

## Legislature Meeting April 28, 2021

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Chairman Lynne M. Johnson called the meeting to order at 4:30 p.m. Veteran Legislator Ken DeRoller led us in the Pledge to the Flag and Invocation.

Clerk Lisa Stenshorn called the roll. All Legislators were present in the Chambers.

The Clerk presented the following Communications:

Town of Kendall asking for participation in the annual Kendall Memorial Day Program being held on Sunday, May 30<sup>th</sup> at 7:00 p.m.

The following letter received and read aloud from Thom and Tracy Jennings of Papa Thom's Rockin' Bagels: Chairperson Johnson. We wanted to take the opportunity to recognize Diane Blanchard and her MAP class that we participated in last year. Diane has been a huge champion for our business since the first day we met her. Diane's genuine enthusiasm and support for local businesses is absolutely wonderful. She has also built an incredible team, and a fantastic group of presenters for the class. We feel very fortunate to have met Diane and we are sure we speak for many small businesses when I say she is a tremendous asset to our community. Thanks you. Thom and Tracy Jennings, Papa Thom's Rockin' Bagels.

There have been two requests for use of Courthouse Square received as follows:

Albion Merchants Association are asking for use of electric and lawn on June 12, 2021 from Noon to 7:00 p.m. This will be during the Food Truck Rodeo being held on East State Street. **Board Approved**

ABATE of New York, Inc., Orleans County Chapter are asking to hang their ABATE banner for two weeks during Motorcycle Safety & Awareness month. **Board Approved**

Legislator Miller presented a Proclamation to OFA Director Melissa Blonar, proclaiming May as Older Americans Month.

Legislator Draper presented a Proclamation to ABATE, proclaiming May as Motorcycle Safety & Awareness Month. Matt Tracey was present from ABATE to receive the Proclamation.

Legislator Miller presented a special recognition to Tom Kuryla, whom is retiring on April 29, 2021 after 12 years of service as the Commissioner of the Department of Social Services. Mr. Kuryla stated that the past 12 years have gone by fast. He has created wonderful relationships with all of the Legislators, thanked Jack Welch for being on board with him since day one. Chairman Johnson thanked Tom Kuryla for all of the work he has done dedicating his time and resources to the tax payers on Orleans County.

Treasurer DeFrank distributed the Analysis of Monthly Cash Receipts and Disbursements through March 2021. Mrs. DeFrank reported that cash is looking very nicely. The first quarter sales tax have been paid out to the towns and villages, in an amount near \$400,000.00. The schools and villages have also been paid just over \$2 million for their unpaid taxes. The financial conditions are looking very good.

Chairman Johnson asked the Legislators if there was any open discussion as it related to the resolutions, no discussion was raised.

Chairman Johnson then asked the public for any open discussion as it related to the resolutions.

Michael Donahue, Albion NY. Mr. Donahue is the President of the Black North Rod and Gun, Orleans County Federation of Sportsman and a 40 year Hunter Safety Instructor. Mr. Donahue is asking for support to allow 12 year old to hunt deer and big game in Orleans County.  
There were no other comments.

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

**RESOLUTION NO. 141-421**

**AUTHORIZING THE COUNTY CLERK TO ENTER INTO AN AGREEMENT WITH MUNICIPAL SERVICES BUREAU**

RESOLVED, that this Legislature does hereby authorize the Orleans County Clerk to enter into an agreement between Gila LLC, d/b/a Municipal Services Bureau Payment Processing Division, 325 Daniel Zenker Drive, Suite 3, Horseheads, NY 14845 to serve as our vendor to provide on-line payment acceptance, and in person payment acceptance, of the use of credit/debit cards and e-checks, the initial term shall be for two (2) years and shall commence on the effective date, and at the end of the initial term, the agreement shall automatically renew for additional one (1) year terms, not to exceed five (5) years in the length of this agreement without further review and approval; and be it

FURTHER RESOLVED, that in consideration of the services contemplated for this agreement, MSB will receive the various fees described in Exhibit B, which will be paid directly by the card holder and will not be a cost to Orleans County taxpayers.

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

**RESOLUTION NO. 142-421**

**AUTHORIZING THE COUNTY CLERK TO ENTER INTO AN AGREEMENT WITH FIVE STAR BANK**

RESOLVED, that this Legislature does hereby authorize the Orleans County Clerk to enter into a Remote Deposit Capture Services agreement with Five Star Bank, 220 Liberty Street, Warsaw, NY 14589 to process daily check deposits with no fees; and such agreement not to exceed five years, or will be reviewed should any fees be accessed by Five Star Bank to continue with such agreement.

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

**RESOLUTION NO. 143-421**

**AUTHORIZING THE COUNTY TREASURER TO DISSOLVE THE TELEPHONE EQUIPMENT/COMMUNICATIONS REPAIR RESERVE ACCOUNT AND TRANSFER THOSE MONIES INTO COMPUTER SERVICES BUDGET**

WHEREAS, this Legislature is aware that the changes in technology created the current situation of no longer needing a telephone equipment/communications repair account for items that are now considered commodities and are replaced rather than repaired, and;

WHEREAS, this Legislature is also aware of the need for an equipment purchase capability for aging equipment hardware, now be it;

RESOLVED, this Legislature authorizes the County Treasurer to transfer the balance and dissolve the Telephone Equipment/Communications Repair Reserve Account as follows:

FROM:

01.1615.453	Telephone Equipment / Communications Repair	\$39,906.08
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TO:

01.1680.250	Other Equipment	\$39,906.08
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Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeRoller would like to commend the CAO for moving this team forward.

**RESOLUTION NO. 144-421**

**AUTHORIZING CREATING AND FILLING POSITION IN THE COMPUTER SERVICES DEPARTMENT**

WHEREAS, the Legislature is aware of the ever growing technology services that the Computer Services department provides; now be it

RESOLVED, that this Legislature hereby authorize the creation of a permanent full-time Computer Specialist position code (1680.08) in the Computer Services department at a Grade 16 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective April 29, 2021.

