

Legislature Meeting

July 28, 2021

Chairman Lynne Johnson called the meeting to order at 4:30 p.m. Veteran Legislator Kenneth DeRoller led us in the Pledge to the Flag 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 filed the list of Inter Fund loans to Special Grant-WIA that were issued from June 4, 2021 to date as directed in Resolution No. 175-418 in the Clerk of the Legislature Office. The Clerk has also received the year-end adjustments to fiscal year 2020.

Treasurer Kimberly DeFrank stated the American Rescue Funds are indicated under Federal Aid, these funds came in during June. There is a transfer to other funds for \$1.5 million from the road fund levy that was paid out to the towns for moving and plowing. Revenue is coming in nicely and our cash looks to be in great shape.

Legislator Draper presented Orleans County Probation Director, Luci Welch with Katie Vick and Heather Jackson of the Probation Department with a Proclamation declaring the week of July 18-24, 2021 as Pre-Trial, Probation, and Parole Supervision Week.

Legislator Draper presented a Special Recognition to Probation Director Luci Welch for being elected as the 2021 President of the New York State Council of Probation Administrators (COPA).

Chairman Johnson asked for open discussion as it relates to the resolutions presented.

Legislator DeRoller spoke about the legalization of marijuana. The towns have till December 31, 2021 to opt out of the sale of recreational on site cannabis consumptions bars. The Town of Ridgeway has done this. Most municipalities in the state are opting out. Alexandria Bay and Cape Vincent are opting out until there is more information on the rules. There is no information available from the state. At the September meeting of the Association of Municipalities in Orleans County, there will be discussion about this. Attorney Bogan stated the Town of Ridgeway has a local law set for their August meeting to opt out. Towns can always opt back in, but if you don't opt out now, they by law cannot opt out next year. Until the State issues regulations it is a prudent approach to opt out.

Legislator DeRoller then spoke about the housing study being completed by LaBella Associates. Mr. DeRoller stated that he would like to bring them to a conference session next month to present an overview of the study presenting the over gaps and positives. Planning Director Jim Bensley stated the consultant was good about integrating text and graphics to sum it up in a short amount of time.

Chairman Johnson recognized the following area elected officials attending today's meeting. John Fitzak Legislator Elect with his term to begin on January 1 2022, Niagara County Legislator David Godfrey and Gaines Judge Bruce Schmidt.

Niagara County Legislator David Godfrey stated that Resolution No. 352-721 internet services for Orleans County. On January 11, 2012 by resolution Orleans County and Niagara County created the Niagara Orleans Regional Alliance (NORA). Part of that process was to look at 911 towers for mandated by the FCC to upgrade. In December of 2012 broadband was brought into the subject. NORA hired a consultant to drive every road and assess vertical access across both of the counties. We went to Albany for funding, but were blocked due to merger of Charter and Time Warner. After that Mr. Godfrey and Chairman Johnson went to Washington DC to testify before the Public Service Commission against the merger and to campaign that broadband/internet service should be nothing different than telephone service. It should be a public service. Moving forward, the USDA came up with funding, we have applied for these funds. There are also pandemic rescue funds available in both counties. We could not have found a better way to bring a critical service to our people than to use these funds to bring our communities into the 21st century. It has been a long journey. The Chairman and I actually drove every road to make sure the numbers were correct. This was a lot of work over many years. I would like to congratulate this legislature for all the work they have done and their commitment. Next week Niagara County Legislature will also be passing a resolution for bringing broadband into their county. Legislator DeRoller added that we are primed to get access, reliability and affordability into this process. To get competition into the marketplace.

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

RESOLUTION NO. 304-721

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

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

TITLE	NAME	STANDARD WORK DAY (Hrs/day)	Term	Days/month	Not Submitted
ELECTED OFFICIALS					
County Clerk	Nadine P. Hanlon	6	1/1/2021-12/31/2024	30.47	
District Attorney	Joseph Cardone	6	1/1/2021-12/31/2024	30.67	
APPOINTED OFFICIALS					
Coroner, Chief	Scott Schmidt	6	1/1/2021-12/31/2024	3.67	
Coroner	Charles M. Smith	6	1/1/2021-12/31/2024	2.26	
Coroner	Rocco Sidari	6	1/1/2021-12/31/2024	4.13	

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

RESOLUTION NO. 305-721

AUTHORIZING COUNTY TREASURER TO SET UP AMERICAN RESCUE PLAN ACT FUNDS TO PAY AUDITORS

WHEREAS, the County Treasurer has contracted with EFPR Group CPAs, PLLC, 100 South Clinton Avenue, Suite 1500, Rochester, NY 14604 to prepare the 2020 Revenue Loss calculation for Orleans County and therefore be it;

RESOLVED, the Orleans County Treasurer is authorized to set up funds as follows for the payment:

REVENUE:

01.1326.4096	American Rescue Plan	\$2,000.00
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APPROPRIATION:

01.1326.0440.1325	Auditors	\$2,000.00
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Moved, DeFilipps; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 306-721

AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE TREASURER BUDGET

WHEREAS, there is an agreement between the County of Orleans and Lyndonville Central School District for tax collection and;

WHEREAS, the County Treasurer will incur some new expenses for this collection process including an update to the tax collection database;

THEREFORE, this Legislature authorizes the County Treasurer to set up new money in her department as follows:

REVENUE:

01.1325.1230	Treasurer fees	\$12,000.00
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APPROPRIATION:

01.1325.0432	Misc. Contract/Agreements	\$12,000.00
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Moved, DeFilipps; second, DeRoller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 307-721

