



## **Zoom**

**Dial: 1 646 558 8656**

**Meeting ID: 853 3646 4419**

**Password: 476872**

---

## ***CONFERENCE SESSION***

---

4:15 p.m.                      Eclipse April 8<sup>th</sup> – EMO Director Justin Niederhofer

## ***PUBLIC HEARING***

---

4:25 p.m.                      CDBG Grant Broadband – CAO John C. Welch, Jr.

## ***LEGISLATURE MEETING - AGENDA***

---

**March 26, 2024 4:30 p.m.**

Call to Order

Pledge to the Flag and Invocation lead by Orleans County Veteran Director Nancy Traxler

Roll Call

Presentation of Communications

Special Recognition:

Retirement of two DPW employees. Becky Bush-Custodian with 35+ years and Jan Standish-Custodial Worker with 33 years.

Proclamation:

Donate Life Month-County Clerk Nadine Hanlon

Treasurer's Report

State of the County – Chairman Lynne M. Johnson

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

130. Approving Memorandum of Understanding Between Orleans County and Lyndonville Central School District (Draper)
131. Authorizing the Sheriff's Office to Apply for Grant Funding through the New York State Canal Corporation (Draper)
132. Authorizing Lease Purchase Agreement within the Sheriff's Office (Draper)
133. Authorizing Purchases from the Sheriff's Swat Budget (Draper)
134. Approving Agreement within the Sheriff's Office for the Purchase of Marine Fuel (Draper)
135. Authorizing Creating and Filling of Positions in the Sheriff's Office (Draper)
136. Approving Agreements for Supplemental Ambulance Services for use During Eclipse (Draper)
137. Amending Resolution No. 80-224 due to a Change in Representatives on the Orleans County Emergency Medical Services Council (Draper)
138. Amending Resolution No. 81-224 due to a Change in Representatives on the Orleans County Fire Advisory Board (Draper)
139. Authorizing Filling Positions within the Public Defender's Office (Draper)

140. Approving Agreement between Probation Department and Institute for Forensic Psychology (Draper)
141. Approving Intermunicipal Agreement between County of Orleans and Albion Central School District (Fitzak)
142. Authorizing Agreement with Absolute Auctions and Realty, Inc. (Fitzak)
143. Setting Date and Terms for Auction of County-Owned Tax Properties Notwithstanding any Resolution Heretofore (Fitzak)
144. Approving Agreement for Dock Worker/Custodial Services at Orleans County Marine Park (Eick)
145. Approving Agreement between Orleans County Tourism Department and Getaways On Display, Inc. (Eick)
146. Approving Agreement with Preston's Lawn Care & Landscaping for Mowing and Trimming at Orleans County Marine Park (Eick)
147. Approving Agreement with Logan's Landscaping for Spring and Fall Cleanup at Orleans County Marine Park
148. Approving Agreement with Environmental Enterprises, Inc. for Household Hazardous Waste Collection (Eick)
149. Authorizing Payments from Capital Project Broadband (Eick)
150. Adopting Local Law No. 2 of 2024, Entitled A Local Law Amending Local Law No. 3 of the Year 2021 To Extend the Pilot Youth Deer Hunting Program (Morgan)
151. Approving Purchase of Furniture between the Department of Public Works and Prentice Office Environments for the Orleans County Department of Motor Vehicles Capital Renovation Project and Authorizing County Treasurer to Set Up Funds (Morgan)
152. Approving Agreement with Department of Public Works and Custom Carpet Centers (Morgan)
153. Resolution Urging the Governor and State Legislators to Enact Increases for Local Highway, Bridge, and Culvert Programs as Construction Cost Inflation Tops Nearly 60% (Morgan)
154. Awarding Bids for Various Materials and Commodities for Department of Public Works
155. Approving Purchase with Department of Public Works and Better Power Inc (Morgan)
156. Approving Equipment Purchases within the Department of Public Works and Authorizing County Treasurer to Set Up Monies (Morgan)
157. Authorizing County Treasurer to Set Up Money from Infrastructure Reserve into the Department of Public Works for 2023 Budgeted Projects (Morgan)
158. Authorizing County Treasurer to Set Up Money from Building and Equipment Reserve into the Department of Public Works for 2023 Budgeted Projects (Morgan)
159. Authorizing County Treasurer to Set Up Money from Fuel Farm Reserve into the Department of Public Works for 2023 Budgeted Projects (Morgan)
160. Authorizing Payments from Capital Project Infrastructure Projects Account (Morgan)
161. Authorizing Creating and Filling Positions in the Department of Public Works (Morgan)
162. Approving a Grant Extension in the Orleans County Board of Elections (Allport)
163. Authorizing Board of Elections to Designate Site Coordinators (Allport)
164. Approving Purchase in the Board of Elections and Authorizing County Treasurer to Set Up Monies (Allport)
165. Approving Agreements between Mental Health Department and Various Providers (Allport)
166. Resolution Calling for the SFY 2024-25 Enacted Budget to Include Reforms for Determining the Capacity of a Defendant to Stand Trial (Allport)
167. Authorizing Filling Positions in the Mental Health Department (Allport)

168. Approving Agreements between the Public Health Department and Various Agencies (Allport)
169. Acceptance Of Grant Award and Authorizing the County Treasurer to Set Up New Money (Allport)
170. Urging the Governor and State Legislature to Move the Administrative Responsibility for Preschool Special Education Transportation Services to Local School Districts (Allport)
171. Authorizing Out of State Travel for Public Health Department Employees (Allport)
172. Authorizing Filling A Position in the Public Health Department (Allport)
173. Approving Agreements with the Department of Social Services (Miller)
174. Resolution Calling on the Governor to Complete Enhanced Federal Medical Assistance Percentage Reconciliations that are Years Overdue and Provide a Full Accounting of Funds Owed to Counties and New York City and a Schedule for Release of these Federal Funds (Miller)
175. Resolution Opposing the Governor's SFY2025 Budget Proposal to Shift More Costs to Counties by Mandating Preschool for Family Services (FFFS) Block Grant (Miller)
176. Resolution Urging the Governor and Legislature to Become True Partners in Addressing Homelessness by Focusing on Rent Allowance and Standard of Need which Must Include the Restoration of 50/50 Cost Sharing for Safety Net Programs, and Provide Actual Brick and Mortar Solutions by Making Permanent Housing the Central Focus (Miller)
177. Resolution Urging the Governor and Legislature Ensure that Local Social Service Commissioners are Directly Involved in Discussions to Reduce Costs in the Medicaid Program (Miller)
178. Resolution Urging New York State to Reduce the Cost of State-Mandated Programs on Local Taxpayers to Help Alleviate the Housing Affordability Crisis (Miller)
179. Authorizing County Treasurer to Set Up Funds from Reserve in the Child and Family Services Unit within Orleans County Department of Social Services (Miller)
180. Approving and Modifying Cellular Phone se Agreements for the Department of Social Services (Miller)
181. Authorizing Creating, Filling and Abolishing Positions in the Department of Social Services (Miller)
182. Approving a Renewal Agreement between Office For the Aging Department and RTS Orleans (Miller)
183. Approving Appointment to the Aging Advisory Council (Miller)
184. Authorizing Abolishing, Creating and Filling of Positions in Office For the Aging (Miller)
185. Authorizing Payment of Claims for April Against the County (Morgan)
186. Resolution Advocating on behalf of SUNY Community Colleges to Increase Funding to Community Colleges in the State Budget (Fitzak)

