

LEGISLATURE MEETING

May 26, 2021

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

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

The Clerk presented the following Communications: Treasurer Kimberly DeFrank has filled the Annual Financial Report Update Document for the County of Orleans for the Fiscal Year ending December 31, 2020 and the 2020 year end reports for the following Capital Projects: County Office Building Addition & Renovations, Infrastructure Projects, Lake Ontario REDI Projects. Orleans County Treasurer has filed twenty one (21) Disclosure of Interest Statements from various County Employees who receive funds in addition to wages from Orleans County. These have been filed in our office and are officially on record in accordance with General Municipal Law Section 803(1). Kim DeFrank, Orleans County Treasurer has filed the list of Inter Fund loans to Special Grant – WIA issued from April 1, 2021 to date as directed in Resolution No. 175-418 in the Clerk of the Legislature Office. A letter of appreciation from Jamie Bragg was received by County Clerk Hanlon recognizing the efforts provided by DMV Deputy County Boyer, which was read aloud by Clerk Stenshorn.

Legislator Draper presented the Sheriff's Department, Sheriff Bourke a Proclamation declaring Correction Officers Week being May 2nd -8th, 2021 and Police week being May 9th-15th, 2021. Sheriff Bourke thanked the Legislature stating that in the 36 years that he has been in this business, these have been some of the most difficult times for the employees. This Proclamation means a lot to the employees. Chairman Johnson honors those that have lost their lives while serving Orleans County. Sheriff Bourke puts out the David Whittier Memorial to remember a Deputy that lost his life in 1989. We also wants to recognize him and his family, along with all the others that have lost their lives the state. Chairman Johnson stated that the Legislature upholds the value of the badge that is worn by those during the Corona Virus outbreak. Our men and women, who sacrificed their health as they continued to be diligent on our streets. This county asks much of our mobile police officers and deputies. It is our solemn responsibility to ensure that they have the training and resources to do their jobs well. This legislature has tried to supply that to your office and we will continue to do everything we can to support your men and women who so courageously protect us.

Legislature Eick presented Emergency Management Office Director, Dale H. Banker and Deputy Director Justin Niederhofer with a Special Recognition for being recognized as Friend of GCASA Orleans Treatment for the department's distribution of PPE during the COVID-19 pandemic. Dale Banker stated that the entire staff of the Emergency Management Office deserves to be recognized: Justine Niederhofer, Lori Grube, the part time fire investigators and part time office staff. For the first few months, we were working seven days a week, 12-16 hours a day. We were taking delivery from the state for PPE or supplying local law enforcement, EMS, funeral homes, GCASA etc.

Treasurer Kim DeFrank report that 2020 books are closed and the annual reports are filed with the NYS Comptroller. Sales tax is coming in nicely, however the state did withhold \$136,000.00 for the DPA and AIM payment. Cash flow looks good and finances are stable.

Chairman Johnson open discussion as it relates to resolution.

Legislature Draper commented on Resolution No. 211-521 asking if the new vehicles were being leased or purchased. Treasurer DeFrank stated that this is lease of vehicles. At the end, there is a buyout option.

Hearing no other Public Comment on Resolutions, Chairman Johnson began with the presentation of resolutions.

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

RESOLUTION NO. 194-521

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS

WHEREAS, this Legislature is in receipt of the Semi-annual Mortgage Tax Report showing the amounts to be credited to each tax District of Orleans County, of the money collected during the preceding six months ending March 31, 2021; and be it

RESOLVED, that pursuant to Section 261 of the Tax Law, this Legislature issues a Tax Warrant for the payment of the respective taxed districts of the amounts so credited, and authorizes and directs the Orleans County Treasurer to pay said amounts to the respective districts in accordance with this report, as follows:

**Mortgage Tax Apportionment
October 1, 2020 through March 31, 2021**

Mortgage Tax Apportionment							
October 1, 2020 to March 31, 2021							
	Town Taxable	Double	Village Taxable	Rate	Due Town	Village Share	Town Share
Albion	\$ 236,105,509	472,211,018	129,863,687	27.50%	\$ 39,405.76	\$ 10,837.06	\$ 28,568.70
Barre	\$ 110,341,388				\$ 20,578.10		\$ 20,578.10
Carlton	\$ 225,597,728				\$ 32,686.28		\$ 32,686.28
Clarendon	\$ 169,344,755				\$ 24,480.36		\$ 24,480.36
Gaines	\$ 132,242,496	264,484,992	23,926,689	9.05%	\$ 13,374.09	\$ 1,209.89	\$ 12,164.20
Kendall	\$ 168,296,683				\$ 34,961.72		\$ 34,961.72
Murray	\$ 194,056,532	388,113,064	55,963,064	14.42%	\$ 45,554.29	\$ 6,568.60	\$ 38,985.69
Ridgeway	\$ 239,278,940	478,557,880	97,533,314	20.38%	\$ 40,759.98	\$ 8,307.16	\$ 32,452.82
Shelby	\$ 198,993,882	397,987,764	75,590,404	18.99%	\$ 42,336.54	\$ 8,041.04	\$ 34,295.50
Yates	\$ 163,291,070	326,582,140	30,416,085	9.31%	\$ 20,058.25	\$ 1,868.12	\$ 18,190.13
					\$ 314,195.37	\$ 36,831.87	\$ 277,363.50

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

RESOLUTION NO. 195-521

AUTHORIZING CREATION AND FILLING OF POSITION IN THE REAL PROPERTY DEPARTMENT

WHEREAS, this Legislature is desirous of succession planning; now therefore be it

RESOLVED, that this Legislature does hereby authorize the creation of a full-time Real Property Appraisal Technician/Trainee position in the Real Property Department, at Grade 2, of the 2021 Management Compensation Plan; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize filling this newly created position effective May 27, 2021.