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

**RESOLUTION NO. 145-421**

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

WHEREAS, Resolution No. 287-720 approved the standard work day resolution for those officials who submitted record of activities and whose term began January 1, 2020; and

WHEREAS, a record of activities has been received from our Medical Director/Coroner's Physician that needs to be addressed at this time; therefore be it

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

TITLE	NAME	STANDARD WORK DAY (Hrs/day)	Term	Days/month	Not Submitted
<b>APPOINTED OFFICIALS</b>					

Medical Director /Coroner's Physician	Thomas Madejski	6	1/1/2020-12/31/2020	1.73	
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Moved, DeFilipps; second, DeRoller  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 146-421**

**APPROVING EXTENSION OF INTERMUNICIPAL AGREEMENT BETWEEN COUNTY OF ORLEANS AND MEDINA CENTRAL SCHOOL DISTRICT**

WHEREAS, Resolution # 207-520 authorized the County Treasurer to be the sole and exclusive authority to collect the 2020/2021 Medina Central School District taxes with the option of a two year extension and

WHEREAS, the County Treasurer and Medina Central School District are desirous of extending the agreement with revisions for the collection of the 2021/2022 and 2022/2023 school tax years. The terms and conditions for this 2021/2022 and 2022/2023 School tax collection, and the consideration to be paid by Medina School to the County are set forth in such agreement

RESOLVED, this Legislature authorizes this revised agreement to be signed by the Chairwoman of this Legislature and the County Treasurer upon approval of the County Attorney.

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

Legislator DeFilipps stated that last year the County Treasurer collected taxes for the Medina School and it went well. Now Lyndonville would like to get on board. This is a plus for all towns involved. Chairman Johnson stated this is a good example of shared services.

**RESOLUTION NO. 147-421**

**APPROVING INTERMUNICIPAL AGREEMENT BETWEEN COUNTY OF ORLEANS AND LYNDONVILLE CENTRAL SCHOOL DISTRICT**

WHEREAS, the purpose of this agreement is to authorize the County Treasurer to be the sole and exclusive authority to collect the 2021/2022 and 2022/2023 Lyndonville Central School District taxes and

WHEREAS, the terms and conditions for this 2021/2022 and 2022/2023 School tax collection, and the consideration to be paid by Lyndonville School to the County are set forth in such agreement

RESOLVED, this Legislature authorizes this agreement to be signed by the Chairwoman of this Legislature and the County Treasurer upon approval of the County Attorney.

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

**RESOLUTION NO. 148-421**

**MODIFYING AGREEMENT OF INTERAGENCY INSTALLMENT OBLIGATION AGREEMENT BETWEEN THE COUNTY OF ORLEANS AND THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, Resolution No. 270-716 was modified by Resolution No. 327-917, the County of Orleans Legislature authorized an Interagency Installment Obligation by COIDA in the principal sum of \$100,000 to be repaid together with interest at the rate of 2.0% per annum; and

RESOLVED, that the Interagency Installment Obligation agreement be modified to provide that the balance due of \$66,666.67 shall be repaid in two annual installments of principal in the amount of \$33,333.33 and \$33,333.34 together with interest at the rate of 2% per annum on the unpaid balance and such payments will be due and payable on September 1, 2021 and September 1, 2022, at which time the entire remaining unpaid principal balance together with interest at the rate of 2% per annum shall be due and payable; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the Modification Agreement whereby all other terms and provisions of the Interagency Installment Obligation Agreement shall remain the same.

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

Legislator Allport asked for clarification on the ultimate goal of this resolution. Legislator DeRoller state in 2004 there were numbers in the 80's of single family homes being built in Orleans County. The numbers are down in the last decade to 16-20 new homes per year. There is a population loss in the 2020 census indicating under 40,000 residents. School enrolment is down in the last decade from 8,400 to 4,300 students. The completed LWRP of 50 miles of shore line on both sides of the canal. We need a market analysis to make sure we are on solid ground to move forward. Legislator Allport stated the new housing has to do with Ethanol Plant coming to Orleans County. Grower are selling off land. Housing aren't staying on the market, they are being scooped up fast. Maybe people leaving the city or thinking they are moving to Mayberry. It is defiantly a seller market. As far as government deciding, this is a private sector thing. It's up to the business to do the study, not the government. The market will take care of the need. New Jersey's population is growing. Legislator DeRoller replied the housing market of existing inventory is HOT. There is not enough inventory for people that want to come here. Government moves slow. We pick winners and losers based on land usage and regulations, this is not conducive to market. We as government do play a role in making sure we have the space and regulations to enhance these moves. Legislator DeRoller has been in planning for 40 plus years. Each town and village as their own comprehensive plan and we are behind the times. Western comp plan of five communities is calling for additional housing. LWRP has 50% in agriculture, we need to enhance opportunities in infrastructure. The canal corridor will enhance this view into the future. Legislator Allport asked if the plan says 100 new homes every year. What is government to do? Legislator DeRoller stated that developers want to see the need. If this comes out that there is a lack of certain types of housing then developers, specifically Herring Development has 40-50 acres in Holley that want to get in the space, it will prove if there is a shortage and of what classification of homes are needed.

### **RESOLUTION NO. 149-421**

#### **APPROVING AGREEMENT WITH LABELLA ASSOCIATES TO PREPARE COUNTY HOUSING MARKET ANALYSIS**

WHEREAS, housing has an important economic impact on communities that comprise Orleans County; and

WHEREAS, numerous factors exist that affect housing, such as supply, demand, relevant demographics, suitability, and market preferences, and

WHEREAS, such factors can experience significant change over time, with consequences on prospects for future community development, and

WHEREAS, Orleans County seeks summary analysis of its housing market to influence effective strategies in the County, and its town and villages to retain existing residents and attract new ones; now be it

RESOLVED, this County Legislature hereby approves an agreement with LaBella Associates, D.P.C. in the amount of \$5,000.00 to prepare a brief housing assessment to be completed by December 31, 2021 which can be used for greater benefit to the community by economic development officials, planners, private developers, and policy makers.

Moved, DeRoller; second, DeFilipps  
Adopted. 6 ayes; 1 nays, Allport; 0 absent

### **RESOLUTION NO. 150-421**

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

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

Orleans Community Health aka Medina Memorial Hospital, 200 Ohio Street, Medina, NY 14103. Contract to provide lead poisoning education, information, sampling, and testing for the residents of Orleans County. This contract runs concurrent with the New York State contract, for a term of October 1, 2020 through September 20, 2021. No County Cost.

Agri-Business Child Development Newfane ABCD – 3820 Ridgeway Center, Lockport–Olcott Road, Lockport, NY 14094. Memorandum of Agreement to establish the responsibilities of OCHD and Head Start relative to services for infants and toddlers who are suspected of, at risk for, or are diagnosed as having disabilities. Both OCHD and Head Start support the right of all infants and toddlers with disabilities to receive free and appropriate services including all necessary evaluations, early intervention, and related services which parents request, in accordance with state and federal statutes and regulations. For a term of April 6, 2021 through April 5, 2024. No County Cost

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

### **RESOLUTION NO. 151-421**

#### **AUTHORIZING POSITION CHANGES IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the climate of Public Health is constantly evolving and continually changing the departmental needs are always being evaluated to reflect the necessary changes therefore,

RESOLVED, that this Legislature does hereby authorize the creation of a 37 ½ hour per week full-time Public Health Emergency Preparedness Educator position at Grade 19 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of this newly created vacant Public Health Emergency Preparedness Educator position effective May 3, 2021.