Open Discussion – New Business

Adjournment

---

## **RESOLUTIONS:**

---

### **RESOLUTION NO. 130-324**

**APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN ORLEANS COUNTY  
AND LYNDONVILLE CENTRAL SCHOOL DISTRICT**

WHEREAS, Lyndonville Central School District requested a school therapy dog to serve the students of the school district; now be it

RESOLVED, that this Legislature approves a Memorandum of Understanding (MOU) between Orleans County and Lyndonville Central School District, 25 Housel Avenue, Lyndonville, NY 14098, for the Orleans County Sheriff's Office to partner with Lyndonville Central School District in providing a therapy dog and maintaining the dog as needed.

Moved, Draper; second,

**RESOLUTION NO. 131-324**

AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR GRANT FUNDING THROUGH THE NEW YORK STATE CANAL CORPORATION

RESOLVED, that this Legislature authorizes the Sheriff's Office to submit an RFA letter as application for funding for the 2024 Canal Patrol Grant through the New York State Canal Corporation. Grant funds are for the purpose of funding patrols on the Erie Canal and Canal pathways with 75/25 split reimbursement. Grant period dates effective April 1, 2024 through March 31, 2025.

Moved, Draper; second,

**RESOLUTION NO. 132-324**

AUTHORIZING LEASE PURCHASE AGREEMENT WITHIN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature approves a lease purchase agreement between the Orleans County Sheriff's Office and Axon Enterprises, Inc., 17800 N. 85th St., Scottsdale, AZ 85255 for the purchase of less than lethal Tasers and accessories at of total lease cost of \$228,222.00 on Sourcewell Contract # 092722-AXN to be paid yearly beginning March 2024 through February 2028 from the Sheriff's budget 01.3110.0270-Capital Equipment.

Moved, Draper; second,

**RESOLUTION NO. 133-324**

AUTHORIZING PURCHASES FROM THE SHERIFF'S SWAT BUDGET

RESOLVED, this this Legislature does hereby authorize the SWAT purchase from Safeware Inc, 4403 Forbes Blvd, Lanham, MD 20706 Sourcewell Contract 080922-SAFPS&EM for fifteen (15) green WARQ pro helmet kits in the amount of \$5,916.15 to be paid out of the Sheriff's SWAT budget 01.3130.0250- Other Equipment; and be it

FURTHER RESOLVED, that this Legislature authorizes the Sheriff's Office to purchase twenty (20) defender 15.5' stinger spike systems and one (1) 15.5' training unit in the amount of \$11,480.95 from Major Police Supply, 47 N. Dell Avenue, Kenil NJ 07847 GSA Contract GS-07F-0115Y to be paid from the Sheriff's SWAT budget 01.3130.0250-Other equipment.

Moved, Draper; second,

**RESOLUTION NO. 134-324**

**APPROVING AGREEMENT WITHIN THE SHERIFF'S OFFICE FOR THE PURCHASE OF MARINE FUEL**

RESOLVED, that this Legislature does hereby approve the following agreement with Ernst's Lake Breeze Marina, 990 Point Breeze Road, Kent, NY 14477 for the purchase of fuel for marine vessels in conducting 2024 marine and border security patrols, to be paid from the Sheriff's budget, with partial reimbursement through available grant funding effective March 18, 2024 through December 31, 2024.

Moved, Draper; second,

**RESOLUTION NO. 135-324**

**AUTHORIZING CREATING AND FILLING OF POSITIONS IN THE SHERIFF'S OFFICE**

RESOLVED, that due to a resignation in the Sheriff's Road Patrol Division, this Legislature does hereby authorize the filling of a vacant full-time Deputy Sheriff's position (3110.46) in the Sheriff's Road Patrol at a Grade 1 of the OCDSA salary schedule, effective April 3, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of one (1) temporary full-time Correction Officer position (3150.53\*) in the Sheriff's Correction division at a Grade 5 of the OCSEA salary schedule, effective April 3, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of newly created temporary full-time Correction Officer position (3150.53\*) effective April 3, 2024.

Moved, Draper; second,

**RESOLUTION NO. 136-324**

**APPROVING AGREEMENTS FOR SUPPLEMENTAL AMBULANCE SERVICES FOR USE DURING ECLIPSE**

WHEREAS, on Monday, April 8, 2024, a total solar eclipse will pass through portions of New York State bringing a predicted 400,000 people travelling through the counties within the path of totality, potentially creating significant traffic congestion which may delay response times for EMS agencies and potentially overwhelm local EMS systems within Orleans County; and

WHEREAS, The New York State Department of Health, Bureau of Emergency Medical Services has determined additional advanced life support (ALS) ambulance services will be made available for use in counties along the path of totality, including Orleans County; now be it

RESOLVED, that this Legislature does hereby approve agreements for ALS ambulance services, assigned by the NYS DOH Bureau of Emergency Medical Services to Orleans County, and agrees to pay operational costs not to exceed \$12,000.00, plus per diem expenses incurred by these additional ambulance services based on the U.S. General Services Administration (GSA) rate; and be it

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

Moved, Draper; second,

**RESOLUTION NO. 137-324**

AMENDING RESOLUTION NO. 80-224 DUE TO A CHANGE IN REPRESENTATIVES ON THE ORLEANS COUNTY EMERGENCY MEDICAL SERVICES COUNCIL

WHEREAS, Resolution No. 80-224 approved all member to the Emergency Medical Service Council; and

WHEREAS, the Carlton Fire Company has a new representative for the EMS Board; now be it

RESOLVED, that this Legislature approve the following alternate representative:  
Carlton Fire Company: remove Robin Hughson, add Brandi Fisher

Moved, Draper; second,

**RESOLUTION NO. 138-324**

AMENDING RESOLUTION NO. 81-224 DUE TO A CHANGE IN REPRESENTATIVES ON THE ORLEANS COUNTY FIRE ADVISORY BOARD

WHEREAS, Resolution No. 81-224 approved all member to the Fire Advisory Board; and

WHEREAS, the Kendall Fire Department and the Shelby Fire Department both have new representatives for the Fire Advisory Board; now be it

RESOLVED, that this Legislature approve the following alternate representatives:  
Kendall Fire Department: remove Mike Schultz, add Cole Hardenbrook  
Shelby Fire Department: remove Scott Petry, add Zach Petry

Moved, Draper; second,

**RESOLUTION NO. 139-324**

AUTHORIZING FILLING POSITIONS WITHIN THE PUBLIC DEFENDER'S OFFICE

RESOLVED, that this Legislature does hereby authorize the filling of two (2) vacant full-time Assistant Public Defender positions (1170.02 and 1170.12) in the Public Defender office at Grade 9, of the Management Salary Schedule, effective April 5, 2024.