AUTHORIZING COUNTY TREASURER TO SETUP AMERICAN RESCUE PLAN ACT FUNDS FOR PAYROLL EXPENSE IN PUBLIC SAFETY

WHEREAS, the interim final rule for the American Rescue Plan Act funds specifically states the funds may be used for payroll and covered benefits expense for public safety and public health, and

WHEREAS, for administrative convenience, the recipient may consider public health and safety employees to be entirely devoted to mitigating or responding to the COVID-19 public health emergency; therefore be it

RESOLVED, that this Legislature hereby authorizes the County Treasurer to setup funds from the American Rescue Plan Act funds for payroll beginning March 3rd, April, May and June 2021 for Public Safety Communication System, Sheriff and Jail as follows:

REVENUE:

01.1326.4096 American Rescue Plan \$1,529,756.80

EXPENSE:

01.1326.0100.3020	Personal Services	\$164,191.48
01.1326.0820.3020	Medicare	\$2,241.26
01.1326.0830.3020	Social Security	\$9,901.71
01.1326.0100.3110	Personal Services	\$646,112.05
01.1326.0820.3110	Medicare	\$9,021.71
01.1326.0830.3110	Social Security	\$38,658.99
01.1326.0100.3150	Personal Services	\$613,447.10
01.1326.0820.3150	Medicare	\$8,629.85
01.1326.0830.3150	Social Security	\$37,552.65

FURTHER RESOLVED, the County Treasurer is authorized to create the appropriate journal entry to reimburse the payroll lines in the Public Safety Communication System, Sheriff and Jail departments.

Moved, DeFilipps; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Allport stated that none of the roads being used are certified for the weight of their trucks. County Attorney Bogan replied that Heritage is not using any county owned roads. They will be only on state and town roads. This agreement are for bridges and culverts. Heritage has posted a \$1 million bond for any bridges and culvert that need upgrading will be covered. The following resolution was adopted.

RESOLUTION NO. 308-721

AUTHORIZING EXECUTION OF AN AGREEMENT FOR ROAD USE REPAIR AND IMPROVEMENTS WITH HERITAGE WIND LLC

WHEREAS, the developer, Heritage Wind, LLC has been developing a wind-powered electric generating facility with a planned nameplate capacity of up to approximately 184.8 MW, located in the Town of Barre, Orleans County; and

WHEREAS, the County is responsible for the maintenance of certain roads, culverts and bridges within Orleans County; and

WHEREAS, the County and Heritage Wind, LLC wish to enter into an agreement for the use, repair and improvement of the designated roads, culverts and bridges all in accordance with the terms and conditions as set forth in said agreement; now, therefore be it

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to enter into a Road Use Agreement and any amendments thereto with Heritage Wind, LLC for the maintenance of certain roads, culverts and bridges, in the form as filed with the Clerk of the Orleans County Legislature or as modified with the approval of the County Attorney and Chief Administrative Officer.

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

RESOLUTION NO. 309-721

AUTHORIZING EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENTS WITH AES BAIRD SOLAR, LLC FOR SOLAR ENERGY SYSTEMS IN BARRE PURSUANT TO REAL PROPERTY TAX LAW SECTION 487

WHEREAS, New York State Real Property Tax Law (“RPTL”) Section 487 exempts from taxation the increase in value to real property by reason of inclusion of qualified solar or wind energy systems or farm waste energy systems unless a county, city, town, village, or school district opts out of said exemption; and

WHEREAS, RPTL Section 487 provides that a county, city, town, village or school district that has not acted to opt out of said exemption may require the owner of a property which includes a solar or wind energy system meeting the requirements for the exemption to enter into a contract for Payments in Lieu of Taxes (“PILOT”); and

WHEREAS, AES BAIRD SOLAR, LLC has submitted a Notice of Intent to the County that it plans to build a solar energy system that meets the requirements for the exemption on a parcel of land located within the physical boundaries of the County at 4360 Oak Orchard Road, New York Tax Map 95.-1-61.12 (the “Project”); and

WHEREAS, the Owner has submitted, or will submit to the assessor of the Town of Barre an RP – 487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating the Project’s eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be placed on an exempt portion of the assessment roll and the Owner will not be assessed for any statutory real property taxes for which it might otherwise be subject to under New York law with respect to the Project; now, therefore be it

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to enter into PILOT Agreements, and any amendments thereto, with AES BAIRD SOLAR LLC for the building and operations of a Solar Energy System, in the form as filed with the Clerk of the Orleans County Legislature or as modified with the approval of the County Attorney and Chief Administrative Officer, pending approval by the Town of Barre and Albion Central School District.

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

RESOLUTION NO. 310-721

APPROVING LEASE AGREEMENT FOR LARGE FORMAT PRINTER BETWEEN PLANNING AND DEVELOPMENT DEPARTMENT AND KS STATEBANK

WHEREAS, the lease term of the large format printer in the Department of Planning and Development has expired and

WHEREAS, the Department of Planning and Development received a quote from Fusion Digital, LLC of East Rochester, NY pursuant to New York State Contract 20860 to lease a Hewlett-Packard DesignJet Z6810ps 42 inch printer through a third party and

WHEREAS, such printer lease will allow the Department of Planning and Development to continue its print production tasks both internally as well as for other County departments, associated agencies and municipalities, be it

RESOLVED, that this Legislature authorizes the Department of Planning and Development to enter into a Forty-Eight (48) Month Lease in the amount of \$253.40 per month with an optional \$1.00 buyout at the end of lease from Real Lease, 129 West Commercial Street, Suite 7, East Rochester, NY 14445, with payments to be made to the oblige assigned by Real Lease: KS StateBank, Government Finance Department, PO Box 69, Manhattan, KS 66505.