FURTHER RESOLVED, that this Legislature, subsequent to the filling of newly created Public Health Emergency Preparedness Educator position, authorizes the abolishment of the full-time Public Health Emergency Preparedness Assistant position code (4010.25); and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a 37 ½ hour per week full-time Principal Account Clerk position at Grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature, does hereby authorize the filling of this newly created vacant Principal Account Clerk position (4010.34) effective May 3, 2021.

FURTHER RESOLVED, that this Legislature, subsequent to the filling of newly created Principal Account Clerk position, authorizes the abolishment of the full-time Senior Account Clerk position code (4010.34)

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the vacant Temporary Epidemiologist position (4010.51) at Grade 21 of the CSEA Salary Schedule effective May 3, 2021.

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

#### **RESOLUTION NO. 152-421**

#### **APPROVING AGREEMENT BETWEEN PROBATION DEPARTMENT AND AUTOMON CORPORATION**

RESOLVED, that this Legislature approves an agreement between Probation Department and Automon Corporation, 6621 N. Scottsdale Rd. Scottsdale, AZ 85250, for a maintenance contract to maintain the Probation Case Management System (Caseload Explorer) for the term of June 21, 2021 through June 20, 2022 at a cost of \$7,042.44.

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

#### **RESOLUTION NO. 153-421**

#### **APPROVING NUMEROUS AGREEMENTS WITHIN THE SHERIFF'S OFFICE/JAIL AND VARIOUS AGENCIES**

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

Wyoming County Sheriff/Jail, 151 North Main Street, Warsaw, NY 14569 for the housing of Orleans County prisoners in the Wyoming County Jail from the Sheriff's Jail budget at a cost of \$90 per inmate/ per day, effective term January 1, 2021 through December 31, 2023.

Genesee County Sheriff/Jail, 165 Park Rd, Batavia, NY 14020, for the housing of Genesee County prisoners in the Orleans County jail at a cost of \$90 per inmate/per day, effective term January 1, 2021 through December 31, 2023.

Ernst's Lake Breeze Marina, 990 Point Breeze Road, Kent, NY for the purchase of fuel for marine vessels in conducting 2021 marine and border security patrols, to be paid from Sheriff's budget, with partial reimbursement through available grant funding for term April 1, 2021 through December 15, 2021.

SolutionOne, Inc. PO Box 521, Spencerport, NY 14559, for the semi-annual hood suppression test and inspection at Sheriff's Jail, to be paid from the Jail's budget at a cost of \$460.00 yearly, effective term April 1, 2021 through March 31, 2023.

TRIO Adult Educational Opportunity Center (AEOC) grant funded by the Department of Education and sponsored by SUNY Genesee Community College located at, 1 College Drive, Batavia, NY 14420 to provide outreach educational and career services to inmates at zero cost to County, term April 1, 2021 through August 31, 2026.

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

#### **RESOLUTION NO. 154-421**

**AUTHORIZING THE SHERIFF TO PURSUE ACQUISITION OF FOUR NEW SHERIFF'S FLEET PATROL VEHICLES**

WHEREAS, the Sheriff Department suffered a totaled patrol vehicle that needs replacement this Legislature authorizes the Sheriff to proceed with the buyout purchase of one (1) vehicle not to exceed the amount of insurance recovery funds received from NYMIR; and be it

RESOLVED, that due to COVID-19 manufacturing shutdown, there is a statewide shortage of patrol vehicles, that this Legislature does hereby authorize the Sheriff to proceed with acquiring the lease purchase and up-fitting of three (3) patrol vehicles, not to exceed \$56,079.00 as budgeted in the Sheriff Capital Equipment line item 01.3110.0270 for the advanced fleet patrol vehicles.

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to negotiate the financing for these future purchases; and be it

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

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

#### **RESOLUTION NO. 155-421**

**AMENDING RESOLUTION NO. 531-1219 BETWEEN THE SHERIFF'S OFFICE AND THE ANIMAL CONTROL OFFICERS**

WHEREAS, Resolution No. 531-1219 between the Orleans County Sheriff's Office and Orleans County Animal Control Officers provided for compensation to each Animal Control Officer for collection and preparation of rabies specimens at a rate of \$25.00 per specimen for contract period January 1, 2020 through December 31, 2021; now be it

RESOLVED, that this Legislature amends Resolution 531-1219 changing compensation from Animal Control Officer name to position codes of; 3510.01, 3510.03, and 3510.04.

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



**RESOLUTION NO. 156-421**

**APPROVING THE LEGISLATURE CHAIRMAN TO APPLY FOR AND ACCEPT FUNDS FROM THE CRIMINAL JUSTICE DISCOVERY REFORM GRANT**

WHEREAS, the NYS Division of Criminal Justice Services is providing funding to support the increase of expenses directly related to the implementation of the NYS Discovery and Bail Reforms that took effect January 1, 2020; be it

RESOLVED, that this Legislature does hereby authorize the Chairman of the Legislature, as directed by the DCJS, to apply for and accept funds from the 2020-21 Criminal Justice Discovery Reform Grant Project ID No: DG20-1033-D00 in the amount of \$170,541.00 for expenses incurred effective April 1, 2020 through March 31, 2021; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to execute all related documents associated with this grant, subject to review by the County Attorney.

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to accept these funds into the Sheriff and District Attorney budget revenues as listed below:

REVENUES:

01.3110.3392	\$86,624.00	Sheriff-Criminal Justice Discovery Reform Grant
01.1165.3392	\$83,917.00	District Attorney-Criminal Justice Discovery Reform Grant

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

**RESOLUTION NO. 157-421**

**APPOINTING MEMBERS TO THE NYS GOVERNOR’S TRAFFIC SAFETY COMMITTEE AND THE STOP-DWI COMMITTEE**

RESOLVED, due to a resignation, this Legislature does hereby authorize the appointments to both the NYS Governor’s Traffic Safety Committee and the STOP-DWI Committee effective through June 30, 2022 as follows:

David M. Mogle	Lieutenant, Albion Police Department
Robert Barton	Chief, Holley Police Department

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

**RESOLUTION NO. 158-421**

**AUTHORIZING FILLING VACANCY IN THE SHERIFF’S OFFICE**

RESOLVED, due to a resignation, this Legislature does hereby authorize the filling of a vacant permanent part-time Sheriff Deputy Marine position (3110.81) in the Sheriff’s Office at Grade 25 of the OCDSA Salary Schedule effective April 30, 2021.

