

Legislature Meeting September 22, 2021

Chairman Lynne Johnson called the meeting to order at 4:34 p.m. Veteran Legislator Kenneth DeRoller led us in the Pledge to the Flag and invocation followed by a moment of silence for Geary Shenck. Mr. Shenck was a prior Town of Clarendon Supervisor and Board of Supervisors member.

Clerk Lisa Stenshorn called the roll. All Legislators were present in the Chambers with the exception of Legislator Draper.

The Clerk presented the following Communications:

Treasurer Kimberly DeFrank has filed the following audits performed by the EFPR Group in the Clerk of the Legislature Office:

- 1) Audit Report – For the Year Ended December 31, 2020
- 2) New York State Department of Transportation Audit Report – December 31, 2020
- 3) Orleans County Sheriff's Account – Independent Accountants' report on applying agreed-upon Procedures – year end December 31, 2020

Also received was a motion made and approved by the Town of Carlton that restrictions set by the County be removed on the property located at 926 Point Breeze Road, tax map # 7.10-1-73.1. Diana Fulcomer of GCASA as requested to light up the Courthouse for Red Ribbon Week, this is the Nation's oldest and largest drug prevention awareness program celebrated each year. This year it will be October 23-31. All present Legislators were in agreement to light the Courthouse Dome red for Red Ribbon Week. And lastly, County Clerk Nadine Hanlon received a letter from Paul Dittman commenting on the customer service he received from Joanne Marek in the County Clerk's office. Letter read aloud.

Good Morning,

I will apologize in advance as I am not sure of the Orleans County organizational structure and to whom Joanne Marek reports. Hopefully, it is through the County Clerk's Office!

I work for a large regional retailer known for customer service and I am not often surprised when it comes to impressive service. However, Joanne Marek continues to be an exception.

The speed in which the mail-in transactions are processed is amazing. Also, there was a recent issue with the paperwork I was given from a gun shop in regards to a pistol purchase. I submitted it with a note; concerned it may not be adequate and I assumed if not adequate, I would be asked to rectify the situation. Joanne contacted the store to acquire revised paperwork and then called me to apologize for the delay! I was amazed and very thankful!

I have returned to sport shooting and made 4 recent additions/deletions to my permit. I continue to be impressed with the epic customer service of Joanne. She is a true asset to your organization, and Orleans County Government.

Thank you,
Paul Dittman

Legislator Allport acknowledged Deputy Ashleigh Stornelli for receiving the 'Women of Distinction' award from Senator Robert Ortt. Sheriff Bourke stated that he is very thankful that Senator Rob Ortt giving this award to Orleans County Deputy Stornelli. This normally would have taken place in Albany, but this year it was held at the Orleans County Sheriff Office.

Ashleigh has been a school resource officer and now working the midnight shift. There is a lot of movement in the sheriff office and sure she will move be on to bigger and better things. Sheriff Bourke thanked Senator Ortt and the County Legislature for supporting the Deputies and Ashleigh. Deputy Ashleigh Stornelli stated that she is very appreciative of the award and thanked Senator Robert Ortt.

Legislator Allport stated that he is grateful every day for anyone in law enforcement because it is vital to the rule of law. Sheriff Christopher Bourke and his staff were presented with a Proclamation declaring the week of September 19-25, 2021 as Sheriff Week. Sheriff Bourke stated it is an honor and privilege to serve as Sheriff in Orleans County. We are very lucky to be in this county. We have top notch police from top to bottom. They are dedicated to doing the job well. It is a disgrace how they have been treated for the last twenty months across this state and county. They are good people doing great work, still coming to work every day. I appreciate the work they do. I am also appreciative the Orleans County Legislature and CAO Jack Welch for working with us and being supportive of the programs we have going and helping us obtain the goals we have set. I thank all of our office personnel, Jail, Animal Control, Marine Division, Civil Division and Dispatchers. We really have a great group. Sheriff Bourke also introduce the new Undersheriff Gifaldi and Chief Robin Riemer.

Treasurer Kimberly DeFrank has distributed the monthly financial report. The independent audit for 2020 has been completed and filed, cash flow is doing well. The Treasurer office has been busy collecting school taxes for Medina and Lyndonville. This is going very well.

