

## **Legislature Meeting October 27, 2021**

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Chairman Lynne Johnson called the meeting to order at 4:30 p.m. Veteran Legislator Kenneth DeRoller led us in the Pledge to the Flag and invocation followed by a moment of silence for Donna DeFilipps, wife of Legislator John DeFilipps.

Deputy Clerk Amber Robinson called the roll. All Legislators were present in the Chambers.

The Deputy Clerk presented the following Communications:

County Treasurer Kimberly DeFrank has filed the annual examination of Petty Cash Accounts report for 2021. This has been filed in the Clerk of the Legislature Office.

The New York State Department of Agriculture and Markets has certified that the land included in the Orleans County Agricultural Districts 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 Districts.

Chairman Lynne Johnson called up Aging Director, Melissa Blonar and Legislator, Fred Miller to present a special recognition award to Jeanne Crane for "Older American's Day". Melissa Blonar presented a certificate and stated Jeanne will be representing Orleans County in Albany next week. Chairman Johnson called up Assemblyman Hawley, he presented an "official citation" and congratulated Jeanne Crane.

Treasurer Kimberly DeFrank reported that she has distributed the monthly financial report. Cash report looks good. Have about \$1 million in levy to still pay out to other funds which will be done over October and November. Reminder that the County Tax Auction is on for November 17<sup>th</sup> at 10:00 a.m. at the Orleans County Fairgrounds. Must register online, [absoluteauctions.com](http://absoluteauctions.com). You can attend online or in person. There are 17 parcels.

Chairman Lynne Johnson commented that she wants everyone to know Kim had the honor of being appointed treasurer of the NYS County Treasurers and Finance Officers Association.

Chairman Johnson asked for any comment as they relate to the resolutions.

Legislator Ken DeRoller commented that we have developed a recycling and diversion task force in the county. There is more to come on this. Also got a complete inventory of the tires that are in the municipalities. This was provided to the Chief administrator who is going to come back with recommendations.

Hearing no public comment on resolutions, Chairman Johnson began with the presentation of resolutions.

### **RESOLUTION NO. 431-1021**

**AUTHORIZING COMPUTER SERVICES TO INITIATE A NEW CALL PACK OF FREE MINUTES TO LOWER OVERALL COUNTY COSTS**

WHEREAS, the Computer Services Department is always searching for ways to minimize costs and maximize the benefits available from normal operations; now be it

RESOLVED, that this Legislature authorizes the initiation of one Spectrum Business Class 30,000 minute call pack of long distance minutes for 36 months at the cost of \$570.00 per month from Spectrum Enterprise. Based upon current historical references, this should garner a savings of approximately \$1,000.00 per year. This service call pack will be folded into the cost of SIP service currently being paid for by apportionment from all departments as part of the cost of telephone service to the desktop.

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

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 432-1021**

**AUTHORIZING THE COMPUTER SERVICES DEPARTMENT TO CHANGE A CELL PHONE POSITION INFORMATION ON THE VERIZON ACCOUNT**

RESOLVED, that this Legislature does hereby authorize the Orleans County Computer Services Department to change a cell phone position information on the Verizon account from IT Operations Analyst (1680.04) to Senior Network Services Manager (1680.06), to be paid per month from Computer Services Cell Phones Account 01.1680.0401-Cellular Phones

FURTHER RESOLVED, that this Legislature approves the Cellular Phone Use Agreements for the position of Senior Network Services Manager (1680.06).

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 433-1021**

**AMENDING RESOLUTION NO. 399-921 CREATING A POSITION IN THE COMPUTER SERVICES DEPARTMENT**

WHEREAS, Resolution No. 399-921 created a permanent full-time Senior Computer Specialist position (1680.09) in the Computer Services Department, and

WHEREAS, the Legislature is aware of the lack of applications regarding a senior position of this nature, now be it;

RESOLVED, that this Legislature does hereby amend Resolution No. 399-921 to be downgraded to a Computer Specialist position (1680.09) in the Computer Services Department at Grade 16 of the CSEA Salary Schedule, effective October 28, 2021; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective October 28, 2021.

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 434-1021**

#### **CALLING FOR THE STATE OF NEW YORK TO ALLOW FOR COUNTY HOME RULE AUTHORITY REGARDING EMPLOYMENT RESIDENCY REQUIREMENTS**

WHEREAS, New York's Public Officers Law §3 requires certain employees reside in the political subdivision or municipality in which he or she holds such public office; and

WHEREAS, this law has a worthy intent, which is to promote that local officials interact with the community in which they serve, even in off hours, as well as to keep local tax-funded salaries within the community; and

WHEREAS, since the 1970's, the State has authorized over 70 exceptions to POL residency requirements, including for police officers, in recognition that for some job specifications it is important to increase the potential hiring pool to obtain highly skilled employees; and

WHEREAS, in recent years, the population of upstate New York has declined, shrinking the potential hiring pool; and

WHEREAS, in this same period, the State has forced County governments to vastly increase skilled labor hires in order to implement new state reforms such as raising the age of criminal responsibility, expansion of indigent public defense services and criminal justice reforms such as bail, speedy trial, and discovery; and

WHEREAS, County Officials from all areas of the State are reporting difficulties finding and hiring employees to perform vital government services; and

WHEREAS, County governments are best situated to know what job titles should have residency requirements and which should have flexibility to ensure efficient and quality County services.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature calls for the State of New York to amend Public Officers Law §3 and allow for full Home Rule authority to determine County employee residency requirements; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 435-1021**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2021-2022 SCHOOL TAXES TO THE 2022 COUNTY/TOWN TAX BILLS**

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid school taxes, adding a 7% penalty, to be added to the 2022 tax rolls, for the respective towns as of November 1, 2021.

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 436-1021**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2021 SOLID WASTE/RECYCLING FEES TO THE 2022 COUNTY/TOWN TAX BILLS**

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid 2021 Solid Waste/Recycling fees, to be added to the 2022 tax rolls for the respective towns as of November 1, 2021.

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 437-1021**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2021-2022 VILLAGE TAXES TO THE 2022 COUNTY/TOWN TAX BILLS**

WHEREAS, Local Law No. 4 of 1997 provides for the collection of certain delinquent Village taxes by the County of Orleans in accordance with Section 1442 of the Real Property Tax Law of the State of New York, be it

RESOLVED, that the County Treasurer is authorized to relevy the unpaid 2021-2022 village taxes, adding a 5% penalty, to be added to the 2022 tax rolls for the respective towns as of November 1, 2021.