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

Legislator DeRoller stated that advertising is being done to explain what can and can't be brought in and how to sign up for this. This collection will also include ten (10) tires per resident. Planning Director Bensley stated that they have advertised in the Orleans HUB, Lake Country Pennysaver and Batavia Daily News, Orleans County web site and all ten county Towns. The following resolution was adopted.

RESOLUTION NO. 311-721

APPROVING AGREEMENT WITH ENVIRONMENTAL ENTERPRISES, INC. FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION

WHEREAS, this Legislature desires to conduct a Household Hazardous Waste Collection on August 14, 2021 to provide County residents safe and convenient disposal of household hazardous wastes, and

WHEREAS, the County cost is dependent upon the amount of waste collected according to the following formula as identified in the vendor's proposal:

Aerosol Cans	\$.85 per pound
Anti-Freeze	\$.16 per pound
Chemicals (labpacks)	\$1.00 per pound
Corrosive Acids	\$1.10 per pound
Corrosive Bases	\$1.10 per pound
Fluorescent Tubes	\$.80 per pound
Household Cleaners	\$1.00 per pound
Miscellaneous Chemicals	\$1.00 per pound
Oil Base Paints (liquids)	\$.20 per pound
Oil Base Paints & Varnishes (sludges)	\$.20 per pound
Oil Filters	\$.09 per pound
Organic Liquids	\$.19 per pound
Oxidizers	\$1.10 per pound
Pesticides/Insecticides	\$1.89 per pound
Pesticides/Insecticide (dioxin precursors)	\$11.00 per pound
Poisons	\$1.10 per pound
Reactives	\$2.95 per pound
Resins & Adhesives (with cans)	\$.45 per pound
Waste Oil	\$.09 per pound

RESOLVED, that this Legislature approves an agreement with Environmental Enterprises, Inc., 4650 Spring Grove Road, Cincinnati, Ohio 45232 for the August 14, 2021 Orleans County Household Hazardous Waste Collection Program.

Moved, DeRoller; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 312-721

APPROVING AGREEMENT WITH MODERN DISPOSAL SERVICES FOR DISPOSAL OF TIRES COLLECTED AT HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT

WHEREAS, the County seeks to provide a convenient and environmentally sound means for County residents to dispense with unwanted tires; now be it

RESOLVED, that this Legislature approves an agreement with Modern Disposal Services, 4746 Model City Road, Model City, NY 14107 to dispose of rimless, non-commercial and non-farm, scrap tires dropped off by County residents at the Household Hazardous Waste Collection event to be held on Saturday, August 14, 2021 in Albion.

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

RESOLUTION NO. 313-721

ADOPTING ADDITIONS TO CERTIFIED AGRICULTURAL DISTRICT

WHEREAS, Article 25AA of State Agricultural and Markets Law provides for the addition of predominantly viable agricultural land into existing, certified agricultural districts following an annual thirty day enrollment period and public hearing; and

WHEREAS, said enrollment period occurred in June 2021 and proper notice was provided and a public hearing was held on July 28, 2021 following the report and recommendation of the Orleans County Agricultural and Farmland Protection Board;

THEREFORE, BE IT RESOLVED, that additions to Consolidated Agricultural District No. 1 of six (6) whole tax parcels of predominantly viable farmland be adopted as identified by numbers: 8.00-1-35.2, 20.00-1-11.1, 20.00-1-11.3, 77.00-1-36, 83.00-1-70.111 and 99.00-1-9.117; and be it

FURTHER RESOLVED, that a Notice of Determination of Non Significance - Negative Declaration shall be filed in the absence of a significant effect of this action on the environment, pursuant to Article 8 of Environmental Conservation Law.

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

RESOLUTION NO. 314-721

AUTHORIZING SETTING UP NEW MONEY IN THE TOURISM BUDGET

RESOLVED, that this County Treasurer is authorized to set up new money that is being awarded to the tourism department from NYS Economic Development, for I Love NY Tourism Matching Funds Grant, in the Tourism budget, as follows:

REVENUE:

01.6410.3715	Tourism-I LOVE NY	\$31,712.00
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APPROPRIATION:

01.6410.0468 I Love NY Matching Funds \$31,712.00

Moved, DeRoller; second, DeFilippis.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 315-721

APPROVING AGREEMENTS BETWEEN THE MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Integrity Partners for Behavioral Health at 5130 East Main St, Batavia, New York 14020 to support continued participation and partnership with Integrity Partners for Behavioral Health; to be effective July 2, 2021 through July 7, 2025.

Community Action of Orleans & Genesee (ACT Program) at 409 East State St., Albion, New York 14411 MOU for the implementation of the Making Proud Choices curriculum; to be effective July 12, 2021 through July 12, 2025.

Moved, Allport; second, Draper.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 316-721

AUTHORIZING FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature does hereby authorize filling the vacant full time Clinic Coordinator position (4310.03) in the Mental Health Department at Grade 9 of the Management Salary Plan schedule effective July 29, 2021.

Moved, Allport; second, Draper.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 317-721

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Quickseries Publishing, 5100 NW 33rd Avenue, Suite 247, Ft. Lauderdale, FL 33309. To Continue with EOC Ready System App License with Spanish translation. Cost to be shared equally with the

Emergency Management Office. Public Health reimbursement from State Aid. EMO expense per approved county budget. For term July 1, 2021 through June 30, 2022.

HEALTH RESEARCH (HRI), 150 Broadway Suite 280, Menands, NY 12204-2726. Grant award for Emergency Preparedness Coordinator to oversee implementation and completion of deliverables; assist in assessment of local public health emergency preparedness capacities and address deficiencies. Maintain and oversee Medical Reserve Corp for Genesee and Orleans Counties. Term to run July 1, 2021 through June 30, 2022. No County cost.

