hilton, NY 14468, providing services as a consulting therapist for an average of 7 hours of approved on-site and off-site hours per week for the duration of this contract is effective September 18, 2023 - December 31, 2023, at an hourly rate of \$33.00. County cost is \$238.00.

Roberts Wesleyan University, 2301 Westside Drive, Rochester, NY 14624, for the purpose of hosting students for internship placements who are enrolled in higher education programs, agreement effective August 29, 2023 - August 28, 2027. County cost is \$0.

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

RESOLUTION NO. 443-923

AUTHORIZING OUT OF STATE TRAVEL FOR MENTAL HEALTH EMPLOYEE

RESOLVED, that this Legislature does hereby authorize out of state travel for one (1) Mental Health employee to attend the Prosperity & Sustainable Livelihoods: Suicide in Farming Communities conference to be held in Washington DC.

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

RESOLUTION NO. 444-923

APPROVING AGREEMENTS BETWEEN THE PUBLIC HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

SUNY Potsdam, 44 Pierrepont Avenue, Potsdam, NY 13676. To provide for Students of Professional practicum placements for SUNY Potsdam of Public Health Students with Orleans County Public Health Department to intern during summer semesters, effective September 1, 2023 - August 31, 2028. No County Cost.

Batavia Speech Services, PLLC, 5566 Jerico Road, East Bethany, NY 14054. To provide Related Services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program for students with disabilities. Reimbursement at 59.5% from NYS Department of Health. Orleans County Department of Health is responsible for 40.5% partial Medicaid reimbursement, effective September 1, 2023 - June 30, 2025.

Angelo DiCarlo Jr. LLC. 271 Irvington Drive, Tonawanda, NY 14150. Contract to provide for the servicing of the three (3) AED units within the Public Health Department, effective August 1, 2023 - July 31, 2026 as needed. Cost to County not to exceed \$1,100.00 over a three year time period.

WNY Independent Living, 3108 Main Street, Buffalo, NY 14214. Provide individualized services to youth & families ages 14-21 with transition from pediatric to adult services. Collaborate with Department of Health & Regional Support Center (RSC) to identify resources & develop a comprehensive resource guide. Participate in needs assessment planning to identify barriers & unmet needs. Suggest strategies for quality improvement & increase community awareness of local health department programs within the community, effective October 1, 2023 - September 30, 2024. Paid for by NYS Children & Youth with Special Needs Grant Funding. No County Cost.

Health Research INC. (HRI), 150 Broadway Suite 280, Menands, NY 12204-2726. Grant awarded for Emergency Preparedness coordinator to oversee implementation and completion of deliverables; assist in assessment of local public health emergency preparedness capacities and address deficiencies. Maintain and oversee Medical Reserve Corp for Genesee and Orleans counties, effective July 1, 2023 - June 30, 2024 for \$52,099.00. No Cost to county.

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

RESOLUTION NO. 445-923

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEES

RESOLVED, that this Legislature does hereby authorize out of state travel for two (2) Public Health employees, to attend the Wastewater Disease Surveillance Summit to be held in Chicago, IL, costs covered by the Public Health Fellowship Corps Grant. No County Cost.

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

RESOLUTION NO. 446-923

AUTHORIZING FILLING A POSITION IN THE PUBLIC HEALTH DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the filling of the vacant Environmental Health Specialist (4010.04) in the Public Health department, at Grade 18 of the CSEA schedule, effective October 6, 2023.

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

RESOLUTION NO. 447-923

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND TAKEFORM

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Takeform, 11601 Maple Ridge Road, Medina, NY 14103 for materials and

installation of new signs located throughout the County Office Building for a total cost not to exceed \$8,600.00, DPW Project ID: DPW105-2023; to be paid out of the Buildings and Grounds Division Budget budget 01.1620.0403.

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

RESOLUTION NO. 448-923

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND ARNOLD'S TREE SERVICE

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Arnold's Tree Service, 4487 Holley Byron Road, Holley, NY 14470 for tree removal service on West County House Road and West Transit Church Road at a total cost of \$5,000.00, DPW Project ID: DPW104-2023; effective as soon as County gives notice to proceed.

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

RESOLUTION NO. 449-923

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES, P.C.

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Labella Associates, P.C., 300 State Street, Suite 201, Rochester, NY 14614 to perform Professional Design Services for the new Emergency Management Office Facility located at 14064 West County House Road Albion, NY 14411. LaBella Associates, P.C. will perform these services under the Term Agreement for Professional Architectural and Engineering Services, Resolution No. 218-422; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$776,500.00

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

RESOLUTION NO. 450-923

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND ERDMAN ANTHONY

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Erdman Anthony, 145 Culver Road, Suite 200, Rochester, New York 14620 to perform Professional Engineering Services for the replacement of South Holley Road Culvert over East Branch of Sandy Creek Tributary in the Town of Clarendon; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed. Project to be paid out of the Capital Project Infrastructure Account H5120.251 at a cost not to exceed \$87,000.00.