Moved, DeFilipps; second, DeRoller

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 438-1021**

**SETTING DATE OF PUBLIC HEARING FOR COUNTY BUDGET FOR THE YEAR 2022  
AND SETTING SPECIAL MEETING DATE TO ADOPT THE 2022 COUNTY BUDGET**

RESOLVED, that the public hearing for the Tentative County Budget for 2022 be held on Wednesday, December 1, 2021 at 4:30 p.m. at the Orleans County Legislative Chamber, 14016 Route 31 W, Albion NY 14411; and be it

FURTHER RESOLVED, that the Legislature will schedule a special meeting on Thursday, December 2, 2021 at 4:30 p.m. to adopt the 2022 County Budget and respective resolutions to complete the 2022 Town and County property tax bills; and be it

FURTHER RESOLVED, that the notice for said public hearing and special meeting will be published in the officially designated County newspaper.

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 439-1021**

**AUTHORIZING AGREEMENT AND PURCHASE OF SOFTWARE FOR RECORDS  
MANAGEMENT DEPARTMENT**

WHEREAS, the ability of storing records is a continuous challenge for efficient retrieval of saved records; and

WHEREAS, Orleans County has requested for proposal for an electronic document management system; be it

RESOLVED, that this Legislature hereby approve the purchase of an electronic document management system software license and support agreement with eBizDocs, 85 Broadway Menands, NY 12204 of an initial price of \$23,920.00, and be it

FURTHER RESOLVED, that this Legislature authorizes the annual maintenance of the software at a price of \$12,060.00, and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute this agreement as approved by the Chief Administrative Officer and the Orleans County Attorney, and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up moneys from the contingency fund as follows:

FROM:

01.1990.0435            Contingency Fund            \$23,920.00

TO:

01.1460.0418            Other Contractual Expenses    \$23,920.00

Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 440-1021**

APPROVING LEASE AGREEMENT FOR LARGE FORMAT SCANNER BETWEEN  
PLANNING AND DEVELOPMENT DEPARTMENT AND REAL LEASE

WHEREAS, the Department of Planning and Development received a quote from Eastern Managed Print Network, LLC to lease a Colortrac Smart LF SGi 44C scanner, stand, and software valued at \$15,096 through a third party and

WHEREAS, such scanner will allow the preservation of aging blueprints, engineering drawings, schematics and other oversized original documents of the County and its towns and villages while also reducing the need for suitable physical storage space on the premises of the County, be it

RESOLVED, that this Legislature authorizes the Department of Planning and Development to enter into a Forty-Eight (48) Month Lease in the amount of \$314.50 per month with a \$1.00 buyout at the end of lease from Real Lease, 129 West Commercial St., Suite 7, East Rochester, NY 14445 to be paid from Planning and Development Equipment Lease Account 01.8020.0222.

Moved, DeRoller; second, DeFilipps  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 441-1021**

APPROVING AGREEMENT BETWEEN TOURISM DEPARTMENT AND DUAL PRINT  
AND MAIL

RESOLVED, that this legislature approves the agreement between the Tourism Department and Dual Print and Mail, 340 Nagel Drive, Cheektowaga, NY 14225 to provide the printing of 30,000 Orleans County Fishing Guides, at a cost of \$6,429.37. The cost of these fishing guides will be paid for with 50% tourism matching funds dollars and 50% American Rescue Fund Act dollars.

Moved, DeRoller; second, DeFilipps  
Adopted. 7 ayes; 0 nays; 0 absent.

## **RESOLUTION NO. 442-1021**

### **RESOLUTION SUPPORTING THE NYS OFFICE OF MENTAL HEALTH'S (OMH) COLLABORATION WITH THE COUNTIES IN PLANNING AND IMPLEMENTATION OF THE NATIONAL 988 SUICIDE PREVENTION HOTLINE**

WHEREAS, the U.S. Federal Communications Commission (FCC) approved a proposal to implement a new resource that will serve as a national suicide prevention and mental health crisis hotline, entitled the "National Suicide Hotline Improvement Act of 2018;" and

WHEREAS, this Act designates 988 as "a simple, easy-to-remember, 3-digit dialing code" for a national suicide prevention and mental health crisis hotline to help increase the effectiveness of suicide prevention efforts, ease access to crisis services, and reduce the stigma surrounding suicide and mental health conditions; and

WHEREAS, the FCC ruling requires activation of 988 by July 2022 and involves sufficient local crisis center capacity to answer the projected significant increase in contact volume, which in turn, requires comprehensive state and local collaboration; and

WHEREAS, the Local Governmental Units (LGUs)/Directors of Community Services (DCSs) have specific responsibilities and authority under the Local Services provisions of Article 41 of the NYS Mental Hygiene Law (MHL) for planning, development, implementation, and oversight of services to adults and children in their counties affected by mental illness, addiction, and intellectual/developmental disabilities (I/DD); and

WHEREAS, the LGUs/DCSs have reported increases to inpatient/outpatient needs, calls to crisis services lines, homelessness, overdose deaths, addiction relapse, and suicide attempts; and

WHEREAS, county governments already plan for and implement comprehensive crisis response plans that may involve local crisis hotlines/call centers operated by either the county or through various contracted providers and in collaboration of these services with neighboring counties; and

WHEREAS, the LGUs/DCSs strongly support OMHs leadership and continued collaboration and involvement of the County Mental Health Commissioners in the planning and implementation in the rollout of the 988 response through the 988 State Planning Coalition; and

WHEREAS, the NYS Conference of Local Mental Hygiene Directors (CLMHD) supports the planning and successful implementation of this new crisis response throughout NYS and looks to OMH and other relevant state agencies for continued partnership and funding.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature calls on the Governor and the Division of Budget to ensure appropriate federal and state aid funding is directed to OMH and appropriately allocated to the counties to facilitate the provision of the 988 crisis response going forward; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

### **RESOLUTION NO. 443-1012**

**RESOLUTION CALLING ON GOVERNOR KATHY HOCHUL TO RESTORE THE STATE-COUNTY SHARE OF THE COST OF 730.20 COMPETENCY RESTORATION SERVICES AND MAKE REFORMS TO THE PROGRAM THERETO**

WHEREAS, the SFY 2020-21 budget required counties to pay 100 percent of the OMH State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers; and

WHEREAS, historically, counties have paid 50 percent of the per diem rate set by OMH, which has now reached an unsustainable cost burden on county budgets; and

WHEREAS, the derivation of Section 43.03 of Mental Hygiene Law (MHL), dates back to 1907 and allows the State to offset the costs of operating its Forensic Psychiatric Centers at county expense; and

WHEREAS, this statute no longer reflects the current mental hygiene system or the NYS Unified Court System and needs to be updated to be consistent with other statutes that makes the State responsible for its own costs for the treatment of mentally ill individuals in State-operated Forensic Psychiatric Centers; and

WHEREAS, OMH has also taken the position that the county mental health commissioners are to receive limited information on the clients ordered to restoration; and

WHEREAS, as the full payers of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the mental hygiene law.