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

## **RESOLUTION NO. 159-421**

### **AUTHORIZING STIPENDS FOR ASSISTANT PUBLIC DEFENDERS FOR CAP COURT ROTATION**

RESOLVED, that this Legislature authorizes the payments of stipends for four (4) Assistant Public Defenders who covered the CAP Court rotation from April 20, 2020, through March 31, 2021. The position codes are as follows: 1170.03, 1170.04, 1170.05, and 1170.06; and be it

FURTHER RESOLVED, that the stipend is in the amount of \$10,000 per attorney, with fringe in the amount of \$2,705, per attorney; and be it

FURTHER RESOLVED, that the payments shall be made in a lump sum to each of the four (4) Assistant Public Defenders listed herein; and be it

FURTHER RESOLVED, that this additional stipend shall have no County cost as the amounts for this Resolution shall be paid through grant funding from Indigent Legal Services, grant #CSTWIDEHH33.

FURTHER RESOLVED, that the stipend payment shall expire when this stipend is 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. 160-421**

### **AUTHORIZING THE USE OF GRANT FUNDS FOR THE PUBLIC DEFENDER'S OFFICE TO PURCHASE BOOKS**

WHEREAS, various books maintained in the Public Defender's Office are in need of replacement, and additional books are required; and

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

RESOLVED, that this Legislature authorizes the Public Defender's Office to purchase books from Thomas Reuter in the amount of \$7,678.80, at no cost to the County.

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

## **RESOLUTION NO. 161-421**

### **AUTHORIZING COUNTY TREASURER TO SET UP GRANT FUNDS IN THE PUBLIC DEFENDER BUDGET**

WHEREAS, various 2020 resolutions authorized expending grant funds in the Public Defender's Office for Special Grants for "Quality Improvements", "CAFA" and "Caseload Reduction" (CSTWIDEHH33); and

WHEREAS, the Special grants have continued into 2021; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up CSTWIDEHH33, Hurrell-Harring grant funds in the 2021 Public Defender budget, as follows:

REVENUE

01.1170.3088		\$ 141,530.52
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APPROPRIATIONS

01.1170.0486.1001	Quality Improvements	\$ 29,615.77
01.1170.0486.1003	Caseload Reduction	\$ 111,914.75

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

**RESOLUTION NO. 162-421**

RESOLUTION APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES

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

G4S Secure Solutions a Florida Corporation with an office located in Buffalo, NY for the provision of armed security services for the County Office Building; to be effective January 1, 2021 through December 31, 2021 at a cost of \$28.93 per hour. County cost is \$10.13 per hour.

Children's Home of Wyoming Conference, Binghamton, NY for the provision of residential foster care services; to be effective May 6, 2021 through May 5, 2022 at per diem rates established by the State, not to exceed \$500,000.00. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

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

**RESOLUTION NO. 163-421**

AUTHORIZING ABOLISHING AND CREATING AND FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, The Department of Social Services continuously reviews staffing to provide more efficient operation of County business due to recent resignations, promotions and reorganizations; now be it

RESOLVED, as a result of a retirement that this Legislature does hereby authorize filling a full-time Social Welfare Examiner position (6010.0403) in the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective June 1, 2021; and be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Child Support Specialist position (6010.0808) at Grade 11 of the CSEA Salary Schedule effective April 29, 2021; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Clerk position (6010.0603) at Grade 7 of the CSEA Salary Schedule effective April 29, 2021; and be it

FURTHER RESOLVED, as a result of a retirement, that this Legislature does hereby abolish a full-time Receptionist position (6010.2010) effective May 10, 2021; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize to create and fill one full-time Clerk position in the Department of Social Services at Grade 7 of the CSEA Salary Schedule effective May 10, 2021.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 164-421**

AMENDING RESOLUTION NO. 537-1220 BETWEEN OFFICE FOR THE AGING AND CENTER FOR ELDER LAW AND JUSTICE

WHEREAS, the Legislature approved Resolution No. 537-1220, the grant acceptance agreement between the Office for the Aging and Center for Elder Law & Justice, 438 Main Street, Suite 1200, Buffalo, NY 14202 for a contract period of January 1, 2021 to December 31, 2021, in the amount of \$7,000 a year, county cost is \$700; and be it

WHEREAS, the agreement requires an amendment to allow the Office for the Aging to add an additional \$1,000 using COVID relief funding; be it

RESOLVED, that this legislature authorizes this amendment to this agreement.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 165-421**

AUTHORIZING OFFICE FOR THE AGING TO APPLY FOR 2021 ANNUAL IMPLEMENTATION PLAN GRANT

RESOLVED, that the Office for the Aging is authorized to apply for the New York State Office for the Aging Annual Implementation Plan grant, in the amount of \$1,325,077 with a county cost of \$113,442 and be it

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

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 166-421**

APPROVING A RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND LANGUAGE LINE SERVICES

RESOLVED, that this Legislature approves the agreement between the Office for the Aging Department and Language Line Services, 1 Lower Ragsdale Road, Monterey, CA 93940 to provide telephone interpretation provider services contract dated October 25, 2020 through October 24, 2023 at a cost of \$0.75/minute of translation services. County cost \$.08 per minute of translation services.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

## **RESOLUTION NO. 167-421**

### **APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR THE AGING AND VARIOUS AGENCIES**

RESOLVED, that this Legislature does hereby approve the following renewal agreements between the Office for the Aging and various agencies:

Independent Living Services (ILS)-iCircle, 521 Fifth Avenue, 3rd Floor, New York, NY 10175 - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2021 to April 30, 2022 to clients needing services, iCircle will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one year renewals, to be reviewed in 2022. County cost \$0 – Revenue Source.

Fidelis Care, 95-25 Queens Boulevard, Rego Park, NY 11374 - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2021 to April 30, 2022 to clients needing services, Fidelis will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one year renewals, to be reviewed in 2022. County cost \$0 – Revenue Source.

Nascentia Health, formally VNA Homecare Options, LLC, 1050 W. Genesee Street, Syracuse, NY -OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2021 to April 30, 2022 to clients needing services, VNA Homecare Options, LLC, will reimburse Orleans County Office for the Aging. The county is approving an agreement for an initial term of one year renewals, to be reviewed in 2024. County cost is \$0-Revenue Source.

ErieNiagara MLTCP, Inc., dba Kalos Health- 2424 Niagara Falls Blvd, Niagara Falls, NY 14304 -OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from April 1, 2021 to March 31, 2022 to clients needing services, ErieNiagara, MLTCP, Inc. will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one year renewals, to be reviewed in 2025. County cost \$0 – Revenue Source.