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

RESOLUTION NO. 196-521

AUTHORIZING PURCHASE BY COMPUTER SERVICES FOR VIDEO CAMERAS EQUIPMENT

WHEREAS, this Legislature does realize the importance to continue to protect Orleans County Assets from external threats to safety and security; now be it

RESOLVED, that this Legislature authorizes the purchase of twenty-one (21) Advidia cameras with mounting junction boxes and 2 Advidia PTZ cameras with appropriate mounting from B&H Photo Video, 420 Ninth Avenue, New York City, NY 10001 for \$7,686.94 to be paid from the Computer Services Account 01.1680.0250 – Other Equipment.

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

RESOLUTION NO. 197-521

AUTHORIZING PURCHASE BY COMPUTER SERVICES OF MAINTENANCE AND TECHNICAL SUPPORT CONTRACT RENEWAL WITH DIGIUM, INC. FROM CDW-G

WHEREAS, this Legislature understands the need for a stable communications platform with the County's governmental offices, and

WHEREAS, this Legislature understands the specialized knowledge required to update and maintain the new Voice Over Internet Protocol (VOIP) phone system; now be it

RESOLVED, that this Legislature approves the purchase of a maintenance agreement between Orleans County and Digium Inc, headquartered in Huntsville, AL 35758, renewing an existing license and software maintenance contract for upgrade of operating systems and licenses. The purchase is being made through CDW-G, 75 Remittance Drive, Suite #1515, Chicago, IL 60675-1515, a qualified Digium reseller, for \$6,145.00. This agreement is to be paid from Computer Services Account 01.1680.0418 – Other Contractual.

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

RESOLUTION NO. 198-521

AUTHORIZING THE PURCHASE OF SOFTWARE LICENSING FEES FROM THE COMPUTER SERVICES BUDGET

WHEREAS, the Legislature understands the need for quality backup software for our Virtual Environment to provide Fault Tolerance and User Accessibility as well as Disaster Recovery and Business Continuity capabilities, now be it;

RESOLVED, that this Legislature approves the purchase of Veeam Backup software License renewal for a two year protection program from ePlus Technologies, Inc, P.O. Box # 404398, Atlanta, GA, 30384-4398, at a cost of \$3,264.72 to be paid from Computer Services account 01.1680.0418 – Other Contractual.

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

RESOLUTION NO. 199-521

AUTHORIZING PURCHASE BY COMPUTER SERVICES OF COMMUNICATIONS SOFTWARE FOR SMTP MESSAGING TO ORLEANS COUNTY EMPLOYEES AND CITIZENS

WHEREAS, the Legislature is aware of the need for a robust communications strategy to communicate with governmental employees and if possible, the general Orleans County citizen at large, and;

WHEREAS, the Legislature is committed to information dissemination at the broadest terms possible to both employees and citizens, now be it;

RESOLVED, that this Legislature authorizes the purchase of TextMyGov software and user licensed messaging platform with implementation/setup from TextMyGov, P.O. Box # 3784, Logan, Utah 84323, for the Orleans County website, in the amount of \$7,200.00 for the initial year and \$5,200.00 first year renewal (required) under Requisition #1945, to be paid from Computer Services Account 01.1680.0418 – Other Contractual.

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

RESOLUTION NO. 200-521

AUTHORIZING COUNTY TREASURER TO APPLY FOR AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, The United States Congress has adopted the American Rescue Plan Act (ARPA) of 2021; and

WHEREAS, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds to be used to support public health expenditures, address negative economic impacts caused by the public health emergency, replace lost public sector revenue, invest in water, sewer, and broadband infrastructure and other uses as promulgated by the Department of Treasury's provisions in the Interim Final Rule; now therefore be it

RESOLVED, that this Legislature hereby authorizes the County Treasurer to apply for and take whatever steps are necessary in securing the American Rescue Plan Act funds allocated for Orleans County.

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

RESOLUTION NO. 201-521

AUTHORIZING TREASURER TO SET UP NEW MONEY WITHIN THE COUNTY ATTORNEY BUDGET

RESOLVED, that the Treasurer is authorized to set up new money in the County Attorney budget for intervenor funds received from the Town of Barre for the Heritage Wind Energy Project to be used for environmental counsel on said project as follows:

REVENUE:

01.1420.2214	Intervenor Funds	\$10,780.00
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APPROPRIATION:

01.1420.0493	Outside Counsel Fees	\$10,780.00
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Moved, DeFilipps; second DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 202-521

APPROVING AGREEMENT BETWEEN THE MENTAL HEALTH DEPARTMENT AND ARC OF GENESEE ORLEANS

RESOLVED, that this Legislature approves an agreement between Mental Health and Arc of Genesee Orleans, 64 Walnut Street, Batavia, New York 14020 providing Therapeutic Recreation Services (Camp Rainbow) and Prevocational Services to the Developmental Disabilities population of Orleans County. County cost is \$39,831.00.

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

RESOLUTION NO. 203-521

AMENDING RESOLUTION NO. 138-415 AGREEMENT BETWEEN NEW YORK CARE COORDINATION PROGRAM (NYCCP) (HHUNY) AND ORLEANS COUNTY DEPARTMENT OF MENTAL HEALTH

RESOLVED, that this Legislature amends Resolution No. 138-415 and approves the amended agreement between Mental Health and New York Care Coordination Program (NYCCP) (HHUNY), 1099 Jay Street, Bldg. J, 3rd Floor, Rochester, New York 14611 adjusting administrative and reimbursement fees.

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

RESOLUTION NO. 204-521

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND GENESEE COMMUNITY COLLEGE

RESOLVED, that this Legislature approve agreement between the Health Department and Genesee Community College. 1 College Road, Batavia, NY 14020. Memorandum of Agreement is to secure Genesee Community College to assist Orleans County Health Department in opening a POD (point of distribution) to administer treatment should an incident occur. Also to allow for staff training and preparation should an incident occur. Changes to current contract include the possible use of both the Albion and Medina campuses and the use of the GCC Wi-Fi system. No county cost.