HEALTH RESEARCH (HRI), 150 Broadway Suite 280, Menands, NY 12204-2726. School Reopening Funding \$1,237,080.00 to implement a process for gathering information on current school testing situations in the county. To work with school districts to determine needs and pairing with local, state or federal resources. To run for a term July 1, 2021 through July 31, 2022. No County Cost.

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

RESOLUTION NO. 318-721

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEE

RESOLVED, that this Legislature does hereby authorize out of state travel by Paul Pettit, Public Health Director, to attend The American Public Health Association annual meeting at the Colorado Convention Center in Denver, Colorado from October 23, 2021 to October 28, 2021. Costs covered with Kresge Grant funds. No County Cost.

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

RESOLUTION NO. 319-721

AUTHORIZING THE FILLING OF VACANCY IN THE HEALTH DEPARTMENT

RESOLVED that as a result of a retirement, this Legislature authorizes the filling of a vacant part-time Registered Nurse position (4010.16) in the Public Health Department at Grade 19, of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this vacant position; effective August 16, 2021

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

RESOLUTION NO. 320-721

APPROVING AGREEMENT WITH SHERIFF'S ANIMAL CONTROL AND PETS IN PEACEFUL REST, LLC

RESOLVED, that this Legislature approves an agreement between the Sheriff's Office and Pets in Peaceful Rest, LLC, for the pick-up of deceased pets and stray animals from the Orleans County Animal Control Shelter, Albion, NY at no charge, and the disposal of animals at the rate of \$25 per dog and \$15 per cat or small animal. Term of agreement effective August 1, 2021 through July 31, 2026

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

RESOLUTION NO. 321-721

APPROVING GRANT AGREEMENT AND ACCEPT FUNDS WITH NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR THE SHERIFF'S OFFICE

WHEREAS, Resolution No. 83-221 authorized the Sheriff's Office to apply for available grant funding; and

WHEREAS, the NYS Division of Homeland Security and Emergency Services has informed Orleans County/Orleans County Sheriff's Office that they been awarded grant funding of \$109,600 for the New York State 2020-2021 Public Safety Answering Points Operations Grant Programs (2020-21 PSAP Grant), now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant PS20-10290E00: Contract # in the amount of \$109,660 for reimbursement of costs related to public safety call-taking and dispatching expenses for year January 1, 2021 through December 31, 2021.

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

RESOLUTION NO. 322-721

AUTHORIZING THE SHERIFF'S OFFICE TO PURCHASE A PATROL VEHICLE AND AUTHORIZING TREASURER TO TRANSFER FUNDS

RESOLVED, that this Legislature authorizes the Sheriff's Office to purchase and execute complete buy out for one (1) 2021 Chevrolet Tahoe pursuit at the government discount rate in the amount of \$37,695.00 from Joe Basil Chevrolet, Inc. 5111 Transit Rd. Depew, NY 14043 to be paid from Sheriff's Budget line-01.3110.0270 Capital Equipment (Req. #2148)

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to transfer funds from the Jail Food Cost for the patrol vehicle purchase to the Sheriff Capital Equipment with appropriated as follows:

FROM:
01.3150.0424 Food Cost \$18,677.07

TO:

01.3110.0270 Capital Equipment \$18,677.07

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

RESOLUTION NO. 323-721

AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR WALMART FOUNDATION COMMUNITY GRANT AND ACCEPTANCE OF FUNDING TO THE SHERIFF'S OFFICE AND SETTING UP NEW MONEY IN THE SHERIFF'S OFFICE BUDGET

WHEREAS, the Orleans County Sheriff's Office request to continue participation in the community grant program funding available through Walmart Foundation and Walmart Foundation has awarded the Sheriff's Office \$4,000 in grant funding that would enable the Sheriff's Office to participate in a local holiday outreach program benefiting children and families within our community. Grant period to end December 31, 2021, now be it

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

REVENUE:

01.3110.2705 Gifts and Donations \$4,000

APPROPRIATION:

01.3110.0478 Promotional Supplies \$4,000

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

RESOLUTION NO. 324-721

AUTHORIZING FILLING VACANCY AND CREATING POSITION IN THE SHERIFF'S OFFICE

RESOLVED, due to a retirement, this Legislature does hereby authorize the filling of the vacant permanent fulltime Undersheriff Position (3110.02) in the Sheriff's Office at Grade 9 of the Management Compensation Plan effective August 9, 2021, and be it

FURTHER RESOLVED, that this Legislature authorizes creating a permanent fulltime Public Safety Dispatcher Position (3020.10) in the Sheriff's Dispatch at Grade 4 Step 1 of the OCSEA Salary Schedule effective August 1, 2021; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created, vacant position effective August 1, 2021; and be it

FURTHER RESOLVED, that this Legislature, subsequent to the filling of the newly created full time Public Safety Dispatcher Position, authorizes the filling of a vacant part time Public Safety Dispatcher Position effective August 1, 2021.

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

RESOLUTION NO. 325-721

APPROVING EXTENSION OF AGREEMENT BETWEEN PUBLIC DEFENDER AND NEW YORK OFFICE OF INDIGENT LEGAL SERVICES

WHEREAS, Resolution No. 428-1019 approved an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, A.E., Smith Building, 11th Floor, 80 South Swan St, Albany, NY 12210 (Contract #800034) for Attorney Pay, Parole Revocation, Expert Services, Legal Services for Appeals through Legal Aid Bureau of Buffalo, Interpreter, and Computer Technology in the amount of \$156,438.00 effective for term of January 1, 2018 through December 31, 2020.