NOW, THEREFORE, BE IT RESOLVED, that Orleans County calls on the State to restore the historic 50/50 state/county share of mental health competency restoration services; and

BE IT FURTHER RESOLVED, that counties must be allowed to participate in the restoration and planning process for an individual's restorative care during the duration of their stay at an OMH facility; and



BE IT FURTHER RESOLVED, that there must be a statutory timeframe and determination as to when an individual is unable to be restored through forensic services (CPL§ 730.50); and

BE IT FURTHER RESOLVED, Criminal Procedure Law (CPL) § 730.10 be modified to make clear that restoration is not mental health treatment so that the judiciary is better informed that a 730 order does not treat underlying mental health needs; and

BE IT FURTHER RESOLVED, CPL§ 730.20 must be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tells the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment; and

BE IT FURTHER RESOLVED, the Orleans County Legislature calls on NYS to ensure that county directors of community services have timely access to any patient clinical information necessary to effectively manage the county directors of community services' responsibilities under mental hygiene law.

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

#### **RESOLUTION NO. 444-1021**

#### **AMENDING RESOLUTIONS FOR VARIOUS AGREEMENTS WITH THE MENTAL HEALTH DEPARTMENT FOR COLA INCREASES**

WHEREAS, various resolutions approved agreements between Mental Health and various agencies to provide services to the Orleans County Mental Health Department; and

WHEREAS, the Department of Mental Health has been advised by Coordinated Care Services Inc. (CCSI) that COLA increases must be provided to various agencies; now be

RESOLVED, that this Legislature does hereby amend the resolutions listed below to amend the agreement cost due to COLA increases as noted below for the various agencies with no county cost:

Resolution No.	Current Contract	COLA Increase	Amended Agreement Cost
517-1220	\$54,413	\$1,715	\$56,128
Agency: Restoration Society, Inc. (ACE Employment Services) 66 Englewood Ave, Buffalo, NY 14214			
517-1220	\$83,968	\$630	\$84,598
Agency: Spectrum Human Services Inc., 227 Thorn Ave, Orchard Park, NY 14127			
517-1220	\$407,689	\$2,795	\$410,484

Agency: Genesee/Orleans Council on Alcoholism & Substance Abuse, 430 East Main St., Batavia, NY 14020

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517-1220	\$85,351	\$642	\$85,993
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Agency: Mental Health Association of Genesee & Orleans Counties, 25 Liberty St., Batavia, NY 14020

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13-121	\$83,669	\$628	\$84,297
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Agency: Hillside Children's Center, 70 Jewett Parkway, Buffalo, NY 14214

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

#### **RESOLUTION NO. 445-1021**

AUTHORIZING AMENDING RESOLUTION NO. 448-992, 653-1293, AND 74-221 MENTAL HEALTH CHANGING WITHDRAWAL LIMITS TO THE HEALTH HOME CARE MANAGEMENT PROGRAM CHECKING ACCOUNT

WHEREAS, Resolution No. 448-992, 653-1293, and 74-221 set the spending limits for the Mental Health Intensive Case Manager Program checking account, to a daily maximum available to be \$300.00, withdrawals over \$100.00 a day for any one client or plans to exceed \$800.00 of withdrawals per week ICM require Administrative approval; and

WHEREAS, the program has shifted to Health Home Care Management Program for emergency services and client specific services; and

WHEREAS, the cost of assisting clients has increased since 1993; be it

RESOLVED, that this Legislature does hereby authorize single transactions from this account exceeding \$800.00, per member, per care manager, will require Administrative approval.

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

#### **RESOLUTION NO. 446-1021**

AUTHORIZING FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the filling of the vacant Receptionist position (4310.36) in the Mental Health Department at Grade 7 of the CSEA contract effective October 28, 2021.

FURTHER RESOLVED, that this Legislature does hereby authorize filling the vacant Clinic Therapist position (4310.06) in the Mental Health Department at Grade 22 of CSEA contract effective November 7, 2021; and be it

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

**RESOLUTION NO. 447-1021**

**AUTHORIZING FILLING POSITION AND AMENDING RESOLUTION NO. 405-921 IN THE MENTAL HEALTH DEPARTMENT**

WHEREAS, Resolution No. 405-921 authorized filling the vacant position of a full time Assistant Clinic Coordinator (4310.02); therefore be it

RESOLVED, that this Legislature amend Resolution No. 405-921 authorizing the subsequent filling of vacant positions due to filling the vacant position of Assistant Clinic Coordinator (4310.02) effective October 28, 2021.

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

**RESOLUTION NO. 448-1021**

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

RESOLVED, that this Legislature approves the following agreements between the Health Department and the following agencies:

CDC PHAP Associate, 1600 Clifton Road, Atlanta GA 30333. To Co-Host (Genesee and Orleans County) a CDC Public Health Associate for two-years. To be integrated into both Health Departments with recognition by Genesee County of the Formal Agreement between Orleans County and the CDC. Only cost to county is for local mileage from programmatic travel. For term October 12, 2021 through October 13, 2023.

Building Blocks Learning Center, LLC. 19 Robinson Road, Clinton, NY 13323. To provide related services to Orleans County Children (ages 3-5) who are eligible for the preschool supportive Health Services Program. There is partial reimbursement from NYS Education Dept. & Medicaid. The related services rates are set by the county. Term to run September 1, 2021 through June 30, 2022.

Heath Research Inc. (HRI) 150 Broadway Suite 280, Menands, NY 12204-2726. Agreement to reflect maximum reimbursable amount is \$499,625.00 at this time. No change in contract amount. No County cost.

Heath Research Inc. (HRI) 150 Broadway Suite 280, Menands, NY 12204-2726. A grant awarded for a new NYS Public Health Corps (PHC) fellowship program to build Public Health capacity to support COVID-19 response operations and increase preparedness for future public health emergencies, provide health education and outreach to vulnerable populations and assist with Article 6 eligible activities as directed. No County cost.

VMC Group, Inc. 9701 Niagara Falls Blvd, Suite 1A, Niagara Falls, NY 14304. County Contracted with VMC, for the provision of Transportation Management Services for the Genesee & Orleans County. Renewing the contract on a month-to-month basis, at the fee of \$8,750 a month, for term September 1, 2021 to December 31, 2021 under the original Agreement, and with further option for two (2) additional renewals upon mutual agreement of the parties.

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

#### **RESOLUTION NO. 449-1021**

#### **AUTHORIZING PURCHASES FROM PUBLIC HEALTH DEPARTMENT BUDGET**

WHEREAS, the Orleans County Health Department has been awarded funding from Health Research, Inc. (Contract #6456-01) to perform COVID-19 activities;

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase a NuAire 4FT Class II, Type A2 Biological Safety Cabinet and accessories for the Digital PCR Instrument for COVID-19 wastewater sampling in the amount of \$10,263.92 per quote #QD19811 from LabRepCo, 101 Witmer Road, Suite 700, Horsham, PA 19044. NYS Pricing Contract Number: PC68669, to be paid out of Public Health Budget 01.4010.0250-Other Equipment; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase a CP Select Concentrating Pipette with a three year warranty and accessories to perform COVID-19 wastewater sampling at a cost of \$20,351.72 per quote #11481 from InnovaPrep LLC, 132 E Main Street, PO Box 68, Drexel, MO 64742. Fully grant funded, to be paid out of Public Health Budget 01.4010.0250-Other Equipment, no county cost.