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

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

RESOLUTION NO. 397-921

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY CLERK AND NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, Resolution No. 457-1208 and 196-515 authorized a Use and Dissemination Agreement for the purposes of the issuance of EDL's (Enhanced Drivers Licenses) and CDL's (Commercial Drivers Licenses); and

WHEREAS, the Orleans County Clerk, in her capacity as agent for the NYS Department of Motor Vehicle, must obtain an Originating Agency Identifier (ORI) for the purpose of conducting fingerprint/background checks for County employees who will be involved with the issuance of EDL's and CDL's; now be it

RESOLVED, that this Legislature authorizes an updated Use and Dissemination agreement between the Orleans County Clerk and the New York State Division of Criminal Justice Services for Orleans County to obtain its own identifier from DCJS to process fingerprint/background checks for County employees who will be involved with the issuance of EDL's and CDL's.

Moved, DeFilipps; second, DeRoller

Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 398-921

APPROVING AGREEMENT BETWEEN REAL PROPERTY TAX SERVICES AND TOWNS OF ALBION AND GAINES

RESOLVED, that this Legislature approves an agreement between the Real Property Tax Services office and the Towns of Albion and Gaines for the provision of assessment services to the towns effective October 1, 2021 through September 30, 2026 cost to be reviewed and adjusted annually per the agreement and approved in the annual final County Budget.

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

RESOLUTION NO. 399-921

AUTHORIZING CREATING AND FILLING POSITION IN THE COMPUTER SERVICES DEPARTMENT

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

RESOLVED, that this Legislature does hereby authorize creating a permanent full time Senior Computer Specialist position in the Computer Services Department at Grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective September 23, 2021.

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

RESOLUTION NO. 400-921

APPROVING EXTENSION OF AGREEMENT BETWEEN COUNTY TREASURER AND EFPR GROUP, CPA FOR INDEPENDENT AUDIT.

WHEREAS, it is the recommendation of the County Treasurer to renew the auditing contract with EFPR Group, CPAs for three extension years; and be it

RESOLVED, that this Legislature approves the extension of a three-year agreement between the County of Orleans and EFPR Group, CPAs, 100 South Clinton Ave., Rochester, NY 14604, to provide auditing services for the fiscal years 2021, 2022 and 2023 at a cost of \$28,250 per year, including the General Purpose Financial Statements single audit, the NYS Department of Transportation audit, Sheriff and Jail Accounts audit, and all out of pocket costs. Cost of Audit will be billed to maximize reimbursement to Treasurer, Department of Social Services, Workforce Investment Act (WIA), and the Dept. of Public Works

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

RESOLUTION NO. 401-921

AUTHORIZING COUNTY TREASURER TO PLACE ADVERTISEMENT REGARDING UNPAID TAXES

RESOLVED, that pursuant to a request from the County Treasurer, this Legislature authorizes the placement of a notice in the Lake Country Pennysaver notifying the delinquent taxpayers that failure to pay their 2021 taxes will result in the County filing a tax lien against said property as required by New York State Property Tax Laws.

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

RESOLUTION NO. 402-921

APPROVING UPDATED INVESTMENT POLICIES AND GUIDELINES FOR THE COUNTY OF ORLEANS, NEW YORK

WHEREAS, New York State has maintained one of the nation's strictest investment guidelines for county and municipal public funds and;

WHEREAS, New York State has recently expanded the list of authorized investment options and;

WHEREAS, the County Treasurer would like the opportunity to maximize the taxpayers' dollars by investing in some of these other allowable types of investments; therefore be it

RESOLVED, that this Legislature does hereby approve that the updated "Investment Policy and Guidelines for County of Orleans, NY" as submitted by the Orleans County Treasurer, including diversification, internal controls, collateralization, securing deposits and investments, permitted investments, authorized financial institutions and dealers, and purchase of investments, is hereby approved and adopted.

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

RESOLUTION NO. 403-921

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	STANDAR	Term	Days/	Not
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		D WORK DAY (Hrs/day)		month	Sub- mitted
APPOINTED OFFICIALS					
John Sansone	3 rd Asst District Attorney	6	1/1/2021-12/31/2024	4.46	
John Gavenda	2 nd Asst District Attorney	6	1/1/2021-12/31/2024	7.40	

Moved, DeFilippis; second, DeRoller
 Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 404-921

RELEASE FROM DEED RESTRICTION PART OF 926 POINT BREEZE ROAD CARLTON
 PART OF TAX ACCOUNT NUMBER 7.10-1-73.1

AUTHORIZING Chairman of the Legislature to execute a release from deed restriction regarding property at 926 Point Breeze Rd. part of tax map 7.10-1-73.1, specifically removing the condition from the Treasurer tax sale deed dated January 21, 1983 recorded on February 24, 1984 in liber 409 page 253, stating that no building ever be constructed on these premise without first containing a release of this condition from the County of Orleans.