RESOLVED, that this Legislature approves extending the agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services to continue to provide funds in the amount of \$156,438.00 effective for an extension term of January 2, 2021 through December 31, 2021.

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

RESOLUTION NO. 326-721

AUTHORIZING THE PUBLIC DEFENDER'S OFFICE TO ADD A CELL PHONE TO THE VERIZON ACCOUNT

RESOLVED, that this Legislature does hereby authorize the Orleans County Public Defender's Office to add a cell phone to the Verizon account, to be paid per month from Hurrell-Harring, #CSTWIDEHH33 budget category 1170.486.1001; and be it

FURTHER RESOLVED, that this Legislature approves the Cellular Phone Use Agreements for the following position – 1170.05 that will be using this Verizon cell phone.

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

RESOLUTION NO. 327-721

AUTHORIZING FILLING OF VACANCY IN PUBLIC DEFENDER'S OFFICE

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Third Assistant Public Defender (1170.06) in the Public Defender's Office at Grade 2 of the Management Salary Schedule, effective July 29, 2021.

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

RESOLUTION NO. 328-721

RESOLUTION APPROVING AGREEMENT 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 agencies:

Orleans County Office for the Aging, Albion, NY for the provision of outreach activities for Low Income Home Energy Assistance Program (HEAP) recipients; to be effective August 28, 2021 through August 27, 2022 at a cost of \$17,500. County cost is \$0.

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

RESOLUTION NO. 329-721

RESOLUTION AMENDING AND APPROVING AGREEMENT BETWEEN HILLSIDE CHILDREN'S CENTER AND THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Resolution No. 40-121 approved an agreement with Hillside Children's Center 1183 Monroe Avenue, Rochester, NY 14620, contract effective January 1, 2021 through December 31, 2021 for purchase of foster care for children.

RESOLVED, that this Legislature does hereby approve an addendum to this Agreement adding a menu of services that may be purchased during the contract year. All non-amended terms and conditions of the existing contract remaining in full force and effect, and be it further

FURTHER RESOLVED, that this Legislature does hereby approve increasing the total cost of the Agreement to not more than \$665,000.00. No change in local cost

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

RESOLUTION NO. 330-721

AUTHORIZING ACCEPTANCE BY DEPARTMENT OF SOCIAL SERVICES OF THE ADULT PROTECTIVE SERVICES GRANT FUNDED BY THE FEDERAL

ADMINISTRATION FOR COMMUNITY LIVING THROUGH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE DEPARTMENT OF SOCIAL SERVICES BUDGET

RESOLVED that this Legislature does approve the acceptance of the Adult Protective Services funds in the amount of \$5,611 from the federal Administration of Community Living through the Office of Child and Family Services, effective April 1, 2021 through May 31, 2022. Funds will be used to enhance, improve and expand the ability of Adult Protective Services to investigate allegations of abuse, neglect and exploitation in the context of COVID-19.

REVENUE:

01.6010.4610	Social Services Administration	\$5,611
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APPROPRIATION:

01.6010.0418	Other Contractual Expenses	\$5,611
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Moved, Miller; second, Eick.
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeRoller asked DSS Commissioner Nenni to comment about the new direction the department is headed. Commissioner Nenni stated that the Director of Services was a previously held position, upon retirement in 2020 it was abolished. Since then, we have been working to define what tasks are being done by everyone in the department. We found a lot of missing pieces. In order to be in accordance of the regulation and to keep families safe, it was decided this position needs to be filled. This will keep us in compliance and allow us to do our work. Legislator DeRoller commented that Ms. Nenni really looked for and founds gaps that need to be filled. The following resolution was adopted.

RESOLUTION NO. 331-721

AUTHORIZING 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, and due to a recent resignation, and reorganizations; now be it

RESOLVED, as a result of a promotion, that this Legislature does hereby authorize filling a full-time Clerk position (6010.0409) in the Department of Social Services at Grade 7 of the CSEA Salary Schedule effective July 29, 2021; now be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a full-time Director of Social Services position (6010.0100) in the Department of Social Services at Grade 7 of the Management Salary Schedule effective July 29, 2021; and be it

FURTHER RESOLVED, that the Legislature does authorize the Commissioner of Social Services to fill this newly created position effective July 29, 2021.

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

RESOLUTION NO. 332-721

APPROVING AGREEMENT BETWEEN OFFICE FOR THE AGING AND TOSHIBA BUSINESS SOLUTIONS

RESOLVED, that this Legislature approves an agreement between the Office for the Aging and Toshiba Business Solutions, 100 Colvin Woods, Ste 100, Tonawanda, NY 14150 to purchase from 01.6772.0220-Office Equipment, one (1) Toshiba e-Studio 3515-AC Color System machine effective September 1, 2021 for the life of purchased machine as follows:

Office for the Aging	e-Studio 3515AC	Purchase \$6,110.00
Above bill per copy B&W .0075 per page and Color .0475 per page		
with annual increase of 2.5%		

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

RESOLUTION NO. 333-721

AUTHORIZING SETTING UP NEW MONEY IN THE OFFICE FOR THE AGING'S BUDGET

RESOLVED, that this County Treasurer is authorized to set up new money as a result of 2021 American Rescue Plan Funding and Additional State allocations were received as follows:

REVENUE:

01.6772.3772	Office for the Aging- State Funding	\$15,939
01.6772.4772	Office for the Aging-American Rescue Federal Funding	\$16,918

APPROPRIATION:

01.6772.0100	Personal Services	\$8,756
01.6772.0210	Furniture & Furnishings	\$1,000
01.6772.0220	Equipment	\$6,110
01.6772.0419	MLR	\$808
01.6772.0441	Printing	\$5,000
01.6772.0459	Legal Fees & Services	\$1,000
01.6772.0462	Mileage	\$800
01.6772.0473	Nutrition	\$3,000
01.6772.0810	Retirement	\$543
01.6772.0820	Medicare	\$127

01.6772.0830	Social Security	\$577
01.6772.0840	Workman's Comp	\$1597
01.6772.0850	Unemployment	\$160
01.6772.0860	Health Insurance	\$3189
01.6772.0880	Disability	\$190

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

RESOLUTION NO. 334-721

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

WHEREAS, the following position is in demand due to a waiting list for home care service and this program is 75 % funded by the state; now be it

RESOLVED, the following position change 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 abolishing a part-time housekeeper aide position (6772.21); now be it

FURTHER RESOLVED, that this Legislature authorizes the creation of the full-time Housekeeper Aide (6772) at grade 2 of the CSEA Salary Schedule, and be it in the Office for the Aging, and be it

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

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

RESOLUTION NO. 335-721

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Labella Associates, P.C., 300 State Street, Suite 201, Rochester, NY 14614 to perform Engineering services for Bridge Inventory Management and Preventive Maintenance in Orleans County. LaBella will perform these services under the Term Agreement for Professional Architectural and Engineering Services, Resolution no. 47-217; and be it

RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$56,300.00; to be paid out of the Capital Infrastructure Projects Bond Money for Bridge Improvements Account #H-5120.250; and be it

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

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

RESOLUTION NO. 336-721

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Labella Associates DPC, 300 State Street, Suite 201, Rochester, NY 14614 to provide Construction Inspection for the Replacement of Transit Road Bridge over West Branch of Sandy Creek in the Town of Murray. Bin #3319240, Pin 4BNY.28; and be it

RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$150,000.00 and is 95% reimbursable through the "Bridge NY" Funding Program; to be paid out of the Road Fund budget account 03.5120.0470.2285; County cost \$7,500.00; and be it

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

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

RESOLUTION NO. 337-721

AMENDING RESOLUTION NO. 540-1220 BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES

WHEREAS, Resolution 540-1220 approves an agreement with LaBella Associates to perform engineering services for Culvert Inspection and GIS Project in Orleans County; and

WHEREAS, Labella Associates was unable to complete the project in 2020 due to COVID pandemic restrictions; therefore be it

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

FURTHER RESOLVED, this agreement is at a cost not to exceed \$34,000.00; to be paid out of the Capital Project Infrastructure for Culvert Improvements Account #H-5120.251.

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

RESOLUTION NO. 338-721

APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND TRANE

RESOLVED, that this Legislature approves an agreement with Trane, 45 Earhart Drive, Suite 103, Buffalo, New York 14221 to perform repair services for a valve replacement on HVAC equipment at the County Office Building North at a cost of \$5,994.00; to be paid out of the Buildings and Grounds Division budget account 01.1620.0403; and be it

FURTHER RESOLVED, the pricing is through the National IPA Omnia Partners Contract #15JLP023, contract period: August 2, 2021 through December 31, 2021; and that the Chairman is authorized to execute agreement subject to review and approval of the County Attorney and Chief Administrative Officer.

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

RESOLUTION NO. 339-721

APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND TRANE AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS TO THE BUILDING AND GROUNDS DIVISION BUDGET

RESOLVED, that this Legislature hereby approves an agreement with Trane, 45 Earhart Drive Suite 103, Buffalo, New York 14221 to replace pneumatic VAV controls and interface into existing Trane Building Logix building automation system at a cost of \$258,840.00, pricing through National IPA Omnia Partners contract #15JLP023; to be paid out of the Buildings and Grounds Division budget 01.1620.0470; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer the funds as follows:

<u>FROM</u>		
01.1990.0435	Contingent Fund	\$258,840.00
<u>TO</u>		
01.1620.0470	Capital Construction Project	\$258,840.00

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

RESOLUTION NO. 340-721

APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND TRANE AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS INTO THE BUILDING AND GROUNDS DIVISION BUDGET

WHEREAS, the County has been placing numerous service calls to repair the existing HVAC equipment at the County Office Building North location; and

WHEREAS, the equipment has passed its life expectancy and parts are difficult to obtain; therefore be it

RESOLVED, that this Legislature hereby approves an agreement with Trane, 45 Earhart Drive Suite 103, Buffalo, New York 14221 to supply and install a Turnkey Chiller and pump replacement at a cost of \$355,674.11, pricing through National IPA Omnia Partners contract #15JLP023; to be paid out of the Buildings and Grounds Division budget 01.1620.0470, and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer the funds as follows:

FROM
01.1990.0435 Contingent Fund \$355,674.11

TO
01.1620.0470 Capital Construction Projects \$355,674.11

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

RESOLUTION NO. 341-721

AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR A GRANT THROUGH THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, the County of Orleans hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15; and

WHEREAS, the County of Orleans certifies that it has identified \$177,500.00 of matching funds from the Department of Public Works Buildings and Grounds Division budget 01.1620.0470 pursuant to the requirements of Environmental Conservation Law Article 54 Title 15; therefore be it

RESOLVED, that this Legislature hereby authorizes the Commissioner of Public Works John Papponetti to act on its behalf in submittal of an application through the Consolidated Funding Application for \$177,500.00, to be used for the Chiller Replacement at the Orleans County Office Building North location.