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

#### **RESOLUTION NO. 450-1021**

#### **APPROVING PROBATION DIRECTOR TO SUBMIT A COMPREHENSIVE RAISE THE AGE PLAN FOR ORLEANS COUNTY TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AND NEW YORK STATE OFFICE OF CHILD AND FAMILY SERVICES**

RESOLVED, that this Legislature authorizes the Orleans County Probation Department to apply and accept the Comprehensive Raise the Age Plan submitted to the NYS Division of Criminal Justice Services, Office of Probation and Correctional Alternatives and the NYS Office of Child and Family Services for funding in the amount of \$130,564. The plan is designed to identify your anticipated, eligible incremental Raise the Age-related costs and covers the period of April 1, 2021 to March 31, 2022. Pursuant to Chapter 53 of the Laws of 2018, funding will be

made available to reimburse counties for incremental costs associated with Raise the Age-related activities.

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

#### **RESOLUTION NO. 451-1021**

APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND VARIOUS TOWNS FULFILLING AND FOLLOWING THE APPROVED LOCAL LAW 3 of 2017 BY THE SHERIFF'S OFFICE ANIMAL CONTROL

WHEREAS, the purpose of this is fulfilling and following the Local Law 3 of 2017 entitled "A Local Law for Dog Control Law of the County of Orleans" This Local Law adopted by the Orleans County Legislature on, October 25, 2017 by Resolution No. 389-1017, now be it

RESOLVED, that this Legislature approves the Memorandum of Agreement between the, Orleans County Sheriff's Animal Control Office and the Town/s of, Albion, Barre, Carlton, Clarendon, Gaines, Kendall, Ridgeway, Murray, Shelby and Yates which shall take effect upon signing by all parties and remain in effect after.

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

#### **RESOLUTION NO. 452-1021**

ACCEPTANCE AWARD FOR A DRONE THROUGH WALMART FOUNDATION

WHEREAS, the Orleans County Sheriff's Office has been awarded a Drone Fly Combo through Walmart Foundation which will enable the creation of the Sheriff's Office Drone unit and will assist the Sheriff's Office in; search and rescue operations, searching for missing child and adults with live camera feeds and night vision capabilities, crime scene investigations, including providing irrefutable crime scene evidence photos, motor vehicle accident reconstruction using the latest digital reconstruction techniques, interior and exterior search of buildings and exterior providing real time evaluation of the circumstances on the ground for officer safety for patrols; now be it

RESOLVED, that this Legislature accepts this generous award for a Drone Fly combo through Walmart Foundation that will benefit Sheriff's Office in many details to protect and serve our county.

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

#### **RESOLUTION NO. 453-1021**

**AUTHORIZING COUNTY TREASURER TO TRANSFER/SET UP FUNDS WITHIN THE SHERIFF'S BUDGET FOR EMERGENCY REPAIRS ON SHERIFF'S PATROL VEHICLES, PURCHASE OF TACTICAL AND SAFETY GEAR AND DONATIONS**

RESOLVED, that the County Treasurer is authorized to transfer monies within the Sheriff's budget to cover the unexpected costs of repair and replacements to transmissions (#518, 519, & 522) to Sheriff's Patrol Vehicles in the amount of \$11,378.68 to L & L Transmission, 149 Hutchins Street, Batavia, NY 14020, and purchase of tactical and safety gear for Sheriff Deputy's and office equipment as follows:

FROM:

01.3150.0489	Hospital Supplies-Medicine, etc.	\$50,000.00
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TO:

01.3110.0250	Other Equipment	\$20,000.00
01.3110.0415	Uniform & Cleaning	\$10,000.00
01.3110.0414	Automotive Parts	\$10,000.00
01.3110.0446	Vehicle Maintenance	\$10,000.00

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Sheriff's Animal Control in the amount of \$120.00 from generous community members as follows:

FROM:

01.0001.2705	Gifts & Donations	\$120.00
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TO:

01.3510.0418	Other Contractual Expenses	\$120.00
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Moved, Draper; second, Allport  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 454-1021**

**APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES**

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

Orleans County Sheriff's Office, Albion, NY for safe transportation of youth to out-of-county detention facilities; to be effective September 1, 2021 through August 31, 2022 at a cost of \$15,000. County cost is \$7,650.

Orleans County Mental Health to provide independent assessments of children placed in foster care for the Department of Social Services at a cost of up to \$2000 per assessment not to exceed

\$10,000 total. Term of agreement October 1, 2021 through September 30, 2022. County cost is 50%.

Orleans County Office for the Aging, Albion, NY for the provision of PERS program to eligible Medicaid recipients; to be effective January 1, 2022 through December 31, 2022 at a cost of \$31 per client per month. County cost is 25%.

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. Contract will run from October 1, 2021 through September 30, 2022.

E.A. Consult Services to provide independent assessments of children placed in foster care for the Department of Social Services at a cost of up to \$2000 per assessment not to exceed \$10,000 total. Term of agreement October 1, 2021 through September 30, 2022. County cost is 50%.

Pathstone Corporation, Rochester, NY for the provision of housing at a safe dwelling to victims of domestic violence who are eligible for DSS payment of these services; to be effective January 1, 2022 through December 31, 2022. Rates are established by NYS Office of Children & Family Services.

Wendy S. Sisson, Esq. for Conflict Prosecution for the Department of Social Services. \$75.00/hour includes travel time, mileage reimbursed at 1 cent less than the Federal rate to be effective January 10, 2021 through January 9, 2024.

Bonarigo & McCutcheon, Batavia, NY for the provision of Legal and other services pertaining to Adoption Services, to be effective January 1, 2022 through December 31, 2024. Payment will be made as a one-time payment after all receipts are received and the amount for the payment may not exceed the maximum level set by the NYS Office of children and Family Services of \$2,000 per child. Maximum county cost will be \$380 per child.

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

#### **RESOLUTION NO. 455-1021**

#### **AUTHORIZING ABOLISHING AND CREATING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, The Department of Social Services continuously reviews staffing to provide more efficient operation of County business; now be it

RESOLVED, that this Legislature hereby authorizes the creation a permanent full-time Senior Caseworker position in the Department of Social Services at Grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant full-time Senior Caseworker position effective October 28, 2021; and be it

FURTHER RESOLVED, that this Legislature, upon the promotion of a Caseworker to the newly created Senior Caseworker position, does hereby authorize abolishing the vacated Caseworker position in the Department of Social Services at Grade 16 of the CSEA Salary Schedule.