Said resolution has been recommended by the Town Board of the Town of Carlton.

Moved, DeRoller; second, DeFilippis
 Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 405-921

AUTHORIZING FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature does hereby authorize filling the vacant full time Assistant Clinic Coordinator position (4310.02) in the Mental Health Department at Grade 6 of the Management Salary Plan schedule effective September 23, 2021.

Moved, Allport; second, Eick
 Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 406-921

APPROVING AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND LIBERTY RESOURCES

RESOLVED, that this Legislature does hereby approve the following renewal agreement between the Health Department and Liberty Resources Liberty Resources, 1045 James Street, Syracuse, NY 13203. This Contract is to provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from the New York State Education Department and Medicaid. Center-based tuition, evaluation rates and SEIS rates are set by New York State.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 407-921

AMENDING RESOLUTION NO. 333-820 EXTENDING CONTRACT BETWEEN THE HEALTH DEPARTMENT AND HEALTH RESEARCH INC. (HRI), AUTHORIZING TREASURER TO SET UP NEW MONEY AND AUTHORIZE PURCHASE

WHEREAS the Legislature approved Resolution 333-820 between the Orleans County Health Department and Health Research Incorporation (HRI) ending on August 30, 2022; now be it

RESOLVED that the Legislature approves an amendment to the contract that extends the contract through March 31, 2023 and accept additional funding in the amount of \$320,360; and be it

FURTHER RESOLVED that the Legislature approves the Orleans County Treasurer to set up new money in the Public Health budget as follows:

REVENUE:

01.4010.4489	Bioterrorism Preparedness	\$100,000
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APPROPRIATIONS:

01.4010.0250	Other Equipment	\$ 95,000
01.4010.0487	Environmental Health Supplies	\$ 5,000

FURTHER RESOLVED that the Legislature does hereby approve the purchase of a QIAcuity One 5plex Platform System digital PCR instrument for detecting COVID-19 in wastewater in the amount of \$47,092 as awarded by joint bid with Genesee County from QIAGEN LLC, 19300 Germantown Road, Germantown, MD 20874-1415. No County Cost.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 408-921

AUTHORIZING SETTING UP NEW MONEY AND MAKING PURCHASES FROM PUBLIC HEALTH DEPARTMENT BUDGET

WHEREAS, the Health Department was awarded a grant from Health Research Inc. to coordinate with local school districts on implementing a reopening plan that includes COVID-19 testing (Resolution No. 317-721)

RESOLVED, that the Orleans County Treasurer is authorized to set up new money as a result of this grant as follows:

REVENUE:

01.4010.4489	Bioterrorism Preparedness	\$ 74,000
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APPROPRIATIONS:

01.4010.0402	Laboratory	\$ 64,000
01.4010.0489	Nursing Supplies	\$ 10,000

FURTHER RESOLVED, that this Legislature does hereby authorize the Health Department to purchase from McKesson Medical Surgical, as the distributor for Abbott, five (5) Abbott ID Now Analyzers at a cost of \$4,500 each totaling \$22,500 and 75 Abbott ID Test Kits at a cost of \$984.00 per kit for a total of \$73,800;

FURTHER RESOLVED, that this Legislature does hereby authorize the Health Department to purchase PPE required for implementation of this grant from Nixcovid LLC, 1504B W 23rd Street, Houston, TX 77908, in the amount of \$11,340. No County Cost

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 409-921

APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE SHERIFF'S OFFICE AND VARIOUS AGENCIES FOLLOWING APPROVING CERTIFICATION OF THE 2022 STOP DWI PLAN BETWEEN THE SHERIFF'S OFFICE AND THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES-GOVERNOR'S TRAFFIC SAFETY COMMITTEE AND AUTHORIZING THE COUNTY TREASURER TO SET UP SUCH FUNDS