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

RESOLUTION NO. 205-521

APPROVING PROBATION DIRECTOR TO APPLY FOR AND ACCEPT STATE AID FROM THE NEW YORK STATE DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES

RESOLVED, that this Legislature approves the Orleans County Probation Director to apply for and accept state reimbursable aid in the amount of \$149,616.00 effective July 1, 2021 to June 30, 2022 calendar year from the NYS Division of Probation and Correctional Alternatives.

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

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

RESOLUTION NO. 206-521

APPROVING PROBATION DIRECTOR TO ACCEPT MONIES FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR THE IMPLEMENTATION OF RAISE THE AGE

RESOLVED, that this Legislature authorizes a one year extension to Resolution No. 419-1019 in the amount of \$74,919.00 and Resolution No. 22-121 in the amount of \$45,473.00 effective April 1, 2018 to March 31, 2020 for a total amount of \$120,392.00; funds to reimburse the Probation Department due to the implementation of Raise The Age. This agreement represents a one year extension to expire March 31, 2021.

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

RESOLUTION NO. 207-521

APPROVING AGREEMENT BETWEEN SHERIFF'S OFFICE JAIL AND BIOSAN DISPOSAL

RESOLVED, that this Legislature approves the agreement between the Sheriff's Office Jail and Biosan Disposal, 155 Great Arrow Avenue, Buffalo, NY 14207 to provide medical waste disposal on a monthly pick up with 50 lb. weight limit. The charge will be \$72.00 per box for a 24-month term May 3, 2021 through May 3, 2023.

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

RESOLUTION NO. 208-521

AMENDING RESOLUTION NO. 338-820 BETWEEN ORLEANS COUNTY SHERIFF'S OFFICE AND LYNDONVILLE CENTRAL SCHOOL DISTRICT

RESOLVED, that this Legislature amends Resolution No. 338-820 to approve addendum which shall be decreased to \$87,148.00 for an 11-month period effective May 1, 2021 with the current term ending June 30, 2022. All other terms and conditions of the Memorandum of Understanding shall remain the same.

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

RESOLUTION NO. 209-521

AUTHORIZING THE SHERIFF'S OFFICE TO CONTINUE PARTICIPATION WITH AND SUBMIT APPLICATION FOR FUNDING THROUGH THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, the Orleans County sheriff's Office continues to participate in the available Operation Stonegarden grants awarded annually by the New York State Division of Homeland Security and Emergency Services; now be it

RESOLVED, that the Orleans County Sheriff's Office is authorized to participate in and apply for the grant between the NYS Division of Homeland Security and Emergency Services and the Orleans County Sheriff's Office for Operation Stonegarden FY2021, Op Order Name: OPSG con Op NY Orleans FY21-BUNROC-04-02, OP Dates September 1, 2021 through August 31, 2024.

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

RESOLUTION NO. 210-521

AMENDING RESOLUTION NO. 339-820 AND 25-121 BETWEEN THE SHERIFF'S OFFICE AND THE 2021 STOP DWI CERTIFICATION PLAN WITH THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES-GOVERNOR'S TRAFFIC SAFETY COMMITTEE AND MEMORANDUM OF UNDERSTANDING

WHEREAS, Resolution No. 339-820 and 24-121 approved the certification of the 2021 STOP DWI Plan between the Sheriff's Office and the New York State Department of Motor Vehicles-Governor's Traffic Safety Committee which incorporates Memorandum of Understands for a budget of \$88,865.00, for annual plan year January 1, 2021 through December 31, 2021; now be it

RESOLVED, that this Legislature amends said Resolutions approving the budget modification of the 2021 STOP DWI Plan with the New York State Department of Motor Vehicles-Governor's Traffic Safety Committee, and the Memorandum of Understanding with various agencies for the decrease to \$54,065.00, due to the State of Emergency COVID-19 Pandemic shut downs of the Justice Court and County Court reduced fine fees collected

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

Legislator DeRoller asked the Sheriff if these vehicle meet your needs. Sheriff Bourke stated that since the Chevrolet plants shut down the first week of January, it is has been very difficult to find police package vehicles. Yes, these do meet our standards.

RESOLUTION NO. 211-521

AUTHORIZING THE SHERIFF'S OFFICE TO LEASE THREE VEHICLES FOR SHERIFF'S FLEET PATROL

WHEREAS, Resolution No. 154-421 authorized the Sheriff to pursue acquisition of three Sheriff Patrol vehicles and authorizing the County Treasurer to negotiate the financing; now be it

RESOLVED, that this Legislature authorizes the Sheriff's Office to purchase two (2) new 2021 Ford Explorer AWD Interceptor pursuit at the government discount rate which includes up fitting in the amount of

\$50,131.74 each from TRI STAR MOTORS 930 Route 22 West Blairsville, Pennsylvania, 15717 and one (1) new 2021 Police Charger AWD at the government discount rate which includes up fitting in the amount of \$43,576.53 from Joe Cecconi's Chrysler Complex 2380 Military Road, Niagara Falls, New York, 14304-1563 for a grand total amount of \$143,840.01; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman and the County Treasurer to execute the Lease Agreement with Municipal Leasing Consultants, 7 Old Town Lane, Grand Isle, VT, 05458, expenses payable in three annual payments, in the amount of \$49,497.44 to be paid in the years 2021, due at closing, through 2023; and be it

FURTHER RESOLVED, that this Legislature authorizes the payment of \$945.00 for the documentation and escrow fee.