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

## **RESOLUTION NO. 168-421**

### **APPROVING A RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND SUPPORTIVE CARE OF ORLEANS**

RESOLVED, that this Legislature does hereby authorize the following renewal agreement for the Office for the Aging Department:

Supportive Care Of Orleans, 14080 Route 31 W, Albion, NY 14411 -Orleans County Office for the Aging's subcontractor to provide Meals through their nutrition program from May 1, 2021 to April 30, 2022 to residents needing meals, Supportive Care of Orleans will reimburse Orleans County Office for the Aging per meal. County cost \$0 – Revenue Source.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

Office for the Aging Director Melissa Blonar stated that Susie Miller has been with the department for 16 years and is ready to retire. Susie is going to be missed greatly. She is going to come back and volunteer.

### **RESOLUTION NO. 169-421**

#### **AUTHORIZING CREATING AND FILLING POSITIONS IN OFFICE FOR THE AGING**

WHEREAS, there is a Full-Time Assistant Director that is retiring in the Office for the Aging, and

WHEREAS, the following position changes presented herewith will be contingent upon the availability of receiving additional Office for the Aging funding; now, therefore, be it

RESOLVED, that this Legislature authorizes the creation of a temporary Part-time Assistant Director in the Office for the Aging from June 1, 2021 through December 31, 2021 at a Grade 5 at salary of \$30.87/hour in the Management schedule in the Orleans County Management Plan, and be it;

FURTHER RESOLVED, that this legislature authorizes filling of newly created vacant Temporary Part-Time Assistant Director position effective June 1, 2021.

FURTHER RESOLVED, the director will be recruiting a full time Assistant Director; and be it

FURTHER RESOLVED, that this legislature authorizes filling of a Full-Time Assistant Director effective December 6, 2021 at a Grade 5 in the Management schedule

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

Job Development Director Kelly Kiebala gave an overview that this funding is from the Federal Legislation Workforce Innovation and Opportunity Act (WIOA). It comes from the US Dept. of Labor to NYS DOL through the GLOW Workforce Development Board (WDB) to us. We are part of the GLOW WDB. With this funding we operate as the Orleans County Career Center; offering employment and training services to Adults, Dislocated Workers, Youth and Young Adults, area businesses, education and experience, on the job training, supportive services, transportation and childcare. This funding from WIOA enables us to offer these services to our residents and businesses.

### **RESOLUTION NO. 170-421**

#### **APPROVING AGREEMENT BETWEEN ORLEANS COUNTY AND LIVINGSTON COUNTY ON BEHALF OF THE GLOW WORKFORCE DEVELOPMENT BOARD**

RESOLVED, that this Legislature approves the agreement between Orleans County and Livingston County, on behalf of GLOW Workforce Development Board (WDB), 6 Court Street, Geneseo, NY, 14454, for Orleans County Job Development to implement the provisions of the Workforce Innovation and Opportunity Act (WIOA) Title I Adult, Dislocated Worker and Youth Services from July 1, 2021 through June 30, 2022 at a cost of \$258,860. County cost \$0. Subject to County Attorney approval.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 171-421**

## APPROVING NOMINATION TO GLOW WORKFORCE DEVELOPMENT BOARD

WHEREAS, the GLOW Workforce Development Board is organized for the purpose of coordinating and implementing activities pursuant to the Workforce Innovation and Opportunity Act (WIOA) and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Genesee, Livingston, Orleans, and Wyoming Counties.; now be it

RESOLVED, that this Legislature does hereby approve the nomination of Rae Frank, Director of Independent Living of the Genesee Region, to represent a Community Based Organization on the GLOW WDB, pursuant to the GLOW Workforce Development Board (GLOW WDB) By-Laws and in compliance with New York State Local Workforce Development Board (LWDB) eligibility criteria, ongoing at the discretion of the GLOW CEOs with an initial term of May 18, 2021 through May 18, 2023. County cost \$0.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

## RESOLUTION NO. 172-421

## APPROVING THE 2021 YOUTH BUREAU RESOURCE ALLOCATION PLAN

WHEREAS, The Orleans County Youth Bureau and Department of Social Services have developed a joint plan to be eligible for state aid from the New York State Office of Children and Family Services under the Child and Family Services Planning Guidelines, and

WHEREAS, The Orleans County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2021 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Orleans County appropriation, and

WHEREAS, Guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Orleans County Youth Bureau and the Committee on Economic Assistance and Opportunity does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Orleans County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2021 Orleans County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

Moved, Miller; second, Eick

Adopted. 7 ayes; 0 nays; 0 absent.

## RESOLUTION NO. 173-421

## APPROVING APPOINTMENTS TO ORLEANS COUNTY YOUTH BOARD

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

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

Renewal Appointment:

Barbara Flow Kendall/At Large May 1, 2021 - April 30, 2024

New Appointment:

Shannon Brett Law Enforcement Rep. May 1, 2021 - April 30, 2024

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

**RESOLUTION NO. 174-421**

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

RESOLVED, that this Legislature approves the Appendix X agreement extensions between the Orleans County Board of Elections and the New York State Board of Elections, 40 North Pearl St, Albany, NY extending the period effective April 1, 2021 through March 31, 2022 that funds are available to the local board of elections for the following:

Contract #C003236 – HAVA Operations Expenses Shoebox Program – Original Funding amount of \$179,599.49 (Res. No. 160-412); current balance \$18,542.36.

Contract #T002560 – Voter Education and Poll Worker Training Program- Original Funding amount of \$23,131.00 (Res. No. 123-307); current balance \$352.28.

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

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

**RESOLUTION NO. 175-421**

**APPROVING AGREEMENT BETWEEN DEPARTMENT OF PUBLIC WORKS AND STEPHENSON EQUIPMENT, INC.**

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Stephenson Equipment Inc., 6108 Drott Drive, Syracuse, New York 13057 for a Roller Rental from May 3, 2021 through August 31, 2021; NYS OGS Rental Award #PS69119 at a cost of \$4,000.00/month; and subject to a partial reimbursement through the Consolidated Highway Improvement Program and town payments; and be it

FURTHER RESOLVED, 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. 176-421**



AWARDING AND APPROVING AN AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND UNION CONCRETE AND CONSTRUCTION CORP

WHEREAS, the Orleans County Department of Public Works sought bids for the Construction of Transit Road Bridge NY Project over West Branch of Sandy Creek in the Town of Murray in Orleans County on April 12, 2021; and be it

RESOLVED, this Legislature awards and accepts the low bid submitted by Union Concrete and Construction Corp., 435 Meyer Road, West Seneca, NY 14224 and authorizes the Chairman to execute an agreement with Union Concrete and Construction Corp. for the Transit Road Bridge NY Project at a bid cost of \$839,739.00; to be paid out of Road Fund Budget Account 03.5120.0470.2285. Project is 95% reimbursable through Bridge NY funds; County Cost \$41,986.95; and be it

FURTHER RESOLVED, agreement effective as soon as County gives notice to proceed; 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. 177-421**

AWARDING AND APPROVING AN AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND CP WARD, INC.