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

RESOLUTION NO. 451-923

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

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

Amount	Vendor Name	Description
\$1,740.00	Orleans Ready Mix, LLC	West County House Drainage Project
\$1,900.00	Arnold's Tree Service	West County House Drainage Project
\$102,079.00	Keeler Construction	West County House Drainage Project

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

RESOLUTION NO. 452-923

AUTHORIZING FILLING OF A POSITION IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that this Legislature does hereby authorize the filling of a vacant permanent full-time Senior Building Maintenance position (1620.22) in the Department of Public Works at Grade 15 of the CSEA Salary Schedule, effective October 6, 2023; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the subsequent filling of an internal position should it be vacated by the promotion into the Senior Building Maintenance position effective October 6, 2023.

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

RESOLUTION NO. 453-923

AUTHORIZING PURCHASE OF REAL PROPERTY FOR USE BY ORLEANS COUNTY

RESOLVED, that this Legislature will purchase property known as 156 South Main Street, Albion, NY 14411 of Tax Map No. 73.10-1-2, approximately 0.82 acres, presently owned by 156 South Albion, LLC, 45 Exchange Blvd., Suite 701, Rochester, NY 14614 at a total cost of \$250,000.00; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute the purchase and sale contract subject to review and approval of the County Attorney and Chief Administrative Offices; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up funds from the Building and Equipment Reserve fund, as follows:

RESERVE:

Building and Equipment Reserve	\$250,000.00
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APPROPRIATION:

01.1940.0480	Purchase of Land - Property Acquisition	\$250,000.00
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Moved, Eick; second, Morgan.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 454-923

APPROVING SHARED SERVICES AGREEMENT BETWEEN ORLEANS COUNTY AND NIAGARA COUNTY

WHEREAS, Orleans County and Niagara County have a long history of collaboration, as exemplified by the Niagara Orleans Regional Alliance and the Niagara Orleans Regional Land Improvement Corporation, and

WHEREAS, Orleans County desires to share the services of the Niagara County Public Information Officer, now, therefore, be it

RESOLVED, that this Legislature approves an agreement between Orleans County and Niagara County 175 Hawley Street, Lockport, NY 14094, to provide the services of a Public Information Officer to Orleans County effective September 27, 2023 through September 26, 2025, at a total cost not to exceed \$19,600.00 for year one (1) with a COLA for year two (2), for the commitment of five (5) hours per week to Orleans County.

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

RESOLUTION NO. 455-923

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY AND TOSHIBA BUSINESS SOLUTIONS

RESOLVED, that this Legislature approves a 48-month lease agreement between Orleans County and Toshiba Business Solutions, 100 Colvin Woods, Ste 100, Tonawanda, NY 14150 to

provide two (2) Toshiba e-Studio multifunction machines effective January 1, 2024 through December 31, 2027 as follows:

DSS Admin Acctng	ESTUDIO3528AC	\$93.00 per month
Above are bill per copy B&W .00750 per page, with an annual increase of 2.5%		
MFCTF	ESTUDIO330AC	\$72.00 per month
Above are bill per copy B&W .0130 per page and color .0700 per page, with an annual increase of 2.5%		

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

RESOLUTION NO. 456-923

SUPPORT TO PRESERVE OAK ORCHARD RIVER AND LOCAL TRIBUTARIES IN ORLEANS COUNTY

WHEREAS, this Legislature finds that while the potential economic output generated by the STAMP Project in Genesee County could be beneficial, discharges into waters of Orleans County will have various adverse and substantial economic impact on Orleans County, its residents, and businesses; and

WHEREAS, this Legislature further finds that impact to the local infrastructure available for residents and businesses would be limited if STAMP Sewer Works, Inc. were to discharge 6 million gallons a day (6MGD) of wastewater from the STAMP site in Genesee County into Oak Orchard River by way of the Town of Shelby in Orleans County; and

WHEREAS, this Legislature further finds that communities with interests in Oak Orchard River and Lake Ontario are concerned with the economic impacts on local real estate values, economic development, and \$27 million in annual tourism and recreation revenue unique to Oak Orchard River, tributaries in Orleans County and Lake Ontario, with respect to discharging 6MGD of waste into Oak Orchard River, a tributary of Lake Ontario; and