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

RESOLUTION NO. 212-521

AUTHORIZING THE SHERIFF'S OFFICE TO PURCHASE MOBILE DATA TERMINALS

WHEREAS, Resolution No. 146-320 authorized the continued participation and acceptance grant from the NYS Department of Homeland Security and Emergency Services grant cycle SLETPP FY2020 to use towards law enforcement terrorism prevention activities and purchase allocations with Contract # T972402; now be it

RESOLVED, that this legislature authorizes the purchase of four (4) Mobile Data Terminals GETAC F110 Fully Rugged 11.6in Tablets, OGS NYS Contract # Pm68148 in the total amount of \$12,226.00 from Island Tech Services, 980 South 2nd Street, Ronkonkoma, NY 11779 to be paid from 01.3110.0486.5320-Special Grant SLETPP FY20.

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

RESOLUTION NO. 213-521

AUTHORIZING EMERGENCY REPAIR TO TWO SHERIFF'S PATROL VEHICLES

RESOLVED, that this Legislature authorizes the emergency transmission repairs of two (2) of the 2017 Sheriff's Patrol vehicles (# 531 and K9-1) at the Sheriff's Office total payment in the amount of \$7,886.90 to L & L Transmission, 149 Hutchins Street, Batavia, NY 14020 from the Sheriff budget 01.3110.0414-Automotive Parts, 01.3110.0446-Vehicle Maintenance and 01.3110.0499-K9-Sheriff.

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

RESOLUTION NO. 214-521

APPROVING APPOINTMENTS TO THE ALTERNATIVE TO INCARCERATION BOARD

RESOLVED, that this Legislature approves the following appointments to the Orleans County Alternatives to Incarceration Board, term expiring June 30, 2022.

<u>NAME:</u>	<u>REPRESENTATION:</u>
Lynne Johnson	Chairmen, Orleans County Legislature
Sanford Church	County & Supreme Court Judge
Joseph Cardone	District Attorney
Joanne Best	Public Defender
Dawn Keppler	Magistrates
Luci Welch	Probation Director
John C. Welch, Jr.	Chief Administrative Officer
Christopher M. Bourke	Orleans County Sheriff
Merle Draper	County Legislator- Public Safety Committee, Chairman
Donald Allport	County Legislator- Public Safety Committee, Vice Chairman
Jeffrey Gifaldi	Orleans County Chief Deputy/ATI Coordinator
Connie Whittier	Crime Victim
Danielle Figura	Director of Community Services/Mental Health
Kathy Hodgins	GCASA

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

RESOLUTION NO. 215-521

AUTHORIZING DISTRICT ATTORNEY TO CONTINUE TO PARTICIPATE IN AND TO ACCEPT THE STATE AID TO PROSECUTION GRANT RENEWAL WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, the District Attorney has previously obtained several grants for State Aid to Prosecution with the Division of Criminal Justice Services; and

WHEREAS, an application has been submitted to renew said State Aid to Prosecution grant for the period of April 1, 2021 through March 31, 2022 in the amount of \$30,200.00; now be it

RESOLVED, that the District Attorney is authorized to accept the renewal of the State Aid to Prosecution Grant (AP21-1037-D00) in the amount of \$30,200.00, with the Division of Criminal Justice Services to provide vital resources to the DA's Office to support the enhanced prosecution of violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel; and be it

FURTHER RESOLVED, that the Chairman is authorized to electronically sign the grant acceptance and all other documents related to this grant upon 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. 216-521

RESOLUTION APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Law Office of Ashton, Franklin, Young LLP/Gregory A. Franklin, Esq., Located at 150 Allens Creek Road, Rochester, NY 14618, Legal and Other Services pertaining to Adoption Services by said firm for Orleans County DSS. Payment will be made as a onetime payment after all receipts are received, and the amount for the payment may not exceed the maximum level set by NYS Office of Children and Family Services (OCFS) of \$2,000.00 per child; beginning February 11, 2020 through February 11, 2022.

Berkshire Farm Center, Canaan, NY for the provision of residential foster care services; to be effective July 1, 2021 through June 30, 2022 at per diem rates as established by the State, not to exceed \$500,000.00. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

Western New York Independent Living, Inc., dba, Independent Living of Genesee Region, 3108 Main Street Buffalo, NY 14214 and a local office located at 319 West Main Street, Batavia, NY 14020 for the reimbursement of Code Blue expenditure up to \$21,000.00 for Code Blue year October 1, 2020 through September 30, 2021 effective March 1, 2021. County cost is \$0.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 217-521

APPOINTING COMMISSIONER OF SOCIAL SERVICES

RESOLVED, that this Legislature appoints Mary Grace Nenni to the position of Commissioner of the Orleans County Department of Social Services, effective May 27, 2021 through May 26, 2026, to be appointed at Grade 12, Step 3 of the Management Compensation Plan Salary Schedule.

Moved, Miller; second, Eick.

Roll Call: 7 ayes: Allport, DeFilipps, DeRoller, Draper, Eick, Johnson, Miller; 0 nays; 0 absent.

Adopted

RESOLUTION NO. 218-521

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 promotion, that this Legislature does hereby authorize filling a vacant full-time Deputy Commissioner position (6010.2003) in the Department of Social Services at Grade 9 of the Management Salary Schedule effective May 27, 2021; now be it

FURTHER RESOLVED, as the result of a resignation, that this Legislature does hereby authorize filling a full-time Caseworker position (6010.0215) in the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective May 28, 2021.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 219-521

APPROVING AGREEMENTS BETWEEN OFFICE FOR THE AGING DEPARTMENT AND PURFOODS, LLC DBA MOMS MEALS

RESOLVED, that this Legislature does hereby approve agreement between the Office for the Aging Department and PurFood, LLC dba Moms Meals to provide meals through their home delivery program from June 1, 2021 to May 31, 2022 to residents needing meals, to alleviate a waiting list and ability to offer special diets. County cost \$0.