RESOLVED, that this Legislature approves the Certification of the 2022 STOP-DWI PLAN with the New York State Department of Motor Vehicles-Governor's Traffic Safety Committee, 6 Empire State plaza, Albany, NY 12228, for a budget of \$61,037.00, for the annual plan year January 1, 2022 through December 31, 2022, now be it

FURTHER RESOLVED, that this Legislature does hereby approve Memorandum of Understanding by distributing allocations for enforcement activity of personal and equipment services for the purpose of fulfilling and following the certification of the 2022 STOP DWI Plan between the Sheriff's Office and the New York State Motor Vehicle-Governor's Traffic Safety Committee with the following agencies as set forth in the 2022 STOP DWI Certification plan: Orleans county Probation Department, Village of Albion Police Department, Village of Holley Police Department and Village of Medina police Department, now be it

FURTHER RESOLVED, that such funds in the amount of \$61,037.00 shall be deposited by the Orleans County Treasurer upon receipt of same, and the Orleans County Treasurer shall disperse the funds in accord with the allocations set forth in the 2022 STOP DWI Certification Plan.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 410-921

AUTHORIZING THE FILLING OF VACANCIES, ABOLISHING AND CREATING POSITION'S IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature does hereby abolish one (1) full-time Juvenile Aid Officer position (3110.07) in the Sheriff's Office, effective September 23, 2021; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize to fill one (1) part-time Correction Officer position (3150.40) in the Sheriff's Office, effective September 23, 2021; and be it

FURTHER RESOLVED, this this Legislature does hereby authorize the creation of a full-time Criminal Investigator position in the Sheriff's Office at Grade 3 of the OCDSA Salary Schedule, effective September 23, 2021; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of this newly created full-time Criminal Investigator position in the Sheriff's Office, effective September 23, 2021.

FURTHER RESOLVED, that this Legislature, pending the filling of the vacant Criminal Investigator position, authorizes the filling of subsequent vacancies in the Sheriff's Office due to promotions per the OCDSA Salary Schedule, effective September 23, 2021.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 411-921

AMENDING RESOLUTION NO. 324-721 IN THE SHERIFF'S OFFICE

WHEREAS, Resolution No. 324-721 approved the filling of the vacant permanent fulltime Undersheriff position (3110.02) in the Sheriff's Office; now be it

RESOLVED, that this Legislature amends Resolution No. 324-721, authorizing the Sheriff to fill the vacant Undersheriff Position in the Sheriff's Office at Grade 11, Step 6 of the Management Compensation Plan effective September 20, 2021; and be it

FURTHER RESOLVED, that this Legislature, pending the filling of the vacant Undersheriff position, authorizes the filling of subsequent vacancies in the Sheriff's Office due to promotions, at the grade of each position available per the Management Compensation Plan and/or the OCDSA Salary Schedule, effective September 20, 2021.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 412-921

MODIFYING RESOLUTION NO. 225-520 TO CORRECT THE RENTAL AGREEMENT WITH THE ORLEANS COUNTY PUBLIC DEFENDER

WHEREAS, Resolution No. 225-520 provided for a rental agreement with the Public Defender's Office for office space and the partial reimbursement thereof for a portion of said rent to be reimbursed by Indigent Legal Services; and

WHEREAS, the amount of rent needs to be corrected to reflect the proper amount per square foot, as well as the amount of usable space; and be it

RESOLVED, that this Legislature agrees to modify Resolution No. 225-520; and it is hereby

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute, on behalf of the County, a Corrected Office Rental Agreement with the Orleans County Public Defender's Office, retroactive to May 1, 2020, to account for rent associated with the office space for the Public Defender's Office, including the allocation of said rent; and it is hereby

FURTHER RESOLVED, that the Treasurer's Office shall prepare a monthly voucher for rent and the Public Defender's Office shall submit a Claim for Payment to Indigent Legal Services for reimbursement in the amount of \$954.37 per month; and it is hereby

FURTHER RESOLVED, that said reimbursement for rent for the first year (May 1, 2020–March 31, 2021) shall be covered under Contract #CSTWIDEHH33. Any contribution by Indigent Legal Services towards rent thereafter shall require the express prior approval of Indigent Legal Services.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 413-921

MODIFYING RESOLUTION NO. 269-620 PERTAINING TO FULL-TIME PUBLIC DEFENDER

RESOLVED that this Legislature authorizes the modification of Resolution No. 269-620, with respect to the provision authorizing “the Public Defender to have an annualized stipend of \$33,780, effective July 1, 2020”; and be it