Moved, Draper; second,

**RESOLUTION NO. 140-324**

**APPROVING AGREEMENT BETWEEN PROBATION DEPARTMENT AND INSTITUTE FOR FORENSIC PSYCHOLOGY**

RESOLVED, that this Legislature approves an agreement between the Orleans County Probation Department and Institute for Forensic Psychology, 5 Fir Court, Suite 2, Oakland, New Jersey 07436 for Fitness to Carry Firearms Psychological screenings and testing for the Orleans County Probation Department at rates set forth in the fee schedule effective January 1, 2024 through December 31, 2024.

Moved, Draper; second,

**RESOLUTION NO. 141-324**

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

WHEREAS, the purpose of this agreement is to authorize the County Treasurer to be the sole and exclusive authority to collect the 2024/2025 and 2025/2026 Albion Central School District taxes; and

WHEREAS, the terms and conditions for this 2024/2025 and 2025/2026 School tax collection, and the consideration to be paid by Albion Central School to the County are set forth in such agreement; now be it

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

Moved, Fitzak; second,

**RESOLUTION NO. 142-324**

**AUTHORIZING AGREEMENT WITH ABSOLUTE AUCTIONS AND REALTY, INC.**

WHEREAS, the County is the owner of certain real property acquired through tax foreclosure proceedings; and

WHEREAS, this contractor hereby agrees to provide professional auctioneer services to the County and conduct the said public auction in accordance with the terms of this agreement and all applicable federal and state laws, rules and regulations applicable thereto; and

WHEREAS, the term of this agreement shall commence on the date the agreement is signed by both parties hereto and shall terminate on December 31, 2028 with no County Cost; now be it

RESOLVED, this Legislature, upon approval by the County Attorney, authorizes the County Chairman and County Treasurer to sign said agreement with Absolute Auctions and Realty, Inc., 45 South Ave. PO Box 1739, Pleasant Valley, NY 12569.

Moved, Fitzak; second,

### RESOLUTION NO. 143-324

#### SETTING DATE AND TERMS FOR AUCTION OF COUNTY-OWNED TAX PROPERTIES NOTWITHSTANDING ANY RESOLUTION HERETOFORE

RESOLVED, that the following terms of auction for County-owned property for the auction to be held Tuesday, July 30, 2024 at 10:00 a.m. at the Albion Elks Lodge, 428 West State Street, Albion, New York, be approved by this Legislature as follows:

TERMS OF AUCTION ORLEANS COUNTY TAX PROPERTY AUCTION  
ALBION ELKS LODGE  
428 WEST STATE STREET, ALBION, NEW YORK  
JULY 30, 2024 10:00 AM

This is the sale at public auction of various parcels of real property, which have been conveyed in the County of Orleans by final judgment under the so-called In Rem Tax Foreclosure Proceedings. This sale is ordered by various resolutions of the Orleans County Legislature and is in accordance with the appropriate provisions of the Real Property Tax Law. This sale and sale of each and every parcel herein is upon the following terms:

#### TERMS AND CONDITIONS OF THE AUCTION

#### **INTERNET TERMS** (in addition to standard terms below):

1. **Registration.** All bidders are required to register and provide suitable I.D. (photo copy acceptable) prior to the auction, all registrations will take place ONLINE. The Internet Bidding Packet (IBP) will be emailed via electronic link once bidder registers for the auction at NYSAuctions.com. A sample IBP can be found at the top of the auction web listing approximately 30 days prior to the auction. Auctioneer reserves the right to decline registration if I.D. produced is not sufficient. A copy of the bidder's valid driver's license or passport must be provided to the auctioneer. **NO EXCEPTIONS.**

2. Bidder approval for internet. In order to bid online, you will need to complete the Internet Bidding Packet (IBP) that will be emailed to you via electronic link. A sample IBP can be found at the top of the auction web listing approximately 30 days prior to the auction. Complete and return to the office of the auctioneer/broker no later than 4:00PM on Friday, July 26, 2024, to be approved to bid online for this auction. **NO EXCEPTIONS.**

3. **No Recourse.** Internet bidding through our Provider is offered as a service to our customers, and bidders shall not hold Orleans County and/or Absolute Auctions & Realty, Inc., responsible for any failure due to the loss of the internet connection supplied to Absolute Auctions & Realty, Inc., by the Provider.

#### **STANDARD TERMS:**

1. Orleans County acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said

provisions of law have been extinguished by the tax sale proceedings; and/or as a result of forfeiture.

2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.

3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water assessments are the responsibility of the purchaser, whether they are received or not; (d) the levied 2024 Town and County tax bill including any relieved taxes, any Village taxes relieved after May 31, 2024, the 2024/2025 school taxes, the 2025 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction, in addition to any other applicable charges (**including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties**); and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.

4. The purchaser shall be solely responsible for the payment of: the levied 2024 Town and County tax bill including any relieved taxes, and Village taxes relieved after May 31, 2024, the 2024/2025 school taxes, the 2025 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction.

5. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date of the auction. Upon delivery of the quitclaim deed by the County of Orleans to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

6. No personal property is included in the sale of any of the parcels owned by Orleans County, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.

7. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE COUNTY, THE AUCTIONEER, AND THE AUCTION SERVICE MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.

8. The County of Orleans reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.

9. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and sold subject to the provisions of law applicable thereto.

10. ALL REGISTRATION PAPERWORK MUST BE COMPLETED ONLINE VIA LINK SENT TO REGISTERED BIDDERS. All bidders are required to register and provide suitable personal identification, such as a driver's license or passport, at registration. Auctioneer reserves the right to decline registration if identification is not sufficient. Individuals other than lawyers, acting on behalf of others (including spouses), not in attendance at the auction, must produce a "Power of Attorney" duly executed and notarized. Incorporated entities (Inc., Corp., LLC., etc.) are required to provide AT REGISTRATION: 1) a copy of the state entity incorporation filing receipt, 2) EIN number and 3) a corporate resolution duly embossed with incorporation seal authorizing the registrant to purchase real property for said entity.]

11. All bidders are required to use the bidder number issued to them for all purposes associated with the auction. A bidder may not bid on behalf of a party who is on the prohibited bidder list.

12. Bidder acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards, mold, asbestos or any other hazardous substances.

13. The former owner of the property, or his agent, shall not be deemed to be the successful bidder on the property or purchase same at the public auction, unless the bid amount exceeds the amount of the purchase price to affect the release of County's interest. If the former owner or his agent reacquires the property, all liens existing prior to the foreclosure, will be reinstated and the purchaser (former owner) must sign the deed to reinstate the liens.