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

RESOLUTION NO. 220-521

AUTHORIZING TRANSFER OF FUNDS INTO THE OFFICE FOR THE AGING BUDGET

RESOLVED, that this Legislature authorizes the Treasurer to transfer funds into the Office for the Aging Budget for their volunteer transportation program as approved in Resolution No. 547-1219:

FROM:

Miscellaneous Reserve \$14,400.87

TO:

01.6772.0486 Special Grants Expenses \$14,400.87

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

RESOLUTION NO. 221-521

AUTHORIZING ABOLISHING, CREATING AND FILLING POSITIONS IN OFFICE FOR THE AGING

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

FURTHER RESOLVED, that this Legislature authorizes the abolishing of the part-time Clerk position (6772.26) in the Office for the Aging effective May 27, 2021; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full-time Clerk in the Office for the Aging at grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant full-time Clerk position in the Office for the Aging, effective May 27, 2021.

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

Legislator DeRoller asked for the Chairman’s signature of this 40 page document for the Workforce Opportunity Innovations Act (WIOA), which defines the work force needs of business and provides education, training and job seekers with change in climate demands. This also retro fits the demands occupations looking ahead. Job Development Director Kelly Kiebalá stated that this plan is required to move forward by Workforce Opportunity Innovations Act (WIOA).

RESOLUTION NO. 222-521

APPROVING SUBMISSION OF THE GLOW WORKFORCE DEVELOPMENT AREA LOCAL PLAN

RESOLVED, that this Legislature does hereby approve submission of the GLOW (Genesee-Livingston-Orleans-Wyoming) Workforce Development Area Local Plan for July 1, 2021 through June 30, 2025, pursuant to the Workforce Innovation and Opportunity Act (WIOA) of 2014, the Final Rule, and Planning guidelines and instructions developed by the Governor of the State of New York.

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. 223-521

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

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Suit-Kote Corporation, 1911 Lorings Crossing Road, Cortland, New York 13045 to provide labor, equipment and materials to In-Place Cold Recycle designated CHIPS roads in Orleans County. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #130-321, Project ID: 130-321A; to be paid from Road Fund account 03.5112.0436. Pricing is not to exceed \$490,000.00 and is reimbursable through the Consolidated Highway Improvement Program; and be it

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, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 224-521

APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND MIDLAND ASPHALT

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Midland Asphalt, 640 Young Street, Tonawanda, New York 14151-0388 to provide labor, equipment and materials to Pugmill 4,000 tons of 5/8" crusher run. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #130-321, Project ID 130-321B; to be paid from Road Fund account 03.5112.0436. Pricing is not to exceed \$170,000.00 and is reimbursable through the Consolidated Highway Improvement Program; and be it

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, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 225-521

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

RESOLVED, that this Legislature does hereby approve an agreement with the County Department of Public Works and Killian Construction, 1379 Brighton Henrietta Town Line Road, Rochester, New York 14623 to provide labor, equipment and materials to perform cold milling on various County roads. Pricing is through the County Department of Public Works Road and Bituminous Bid resolution #130-321, Project ID 130-321C; to be paid from Road Fund account 03.5112.0436. Pricing is not to exceed \$30,000.00 and is reimbursable through the Consolidated Highway Improvement Program; and be it

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, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 226-521

AUTHORIZING THE COUNTY OF ORLEANS TO APPLY, APPROVE AND ACCEPT A GRANT DISBURSEMENT AGREEMENT WITH DORMITORY AUTHORITY OF THE STATE OF NEW YORK

RESOLVED, that this Legislature authorizes the County of Orleans to apply for a Grant through the Dormitory Authority of the State of New York for the Lake Ontario Route 237 Right-a-way REDI Project NO. 33, (Project ID 19314); and be it

RESOLVED, that this Legislature approves and accepts the Grant Disbursement Agreement between the County of Orleans and Dormitory Authority of the State of New York (DASNY), 515 Broadway, Albany, New York 12207 for the Lake Ontario Route 237 Right-a-way REDI Project NO. 33 in the amount of \$31,334.00; and be it

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

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Eick stated that this is a budgeted expense.

RESOLUTION NO. 227-521

AUTHORIZING DEPARTMENT OF PUBLIC WORKS TO PURCHASE A 2022 HUNTER PETERBILT DUMP TRUCK

RESOLVED, that this Legislature does hereby approve the purchase of a 2022 Hunter Peterbilt 10 Wheeler Dump Truck Model #567 from Hunter Buffalo Peterbilt, 2370 Walden Avenue, Buffalo, NY 14225; to be purchased under the Sourcewell Contract #060920-PMC at cost of \$168,991.00; reimbursable through the CHIPS funding; County cost \$100.00 for NYS required fees; to be paid from budget account 04.5130.0270-Capital Equipment.

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

RESOLUTION NO. 228-521

AUTHORIZING DEPARTMENT OF PUBLIC WORKS TO PURCHASE A NEW 6-TON HOT BOX TRAILER

RESOLVED, that this Legislature does hereby approve the purchase of a 6-ton Falcon Asphalt Recycler and Hot Box Trailer through Stephenson Equipment Inc., 6108 Drott Drive, Syracuse, New York 13057; to be purchased under NYS OGS PS69119 at a cost of \$56,531.00; reimbursable through the CHIPS funding; County cost of \$0; to be paid from budget account 04.5130.0270 - Capital Equipment.

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

Legislator Eick stated that West Shelby Road needs to be capped and finished up.

RESOLUTION NO. 229-521

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 Road Fund Infrastructure Reserve Account to the Department of Public Works Road Fund budget to cover the cost of road construction improvements for West Shelby Road in the Town of Shelby at a cost as follows:

<u>FROM:</u>		
Road Fund Infrastructure	Reserve Account	\$180,000.00
<u>TO:</u>		
03.5110.0470	Capital Projects	\$180,000.00

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

RESOLUTION NO. 230-521

AUTHORIZING FILLING OF A VACANCY IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that this Legislature authorizes the filling of a vacant full-time Custodial Worker position (1620.13) in the Department of Public Works at Grade 2 of the CSEA Salary Schedule; effective May 27, 2021.