FURTHER RESOLVED that this annualized stipend shall be subject to an annual increase of 2%, retroactive to July 1, 2021; and be it

FURTHER RESOLVED that this stipend, including the annual increase in the annual stipend and associated fringe, shall be covered by Contract #CSTWIDEHH33, and any subsequent contract; and be it

FURTHER RESOLVED, that this stipend, annual increase and fringe shall continue for so long as it is permitted under #CSTWIDEHH33, and any subsequent contract; and be it

FURTHER RESOLVED that all other terms and provisions contained in Resolution No. 269-620 shall remain in full force and effect unless otherwise modified by future Resolution.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 414-921

SUPPLEMENTING RESOLUTIONS NO. 87-220 AND NO. 539-1219 REGARDING THE FULL-TIME ASSISTANT PUBLIC DEFENDER POSITION

RESOLVED that this Legislature authorizes the modification of Resolutions No. 87-220 and No. 539-1219 related to the full time Assistant Public Defender position; and be it

FURTHER RESOLVED that said position shall be treated as an employee having eight (8) years of employment for annual leave purposes; and be it

FURTHER RESOLVED that the additional annual stipend of \$10,000 provided for in Resolution No. 87-220, shall be subject to automatic annual increases. As set forth in that resolution, this stipend shall expire when it is no longer eligible for reimbursement from the NYS Office of Indigent Legal Services; and be it

FURTHER RESOLVED that all other terms and provisions contained in Resolutions No. 87-220 and No. 539-1219 shall remain in full force and effect unless otherwise modified by future Resolution.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 415-921

AUTHORIZING A FELONY STIPEND FOR THE FULL-TIME ASSISTANT PUBLIC DEFENDER

RESOLVED that this Legislature authorizes the full time Assistant Public Defender to receive an annualized stipend in the amount of \$6,500, plus fringe and automatic annual increases, representing a Felony stipend for that position; and be it

FURTHER RESOLVED that the Felony stipend shall commence on the date of hire for that position. In addition, the annualized salary of \$6,500 shall be subject to automatic annual increases; and be it

FURTHER RESOLVED that the Felony stipend shall continue until funds are no longer is available under Contract #CSTWIDEHH33, and any subsequent contract.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 416-921

AUTHORIZING STIPENDS FOR PUBLIC DEFENDERS FOR CAP COURT ROTATION

RESOLVED, that this Legislature authorizes the payments of stipends for three (3) part-time Assistant Public Defenders and one (1) full-time Public Defender for covering CAP Court; and be it

FURTHER RESOLVED that the stipends shall be for the period commencing July 11, 2021, and continue through July 10, 2022, for position codes 1170.01, 1170.05, and 1170.13. Said stipends shall be retroactive to July 11, 2021, and shall thereafter be paid in equal payments as part of each attorney's regular pay schedule; and be it

FURTHER RESOLVED that the stipend for position code 1170.06 shall commence on July 29, 2021, and continuing through July 10, 2022. Said stipend shall be retroactive to July 29, 2021, and shall thereafter be paid in equal payments as part of that attorney's regular pay schedule; and be it

FURTHER RESOLVED that the stipends shall be in the amount of \$10,000.00 per attorney, per year, with fringe in the amount of \$2,415.00, per attorney; and be it

FURTHER RESOLVED that each of the above attorneys shall be entitled to mileage reimbursement for the round trip distance between their home and the CAP Court, consistent with the Orleans County rate, which is currently \$0.55 per mile, and upon submission of a voucher verifying itemizing and verifying same; and be it

FURTHER RESOLVED that these additional stipends shall have no County cost as the amounts for this Resolution shall be paid through grant funding from Indigent Legal Services, grant #CSTWIDEHH33, or any other grant; and be it

FURTHER RESOLVED that the stipend payment shall expire when this stipend is no longer eligible for reimbursement under the grant from Indigent Legal Services; ad be it

FURTHER RESOLVED that the Resolution herein supersedes and replaces Resolution No. 159-421.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 417-921

AUTHORIZING NON-PUBLIC DEFENDER ATTORNEYS TO PROVIDE COVERAGE FOR THE CENTRALIZED ARRAIGNMENT PART (CAP), TO BE MONITORED BY THE ORLEANS COUNTY PUBLIC DEFENDER'S OFFICE