14. Purchaser shall provide information necessary to complete, and shall execute, the necessary forms and documents required for recording the deed in the Orleans County Clerk's Office. The purchaser executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid, unless the County agrees in writing. The deed prepared will be in the name of the successful bidder (and spouse) only. No third-party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal.

15. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the proceeding bid.

16. **The Purchaser will execute an Offer to Purchase form immediately upon being declared the high bidder.** The approval of each bid by Resolution of the County Legislature *will not constitute a Contract of Sale* and the County reserves the right to reject any bid prior to the closing of title and the recording of the deed.

17. **The Purchaser shall be responsible for the payment of an eleven percent (11%) buyer's premium if paying with credit card or (10%) buyer's premium if paying with cash or other guaranteed funds in addition to the accepted purchase price, an advertising fee of 1.5% of the bid price, and the closing fees/costs. The "buyer's premium" is the fee/commission earned by the auctioneer. Accepted purchase price is the amount bid by the highest bidder, which has been approved by the Orleans County Legislature.**

18. **All required deposits must be paid in full for all successful bids immediately upon being declared the successful bidder. Any successful bidder, who fails to tender the deposit immediately upon being declared the successful bidder, will be forbidden to participate in this or any other auction. Any parcels which the County did not receive deposits for, as per these terms and conditions, will be considered to be defaulted, and resold and the bidder will be disqualified from further bidding.**

19. 25% of the total contract price (total contract price is the combination of the high bid plus the buyer's premium, as defined in section 17 of these terms and conditions), shall be paid as a down payment on the day of the auction upon execution of an Offer to Purchase Form. The buyer's premium is wholly based on the down payment type. Total contract prices selling \$250 or less must be paid in full at auction, including all closing costs which consist of the following will be paid with the down payment on the day of the auction for each parcel: (a) New York State Transfer Tax [\$4.00 for the first \$1,000; \$2.00 for each \$500 thereafter of the purchase/bid price]; (b) Filing Fee for the Real Property Transfer Report [\$125.00 if the parcels classification code is 100-199, 200-299 or 411-C; \$250.00 for all parcels otherwise classified], (c) Filing Fee for combined Gains Transfer Tax Affidavit [\$5.00]; (c) all fees required by the Orleans County Clerk for recording of the deed [\$50.00 to record a one page deed; \$5.00 for each additional page], (d) 1.5% advertising fee as described in section 17. *Closing costs may be subjected to an increase in fees as required by law, without notice.* **All deposits must be made in cash or guaranteed funds payable to the "Orleans County Treasurer" and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions.**

20. The Purchaser paying the minimum deposit by credit card understands and agrees that all deposits collected by credit card will be turned over to the Orleans County Treasurer. Credit cards can be used for the minimum deposit only, not the total contract price. *The Purchaser paying by credit card(s) agrees that they shall NOT attempt a charge back on their credit card(s) used in this/these transaction(s) for any reason whatsoever. In such event that a charge back is initiated by Purchaser and that such attempt is upheld in favor of Auctioneer/Orleans County, Purchaser agrees and authorizes to compensate Auctioneer with a \$750.00 recovery fee as a new charge to their credit card(s) without requiring additional Purchaser signature(s). Failure to pay such recovery fee will result in collection action against said Purchaser(s).*

21. All bids shall be subject to approval by the Orleans County Legislature, which shall have the right, in the Legislature's sole discretion, to reject any bid for any reason whatsoever.

22. The entire balance of the accepted purchase price, the buyer's premium, as defined in section 17 of these terms and conditions, and all closing costs/fees must be paid by cash or guaranteed funds to the Orleans County Treasurer's Office on or before August 30, 2024. **The County is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the total contract price plus closing costs and fees as herein provided, the deposit shall be forfeited.** The County reserves the right, in its sole discretion, to extend the time of payment upon such terms and conditions it deems appropriate.

23. If the successful bidder fails to tender such amount due by the close of business on August 30, 2024, then the County may, but is not obligated to offer any unsold property to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.

24. All parcels for which you are the successful bidder for must be paid in full. No selective closings subsequent to the auction. Failure to remit full payment on all parcels for which you are the successful bidder will result in a default of all deposits tendered, and you will not be permitted to close on any other parcels for which you are the successful bidder. The County reserves the right to bring an action for specific performance. "Time is of the essence." If purchaser does not complete and return the transfer documents needed to file the deed, the purchaser forfeits their rights to the property and will not receive a refund.

25. All sales shall be final, absolute and without recourse, once title has closed and the deed has been recorded. In no event, shall Orleans County and/or Absolute Auctions & Realty, Inc. be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against Orleans County and/or Absolute Auctions & Realty, Inc. arising from this sale.

26. The County of Orleans will execute no warranties concerning the parcel or title thereto and will not deliver or be responsible for abstracts, title insurance, title searches, surveys, maps or other documents concerning a parcel whatsoever.

27. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the accepted purchase price, buyer's premium, and closing fees/costs. **POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE ORLEANS COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED.** It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording the deed.

28. A quitclaim deed issued as a result of the auction shall contain the following provisions: (a) "Nothing contained in any description herein is intended to convey more than the assessed owner owned at the time of the levy of the tax, the non-payment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein;" (b) Orleans County shall in

no event be or become liable for any defect in the title so conveyed for any cause whatsoever, or for any encroachments or disputed boundaries; and that no claim or demand of any nature shall ever be made against said Orleans County arising from such sale or conveyance or any proceedings leading thereto.

29. Evictions, if necessary, are solely the responsibility of the successful purchaser after closing and recording of the deed. PLEASE NOTE: All bidders are advised that the properties are sold subject to the rights of tenants or persons otherwise occupying the properties, if any. Responsibility to evict any tenants or take similar action concerning occupancy of the premises is the sole responsibility of the bidder. Eviction proceedings are subject to NYS law including any Executive Orders of the Governor and Administrative Orders of the NYS court system.

30. Bidder gives permission for Auctioneer and those acting pursuant to its authority to photograph, video tape, or use any other electronic method of recording my likeness and/or voice to be used at the Auctioneer's discretion in auction-related publications and/or websites.

Moved, Fitzak; second,

#### **RESOLUTION NO. 144-324**

#### **APPROVING AGREEMENT FOR DOCK WORKER/CUSTODIAL SERVICES AT ORLEANS COUNTY MARINE PARK**

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Ronald Bierstine, 2038 Peter Smith Road, Kent NY 14477, to provide dock worker and custodial services at Orleans County Marine Park from April 8, 2024 through October 21, 2024 at a cost not to exceed \$18,408.00, to be paid from Marine Park budget 01.7180.0432–Misc. Contracts/agreements.