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

RESOLUTION NO. 342-721

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a Project for the Replacement of County Line Road Bridge over Jeddo Creek NYSDOT Contract #D040340, P.I.N. 40R0.05, BIN: 3318870 in the Town of Ridge (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$25,300.00 for County Line Road Bridge for Preliminary Engineering, Design and ROW Incidentals; and

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

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

RESOLVED, that the Orleans County Legislative Board hereby authorizes the County of Orleans to pay in the first instance 100% of the federal and non-federal share of the cost of \$126,500.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$126,500.00 is hereby appropriated from the County of Orleans and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County of Orleans shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYS Department of Transportation thereof; and it is further

RESOLVED, that the Chairman of the Legislative Board of the County of Orleans be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Orleans with the New York

State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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

FURTHER RESOLVED, that this Agreement is for Preliminary Engineering, Design and ROW Incidentals for a total cost of \$126,500.00; Federal Share of \$101,200.00; County Cost \$25,300.00; effective July 6, 2021 through July 6, 2031; to be paid out of budget code 03.5120.470.XXXX. Resolution shall take effect immediately.

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

RESOLUTION NO. 343-721

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 to the Department of Public Works Buildings and Grounds Division budget to cover the cost of materials for the Courthouse Square Sidewalks, Landscaping, and Lighting Improvements as follows:

FROM:

Infrastructure Reserve	\$50,000.00
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TO:

01.1620.0470	Capital Project	\$50,000.00
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Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 344-721

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.250, Capital Project – Infrastructure Project – Bridge Replacement Program:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$3,037.50	Labella Associates	Professional Services Angling Road Bridge

\$1,080.00 Labella Associates Professional Services for Lakeshore Road Bridge

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$9,436.00	Labella Associates	Culvert Inspection and GIS Database
\$2,990.00	Labella Associates	Culvert Inspection and GIS Database

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

RESOLUTION NO. 345-721

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT LAKE ONTARIO REDI ACCOUNT

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$3,583.75	Wendel	Professional services for Lakeshore Road REDI Project rendered through 6/30/21

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

RESOLUTION NO. 346-721

AUTHORIZING EMERGENCY MANAGEMENT OFFICE TO APPLY FOR THE FMGLOBAL FIRE PREVENTION GRANT

RESOLVED, that this Legislature authorize the Director of Emergency Management to apply for a new funding opportunity for Arson Prevention/Fire Investigation from the FMGlobal Fire Prevention Grant Program at no cost to the county, with an application deadline of September 30, 2021; and be it

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

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

RESOLUTION NO. 347-721

APPROVING EXTENSION TO INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT BETWEEN NYSDHSES AND EMERGENCY MANAGEMENT

WHEREAS, Resolution No 318-718 approved an extension with the New York State Department of Homeland Security and Emergency Services for the Mutualink Intergovernmental Memorandum of Agreement and that extension expired on January 31, 2021; now be it

RESOLVED, that this Legislature approves an extension with New York State Department of Homeland Security and Emergency Services Statewide Interoperable Communications and Emergency Management for the Intergovernmental Memorandum of Agreement #X600134 – Mutualink, at no cost to the county; said extension to be in place through March 31, 2024.

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

RESOLUTION NO. 348-721

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

WHEREAS, Resolution 232-521 authorized the agreement with NYS Department of Homeland Security for the FY2021 Emergency Management Performance Grant (EMPG); now be it

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend FY2021 Emergency Management Performance Grant Funds in the amount of \$20,787 and \$20,787 in matching funds from Emergency Management Other Equipment Budget line 01.3640.0250 and \$12,699 from Emergency Management Other Miscellaneous Budget Line 01.3640.0418 for an upgrade to the EMO main building/radio system UPS from L3 Harris PSPC, 221 Jefferson Ridge Parkway, Lynchburg, VA 24501, NYS OGS Contract #PT67542; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up FY2021 EMPG Grant Funds in the Emergency Management budget as follows:

REVENUE:

01.3640.4309.0021	Emergency Management Performance Grant	\$20,787
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APPROPRIATION:

01.3640.0486.0021	Special Grants – EMPG FY21	\$20,787
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Moved, Eick; second, Miller.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 349-721

AUTHORIZING EXPENDING GRANT FUNDS AND AUTHORIZING THE TREASURER TO SET UP MONEY IN THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, Res No 146-320 authorized Emergency Management to accept the SHSP FY2020 grant and Res No 189-421 authorized out of state travel for the Chairman of the Legislature, Director and Deputy Director of Emergency Management to travel to the 2021 National Homeland Security Conference in Las Vegas, NV; now be it

RESOLVED, that this Legislature authorize the Treasurer to set up money in the Emergency Management budget for registration, airfare and lodging at the 2021 NHSC as follows:

REVENUE:

01.3640.4309.2020 State Homeland Security Grant Program \$6,000

APPROPRIATION:

01.3640.0486.2020 Special Grants-SHSP FY2020 \$6,000

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

RESOLUTION NO. 350 -721

AUTHORIZING THE TREASURER TO SET UP MONEY IN THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, Res No 280-618 approved to continue participation in the State Homeland Security Program (SHSP) grant cycle and the performance period ends on August 31, 2021; now be it

RESOLVED, that this Legislature authorize the Treasurer to set up the remaining SHSP FY18 grant funds as follows:

REVENUE:

01.3640.4309.2018 State Homeland Security Grant \$896

APPROPRIATION:

01.3640.0486.2018 Special Grants-SHSP FY18 \$896

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

RESOLUTION NO. 351-721

AMENDING RESOLUTION NO 86-221 DUE TO A CHANGE IN ALTERNATE REPRESENTATIVES ON THE ORLEANS COUNTY EMS COUNCIL

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

WHEREAS, Central Orleans Volunteer Ambulance (COVA) has a new alternate representative for the EMS Board; now be it

RESOLVED, that this Legislature approve removing Chuck Prentice and adding Jonathon Miller as the Central Orleans Volunteer Ambulance alternate representative.