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

RESOLUTION NO. 231-521

AUTHORIZING EMERGENCY MANAGEMENT TO APPLY FOR A GRANT FUNDING OPPORTUNITY THROUGH THE GREATER ROCHESTER HEALTH FOUNDATION

WHEREAS, the Greater Rochester Health Foundation has funding available and is now accepting applications for its 2021 Responsive Grants Program; now be it

RESOLVED, that this Legislature authorize the Office of Emergency Management apply for a grant to purchase Automatic External Defibrillators (AED) for the office, training tower and Emergency Management vehicles.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 232-521

AUTHORIZING TO CONTINUE PARTICIPATION AND ACCEPT GRANT FROM NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES WITH ORLEANS COUNTY OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, new funding opportunities have become available through the New York State Division of Homeland Security and Emergency Services in the amount of \$20,655 (with matching county funds) to continue participation in the Emergency Management Performance Grant cycle (EMPG) FY2021; now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant EM21-xxxx-xxx, contract #xxxxxxx in the amount of \$20,655.00 for the Emergency Management Office to use in accordance with grant objective guidelines, effective October 1, 2020 through September 30, 2023.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 233-521

APPROVING ADDING SPECTRUM CIRCUIT TO L3 HARRIS RADIO SYSTEM AT THE PUBLIC SAFETY BUILDING

WHEREAS, to provide internet connectivity to the L3Harris LMR BeOn interface located at the Public Safety Building for Push-To-Talk radio capabilities on smart phones/devices for Emergency Management Staff and the Sheriff's Office Command Staff; now be it

RESOLVED, that this Legislature approve expending Emergency Management funds from Budget Line 01.3640.0404 in the amount of \$79.98 per month plus a one-time connection/set up charge of \$99.00

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Eick asked EMO Director Dale Banker to explain the need for this. Dale Banker stated that this is for the use on our mobile operations center that is needed for onboard computers and for the interoperable radio communications interface between using internet and several mobile radio's that will be installed. Legislator DeRoller asked if is creating a mobile operation center and hot spot. Mr. Banker said yes.

RESOLUTION NO. 234-521

AUTHORIZING EMERGENCY MANAGEMENT TO ADD A VERIZON WIRELESS AIR CARD TO THE 2006 MOBILE OPERATIONS CENTER

WHEREAS, a 2006 Mobile Operations Center (MOC) was donated to the Emergency Management Office by the Erie Office of Homeland Security and Emergency Services; and

WHEREAS, to utilize the MOC as a command center in the event of an emergency, a Verizon Wireless Air Card is needed for the onboard computers including MutualLink for interoperable communications with the surrounding counties; now be it

RESOLVED, that this Legislature authorize Emergency Management to expend county funds from Budget Line 01.3640.0401-Cell Phones and Pagers in the amount of \$49.99 (plus associated fees) per month.

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

RESOLUTION NO. 235-521

AUTHORIZING EXPENDING GRANT FUNDS AND SETTING UP MONEY IN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend State Interoperable Communications (SICG) FY19 Grant funds for the purchase of radio equipment/accessories from Castner Communications, 2525 County Road 28, Canandaigua, NY 14424 (NYS OGS Contract #PT67040) at a cost not to exceed \$10,641.00 and security enhancements from B&H Photo and Electronics Corp., 420 Ninth Ave., NY, NY 10001 (OMNIA Contract #R201202) at a cost not to exceed \$5,899.00; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up SHSP FY2019 State Interoperable Communications Grant funds in the Emergency Management budget as follows:

REVENUE:

01.3640.4309.1974 State Interoperable Communications Grant \$16,540.00

APPROPRIATION:

01.3640.0486.1974 Special Grants-SICG FY19 \$16,540.00

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

RESOLUTION NO. 236-521

APPROVING MULTIPLE PURCHASES AND AUTHORIZING EXPENDING GRANT FUNDS AND SETTING UP MONEY IN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, that this Legislature authorize the Director of Emergency Management to expend State Homeland Security Program (SHSP) FY18 grant funds in the amount of \$1,060.00 for the purchase of one Havis docking station and two antennas for the EMO MOC vehicle from Island Tech Services, 980 S. 2nd St., Ronkonkoma; and be it

FURTHER RESOLVED, that this Legislature authorize the purchase of one Sophos Red Box Appliance Module plus accessories from Layer 3 Technologies, 1645 Lyell Ave., Rochester, NY, OGS Contract # P21170, in the amount of \$979.00; and be it

FURTHER RESOLVED, that this Legislature authorize the purchase of six (6) tires for the newly acquired 2006 Mobile operation Center (MOC) from Erie County in the amount of \$1,650.00 from Orleans County DPW, NYS OGS Contract #PC68490 and PGB23149; and be it

FURTHER RESOLVED, that this Legislature authorize upgrades to the newly acquired 2006 Mobile Operation Center (MOC) from Erie County to include removing old decals, replacing and repairing diamond plate, body work and lighting upgrades in an amount not to exceed \$6,447.00 to Lyons Collision, 511 Orient St., Medina, NY; and be it

FURTHER RESOLVED, that this Legislature authorize the Treasurer to set up State Homeland Security Program FY18 Grant funds as follows:

REVENUE:

01.3640.4309.2018 State Homeland Security Program FY18 \$10,136.00

APPROPRIATION:

01.3640.0486.2018 Special Grants-SHSP FY18 \$10,136.00

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 237-521

AMENDING RESOLUTION NO 86-221 DUE TO A CHANGE IN REPRESENTATIVES ON THE ORLEANS COUNTY EMERGENCY MEDICAL SERVICES BOARD

WHEREAS, Resolution No 86-221 approved all members to the Emergency Medical Services Board; and

WHEREAS, Orleans Community Health has a new representative for the EMS Board; now be it

RESOLVED, that this Legislature approve removing LeighAnn VanAuker and adding Richard S. Elman MD FACEP as the Orleans Community Health representative.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Johnson stated that this is a request of NYSAC asking for support.