WHEREAS, this Legislature further finds that Lake Ontario is subject to water level fluctuations from the International Joint Commission (IJC) which slows the draining of Oak Orchard River and other local tributaries of Lake Ontario; and

WHEREAS, this Legislature further finds that areas of flooding have been mapped by the Federal Emergency Management Agency (FEMA) includes much of the land within the Iroquois National Wildlife Refuge (INWR) in the Town of Shelby is within a flood hazard zone; and

WHEREAS, this Legislature further finds that increased coastal erosion in recent years has increased flooding along the Lake Ontario shoreline and construction standards in flood areas should be restricted in order to prevent property and other damage due to flooding, and to maintain open pathways for flood waters; and

WHEREAS, this Legislature further finds that flood zones in Orleans County have been identified along the following water bodies and their tributaries: Oak Orchard River-Medina, Ridgeway, Shelby; Johnson Creek-Lyndonville, Yates; Fish Creek-Ridgeway, Shelby; Marschcreek-Yates; Jeddo Creek-Ridgeway, Yates; Erie Canal-Medina, Ridgeway, Shelby; Lake Ontario-Yates; and

WHEREAS, the Legislature further finds that other methods of managing wastewater are available in Genesee County that would not result in the same impacts to Orleans County; and

WHEREAS, this Legislature further finds that both the design and plan to discharge 6MGD of wastewater from STAMP would stir up sediment and increase pollution in Oak Orchard River and tributaries in Orleans County; and

WHEREAS, this Legislature further finds that the volume and velocity of STAMP wastewater would increase turbidity and hasten erosion along the banks of the waterways in Orleans County; and

WHEREAS, the Legislature further finds that the choice to develop project data based on unlikely events does not fully address or satisfy concerns about sediment, erosion, flooding, and economic impacts; now be it

RESOLVED, that this Legislature find and declares that it is the duty of Orleans County to act to preserve the Oak Orchard River and local tributaries in Orleans County for the economic vitality of affected communities.

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

Chairman Johnson stated that on behalf of the Legislature we appreciate you and all that you (CAO John C. Welch, Jr.) have done since you have been here and we are happy to renew this.

RESOLUTION NO. 457-923

AMENDING AN EMPLOYMENT AGREEMENT WITH THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS, this Legislature wishes to maintain stable leadership of county government operations; and

WHEREAS, professional management frees county elected officials to focus on the policy issues, empowers them to provide leadership and develop a vision for the community; now be it

RESOLVED, that this Legislature approves and authorizes the Chairman to execute a new five year agreement defining terms and conditions of employment with John C. Welch, Jr., to serve as Chief Administrative Officer for the County of Orleans at the current salary for all assigned duties for 2023 and all previous agreements notwithstanding.

Moved, Eick; second, Morgan.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 458-923

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE CHILD AND FAMILY SERVICES UNIT WITHIN ORLEANS COUNTY DEPARTMENT OF SOCIAL SERVICES

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

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

REVENUE:

01.0001.2705	Donations	\$100.00
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APPROPRIATION:

01.6010.0418.6104	Child and Family Services Donations	\$100.00
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Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 459-923

APPROVING PURCHASE WITHIN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature approves the purchase of office furniture through Workplace Interiors, LLC, 10 Carlson Road, Rochester, NY 14610, per NYS pricing contract Exemplis PC68328/TVR#932356/HON PC68432 to be paid from Department of Social Services budget 01.6010.0210 at a cost not to exceed \$30,920.24. Local cost \$0.

Moved, Miller; second, Fitzak.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 460-923

AUTHORIZING CREATING AND FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that the Legislature does hereby authorize the creation of two (2) permanent, full-time Social Welfare Examiner positions (6010.0202 and 6010.0141), at Grade 13 of the CSEA Salary Schedule in the Department of Social Services; and be it

FURTHER RESOLVED, that the Legislature does hereby authorize the filling of these newly created, vacant positions effective October 6, 2023; and be it

FURTHER RESOLVED, as a result of a resignation, that this Legislature does hereby authorize filling a full-time Child Support Specialist position (6010.0805) in the Department of Social Services, at Grade 11 of the CSEA Salary Schedule effective October 6, 2023.