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

### **RESOLUTION NO. 456-1021**

RESOLUTION URGING NEW YORK STATE TO RENEW ITS COMMITMENT TO PREVENT AND PROTECT CHILDREN FROM ABUSE AND NEGLECT BY RESTORING STATE SHARE FUNDING LEVELS TO 65 PERCENT UNDER THE EXISTING OPEN-ENDED CHILD WELFARE FINANCING MECHANISM

WHEREAS, the current 62 percent /38 percent preventive, protective, adoption funding stream reflects a reduction in the State's financial commitment to the well- being of children; and

WHEREAS, the reduction of State funding for these child welfare programs has made it more difficult and costly for counties to provide services designed to keep children safe and to provide them with permanent homes and reduced stays in foster care; and

WHEREAS, the COVID pandemic has made reaching children more difficult as many mandated reporters have not been in direct contact with children due to state and federal social distancing restrictions and public health protocols; and

WHEREAS, the safety and welfare of children should remain the State's highest priority; and

WHEREAS, the uncapped child welfare funding stream at 65 percent state share (which was lowered to 62 percent to backfill state budget shortfalls) provided counties with critical fiscal support allowing for the development of innovative community-based programs that led to a dramatic reduction in the number of children in the foster care system; and

WHEREAS, the gradual, but steady, pullback in State funding support for a variety of human services programs including child welfare, adoption subsidies, food stamp administration, Family Assistance, Safety Net, youth detention and foster care creates an environment in which the State is directly moving away from its constitutional requirement to care for the needy, effectively forcing this State constitutional responsibility on county government and local property taxpayers; and



WHEREAS, New York State enacted a two percent property tax cap which further exacerbates local budget pressures while additional costs are shifted from the state to counties for state mandated programs; and

WHEREAS, the State Comptroller has recently identified in Monthly State Cash Reports that New York State currently has over \$16 billion in cash reserves.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature believes the State should renew its commitment to the well- being of children by restoring current funding levels to 65 percent state share, to be matched with a 35 percent local share, under the existing open-ended child welfare financing mechanism; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

#### **RESOLUTION NO. 457-1021**

**RESOLUTION URGING THE STATE TO PRIORITIZE THE DISTRIBUTION OF FEDERAL EMERGENCY RENTAL ASSISTANCE, AND CLARIFY ITS HOMELESSNESS PREVENTION GOALS BY MAKING PERMANENT HOUSING THE CENTRAL FOCUS**

WHEREAS, homelessness and housing affordability continue to be major concerns across the state; and

WHEREAS, the COVID-19 pandemic has made the situation worse by placing an estimated 830,000 New York households in jeopardy of losing their homes because of lost income caused by the pandemic, with past due rent estimated in excess of \$3.2 billion according to analysis by the University of Southern California; and

WHEREAS, in December 2020, Congress provided New York State with \$2.4 billion in emergency rental assistance funding, which has been augmented with another \$300 million in federal/state funding; and

WHEREAS, this funding was provided by Congress to prevent people from losing their homes and increasing homelessness; and

WHEREAS, the program did not open for applications until June 1, 2021 and faced numerous implementation challenges with less than \$2 million being expended in New York by August 1, 2021; and

WHEREAS, every county that received similar federal funding to prevent evictions was strongly encouraged by the state to give their funding to the state so funds could be pooled and the process for distributing funds could be streamlined (with nearly every county turning their funds over); and

WHEREAS, the homeless population is facing new problems as the needs of families have become more complicated; and

WHEREAS, regardless of family size and demographics, many of those facing homelessness or seeking emergency shelter can have challenging medical needs, mental health and substance abuse issues, some are registered sex offenders, and still others are state prison parolees or on probation; with some facing several of these challenges at the same time; and

WHEREAS, the state is implementing new hotel regulations that could reduce the number of units available to homeless families and leaving county officials with very limited options that may be less effective and more expensive in managing local homeless populations; and

WHEREAS, the state requires counties to fund 71 percent of costs for Safety Net individuals and 100 percent of the costs of administering these programs; and

WHEREAS, local social service districts focus scarce resources on achieving permanent housing, preventing homelessness and providing temporary placement; and

WHEREAS, counties maintain that preventing homelessness in the first place is the best way to keep families safe and secure; and

WHEREAS, counties maintain that while it is important to provide help in a crisis, it is better policy to maintain stability and prevent emergencies by providing sufficient resources up front.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature calls on the Governor and State Legislature to prioritize the distribution of the federal emergency rental assistance to prevent unnecessary homelessness; and

BE IT FURTHER RESOLVED, the state should make permanency the central focus of statewide homelessness policy; and

BE IT FURTHER RESOLVED, the State should coordinate a timely transition to supportive housing for the highest need individuals with mental health and substance abuse issues in collaboration with OTDA, other state agencies, and local social services districts; especially those that have been repeatedly homeless and in need of supportive placements overseen by OMH, OASAS, OPWDD and DOCCS; and

BE IT FURTHER RESOLVED, the state should target funding to counties that allows them to work with community partners to develop service models that achieve permanency through innovative and flexible approaches that meet local needs; and

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

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

Legislator Ken DeRoller asked for update from Director Melissa Blanar. Melissa stated there have been some transportation issues the past few months. She is working with RTS and now Medina transport so that there are some options for older adults to get to their medical appointments. The following resolution was adopted.

**RESOLUTION NO. 458-1021**

APPROVING AN AGREEMENTS BETWEEN OFFICE FOR THE AGING DEPARTMENT AND MEDINA TRANSPORT TAXI, LLC.

RESOLVED, that this Legislature does hereby authorize the agreement for the Aging Department and Medina Transport Taxi, LLC, 493 East Center Street, Medina, NY 14103 to provide medical transportation services for Orleans County residents age 60 and older from November 1, 2021 to October 31, 2022 at a cost of up to \$30,000 for the first year. County cost is up to \$5,250.