Moved, Eick; second,

#### **RESOLUTION NO. 145-324**

#### **APPROVING AGREEMENT BETWEEN ORLEANS COUNTY TOURISM DEPARTMENT AND GETAWAYS ON DISPLAY, INC.**

RESOLVED, that this Legislature approves the agreement between Orleans County Tourism Department and Getaways on Display, Inc to provide brochure distribution for county travel guide and fishing guide in the following states, Pennsylvania, Delaware, New Jersey, Northern Virginia and Maryland for 2024/2025 at a cost of \$7,060.00. To be paid out of Tourism matching funds account 01.7180.0468.

Moved, Eick; second,

#### **RESOLUTION NO. 146-324**

#### **APPROVING AGREEMENT WITH PRESTON'S LAWN CARE & LANDSCAPING FOR MOWING AND TRIMMING AT ORLEANS COUNTY MARINE PARK**

RESOLVED, that this Legislature does hereby approve an agreement with Preston's Landscape, 511 Densmore St., Albion, NY 14411 for the mowing and trimming at the Orleans

County Marine Park, Point Breeze site, boat dock rental site, and Rte. 98/18 site at a cost of \$650.00 per mowing and \$300.00 per weed trimming at all sites, effective April 28, 2024 through November 15, 2024, to be paid from Marine Park budget 01.7180.0432-Misc. Contract/Agreements.

Moved, Eick; second,

**RESOLUTION NO. 147-324**

**APPROVING AGREEMENT WITH LOGAN’S LANDSCAPING FOR SPRING AND FALL CLEANUP AT ORLEANS COUNTY MARINE PARK**

RESOLVED, that this Legislature does hereby approve an agreement with Logan’s Landscaping, LLC ,711 Orient St. Medina NY 14103 for 2024 spring clean-up at the Orleans County Marine Park, Point Breeze site, boat dock rental site, and Rte. 98/18 site at a cost of \$7,000.00 for Spring Clean Up and \$1,000.00 for Fall Clean Up at all sites, effective April 28, 2024 through November 15, 2024, to be paid from Marine Park budget 01.7180.0418-Misc. Contracts/Agreements.

Moved, Eick; second,

**RESOLUTION NO. 148-324**

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

WHEREAS, this Legislature desires to conduct a Household Hazardous Waste Collection on August 10, 2024 to provide County residents safe, secure, 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	\$1.00 per pound
Anti-Freeze	\$ .23 per pound
Chemicals (labpacks)	\$1.20 per pound
Corrosive Acids	\$1.20 per pound
Corrosive Bases	\$1.20 per pound
Fluorescent Tubes	\$1.00 per pound
Household Cleaners	\$1.20 per pound
Miscellaneous Chemicals	\$1.20 per pound
Oil Filters	\$ .25 per pound
Organic Liquids	\$ .24 per pound
Oxidizers	\$1.20 per pound
Pesticides/Insecticides	\$1.89 per pound
Pesticides/Insecticide (dioxin precursors)	\$12.00 per pound
Poisons	\$1.20 per pound
Resins & Adhesives (with cans)	\$1.20 per pound

Waste Oil	\$ .20 per pound
-----------	------------------

RESOLVED, that this Legislature approves an agreement with Environmental Enterprises, Inc, 10163 Cincinnati-Dayton Road, Cincinnati, Ohio 45241 for the 2024 Orleans County Household Hazardous Waste Collection Program.

Moved, Eick; second,

**RESOLUTION NO. 149-324**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT BROADBAND**

RESOLVED, that this Legislature authorizes the following payments to be made from account H8797.0250, Phase 1, Capital Project – Broadband:

<u>Amount</u>	<u>Vendor</u>	<u>Description</u>
\$90,912.99	RTO	Inv #20240223-p1, Carlton, Town stack, grounding, electric, pads poured
\$1,437.50	Barre Stone	Inv# 17832, Foundation of stone for site

RESOLVED, that this Legislature authorizes the following payments to be made from account H8797.0251, Phase II, Capital Project – Broadband:

<u>Amount</u>	<u>Vendor</u>	<u>Description</u>
\$3,250.00	RTO	Inv # 20240229-CPE Equip install Medina, Albion
\$278,248.00	RTO	Inv # 20240222-micro- Construct & activate 2 microsites
\$12,000.00	RTO	Inv# 20240222-Bmicro–V/Albion microsite

Moved, Eick; second,

**RESOLUTION NO. 150-324**

**ADOPTING LOCAL LAW NO. 2 OF 2024, ENTITLED A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF THE YEAR 2021 TO EXTEND THE PILOT YOUTH DEER HUNTING PROGRAM**

WHEREAS, Local Law No. 2-Intro of the year 2024 was introduced at a regular meeting of the Orleans County Legislature held on January 23, 2024 and a Public Hearing was held on February 20, 2024, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 2 of 2024, as follows:

**COUNTY OF ORLEANS  
LOCAL LAW NO. 2 of 2024**

**A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF THE YEAR 2021  
TO EXTEND THE PILOT YOUTH DEER HUNTING PROGRAM**

## SECTION 1. Title

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

## SECTION 2. Purpose

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

## SECTION 3. Authority

This Local Law is adopted under the authority granted by:

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

## SECTION 4. Definitions

1. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
3. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
4. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.
6. "Parent" means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior

experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.

7. "Physical control" means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

#### SECTION 5. Opt-In Authorization

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

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

#### SECTION 6. Eligibility and Requirements

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

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

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

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

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

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

#### SECTION 8. Filing

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

#### SECTION 9. Severability

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

#### SECTION 10. Repeal

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

#### SECTION 11. Effective Date

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

Moved, Morgan; second,

### **RESOLUTION NO. 151-324**

APPROVING PURCHASE OF FURNITURE BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND PRENTICE OFFICE ENVIRONMENTS FOR THE ORLEANS COUNTY DEPARTMENT OF MOTOR VEHICLES CAPITAL RENOVATION PROJECT AND AUTHORIZING COUNTY TREASURER TO SET UP FUNDS

WHEREAS, the Department of Motor Vehicles necessitates modifications to the existing office layout to accommodate better public access and requires upgrades to existing workstations and furniture and to keep in line with the requirements of the State DMV's policies and procedures concerning security measures; now be it

RESOLVED, that this Legislature does hereby authorize the purchase of new office furniture from Steelcase Inc. c/o Prentice Office Environments, 901 Forty-fourth Street S.E., Grand Rapids, MI 49508 for a cost of \$60,961.62; (NYS OGS Contract #PC70281); and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the purchase of new office furniture from Global Industries c/o Prentice Office Environments, 17 West Stow Road, Marlton, NJ 08053 for a cost of \$6,091.64; (NYS OGS Contract #PC70203); and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the purchase of new office furniture from Safco c/o Prentice Office Environments, 9300 West Research Center Road, New Hope, MN 55428 for a cost of \$4,002.06: (OMNIA Partners Contract #R191814); and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the purchase of new office furniture from Symbiote c/o Prentice Office Environments, 300 North Centennial Street, Zeeland, MI 49464 for a cost of \$20,282.72; (TIPS Contract #200301); and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the purchase of new office furniture from Amcase c/o Prentice Office Environments, 2214 Shore Street, High Point, NC 27263 for a cost of \$10,882.73; (TIPS Contract #220303); and be it