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

Chairman Lynne Johnson stated that according to the FCC definition, most of Orleans County has high-speed access to the internet. Although the residents continually report that service is slow and unreliable. And with only one provider serving much of the county, customers have little leverage to demand better service. Today marks the end of an ambitious and long sought-after quest, and the beginning of a new era for Orleans County-high-speed, reliable and affordable internet for every home and every business across out county. Our ability to diversify our economic base is dependent on modern infrastructure, and that includes broadband. We can say, 'Come and work here.' But, if we don't have a modern amenities, modern infrastructure, that sales pitch falls flat. High-speed internet breaks down those barriers of distance and time, allowing resident of rural areas to participate in economic and civic life far beyond their geographic region. Whether it is working from home, or finding & training for a new job, telehealth or our farmers competing in the global market. And let us not forget our children having to complete required online courses; ultimately it is the availability of high-speed internet that will benefit the entire county in ways too numerous to mention. It is essential that we act to finally close the digital divide that has kept so many of our rural communities from reaching their full potential. The following resolution was adopted.

RESOLUTION NO. 352-721

AWARDING BID FOR WIRELESS INTERNET SERVICES FOR ENTIRE COUNTY OF ORLEANS FOR THE EMERGENCY MANAGEMENT OFFICE

WHEREAS, the Orleans County Department of Emergency Management Office sought bids for expanding access to mobile emergency services such as E-911 and E-911 Text, and

WHEREAS, the Orleans County Legislature is committed to insure access coverage to every address unserved in Orleans County with access to wireless internet services, and

WHEREAS, the Orleans County Legislature is desirous for our underserved residents and businesses of Orleans County to have a choice for their internet service with a Wireless Internet Services, and

WHEREAS, the leveraging of funds from the American Rescue Plan Act allows Orleans County Legislature to move forward in obtaining broadband for our unserved residents and businesses as well as our underserved residents and businesses, now be it

RESOLVED, that the Orleans County bid for Wireless Internet Services be awarded to RTO Wireless, LLC, 30 Lowell Road, Wellesley, MA 02481 at a cost of \$3,608,435.00; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute said agreement to be effective as soon as the County gives notice to proceed and is subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Miller

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

CAO Welch stated this enhanced Federal Medical Assistance is from the Affordable Care Act providing high level of medical services to their low income residents. There are also additional funding that has been compounded even through the COVID event. The last time it was reconciled was March of 2016. We asked the NYS Division of budget how much money was available to use. They have no record of owing us money. We then asked the Department of Health and they do know they owe us money from April 2016 for 4 years through March of 2020. They owe us \$1,600,000.00. It is difficult to get one state department to speak to another. This resolution asks them to release the funds. The following resolution was adopted.

RESOLUTION NO. 353-721

RESOLUTION CALLING ON THE GOVERNOR TO COMPLETE AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE RECONCILIATIONS THAT ARE YEARS OVERDUE AND IMMEDIATELY RELEASE THE FEDERAL FUNDS OWED TO COUNTIES AND NEW YORK CITY

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the state requires the counties and New York City to contribute \$7.6 billion annually to pay for the federal and state defined and controlled program; and

WHEREAS, the locally required share of Medicaid funding paid in New York is the highest of any state in the country; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, under the Affordable Care Act the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York state billions of dollars; and

WHEREAS, the state is required under federal law to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match; and

WHEREAS, the state has utilized a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue; and

WHEREAS, the balance of savings owed to counties is supposed to be reconciled annually to ensure the withheld savings are transferred to county budgets and local taxpayers, as well as meeting the intent of federal law; and

WHEREAS, the last completed reconciliation was for state fiscal year 2015-16; and

WHEREAS, this leaves reconciliations four years behind the normal schedule, with more than \$800 million in federal funds being withheld from counties and New York City, by NYSAC estimates; and

WHEREAS, by not providing these federal funds it requires counties and New York City to reserve funds locally to make up for the loss, meaning local taxes have been kept higher than they need to be over multiple years, or local services had to be scaled back or eliminated; and

WHEREAS, in the years leading up to the last completed eFMAP reconciliation, counties were provided an estimate of their coming year Medicaid costs by September, in time to incorporate the savings in their budgets, which ceased when regular reconciliations ended.

NOW, THEREFORE, BE IT RESOLVED, the New York State Association of Counties (NYSAC) urges the Governor to complete these unfinished reconciliations as soon as possible and to provide counties and New York City a full accounting of the federal funds owed, and to take immediate steps to release the funds to localities; and

BE IT FURTHER RESOLVED, the state should also renew its practice of providing timely notice to counties of coming year Medicaid costs so we can appropriately budget those savings for local taxpayers and to preserve highly desired quality of life services provided locally; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the counties of New York State encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED that NYSAC shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, and all others deemed necessary and proper.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 354-721

AUTHORIZING PAYMENT OF CLAIMS FOR AUGUST 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 August 11, 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 August 25, 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, Allport; second, Draper.
Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Johnson ask the Legislator for any old or unfinished business. Given none, the chairman asked for any public comment and she received none.

Legislator Eick moved to enter into executive session at 5:12 p.m. per Open Meetings Law §105 (f) to discuss a personnel item, second by Legislator Draper. Motion Carried. Personnel Director Katie Harvey was invited into the executive session.

Legislator Eick moved to exit out of executive session and reconvene the regular meeting at 6:07 p.m.; second by Legislator Draper. Motion Carried.

Legislator DeFilipps moved to adjourn; second by Legislator Allport. Meeting adjourned at 6:08 p.m.