RESOLUTION NO. 238-521

RESOLUTION IN SUPPORT OF LEGISLATION TO INCREASE THE 9-1-1 COMMUNICATIONS SURCHARGE FEE ON WIRELESS AND LANDLINE DEVICES TO ACCOUNT FOR INCREASED DEMAND ON THE 9-1-1 PUBLIC SAFETY COMMUNICATIONS NETWORK

WHEREAS, Orleans County operates and maintains a 9-1-1 and Public Safety Communications system using a 700/800 MHz emergency communications radio system and a PSAP utilizing 9-1-1 phones, CAD and digital recording; and

WHEREAS, the funding mechanism used today to help operate, maintain, and upgrade the 9-1-1 system capabilities is out of date and does not correspond to technology changes; and

WHEREAS, today, the grant funding we receive from the state is delayed and the process is overly burdensome; and

WHEREAS, much like the State of New York, counties and local municipalities are struggling from significant losses in revenues due to the current COVID-19 pandemic; and

WHEREAS, the delay in grant funding is exacerbating the economic impact of COVID-19 on Public Safety Answering Points (PSAPs) and Interoperable Communications projects throughout the state; and

WHEREAS, in addition to delays in grant funding, the current surcharge for wireless (pre-paid and post-paid) and landline devices is inadequate to meet the needs of the current 9-1-1 communications network; now therefore be it

RESOLVED, the New York State Association of Counties (NYSAC) encourages the Governor and the State of New York to immediately release all delayed grant funding for PSAPs and Interoperable Communications projects; and be it

FURTHER RESOLVED, the counties of the State of New York call on the Governor and State Legislature to swiftly pass legislation to increase the 9-1-1 communications surcharge rates for pre-paid wireless devices, contracted devices and landline devices to generate increased revenue direct to counties; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, NYSAC and all others deemed necessary and proper.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 239-521

AUTHORIZING OUT OF STATE TRAVEL FOR CHIEF ADMINISTRATIVE OFFICER

RESOLVED, that the Legislature does hereby approve John C. Welch, Jr., Chief Administrative Officer, to travel to Cleveland, Ohio, August 4, 2021 through August 6, 2021 to attend the Labor Law and Arbitration which is presented by the Labor Arbitration Institute, with necessary expenses to be paid from the Chief Administrative Officer budget account 01.1020.0460 – Training & Education.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 240-521

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.

Legislator DeFilipps stated that this is for a Pilot program for 12-13 year olds to hunt. Section 6 shows how important it is by stating that they have to be in physical control by a parent or guardian. Each individual child and parent must be wearing a minimum total of two hundred fifty square inches of solid fluorescent orange or pink while in the field. They are very serious about this.

RESOLUTION NO. 241-521

ADOPTING LOCAL LAW NO. 2 OF 2021, ENTITLED ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

WHEREAS, Environmental Conservation Law §11-0935, establishes a pilot program wherein a hunting license holder who is 12 or 13 years of age may hunt deer with a crossbow, rifle, shotgun or muzzle loading firearm in areas where and during the hunting season in which such implements may be used; and

WHEREAS, Environmental Conservation Law §11-0935 requires that in order to be an “eligible area”, a county must pass a local law authorizing participation in the pilot program; and

WHEREAS, according to a 2011 U.S. Fish and Wildlife Service study, the community spends approximately \$4.95 billion per year in the State of New York in pursuit of sporting activities, and sporting activities are responsible for the support of approximately 56,000 jobs across New York State; and

WHEREAS, sporting activities have a positive impact on the local and statewide economy; and

WHEREAS, public interest and participation in sporting activities, including deer hunting, has significantly increased, including the number of individuals completing hunter education programs and purchasing hunting and other sporting licenses; and

WHEREAS, the universal hunting age of 12 is supported by the 2012 – 2016 NYS Deer Management Plan and the draft 2021 – 2025 NYS Deer Management Plan; and

WHEREAS, prior to the adoption of Environmental Conservation Law §11-0935, 49 out of 50 States with New York being the exception, permitted 12 and 13 year olds to participate in hunting under varying circumstances; and

WHEREAS, hunting with youth provides quality time for parents, guardians and other mentor figures to bond with their children, other family members and friends in an outdoor setting and presents an excellent opportunity to introduce youth to nature, stewardship, conservation, and responsible wildlife management; and

WHEREAS, hunting with youth provides an opportunity to mentor and instruct youth hunters regarding safe and responsible hunting; and

WHEREAS, this Local Law supports opting-in to the provisions of Environmental Conservation Law §11-0935; and

WHEREAS, Local Law No. 3 Intro of the 2021 was introduced at a regular meeting of the Orleans County Legislature held on April 28, 2021 and a Public Hearing was held on May 26, 2021, at which time all interested persons wishing to speak were heard;

RESOLVED, that this Legislature enacts Local Law No. 2 of 2021, a LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM as follows:

SECTION 1. Title

This Local Law shall be known as “A Local Law Adopting, a Pilot Youth Deer Hunting Program.”

SECTION 2. Purpose

Consistent with the provisions of Environmental Conservation Law section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

SECTION 3. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2[c];
2. New York Municipal Home Rule Law, § 10; and
3. New York Environmental Conservation Law § 11-0935.

SECTION 4. Definitions

1. "Eligible area" means any county within the State of New York that has enacted a local law

authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.

2. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
4. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.
6. "Parent" means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

SECTION 5. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the Orleans County upon (a) the adoption of this Local Law by the Legislatures for the County of Orleans, State of New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

Orleans County hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

SECTION 6. Eligibility and Requirements.

1. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Orleans when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.

2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.

3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible

from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.

5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

SECTION 8. Filing

In accordance with ECL § 11-0935.2, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation. And in accordance with Municipal Home Rule § 27, a copy shall be filed with the New York State Department of State.

SECTION 9. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

SECTION 10. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 11. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Moved, Miller; second, Eick.

Roll Call: 6 ayes: Allport, DeFilipps, DeRoller, Draper, Eick, Johnson; 1 nays: Miller; 0 absent.

Adopted.

Legislator Miller stated that he voted nay because two - three years ago for the riffle adoption, the residents of the Town of Gaines and Town of Albion opposed it. He would have liked this pilot program when he was young. Mr. Miller is not voting against youth hunting, he is against riffle hunting.

RESOLUTION NO. 242-521

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT COUNTY OFFICE BUILDING ADDITION AND RENOVATIONS ACCOUNT

RESOLVED, that this Legislature authorizes the following payments to be made from account H1610.250, Capital Project – County Office Building Addition and Renovations Account:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$2,506.13	Wendel WD A/E/S/LA, PC	Bill for Professional Services, invoice # 501466, project 245008-32 Front Vestibule Expansion Study
\$ 220.00	Wendel WD A/E/S/LA, PC	Bill for Professional Services, invoice # 501521, project 245008-32 Front Vestibule Expansion Study

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

RESOLUTION NO. 243-521

AUTHORIZING PAYMENT OF CLAIMS FOR JUNE 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 June 9, 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 June 23, 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, Draper; second, Allport.
 Adopted. 7 ayes; 0 nays; 0 absent.

ADD ON RESOLUTION:

Legislator DeRoller stated that this promotes the dependent and independent use of the water and erosion control from the 2017 and 2019 flooding.

RESOLUTION NO. 244-521

APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF PLANNING AND DEVELOPMENT AND WENDEL COMPANIES AND AUTHORIZING TREASURER TO TRANSFER MONEY IN THE DEPARTMENT OF PLANNING AND DEVELOPMENT BUDGET

RESOLVED, that this Legislature approves an agreement between Orleans County Department of Planning and Development and Wendel Companies, 375 Essjay Rd., Suite 200, Williamsville, NY 14221 for additional services to complete the amendment to Kendall-Yates-Carlton-Lyndonville Local Waterfront Revitalization Program effective June 1, 2021 through July 31, 2021 to be paid from 01.8020.0418-Other Contractual Expenses at a cost of \$15,150.00; and be it

FURTHER RESOLVED, that County Treasurer is authorized to transfer money within appropriated budget account as follows:

FROM:

01.8020.0100	Personal Services	\$15,150.00
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TO:

01.8020.0418	Other Contractual Expenses	\$15,150.00
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Moved, DeRoller; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

Unfinished Business

Legislator DeRoller stated that the completion of the Lake Ontario Parkway Transportation feasibility alternative study has been a three year process that was presented to the Genesee Transportation Council (GTC) in Rochester. Planning and Development Director Jim Bensley is on the board as a representative for planning. This has been a three year study funded by the GTC. Under federal law the GTC must represent one million people or more, bringing together a number of counties. Jim Bensley, Director of Planning and Development stated that about 1,000 public people responded to the study. The project was narrowed down to four concepts. The baseline, keeping it as is. The next concept was keeping it as it is during the winter, closing the road from Route 98 to Lakeside Beach State Park, as there is not much traffic at that time. This option also eliminates putting salt on the road leading to run off into Oak Orchard River. The third option is to modify the parkway by closing the western section all year and making the roadway a grand entrance to Lakeside Beach State Park at 30mph. This would require the need for re-aligning the road at Route 98. It would be difficult getting around the 'Bridges' area for trucks towing trailers along Marsh Creek Road. They did offer a DOT price for doing that. The final option is the most extreme by converting two of the four lanes closest to the waterway front to non-vehicular movement. There would be two-way traffic on the southern lanes. A decision was not decided. The costs were reviewed by the NYS DOT engineers. There were other a-la-carte options given to do some landscaping. Zoom meetings were held where stake holders, mostly being seasonal stake holders from around the state and county, were allowed attendance. Legislator DeRoller stated that the Parkway is a treasure for our county. It drives the economic engine along Kendall, Carlton and Yates. It pays between 28-50% of each tax base for each strip of water front. It is paved from Lake Road O'Rourke Bridge in Monroe County to Kendall Road. There is no budget money, but sets the pace by taking car count to economic engine. Engaging over a thousand people as been very positive. We can say that we have done our best to keep this rolling. Infrastructure was revalued because of the bridges. The twin bridges that span over Oak Orchard River, were going to need repair, but keeping the road closed in the winter bought some time. Hamlin and Lakeside Parks received 442,000 visitors and 22,000 camp sites. There has been change in becoming very proactive for economic development and tourism. Chairman Johnson ask Director Bensley if a decision has made on the four options. Mr. Bensley stated they have not. It is up to the DOT. There was no funding committed. They may

be willing to do that work separately. Bridge inspection was done on the high span bridges and it is in better condition than expected. The governor did spend \$50 million for snow tow-plowing where one drive can plow two lanes. Unfortunately, in Orleans County the drains are not correct and going to be fixed. This will bring efficiency. Mr. DeRoller stated they did our best to preserve and keep things moving forward. The last 7.2 miles were not even in the comprehensive plan for paving. Senator Robach assisted in getting this done.

Chairman Johnson opened the floor to Public Comment. There being none, Legislator DeRoller moved to adjourn; second by Legislator Allport. Meeting adjourned at 5:15 p.m.