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

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

**RESOLUTION NO. 459-1021**

AUTHORIZING ACCEPTANCE OF A DONATION TO THE OFFICE FOR THE AGING'S BUDGET AND AUTHORIZING NEW MONEY IN THE OFFICE FOR THE AGING BUDGET

WHEREAS, the Orleans County Office for the Aging wishes to send its sincere thank you to United Healthcare who have generously donated funds, it be

RESOLVED, that this Legislature accepts a donation to assist the Orleans County Office for the Aging who provide services and information and assistance to older adults in Orleans County, and be it

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

REVENUE:

01.6772.1972	Local Revenue	\$5,000
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APPROPRIATION:

01.6772.473	Nutrition	\$1,170
01.6772.486	Special Grants	\$2,830
01.6772.492	Transportation	\$1,000

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

**RESOLUTION NO. 460-1021**

AUTHORIZING REIMBURSEMENT TO EMPLOYMENT AND TRAINING DIRECTOR III FOR CELL PHONE USAGE

RESOLVED, that this Legislature authorizes payment from the Job Development budget for the Employment & Training Director III to be partially reimbursed for cell phone charges incurred in conducting daily business in the amount of \$50.00 per month, vouchered quarterly, effective November 1, 2021; and be it

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

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

**RESOLUTION NO. 461-1021**

AUTHORIZING SETTING UP NEW MONEY IN THE JOB DEVELOPMENT BUDGET

RESOLVED, that the County Treasurer is authorized to set up new money in the Job Development Budget for a donation from the Genesee County Agricultural Society to support 2021 GLOW with Your Hands as follows:

REVENUE:

014.0014.2705	Gifts & Donations	\$366.35
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APPROPRIATION:

014.6293.0418            Other Contractual-Supportive Services            \$366.35

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

Chairman Johnson asked Veterans Services Agency Director, Nancy Traxler for an overview. Nancy stated that this is in support of the vets and military personnel transitioning back to civilian life, specifically focusing on Iran and Afghanistan. This is especially important due to the recent leaving and how it had happened. A green light bulb support them and says thank you. The dome will be lit green as well. The following resolution was adopted.

**RESOLUTION NO. 462-1021**

**SUPPORTING OPERATION GREEN LIGHT FOR ACTIVE MILITARY SERVICE MEMBERS IN TRANSITION TO CIVILIAN LIFE-VETERAN STATUS**

WHEREAS, the residents of Orleans County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women that served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Orleans County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, New York States Veteran Population has decreased by 44% over the last 20 years; and

WHEREAS, Veterans continue to serve their community in the American Legion, Veterans of Foreign Wars, church groups, civil service; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20% increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44% to 72% of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the Orleans County appreciates the sacrifices our United State Military Personnel made while defending freedom and believes specific recognition be accorded them in appreciation of their service and to demonstrate the honor and support they have earned; therefore be it

RESOLVED, with designation as a Green Light for Military Service County, Orleans County hereby declares from November 1<sup>st</sup> through Veterans Day, November 11<sup>th</sup> 2021 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further

FURTHER RESOLVED, that in observance of Operation Green Light, the Orleans County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who the immeasurable sacrifices helped to preserve freedom by displaying a green light in a window of their place of business or residence.

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

#### **RESOLUTION NO. 463-1021**

#### **AUTHORIZING CREATION AND FILLING OF PART TIME CLERK POSITION IN THE VETERANS SERVICE AGENCY**

RESOLVED, that the Legislature does hereby authorize the creation of a part-time Clerk position in the Veterans Service Agency (16510.02) at Grade 7 of the CSEA salary schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective October 28, 2021.

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

Legislator Draper commented that our appointee Noah Cudzilo was present in the Chamber and asked him to introduce himself and his family. Noah will be a fine addition to the youth council. The following resolution was adopted.

#### **RESOLUTION NO. 464-1021**

#### **APPROVING APPOINTMENTS TO ORLEANS COUNTY YOUTH BOARD**

WHEREAS, the Orleans County Youth Board does recommend the appointment to said Orleans County Youth Board at this time. Now, therefore, be it

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

New Appointment

Youth Noah Cudzilo November 1, 2021 – October 30, 2024

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 465-1021**

APPROVING PURCHASES AND AGREEMENT BETWEEN ORLEANS COUNTY BOARD OF ELECTIONS AND CLEAR BALLOT GROUP, INC.

WHEREAS, Resolution No. 381-821 approved a grant agreement with the New York State Board of Elections for the Early Voting Expansion (EVE) Grant in the amount of \$16,985.88 and Resolution No. 382-821 approved a grant agreement with the New York State Board of Elections for the Technology Innovation and Election Resource (TIER) Grant in the amount of \$37,009.30; now be it

RESOLVED, that this Legislature does hereby approve purchase of a Clear Ballot Fujitsu fi-7800-Rated to 4,000/bph Scanner for the total cost of \$51,880.00 to be paid from Elections Budget Account 01.1450.0486.3217-Special Grants-Early Voting Expansion (EVE) Grant and 01.1450.0486.3218-Special Grants-Technology Innovation and Election Resource (TIER) Grant; and be it

FURTHER RESOLVED, that this Legislature does hereby approve an agreement between the Elections Department and Clear Ballot Group Inc., 2 Oliver Street, 2<sup>nd</sup> Floor, Boston, MA to provide maintenance at a rate of \$1,200.00 per election event through December 31, 2026; and be it

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

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 466-1021**

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

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Suit-Kote Corporation, 1911 Lorings Crossing Road, Cortland, NY 13045 to provide labor, equipment and materials to Pugmill 500 tons of 5/8" crusher run. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #130-321, Project ID DPW14-2021; to be paid from Road Fund account 03.5110.0470. Pricing is not to exceed \$20,000.00; and be it

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

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

**RESOLUTION NO. 467-1021**

APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND WILLDAN

WHEREAS, Resolution no. 476-1120 approved an agreement with Wendel Energy Services LLC to conduct a detailed energy efficiency study to identify and evaluate facility improvements to reduce annual energy and operational costs; and

WHEREAS, National Grid is offering an energy conservation “Program” to certain commercial and industrial customers that have an average monthly demand less than or equal to 110 kW; and

WHEREAS, the Department of Public Works has been approved to receive this offering under the energy conservation “Program” at no cost to the County; and be it

RESOLVED, that this Legislature is authorized to approve an agreement between the Public Works Department and Willdan (recently merged with Lime Energy), 31A Elk Terminal, Buffalo, New York 14204 to facilitate the removal, disposal and replacement of designated lighting equipment as stated in the “Energy Savings Plan” detail – application #13083353; and therefore be it

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

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

**RESOLUTION NO. 468-1021**

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

WHEREAS, Resolution 289-621 approves an agreement with LaBella Associates to perform engineering services for drainage improvements on West County House Road in Orleans County; and

WHEREAS, Orleans County directed LaBella Associates to complete extra work which includes soil borings; therefore be it



RESOLVED, that this Legislature does hereby approve an agreement extension with a new completion date of December 31, 2021 with the Department of Public Works and Labella Associates, P.C. LaBella will perform these services under the Term Agreement for Professional Architectural and Engineering Services, Resolution no. 47-217; and be it

FURTHER RESOLVED, the original agreement is at a cost not to exceed \$14,600.00 and there is no additional costs to the County for the completion of extra work;

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

### **RESOLUTION NO. 469-1021**

#### **AWARD AND APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND RAVI ENGINEERING AND LAND SURVEYING**

WHEREAS, NYS DOT Region No. 4 has designated their 2019-2022 LDSA Engineering firms and Orleans County is seeking to retain an engineering firm to provide engineering services for the replacement of County Line Bridge over Jeddo Creek “The Project” in the Town of Ridgeway and the Orleans County Selection committee has selected Ravi Engineering and Land Surveying to provide engineering services for “The Project”; and therefore be it