WHEREAS, there currently exists a Centralized Arraignment Part (CAP) Plan in Orleans County, which requires coverage during two (2) sessions each day of the year, or approximately sixty (60) sessions per month; and

WHEREAS, additional coverage outside the Public Defender's Office is necessary; and it is hereby

RESOLVED, that this Legislature authorizes non-Public Defender attorneys (ie. private attorneys and/or Assigned Counsel Program panel attorneys) to assist with the coverage necessary for CAP sessions for the purpose of providing counsel for defendants at initial arraignments, as set forth in the CAP Plan. The scheduling and reimbursement shall be handled by the Public Defender's Office. All attorneys participating in said CAP sessions shall be paid upon a submission of a monthly voucher and in accordance with an Agreement; and be it

FURTHER RESOLVED that the stipend(s) paid to the participating attorney(s) shall not exceed a combined total of \$25,000 per year; and be it

FURTHER RESOLVED, that this additional stipend shall have no County cost as the amounts for this Resolution shall be paid through grant funding from ILS, grant #CSTWIDEHH33, or any future grant funding.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 418-921

MODIFYING RESOLUTION NO. 157-417 REGARDING PAROLE REVOCATION STIPENDS

WHEREAS said Resolution No. 157-417 refers to prorated salaries for "Parole Revocation Attorneys". Said funding is provided through the NYS Office of Indigent Legal Services and was initially set forth under #C000734, and any subsequent grants; and

WHEREAS said Resolution No. 157-417 provides for "pay parity" increases, and a Parole salary for an attorney to handle Parole Revocation matters; and

WHEREAS the language contained in Resolution No. 157-417 is confusing and requires clarification; and

WHEREAS the amount for the annualized Parole salary and one of the pay parity amounts each require a nominal increase; and be it hereby

RESOLVED that this Legislature authorizes the modification of Resolution No. 157-417 related to "Parole Violation attorney and assistant positions"; and be it

FURTHER RESOLVED that the grant provides for Parole Revocation and pay parity salaries; and be it

FURTHER RESOLVED that pay parity in the annualized amount of \$1,949 per year, plus fringe, shall continue to be paid to position code 1170.01; and be it

FURTHER RESOLVED that the pay parity in the annualized amount of \$975 per year, plus fringe, shall continue to be paid to each position code: 1170.03 and 1170.04; and be it

FURTHER RESOLVED that the Parole stipend shall be in the annualized amount of \$6,500, plus fringe, payable to position code 1170.12, commencing on the date of hire for that

position. In addition, the annualized salary of \$6,500 shall be subject to automatic annual increases; and be it

FURTHER RESOLVED that, commencing on the date of hire, position code 1170.12 shall receive the annual amount of \$2,000, plus fringe, for pay parity. In addition, the annualized amount of \$2,000 shall be subject to automatic annual increases; and be it

FURTHER RESOLVED that these annualized amounts shall cease when the NYS Office of Indigent Legal Services no longer provide grants to pay for these additional salaries; and be it

FURTHER RESOLVED that the Resolution herein shall supersede and replace Resolution No. 157-417.

Moved, Allport; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 419-921

AUTHORIZING ABOLISHING AND CREATING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, The Department of Social Services continuously reviews staffing to provide more efficient operation of County business and due to a recent promotion be it

RESOLVED, that this Legislature does hereby authorize abolishing a full-time Case Supervisor – Grade A position (6010.0101) in the Department of Social Services at Grade 23 of the CSEA Salary Schedule effective September 23, 2021; and be it

FURTHER RESOLVED, that this Legislature does also hereby authorize the creation of a full-time Case Supervisor – Grade B position in the Department of Social Services at Grade 21 of the CSEA Salary Schedule effective September 27, 2021; and be it

FURTHER RESOLVED, that the Legislature does authorize the Commissioner of Social Services to fill this newly created position effective September 27, 2021.

Moved, Miller; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 420-921

APPROVING AN AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND RTS ORLEANS

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

RTS Orleans - 225 West Academy Street, Building 2, Albion, NY to provide transportation services for Orleans County residents age 60 and older from September 20, 2021 to September 19, 2024 at a cost of up to \$75,000 for the first year. County cost is up to \$12,352.