FURTHER RESOLVED, that the total cost of the purchase is not to exceed \$102,250.00 and is to include labor and materials from Prentice Office Environments, 472 Franklin Street, Buffalo, NY 14202 which is an authorized dealer for Steelcase Inc, Global Industries, Safco, Amcase and Symbiote. Project to be paid out of the Buildings and Grounds Capital Project budget 01.1620.0270; and be it

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

FROM:

01.1620.0470	Capital Construction Projects	\$102,250.00
--------------	-------------------------------	--------------

TO:

01.1620.0270	Capital Equipment	\$102,250.00
--------------	-------------------	--------------

Moved, Morgan; second,

**RESOLUTION NO. 152-324**

**APPROVING AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS AND CUSTOM CARPET CENTERS**

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Custom Carpet Centers, 2847 Southwestern Blvd, Orchard Park, NY 14127 to provide labor and materials to install carpet in the County Department of Motor Vehicle office, at a cost not to exceed \$17,500.00; to be paid out of the Buildings and Grounds Division budget 01.1620.0470 Capital Project account. DPW Project ID: DPW222-2024. Pricing is through NYS OGS Contract #PC69411. Agreement effective as soon as county gives notice to proceed.

Moved, Morgan; second,

**RESOLUTION NO. 153-324**

**RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATORS TO ENACT INCREASES FOR LOCAL HIGHWAY, BRIDGE, AND CULVERT PROGRAMS AS CONSTRUCTION COST INFLATION TOPS NEARLY 60%**

WHEREAS, unprecedented inflationary impacts continue to place enormous pressure on local governments to maintain existing levels of transportation construction, maintenance, and service; and

WHEREAS, the State's 5-year State Transportation Capital Plan provides significant support for local governments to maintain and improve roads and bridges highlighted by the Consolidated Local Streets and Highway Improvement Program (CHIPS), BRIDGE-NY, PAVE-NY, Extreme Winter Recovery (EWR), State Touring Routes, and Operation Pave Our Potholes (POP) programs; and

WHEREAS, however, these financial levels of resources for counties, towns, cities, and villages are negatively impacted by overall inflation and the continuing rising costs of construction inputs; and

WHEREAS, the cost of highway and bridge projects has continued to skyrocket, as costs have increased by 58.6 percent since the end of 2020, according to the Federal Highway Administration's National Highway Construction Cost Index which shows that inflation in this sector is more extreme than in the general economy; and

WHEREAS, this erosion of value when applied to federal transportation funding is also having an impact on local projects that are eligible for these federal funds; and

WHEREAS, locally owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges, and 46 percent of the vehicle miles travelled in New York are on local roads so the state's contribution to funding is a vital part of assuring the condition and resiliency of our transportation systems; and

WHEREAS, this vast system of local roads, bridges and culverts now requires incremental increases in levels of funding each year over the next 3 years to reverse the deterioration of our aged and ailing transportation infrastructure, account for inflation and build up its resiliency and resistance to natural disasters; and

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

RESOLVED, that the Orleans County Legislature commends Governor Kathy Hochul and the legislature for their ongoing commitment to assuring appropriate state investments in local roads, bridges, and culverts; and be it

FURTHER RESOLVED, that recognizing the impacts of inflation for local highway construction inputs as steel, fuel and asphalt reduces the value of state funding to local transportation programs, means fewer critical road, bridge, and culvert projects are able to be undertaken; and be it

FURTHER RESOLVED, that the Orleans County Legislature supports a \$60 million restoration in the CHIPS program and a \$40 million restoration in EWR funding in the SFY 2025 adopted state budget as a necessary first step in restoring the appropriations for local transportation projects from the cuts in SFY 2024 and an additional \$150 million (\$90 million CHIPS and \$60 million EWR) to restore purchasing power over the remaining 3 years of the state's 5-Year Transportation Capital Plan; and be it

FURTHER RESOLVED, that the Orleans County Legislature looks forward to the Governor Hochul and the Legislature significantly increasing state aid to local road and bridge projects as deliberations begin on the SFY 2025 state budget and adjustments to the Transportation Capital Plan are contemplated; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Morgan; second,

#### **RESOLUTION NO. 154-324**

#### **AWARDING BIDS FOR VARIOUS MATERIALS AND COMMODITIES FOR DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Orleans County Department of Public Works sought bids for various materials and commodities for the years 2024-2025; and

WHEREAS, such bids have been received, opened on Thursday, March 21, 2024 at 11:00 a.m. and reviewed to determine the lowest responsible bidder for each material and commodity; now be it

RESOLVED, that the bids for the various materials and commodities be awarded to the low bidders named on schedules for the dollar amounts per unit shown on such schedules, subject to the approval of the County Attorney.

Moved, Morgan; second,

#### **RESOLUTION NO. 155-324**

#### **APPROVING PURCHASE WITH DEPARTMENT OF PUBLIC WORKS AND BETTER POWER INC.**

RESOLVED, that this Legislature approves the purchase of a new Generac SD Series Diesel Generator Package through Better Power, Inc., 200 Mile Crossing Blvd, Suite 1B,

Rochester, New York 14624. The generator is to be purchased under the NYS HIRE Contract #PC69013 at a cost not to exceed \$47,500.00; to be paid from the Machinery Fuel Farm Capital Project budget 04.5140.0470.

Moved, Morgan; second,

**RESOLUTION NO. 156-324**

**APPROVING EQUIPMENT PURCHASES WITHIN THE DEPARTMENT OF PUBLIC WORKS AND AUTHORIZING COUNTY TREASURER TO SET UP MONIES**

RESOLVED, that this Legislature does hereby approve the purchase of Tire Change Machine and Wheel Balancer from Snap-on Industrial, 3011 IL Route 176, Door 1, Crystal Lake, IL 60014. The equipment will be purchased under the Sourcwell Contract #013020-SNP, at a total cost not to exceed \$20,000.00; and be it

FURTHER RESOLVED, that this Legislature does hereby approve the purchase of an Air Compressor and associated components through Kaeser Compressors Inc., 7162 North Central Avenue, East Syracuse, New York 13057 at a total cost not to exceed \$17,500.00; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up monies within the Department of Public Works budget as follows:

RESERVE:

Machinery Equipment Reserve	\$37,500.00
-----------------------------	-------------

APPROPRIATION:

04.5130.0270	Capital Equipment	\$37,500.00
--------------	-------------------	-------------

Moved, Morgan; second,

**RESOLUTION NO. 157-324**

**AUTHORIZING COUNTY TREASURER TO SET UP MONEY FROM INFRASTRUCTURE RESERVE INTO THE DEPARTMENT OF PUBLIC WORKS FOR 2023 BUDGETED PROJECTS**