RESOLVED, that this Legislature does hereby award and approve an agreement with the Department of Public Works and Ravi Engineering and Land Surveying, 2110 South Clinton Avenue, Suite 1, Rochester, NY 14618 to perform Preliminary Engineering, Design and ROW Incidentals for the County Line Road Bridge over Jeddo Creek Replacement Project. NYS DOT Contract #D040340, Bin #: 3318870, PIN 4OR005; and be it

RESOLVED, this agreement is effective through 12/31/2024 at a cost of \$135,700.00; to be paid out of the Road Fund Capital Bridge account 03.5120.470.2288; 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, Miller  
Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 470-1021**

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

WHEREAS, under current law, funds allocated for the Consolidated Local Street and Highway Improvement Program (CHIPS) are used to undertake work on projects either with the municipality's own resources and workforces or by competitively-bid contracts; and

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

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

WHEREAS, the Governor is expected to include an increase in the current cost threshold from \$350,000 to \$750,000 over which local highway and bridge construction work under the CHIPS program must be competitively bid in the Governor's 2022-2023 Executive Budget to be released in January; and

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

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

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

#### **RESOLUTION NO. 471-1021**

**RESOLUTION COMMENDING THE GOVERNOR AND STATE LEGISLATORS ON ENACTING RECORD INCREASES FOR LOCAL HIGHWAY, BRIDGE AND CULVERT PROGRAMS AND URGING A SUSTAINED COMMITMENT TO ASSIST COUNTIES IN MAINTAINING THEIR LOCAL INFRASTRUCTURE**

WHEREAS, the Governor and State Legislators are to be commended for adopting as part of the 2021-22 State Budget a record \$1 billion investment in local road and bridge programs that will improve safety for millions of motorists and create tens of thousands of jobs at a critical time to promote economic recovery; and

WHEREAS, this new State Transportation Plan provides unprecedented support for local governments to maintain and improve roads and bridges with the Consolidated Local Streets and Highway Improvement Program (CHIPS) funded at \$535 million, an increase of \$100 million, that provides state reimbursement to localities for the costs of highway, bridge and culvert work as well as for pedestrian walkways, bicycle lanes, and other complete streets enhancements; and

WHEREAS, BRIDGE-NY, a critical local program initiated by the Governor that provides enhanced assistance for local governments to rehabilitate and replace bridges and culverts, is funded at \$200 million (up to \$50 million of which shall be made available for culvert projects) to be awarded during the State Fiscal Years 2020-21 and 2021-22; and

WHEREAS, under PAVE-NY, \$150 million is allocated to all municipalities throughout the state this year, a \$50 million boost, which will go toward improving the conditions, functionality and safety of local roadways, creating jobs and contributing to economic development in our communities through projects like roadway resurfacing, widening and realignment, construction of turning lanes at intersections, and new drainage for flood mitigation; and

WHEREAS, the legislatively-sponsored Extreme Winter Recovery Program was increased from its previous funding level of \$65 million to this year's level of \$100 million, allowing for additional construction, reconstruction or improvement of local highways, bridges, highway-railroad crossings, and/or other local facilities many of which are damaged or otherwise impacted by the severe Northeastern winter weather and, more frequent significant flooding events; and

WHEREAS, locally owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and this level of funding is expected to have a positive impact on the condition and resiliency of our transportation systems; and

WHEREAS, this vast system of local roads, bridges and culverts is in need of a sustained high level of funding in the future to continue to reverse the deterioration of our aged and ailing transportation infrastructure and build up its resistance to natural disasters due to climate change; and

WHEREAS, the overwhelming needs of the local systems will result in many county highway and public works crews utilizing essentially all of this available funding during the current construction season despite the above normal amount of rain, supply chain disruptions and lingering COVID-19 restrictions that create obstacles and setbacks to timely project rollouts. Most of the remaining funding, if any, from this year's appropriations is expected to be programmed and committed for the immediate start of projects next season; and

WHEREAS, a safe and efficient transportation infrastructure is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature commends the Governor and the New York State Legislature for their budget actions to enhance state investments in local roads, bridges and culverts and urges that they continue to work in partnership with local governments to continue to match these necessary and proper levels of funding to New York's counties to give them the ability to properly maintain their infrastructure now and well into the future; and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Kathy Hochul, Senate and Assembly Leaders, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, and all others deemed necessary and proper.

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

#### **RESOLUTION NO. 472-1021**

**AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A 2022 MORBARK CHIPPER**

RESOLVED, that this Legislature does hereby approve the purchase of a 2022 Morbark Eger Beaver 2131-SA Chipper through Morbark, 8507 South Winn Road, Winn, MI 48896. The Chipper will be purchased under the Sourcewell Contract #031721-MBI at cost of \$68,386.96 minus a Trade-in value of \$20,000 for a total cost of \$48,686.96. The Chipper is reimbursable through the Consolidated Highway Improvement Program (CHIPS) with a County cost of \$0; to be paid from budget account 04.5130.0270.

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

#### **RESOLUTION NO. 473-1021**

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

RESOLVED, that this Legislature authorizes the following payment(s) to be made from budget account H1620.250, Capital Project – REDI Project – Point Breeze No 27:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$2,327.50	Wendel	Professional Services for Point Breeze Boat Launch Projected rendered through 8/31/2021
\$139,650.00	C.P. Ward	Construction Services for Point Breeze Boat Launch Payment #1

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$13,183.32	Wendel	Professional Services for Lakeshore Road Redi Project rendered through 8/31/2021
\$372,059.66	Keeler Construction	Construction Services for Lakeshore Road Redi Project – Payment #1
\$383,531.03	Keeler Construction	Construction Services for Lakeshore Road Redi Project – Payment #2

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

**RESOLUTION NO. 474-1021**

**AUTHORIZING GRANT ACCEPTANCE AND APPROVING AGREEMENT BETWEEN EMERGENCY MANAGEMENT AND NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES**

WHEREAS, Resolution No.298-621 authorized the Emergency Management Office to apply for the 2020 Statewide Interoperable Communication's Formula Grant (SICG) in the amount of \$526,529; now be it

RESOLVED, that this Legislature approves the SICG FY20 Formula grant acceptance agreement between the Office of Emergency Management and the New York State Division of Homeland Security; and be it

FURTHER RESOLVED, that the Chairman is authorized to electronically sign e-grant SI20-XXXX-XXX, Contract #XXXXXXX for the amount of \$526,529.00 which will be used for reimbursement of costs for the sustainment of our radio system and any necessary improvements, training, equipment and other items deemed necessary and is authorized through this; and be it

FURTHER RESOLVED, that this Legislature authorize the County Treasurer to set up new money as follows:

REVENUE:

01.3640.4309.2074 FY20 State Interoperable Communications \$526,529.00  
 Formula Grant

APPROPRIATION:

01.3640.0486.2074 Special Grants SICG FY20 \$526,529.00

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

**RESOLUTION NO. 475-1021**

AUTHORIZING COUNTY TREASURER TO SET UP FY18 STATEWIDE INTEROPERABLE COMMUNICATIONS TARGETED GRANT FUNDS IN THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, Resolution No. 86-219 authorized the professional services agreement between the Emergency Management Office and Timothy Warth dba Radio Technologies for the Statewide Interoperable Communications FY18 Targeted Grant radio project; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up SICG FY18 Targeted Grant funds into the Emergency Management budget for the final two payments as follows:

REVENUE:

01.3640.4309.0748	FY18 Statewide Interop Communications Targeted Grant	\$82,972.00
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APPROPRIATION:

01.3640.0486.0748	Special Grants – SICG FY18 Targeted	\$82,972.00
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Moved, Eick; second, Miller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 476-1021**

AUTHORIZING FILLING PART-TIME VACANCY IN THE EMERGENCY MANAGEMENT OFFICE

RESOLVED, that as the result of the resignation of a part-time employee in the Emergency Management Office, this Legislature does hereby authorize filling the vacant part-time Keyboard Specialist position (3640.04) at Grade 7 of the CSEA salary schedule effective October 28, 2021.

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

**RESOLUTION NO. 477-1021**

AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITIES ACT TO IMPLEMENT THE NIAGARA ORLEANS REGIONAL ALLIANCE WORKPLAN

WHEREAS, the Niagara Orleans Regional Alliance (NORA) is a collaboration between Niagara and Orleans Counties designed to bring broadband access to areas within the Counties that are currently unserved or underserved by broadband; and

WHEREAS, NORA has developed a Workplan to extend broadband service to those areas of need, and

WHEREAS, the New York State Office of Community Renewal (the “OCR”) through the Coronavirus Aid, Relief, and Economic Securities Act (“CARES”) has made funds available for public service or infrastructure projects designed to ensure that families in underserved communities have Wi-Fi access for remote education and telehealth services through new and expanded broadband; and

WHEREAS, Orleans County is an eligible applicant for CARES funding and implementation of the NORA Workplan is consistent with the goals of said funding as a CDBG - funded Project (the “Project”); and

WHEREAS, Upper Edge Consulting, LLC has experience administering OCR grants for the implementation CDBG projects, and

WHEREAS, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and the Project; now be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of Orleans County to the OCR to support the Project; and be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with Upper Edge Consulting, LLC for the implementation of the Project and administration of the OCR grant, all such documents subject to review and approval by the County Attorney; and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

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

Chairman Johnson stated that right now we are going through a redistricting with our congressional district. Up until this point we have been with like counties. The ‘Earmuff’ opposition is looking at taking Erie and Monroe County and running the district together by using the lakeshore. We have been opposed to that. We don’t feel like we are like Erie and Monroe County in the way we do business, as a small government and county. If they have to expand put us with a like county like Genesee, Wyoming, Livingston.

Legislator Allport stated that one of the propositions this year is to have a majority vote instead of two thirds vote due to one party having complete control, compares this to when we had a complete control was when we got the earmuff from Louise Slaughter.

**RESOLUTION NO. 478-1021**

**OPPOSITION TO “EARMUFF” CONGRESSIONAL DISTRICT FOR ANY OR ALL OF ORLEANS COUNTY**

WHEREAS, because of the federal decennial census, New York State must redraw district lines for the United States House of Representatives, and

WHEREAS, the New York State Independent Redistricting Commission is presently accepting public comment on the redrawing of congressional districts in New York State, and

WHEREAS, since 2013, all residents of Orleans have lived in the 27<sup>th</sup> Congressional District, and

WHEREAS, Orleans County’s placement within this district has been wholly and entirely proper, given that the county contains a mix of village and rural areas with many shared interests, and

WHEREAS, from 2003 to 2012, Orleans County was situated within the “Earmuff District,” which connected some of our Towns to metropolitan and suburban Rochester more than 80 miles to the east, and

WHEREAS, the “Earmuff District” stretched from the east side of Buffalo, north through the town and city of Tonawanda north to Niagara Falls, through Niagara, Lewiston, and Porter, then east across the shores of Lake Ontario, through portions of 10 towns in Niagara, Orleans and Monroe counties, including the city of Rochester and additional towns to that city’s southeast, and

WHEREAS, inclusion in the “Earmuff District” clearly violated the generally accepted criteria for good-government redistricting, particularly in terms of compactness and preservation of communities of interest, and

WHEREAS, rural towns like the towns of Carlton, Kendall and Yates have very little in common with the city of Rochester and its nearby suburban towns, and folding any Orleans County towns into a district with a core in the city of Rochester is inconsistent with the principles of a sound redistricting plan, and

WHEREAS, draft maps have recently circulated in various publications which have suggested that – solely for partisan political purposes – the state of New York should re-establish an “Earmuff District” that would reunite Orleans County and some of its localities, with the city of Rochester, and

WHEREAS, it is incumbent upon this County Legislature to make its voice heard on behalf of town residents as critical decision-making lies ahead in terms of congressional redistricting,



NOW, THEREFORE, BE IT RESOLVED, that in the congressional redistricting process, the County of Orleans does hereby discourage any effort to re-establish a so-called “Earmuff District” connecting any portion of the Niagara Frontier to the city of Rochester, and be it further

RESOLVED, that this Honorable Body does hereby encourage decision-making authorities, including but not limited to the New York State Independent Redistricting Commission, the New York State Legislative Task Force on Demographic Research and Reapportionment and/or the New York State Legislature to reject all efforts to re-establish a so-called “Earmuff District,” or any district which seeks to similarly connect the Buffalo and Rochester metropolitan areas, and be it finally

RESOLVED, that certified copies of this resolution be sent to the New York State Independent Redistricting Commission (250 Broadway, 22<sup>nd</sup> Floor, New York, NY 10007), the New York State Legislative Task Force on Demographic Research and Reapportionment (250 Broadway, Suite 2100, New York, NY 10007), the Speaker of the New York State Assembly and the Majority Leader of the New York State Senate, and to the local offices of the Representatives in Congress in New York’s 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> Congressional Districts.

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

#### **RESOLUTION NO. 479-1021**

#### **AUTHORIZING PAYMENT OF CLAIMS FOR NOVEMBER AGAINST THE COUNTY**

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

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Commissioner of the Department of Public Works, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for November 10, 2021:

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

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

directed to draw demand orders on the County Treasurer in payment of the following claims submitted for November 24, 2021:

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

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

Chairman Johnson asked the Legislators for any old or unfinished business. There being none offered.

The Chairman than asked for any public comment. She received none.

Legislator DeRoller moved to adjourn; second by Legislator Draper.  
Meeting adjourned at 5:04 p.m.