WHEREAS, the Orleans County Department of Public Works sought bids for the Construction of Point Breeze Boat Launch REDI Project No. 27, Contract No. 21-1 in Orleans County on April 12, 2021; and be it

RESOLVED, this Legislature awards and accepts the low bid submitted by CP Ward Inc., 100 West River Road, Scottsville, New York 14546 and authorizes the Chairman to execute an agreement with CP Ward Inc. for the Point Breeze Boat Launch REDI Project No. 27 at a bid cost of \$439,850.00, to be paid out of Capital Infrastructure Redi Project bond money account: H1620.250; agreement effective as soon as County gives notice to proceed;

FURTHER RESOLVED, 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. 178-421**

AUTHORIZING TREASURER TO SET UP MONEY WITHIN THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that the Treasurer is authorized to set up monies from the Infrastructure Reserve Account to the Department of Public Works budget to cover the cost of a detailed Energy Efficiency Study to identify and evaluate facility improvements to reduce annual energy and operational costs as follows:

FROM:

Infrastructure Reserve Account

\$32,000.00

TO:

01.1620.0470

Capital Construction Projects

\$32,000.00

Moved, Eick; second, Miller

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Johnson stated, not as part of this this project, that Johnson Creek will be dredged this summer.

**RESOLUTION NO. 179-421**

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

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$16,162.12	Wendel	Professional services for Lakeshore Road REDI Project rendered through 2/28/2021

Moved, Eick; second, Miller

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 180-421**

**AUTHORIZING ABOLISHING, CREATING AND FILLING OF POSITIONS IN THE BUILDINGS AND GROUNDS DIVISION OF THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the County must, from time to time, create, fill and abolish positions due to retirements, terminations, promotions, and departmental reorganizations in order to continue to maintain an effective workforce; and

RESOLVED, that this Legislature authorizes the creation of a two full-time Senior Building Maintenance Workers; position codes (1620.21) and (1620.22) in the Buildings and Grounds Division at a Grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the two newly created vacant Senior Building Maintenance Worker positions effective May 10, 2021; and be it

FURTHER RESOLVED, that this Legislature, subsequent to the filling of one created vacant Senior Building Maintenance Worker position, authorizes the filling of one vacant Building Maintenance Worker position code (1620.24) at a Grade 12 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature, subsequent to the filling of one created vacant Senior Building Maintenance Worker position, authorizes the abolishment of one Building Maintenance Worker position code (1620.10) in the Buildings and Grounds Division.

Moved, Eick; second, Miller

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 181-421**

**AUTHORIZATION TO CONTINUE PARTICIPATION AND ACCEPT GRANT FROM NYS DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES WITH ORLEANS COUNTY OFFICE OF EMERGENCY MANAGEMENT AND ORLEANS COUNTY SHERIFF'S OFFICE**

WHEREAS, new funding opportunities have become available in the amount of \$89,625 to continue participation in the State Homeland Security Program grant cycle (SHSP/SLETPP) for FY2021; now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant SH21-XXXX-XXX, Contract #XXXXXX in the amount of \$67,219 for the Emergency Management Office for use to support terrorism preparedness, protection at soft targets/crowded places and continue to address homeland security needs in the county based on the County Emergency Preparedness Assessment (CEPA) as allowed under FY21 SHSP allocation effective October 1, 2021 through September 30, 2024; and be it

FURTHER RESOLVED, that this Legislature authorize the Chairman to electronically sign e-grant LE21-XXXX-XXX, Contract #XXXXXX in the amount of \$22,406 for the Sheriff's Office to use towards law enforcement terrorism prevention activities under the FY21 SLETPP allocation, effective October 1, 2021 through September 30, 2024.

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

EMO Director Dale Banker stated that he was approached by Erie County asking if Orleans County wanted their mobile command vehicle. They donated one to us and a sister vehicle to Cattaraugus County. This was made possible due to Erie County receiving Cares Funding in December 2020. This 2006 duramax is in pristine condition with very lower miles. We are looking forward to sharing this with all the fire departments. Chairman Johnson signed a thank you letter.

**RESOLUTION NO. 182-421**

**APPROVING AND ACCEPTING 2006 MOBILE COMMAND VEHICLE FROM ERIE COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES**

WHEREAS, on March 18, 2021, Erie County Resolution No. COMM. 5E-11 (2021) authorized the transfer of one (1) 2006 Chevrolet Mobile Command Vehicle, VIN #1GBE5V1206F42326 to Orleans County Office of Emergency Management at no cost; and

WHEREAS, this Mobile Command Vehicle was originally purchased utilizing Homeland Security Grant funds as part of regional grant objectives and the Orleans County Office of Emergency Management will continue with the mission of the equipment and the original deliverables of the grant; now be it

RESOLVED, that this Legislature accept this Mobile Command Vehicle at no cost and approve adding the registration and insurance to the vehicle.

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

**RESOLUTION NO. 183-421**

**APPROVING AN AGREEMENT FOR THE ANNUAL INSPECTION OF THE NINE COMMUNICATION TOWERS AND SETTING UP GRANT MONEY IN THE EMERGENCY MANAGEMENT BUDGET**

RESOLVED, that this Legislature approve an agreement with Patriot Towers, 870 Scottsville-Chili Rd., Scottsville, NY 14546 from May 1, 2021 to December 31, 2021 for the inspection of all nine LMR communication towers at a cost of \$8,890; and be it

FURTHER RESOLVED, that this Legislature authorize the Treasurer to set up Statewide Interoperable Communication FY19 Formula Grant funds as follows:

REVENUE:

01.3640.4309.1974	Statewide Interoperable Communications Grant	\$8,890.00
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APPROPRIATION:

01.3640.0486.1974	Special Grants-SICG FY19	\$8,890.00
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FURTHER RESOLVED, that the Chairman is authorized to execute all necessary documents, 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. 184-421**

AMENDING RESOLUTION NO. 57-121 BETWEEN ORLEANS COUNTY AND TOSHIBA BUSINESS SOLUTIONS

WHEREAS, resolution 57-121 approved a 48 month lease contract with Toshiba Business Solutions for multiple machines to begin on March 1, 2021; and

WHEREAS, the manufacturing Toshiba products has been delayed due to the COVID-19 pandemic; so be it

RESOLVED, that the lease date for those Toshiba installed multifunction machines will be effective April 1, 2021 through March 31, 2025.