WHEREAS, the Department of Public Works has entered into agreements in 2023 for various capital projects and maintenance improvements and due to unfinished professional services and project delays; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up money from Infrastructure Reserve into the 2024 Buildings and Grounds Division budget as follows:

RESERVE:

Infrastructure Reserve	\$1,541,977.00
------------------------	----------------

APPROPRIATION:

01.1620.0470	Capital Construction Projects	\$1,529,727.00
--------------	-------------------------------	----------------



AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

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

<u>Amount</u>	<u>Vendor</u>	<u>Description</u>
\$24,658.03	Erdman Anthony	S. Holley Road Culvert – Eng. Serv. – Est 3
\$12,370.91	Erdman Anthony	S. Holley Road Culvert – Eng. Serv. – Est 4

Moved, Morgan; second,

**RESOLUTION NO. 161-324**

AUTHORIZING CREATING AND FILLING POSITIONS 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 (5110.05) in the Department of Public Works at Grade H2 of the CSEA Salary Schedule, effective April 5, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the subsequent filling of an internal position should it be vacated by the promotion into the Motor Equipment Operator Position, effective April 5, 2024; and be it

FURTHER RESOLVED, due to a resignation, this Legislature does hereby authorize the filling of a vacant permanent full-time Custodial Worker Position (1620.08) in the Department of Public Works at Grade 4 of the CSEA Salary Schedule, effective April 5, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a temporary part-time Custodial Worker Position (1620.32) in the Buildings and Grounds Division at Grade 4 of the CSEA salary Schedule, effective March 27 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created, vacant position effective March 27, 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes that the newly created temporary part-time Custodial Worker position (1620.32) will be abolished at the time when the vacant Custodial Worker positions and Custodian positions are filled.

Moved, Morgan; second,

**RESOLUTION NO. 162-324**

APPROVING A GRANT EXTENSION IN THE ORLEANS COUNTY BOARD OF ELECTIONS

WHEREAS, Resolution No. 382-821 and Resolution No. 392-823 authorized and extended the Board of Elections agreement for a Technology Innovation and Elections Resource (TIER) Grant (BOE01-T0004377-1110000); now be it

RESOLVED, that this Legislature does hereby approve the extension of said grant to be effective through March 31, 2024.

Moved, Allport; second,

**RESOLUTION NO. 163-324**

**AUTHORIZING BOARD OF ELECTIONS TO DESIGNATE SITE COORDINATORS**

RESOLVED, that this Legislature authorizes designating Election Inspectors to be assigned to serve as Site Coordinators at each polling site for each election; and be it

FURTHER RESOLVED, that this Legislature authorizes the designated Site Coordinators to be paid at a rate of \$290.00 per day effective March 27, 2024.

Moved, Allport; second,

**RESOLUTION NO. 164-324**

**APPROVING PURCHASE IN THE BOARD OF ELECTIONS AND AUTHORIZING COUNTY TREASURER TO SET UP MONIES**

RESOLVED, that this Legislature does hereby approve the purchase of voting equipment, sever and sixty (60) months of support services from Clear Ballot Group Inc., 2 Oliver Street, Suite 607, Boston MA 02109 at a total cost of \$238,972.50, OGS Contract #PC69384, HAVA grant monies in the amount of \$5,607.36 and TIER grant monies in the amount of \$11,878.13 will be used towards this purchase, support services effective for sixty (60) months from time of installation; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up monies in the Board of Elections budget as follows:

RESERVE:

Building and Equipment	\$221,487.01
------------------------	--------------

APPROPRIATION:

01.1450.0250	Other Equipment	\$221,487.01
--------------	-----------------	--------------

Moved, Allport; second,

**RESOLUTION NO. 165-324**

**APPROVING AGREEMENTS BETWEEN MENTAL HEALTH DEPARTMENT AND VARIOUS PROVIDERS**

RESOLVED, that this Legislature approves the following Agreements for the Mental Health Department for the 2024 calendar year:

UConnect Care, 430 East Main Street, Batavia, New York, 14020 for purpose of provision of the outpatient SUD treatment services, community-based prevention services and jail based SUD intervention services. Contracted amount not to exceed \$486,127. County cost is \$0.

Coordinated Care Services, Inc. 1099 Jay Street, Rochester, New York 14611 for the purpose of providing specialized financial management services and preparation and submission of the CFR reports. County Cost is \$4,892.

Arc GLOW (Genesee, Livingston, Orleans, Wyoming counties), 18 Main St. Mount Morris, New York 14510 providing emergency crisis respite bed. County cost is \$0.

and be it

FURTHER RESOLVED, that this Legislature approves the following Agreements for the Mental Health Department for a five year period (s):

Niagara University, 5795 Lewiston Road, Niagara University, New York, 14109 for the purpose of the Orleans County Mental Health Department hosting higher education students who are enrolled in Keuka College education programs as student interns and student training opportunities. Contract amount is \$0. County Cost is \$0. Agreement in effect from March 6, 2024 – March 5, 2028.

TenEleven, LLC (Therapy Brands), P.O. Box 748746, Atlanta, Georgia, 30384-8746 for the purpose of renewed purchase schedule as by the Software Licensing Agreement (Master Agreement) for operating of the electronic medical record. Contract period is January 1, 2024 – December 31, 2028. Contract amount not to exceed \$221,280. County Cost is \$0.

Moved, Allport; second,

### **RESOLUTION NO. 166-324**

#### **RESOLUTION CALLING FOR THE SFY 2024-25 ENACTED BUDGET TO INCLUDE REFORMS FOR DETERMINING THE CAPACITY OF A DEFENDANT TO STAND TRIAL**

WHEREAS, section § 730 of the Criminal Procedure Law (CPL) provides that defendants charged with felonies who are mentally ill and/or developmentally disabled and who are determined by a court to be unable to understand the charges against them or participate in their own defense (often called “730’s”) are sent to New York State-operated forensic hospitals solely for the purpose of trying to restore them to competency so they can stand trial; and

WHEREAS, the origin of CPL § 730 dates back over five decades to the laws of 1970, and parts of it have been declared to be unconstitutional; and

WHEREAS, competency restoration provides necessary medications but primarily provides services such as courtroom training to familiarize the defendant with courtroom procedures so they can participate in their trial; and

WHEREAS, many judges incorrectly believe that by ordering a 730 commitment, they are helping the mentally ill or developmentally disabled person to get treatment; and

WHEREAS, in the cases for which restoration is appropriate, most defendants can generally be restored within 90-150 days; and

WHEREAS, unfortunately, there are also numerous situations where defendants have been kept in restoration for periods of three, six, or even 10 years; and

WHEREAS, these lengthy confinements have been declared to be unconstitutional by the U.S. Supreme Court as shown in the case of *Jackson v. Indiana* (1972), which provides that states may not indefinitely confine criminal defendants solely on the basis of incompetence to stand trial; and