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

RESOLUTION NO. 461-923

AUTHORIZING AGREEMENTS BETWEEN THE OFFICE FOR THE AGING AND THE ALZHEIMER'S ASSOCIATION WNY CHAPTER

WHEREAS, the purpose of this funding to provide caregiver support to enable individuals living with Alzheimer's disease and other related dementia to remain in their homes and community as safely as possible through caregiver support services; now be it

RESOLVED, that the Director of Orleans County Office for the Aging is authorized to apply for and accept grant funds from the Alzheimer's Association, WNY Chapter, for \$30,000.00 from July 1, 2023 to June 30, 2024 at no county cost; and be it

FURTHER RESOLVED, that the Orleans County Office for the Aging shall provide assistance recruiting caregivers to participate in the VITAlz WNY project (caregiver support) from July 1, 2023 to September 30, 2024. Office for the Aging will receive \$500.00 per participant referred and approved for the project, at no county cost; and be it

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

RESOLUTION NO. 462-923

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE OFFICE FOR THE AGING BUDGET

RESOLVED, that the County Treasurer is authorized to set up new money as a result of 2023 final federal allocations were received as follows:

REVENUE:

01.6772.4772	Office for the Aging- Federal Funding	\$14,303.00
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APPROPRIATIONS:

01.6772.0411	Office Supplies	\$ 500.00
01.6772.0459	Postage	\$ 1,000.00
01.6772.0462	Mileage-In County	\$ 1,500.00
01.6772.0473	Nutrition	\$11,303.00

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

RESOLUTION NO. 463-923

AUTHORIZING FILLING A POSITION IN THE OFFICE FOR THE AGING

WHEREAS, there is a retirement in the Office for the Aging's office; now be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Housekeeper Aide position (6772.21), at grade 4 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the vacant position effective October 30, 2023.

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

RESOLUTION NO. 464-923

AUTHORIZING FILLING A POSITION IN THE JOB DEVELOPMENT AGENCY

RESOLVED, that this Legislature hereby authorize the filling of a vacant full-time Employment and Training Counselor position (6210.03) in the Job Development Agency, at grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the vacant position effective October 6, 2023.

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

RESOLUTION NO. 465-923

AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN ORLEANS COUNTY CLERK AND NEW YORK STATE UNIFIED COURT SYSTEM

RESOLVED, that this Legislature authorizes the Orleans County Clerk to enter into a Memorandum of Understanding (MOU) Agreement with New York State Unified Court System for the purpose of ongoing access to and exchange of data for operational use with NYSCEF E-Filing.

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

RESOLUTION NO. 466-923

AUTHORIZING THE PURCHASE OF SOFTWARE LICENSING FROM BRITE COMPUTERS

RESOLVED, that this Legislature approves the purchase renewal of 350 copies of NetMotion connectivity software from Brite Computers, 7647 Co. Rd. 42, Victor, NY 14564, at a cost of \$41,040.00, effective October 4, 2023-October 3, 2024, to be paid from Information Technology Services budget 01.1680.0418 - Other Contractual.

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

RESOLUTION NO. 467-923

AUTHORIZING CANCELLATION OF INTEREST AND PENALTIES ON PARCELS OF FALLS ROAD RAILROAD CO., INC.

WHEREAS, a prior Resolution No. 322-799, in order to assist in the GVT Rail System/Falls Railroad Co. Inc. COIDA project by way of insuring quality rail service to existing and potential businesses in Orleans County, canceled interest and penalty on several various parcels of the Falls Road Railroad Co. Inc.; and

WHEREAS, since Resolution No. 322-799, two split parcels were remaining with interest and penalty on tax years 1999-2003. In an effort to maintain the quality rail service, and preserve the effort that was intended in 1999; now be it

RESOLVED, this Legislature authorizes the County Treasurer, as the tax enforcing officer, to permit a cancellation of interest and penalty accrued to date on the listed parcels; and be it

FURTHER RESOLVED, this Legislature authorizes the County Treasurer to accept payment of the Principal Amount for each parcel remaining unpaid in Res. No. 322-799 as well as these additional parcels:

<u>Town</u>	<u>Tax Map #</u>	<u>Principal Amount</u>
Shelby	79.12-4-21.2	\$ 2,030.33
Shelby	79.15-1-4.2	\$ 3,221.77

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

RESOLUTION NO. 468-923

AUTHORIZING COUNTY TREASURER TO PLACE ADVERTISEMENT REGARDING UNPAID TAXES

RESOLVED, that pursuant to a request from the County Treasurer, this Legislature authorizes the placement of a notice in the Lake Country Pennysaver notifying the delinquent taxpayers that failure to pay their 2023 taxes will result in the County filing a tax lien against said property as required by New York State Real Property Tax Laws.

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

RESOLUTION NO. 469-923

AUTHORIZING PAYMENT OF CLAIMS FOR OCTOBER 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 October 10, 2023 and October 24, 2023:

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

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

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

With there being no further discussion or comments, Legislator Morgan made a motion to adjourn the meeting, seconded by Legislator Allport. The meeting was adjourned at 4:59 p.m.