Moved, Miller; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 421-921

APPROVING NOMINATION TO GLOW WORKFORCE DEVELOPMENT BOARD

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

RESOLVED, that this Legislature does hereby approve the nomination of Patti Fales, Human Resources/EHS Manager, BMP America Inc., to represent an Orleans County Private Sector Business on the GLOW WDB, pursuant to the GLOW Workforce Development Board (GLOW WDB) By-Laws and in compliance with New York State Local Workforce Development Board (LWDB) eligibility criteria. The term of membership would be July 21, 2021 through July 21, 2023.

Moved, Miller; second, Eick
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 422-921

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

WHEREAS, resolution no. 175-421 approved an agreement with Stephenson Equipment to rent a Bomag roller through August 31, 2021 and due to delays in construction, the Department of Public Works needs an extension of the rental roller to finish out the construction season; therefore be it

RESOLVED, that this Legislature does hereby approve an extension agreement with Stephenson Equipment Inc., 6108 Drott Drive, Syracuse, New York 13057 for a roller rental through September 28, 2021; NYS OGS Rental Award #PS69119 at a cost of \$4,000.00/month; and be it

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

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 423-921

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 Ridgeway (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 \$28,720.00 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 \$143,600.00 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$143,600.00 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 is Supplemental #1 Agreement to increase funding for Preliminary Engineering, Design and ROW Incidentals for a total cost of \$143,600.00; Federal Share of \$114,880.00; County Cost \$28,720.00; effective July 6, 2021 through July 6, 2031; to be paid out of the road fund budget code 03.5120.470.2288. Resolution shall take effect immediately.

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 424-921

AUTHORIZING REPAIR SERVICE FROM THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that this Legislature approves a service repair bill from Southworth-Milton, Inc., P.O. Box 3851, Boston, MA 02241-3851 to repair the main screed of the 2013 CAT AP1000E Paver for a total cost not to exceed \$10,000.00; to be paid from the Machinery fund account 04.5130.0444.

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 425-921

AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE DEPARTMENT OF PUBLIC WORKS BUDGET

RESOLVED, that the Treasurer is authorized to transfer funds within the Department of Public Works budget to cover the cost of maintenance project repairs as follows:

FROM:

01.1620.0100	Personnel Services	\$10,000.00
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TO:

01.1620.0403	Maintenance Projects	\$10,000.00
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and be it;

FURTHER RESOLVED, the Department of Public Works will re-evaluate the Maintenance repair needs of the County on a monthly basis to determine their financial standings until the end of 2021.

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 426-921

AUTHORIZING FILLING OF A POSITION IN THE DEPARTMENT OF PUBLIC WORKS

RESOLVED; as a result of a resignation, this Legislature does hereby authorize the filling of a vacant permanent full-time Motor Equipment Operator position (5110.08) in the Department of Public Works at Grade H2 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this vacant position; effective September 23, 2021.

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 427-921

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT LAKE ONTARIO REDI ACCOUNT

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$3,390.31	Wendel	Professional Services for Point Breeze Boat Launch Projected rendered through 7/31/2021

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>
\$4,484.70	Wendel	Professional services for Lakeshore Road Redi Project rendered through 7/31/2021

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 428-921

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>
\$2,400.00	R.L. Kistler, Inc.	Bill for Vertiv Humidifier Retrofit kit for main server room

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 429-921

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

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

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

RESOLVED, that the County Legislature hereby calls for a Public Hearing where all interested parties shall be heard regarding the CDBG-CV program, the County’s community development and economic development programs, the County’s response to the Coronavirus, and the proposed funding application on the 27th day of October, 2021 at 4:25 p.m. at the Legislative Chambers, 14016 Route 31 West, 2nd Floor, Albion, New York and be it

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

Moved, Eick; second, Miller
Adopted. 6 ayes; 0 nays; absent, Draper

RESOLUTION NO. 430-921

AUTHORIZING PAYMENT OF CLAIMS FOR OCTOBER 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 October 13, 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 October 27, 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, DeFilipps; second, DeRoller
Adopted. 6 ayes; 0 nays; absent, Draper

Chairman Johnson asked the Legislator for any old or unfinished business.

Given none, the chairman asked for any public comment and she received none.

Legislator DeRoller moved to adjourn; second by Legislator DeFilipps.
Meeting adjourned at 5:01 p.m.