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

**RESOLUTION NO. 185-421**

APPOINTING MEMBER TO THE ORLEANS COUNTY BOARD OF ETHICS

WHEREAS, this Legislature adopted Resolution No. 171-408 enacting Local Law 3 of 2008, Providing for a County Board of Ethics consisting of five members with staggered terms; and

RESOLVED, that this Legislature appoints the following member to the County Board of Ethics with the following term expiration:

Name: _____	Term expires: _____
Eileen Aina	12/31/2023

Moved, Eick; second, Miller

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 186-421**

**AMENDING RESOLUTION 481-1120 AUTHORIZING THE NON PROPORTIONAL ALLOCATION OF PAYMENTS IN LIEU OF REAL ESTATE TAXES (PILOT PAYMENTS) IN CONNECTION WITH THE HERITAGE WIND ENERGY PROJECT IN THE TOWN OF BARRE NEW YORK**

WHEREAS, Resolution 481-1120 authorized said PILOT and now amends said PILOT as Heritage Wind, LLC (the “Company”) has proposed to construct and equip an approximate 184.8 megawatt (MW) wind-powered electric generating project in the Town of Barre, New York (the “Project”); and

WHEREAS, by letter dated October 12, 2018, the Town of Barre requested that the County of Orleans Industrial Development Agency (COIDA) assist with the development of a payment in lieu of tax (PILOT) agreement for the Project; and

WHEREAS, in November 2019, the Company submitted a project application to COIDA seeking an abatement of real property taxes for the Project and a PILOT agreement providing for payments to be calculated on a per-megawatt (MW) basis instead of the assessed value of the Project; and

WHEREAS, COIDA convened and moderated a series of discussions with representatives of the Town of Barre, the County of Orleans, the Albion Central School District and the Oakfield-Alabama Central School District (each an “Affected Tax Jurisdiction” and collectively, the “Affected Tax Jurisdictions”) and the Company to develop the terms of an agreement for the Project, by which Company will pay the Affected Tax Jurisdictions Nine Thousand Dollars (\$9,000.00) per megawatt of Project installed capacity (“Base Rate”), of which 75% will be paid to Town of Barre (“Barre Share”) and 25% to be shared by the remaining Affected Tax Jurisdictions, as provided herein below (“PILOT Payments”); and

WHEREAS, each of the Affected Tax Jurisdictions desires to consent in writing to a PILOT agreement which does not provide for payments to be allocated among the Affected Tax Jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each Affected Tax Jurisdiction had the Project not been tax exempt due to the status of COIDA, and under which the County of Orleans, the Albion Central School District and the Oakfield-Alabama Central School District will receive their agreed portions of the PILOT Payments; and

NOW, THEREFORE, THE COUNTY OF ORLEANS HEREBY RESOLVES AS FOLLOWS:

1. The County of Orleans hereby consents to the non-proportional allocation of payments in lieu of real estate tax and other taxes pursuant to a PILOT agreement with a term of twenty-five (25) years, to be entered into between COIDA and the Company in connection with the Project.
2. The County of Orleans is hereby authorized to execute and deliver a PILOT Allocation Agreement by and among COIDA and each of the Affected Tax Jurisdictions, which agreement shall authorize COIDA to allocate and distribute PILOT Payments received from the Company on a non-proportionate percentage basis as follows:

County of Orleans:	50%
Town of Barre:	0%
Albion CSD:	48.485%
Oakfield-Alabama CSD:	1.515%

The amount of such PILOT Payments shall increase at an annual rate of 2% beginning in Year 2 of the payment term of the PILOT Agreement, and at an annual rate of 2.5% beginning in Year 15.

3. The County of Orleans is hereby authorized to take such steps and actions and to execute any and all necessary documents, agreements and/or modifications thereto as may be reasonably necessary to effectuate the purpose and intent of these resolutions.
4. These resolutions shall be effective immediately.

Moved, Eick; second, Miller

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Johnson stated this Grant funding is for Rural Broadband in Orleans and Niagara County. We have been working on this for a decade. This is an important application for federal funds with an eye towards the future infrastructure. Technology changes every year and we need to build networks that are appropriate for the future, five to ten years from now.

#### **RESOLUTION NO. 187-421**

SETTING DATE FOR A PUBLIC HEARING REGARDING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT APPLICATION TO IMPLEMENT THE NIAGARA ORLEANS REGIONAL ALLIANCE (NORA) WORKPLAN

WHEREAS, the County Legislature wishes to assess the advisability of submitting a Community Development Block Grant COVID-19 Response (“CDBG-CV”) application to the New York State Office of Community Renewal (the “OCR”) through the Coronavirus Aid, Relief, and Economic Securities Act (“CARES”) to implement the Niagara Orleans Regional Alliance (“NORA”) Workplan designed to bring broadband access to unserved and underserved areas of Niagara and Orleans Counties, and

WHEREAS, Orleans County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the plan proposal prior to submitting an application for CDBG-CV funding, now, therefore, be it

RESOLVED, that the County Legislature hereby calls for a Public Hearing where all interested parties shall be heard regarding the CDBG-CV program, the County’s community development and economic development programs, the County’s response to the Coronavirus, and the proposed funding application on the 26<sup>th</sup> day of May 2021 at 4:20 p.m. at the Legislative Chambers, 14016 Route 31 West, 2<sup>nd</sup> Floor, Albion, New York and be it

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

Moved, Eick; second, Miller

Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 188-421**

SETTING DATE OF PUBLIC HEARING ON LOCAL LAW NO. 3-INTRO OF 2021 ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled "A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM"; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature on the 26<sup>th</sup> day of May 2021 at 4:25 p.m. at the Legislative Chambers, 14016 Route 31 West, 2<sup>nd</sup> Floor, Albion, New York and be it.

Moved, DeFilipps; second, Miller  
Adopted. 6 ayes; 1 nay, Miller; 0 absent

### **RESOLUTION NO. 189-421**

#### **AUTHORIZING OUT OF STATE TRAVEL FOR COUNTY OFFICIALS AND COUNTY EMPLOYEES**

RESOLVED, that this Legislature does hereby approve Chairman Lynne M. Johnson, Legislator Merle "Skip" Draper, Emergency Management Director Dale Banker, Deputy EMO Director Justin Niederhofer, Undersheriff Michael Mele and Chief Jeff Gifaldi to travel out of state on August 29, 2021 through September 2, 2021 to attend the 2021 National Homeland Security conference in Las Vegas, Nevada.

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

Legislator Allport stated that as elected officials each of us takes an oath to support the US Constitution and the NYS Constitution, both of which were created to limit the growth of government. The thirteen original colonies main concern was an over bearing central government. The State of Virginia demanded a Bill of Rights be included. In this current state of Government both in Washington and Albany, it is very important for local government and counties across this county to unit as one to save our Constitution of Republic. The support of the US Constitution and NYS Constitution guaranties citizen's rights. Chairman Johnson agrees that it is good to reaffirm we are a government by the people for the people.

### **RESOLUTION NO. 190-421**

#### **SUPPORT FOR THE U.S. CONSTITUTION AND NYS CONSTITUTION GUARANTEEING CITIZENS' RIGHTS**

On behalf of the citizens of Orleans County, New York, the Orleans County Legislature state and accept as true the following:

WHEREAS, the "most sacred of liberties" of which Justice Tolman spoke was personal liberty. The definition of personal liberty is:

"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property ... and is regarded as inalienable."

WHEREAS, Infringe Law and Legal Definition. Infringe means to violate; It means to encroach upon the law or rights of another; exceed the limits of. Infringed simply means "to trespass or violate"; in this case, the right of the people to keep and bear arms shall not be violated.

WHEREAS, abridge - Legal Definition. v. To diminish, lessen, or restrict a legal right. To condense or shorten the whole of something, such as a book, and not merely a portion of it.

WHEREAS, Civil and political rights are a class of rights that protect individuals' freedom from infringement by governments, social organizations, and private individuals. They ensure one's entitlement to participate in the civil and political life of the society and state without discrimination or repression.

WHEREAS, The Constitution of the United States recognizes a number of inalienable human rights, including freedom of speech, freedom of assembly, freedom of religion, the right to keep and bear arms, freedom from cruel and unusual punishment and the right to a fair trial by jury.

WHEREAS, The 9th Amendment to the U.S. Constitution protects against federal infringement of unremunerated rights. The text reads: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

WHEREAS, The 14th Amendment to the U.S. Constitution protects against state abridging rights of citizens. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. This clause clearly makes the point that states can in no way undermine the laws as defined by the Constitution of the United States.

WHEREAS, The Second Amendment to the U.S. Constitution protects the citizen to own firearms and make a militia. A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

WHEREAS, The N.Y. Constitution Article 1§1. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his or her peers.

WHEREAS, The N.Y. Constitution Article 1 § 11 Equal protection of laws; discrimination in civil rights prohibited No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the state.

WHEREAS, Article 12 § 1. The defense and protection of the state and of the United States is an obligation of all persons within the state. The legislature shall provide for the discharge of this obligation and for the maintenance and regulation of an organized militia.

WHEREAS, New York Civil Rights Law article II, § 4 provides that "[a] well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed."

The U.S. Constitution Article VI. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.



WHEREAS, all states of the United States are bound that the Constitution of the United States of America is "The Law of the Land."

WHEREAS, The following Supreme Court Rulings are in line with the intent of the De Jure Law. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda v. Arizona, (1966) 384 US 436, 491.. ."There should be no arbitrary deprivation of Life or Liberty..."

WHEREAS, we the citizens of Orleans County are of good moral character acknowledge that law is important to maintain a civilized society.

THEREFORE BE IT RESOLVED, the Orleans County Government recognizes the U.S. Constitution as the law of the land, support the rights bestowed on the citizens of this great republic and oppose any law infringing on their rights.

Moved, Allport; second, Draper

Legislator Allport stated that during past budget discussions, it was agreed that this was not going to become an annual line item like the libraries budget. Taking this from contingency every year is just like making it a line item.

**RESOLUTION NO. 191-421**

**AUTHORIZING THE TREASURER TO PROVIDE AN ALLOCATION TO COBBLESTONE MUSEUM FROM THE CONTINGENCY FUND**

RESOLVED, that the Treasurer is authorized to provide an allocation to the Cobblestone Museum for programs as follows:

FROM:

01.1990.0435	Contingency Fund	\$3,000.00
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TO:

01.7450.0439	Cobblestone Museum	\$3,000.00
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Moved, Miller; second, DeRoller

Adopted. 6 ayes; 1 nay, Allport; 0 absent.

**RESOLUTION NO. 192-421**

**AUTHORIZING PAYMENT OF CLAIMS FOR MAY 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 May 12, 2021:

Fund/Department	Check Number (s):	Amount:
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 May 26, 2021:

Fund/Department	Check Number (s):	Amount:
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.

Legislator DeRoller stated this is a great position to be in. Congressman Chris Jacobs office has been a pleasure to work with on the Broadband issue. Chairman Johnson stated Broadband conductivity is the DNA of any resilient community. This is a silver lining in our awful situation in Orleans County. There is a lot less debate that everyone NEEDS an internet connection. We are applying for funding every which way we can.

**RESOLUTION NO. 193-421**

APPROVING SUPPORT FOR CONGRESSMAN CHRIS JACOBS TO MAKE APPLICATION FOR FEDERAL FUNDS THROUGH THE USDA RECONNECT PROGRAM FOR HIGH-SPEED BROADBAND FOR UNDERSERVED AREA OF ORLEANS COUNTY

WHEREAS, interest exists to explore viable options to provide high-speed broadband to underserved areas of Orleans County, and

WHEREAS, federal funding is available for certain approved projects through the USDA ReConnect Program, and

WHEREAS, Congressman Chris Jacobs has offered to apply to the USDA ReConnect program in an attempt to secure funding to implement the creation of an infrastructure supporting the transmission of high-speed broadband to underserved areas in Orleans County, and

WHEREAS, it is necessary for Orleans County to pledge its support to commit to 25% of the funding for said project as part of the application to the USDA ReConnect program, now, therefore, be it

RESOLVED that the Orleans County Legislature commits to 25% of the funding for its support to Congressman Chris Jacobs applying for federal funding through the USDA ReConnect program, and be it further

FURTHER RESOLVED, that the Clerk of the Legislature shall forward a copy of this Resolution to Congressman Chris Jacobs.

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

Chairman Johnson asked the Legislators for discussion of any old or unfinished business, none was offered. She then opened the meeting for comment from the public.

Veterans Service Agency Director Nancy Traxler gave an update on the Chartered Fishing trip that will be happening on May 22<sup>nd</sup> at 6:00 a.m. out of the marina in Olcott. This will be paid with Dwyer funds. Mrs. Traxler will have this on the website and fliers throughout the area. Veterans can apply for a spot on the boat through the website. Chairman Johnson stated that she heard that Senator Ortt will be deep sea fishing with the Orleans County veterans.

Legislator DeRoller stated that the 2020 tourism view has dropped 34% across the State of New York, causing a 330,000 position job loss. Director Dawn Borchert has been asked to keep Orleans County in tune in tourism opportunities for our county. Dawn Borchert is working with the state and our region.

Legislator Allport made a motion to enter into executive session at 5:24 p.m. per Open Meetings Law §105 (f) to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. Moved, DeFilipps; second by Legislator DeRoller. Motion Carried.

Legislator Allport moved to exit out of executive session and reconvene the regular meeting at 6:24 p.m.; second by Legislator DeFilipps. Motion Carried.

Legislator Draper moved to adjourn; second by Legislator Eick. Meeting adjourned at 6:25 p.m.