WHEREAS, the Office of Mental Health (OMH) has diverged from agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; and

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

WHEREAS, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the Mental Hygiene Law; and

WHEREAS, the county cost of these services is over \$1,300 per day and current statute does not require a timeline be established for when a defendant is unable to be restored; and

WHEREAS, the county cost of restoration for one defendant can be upwards of \$400,000 per year; and

WHEREAS, in New York State, counties, through the county tax levy, already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness, and the requirement to assume 100% of 730.20 competency restoration costs has taken away millions of dollars from critical behavioral health programming in the community; and

WHEREAS, given the advances in the behavioral health and the modernization of the criminal justice system, it is time for the State to reform the statutory authority governing competency restoration to ensure that only individuals who are appropriate subjects of 730 court orders are sent for restoration in accordance with the current state of these two systems; and

WHEREAS, the Legislature has introduced S.1874 (Brouk)/A.5063 (Gunther), which seeks to address the reforms necessary to update the archaic requirements of current statute, many which have been deemed unconstitutional and includes a critical requirement to reinvest any savings derived by the counties back into the local mental hygiene systems of care; now be it

RESOLVED, CPL § 730.10 shall be modified to make clear that restoration is not mental health treatment, so the judiciary is better informed that a 730 order does not treat underlying mental health conditions; and be it

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

FURTHER RESOLVED, OMH will consistently follow their agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; and be it

FURTHER RESOLVED, CPL § 730.20 shall adjust the fee for reimbursing psychiatric examiners; and be it

FURTHER RESOLVED, CPL § 730.50 shall limit the time defendants are ordered for restoration services; and be it

FURTHER RESOLVED, MHL § 9.33 shall allow individuals to be transferred to Article 9 facilities if it is determined that a defendant is unable to be restored; and be it

FURTHER RESOLVED, MHL § 43.03 shall require Local Governmental Units (counties) to reinvest savings from these reforms into community mental health services; and be it

FURTHER RESOLVED, the Orleans County Legislature calls on the State to support all provisions outlined in S.1874 (Brouk)/A.5063 (Gunther); and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Allport; second,

#### **RESOLUTION NO. 167-324**

#### **AUTHORIZING FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT**

RESOLVED, that this Legislature does hereby authorize filling a vacant full-time receptionist position (4310.36) in the Mental Health Department at Grade 7 of CSEA contract, effective April 5, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize filling a vacant full-time Coordinator of Case Manager Services position (4310.05) at Grade 7 of the Management Compensation Plan, effective April 5, 2024.

Moved, Allport; second,

**RESOLUTION NO. 168-324**

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

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

Boehringer Ingelheim Animal Health USA, Inc. 3239 Satellite Blvd, Bldg. 500, Duluth, GA 30096. Partners in Protection (PIP) shelter program. Participation Agreement for discounted vaccine for animal care and agency. Allowing OCPH to purchase vaccine at a discounted rate under the PIP program. Cost determined by Tier 1 discount percentages (table 1). To be paid through NYS Rabies grant & Article 6, for term February 1, 2024 through January 31, 2027.

Alena Mahas, Speech Language Pathology, PC DBA Speech Kids NY RS, 10 Amber Lane, Oyster Bay, NY 11771. Contract to provide appropriate related services for Orleans County preschool students with disabilities through the delivery of preschool special education related services within the 3-5 program at the Orleans County Health Department. Reimbursement at 59.5% from NYS Department of Health. Orleans County Department of Health is responsible for 40.5% of which we receive some Medicaid reimbursement, for term November 15, 2023 through June 30, 2025. 2024 rates for Individual from \$55.00 to \$58.00 and for Group from \$28.00 to \$35.00. Reimbursement at 59.5% from NYS Department of Health. Orleans County Department of Health is responsible for 40.5% of which we receive some Medicaid reimbursement. Effective January 1, 2024 through June 30, 2025.

Moved, Allport; second,

**RESOLUTION NO. 169-324**

**ACCEPTANCE OF GRANT AWARD AND AUTHORIZING THE COUNTY TREASURER TO SET UP NEW MONEY**

RESOLVED, that the Legislature does hereby authorize the Orleans County Health Department to apply for and accept an MRC Operational Readiness Award (ORA) from the National Association of County & City Health Officials (NACCHO) in the amount of \$10,000 to support MRC capacity building activities, Grant period is December 1, 2023 to September 29, 2024; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up the following new monies in the 2024 Health Department budget as a result of the grant award:

REVENUE:

01.4010.1609	NACCHO	\$10,000.00
--------------	--------	-------------

APPROPRIATIONS:

01.4010.0460	Training & Education	\$ 600.00
01.4010.0463	Travel other than mileage	\$ 2,000.00
01.4010.0487	Environmental Health Supplies	\$ 7,400.00

Moved, Allport; second,

**RESOLUTION NO. 170-324**

URGING THE GOVERNOR AND STATE LEGISLATURE TO MOVE THE ADMINISTRATIVE RESPONSIBILITY FOR PRESCHOOL SPECIAL EDUCATION TRANSPORTATION SERVICES TO LOCAL SCHOOL DISTRICTS

WHEREAS, Section 200.16(e)(5) of the Regulations of the Commissioner of Education requires the municipality in which a Preschool Special Education Program (Pre-K SEP) student resides to provide suitable transportation, as determined by the board of education, to services developed in an Individual Education Plans (IEP), as needed; and

WHEREAS, municipalities contract with third-party transportation vendors to provide transportation services to children in the Pre-K SEP to and from necessary services; and

WHEREAS, coordinating with bus companies is a significant administrative burden on municipalities, particularly on already overburdened local health departments; and

WHEREAS, according to a survey of 51 county local health departments, county Pre-K SEP transportation costs from using third-party transportation vendors have been increasing for years, with overall statewide costs being 90% higher in 2022 than they were in 2020; and

WHEREAS, Pre-K SEP transportation costs per child are consistently highest for small, rural counties due to limited choices for transportation vendors; and

WHEREAS, Section 4401(4) of the New York State Education Law requires all school districts to provide transportation for all pupils, defined as children enrolled in any public or nonpublic elementary, middle or secondary school, with disabilities residing in the district for whom such services are specified in their IEP; and

WHEREAS, local school districts either own, operate, and maintain buses or have systems in place to contract with bus companies to transport pupils with disabilities to and from special classes; and

WHEREAS, local school districts have existing systems in place to ensure that bus drivers, monitors, and attendants are properly trained and qualified to transport pupils, including those in Pre-K and with disabilities, safely to and from school; and

WHEREAS, local school districts have experience and processes in place to coordinate frequently changing bus routes and receive State aid for the costs of transportation services; and  
WHEREAS, Pre-K SEP transportation costs for localities contracting with local school districts to provide transportation to and from services are significantly lower than costs incurred from utilizing third-party transportation vendors; and

WHEREAS, localities using school districts to provide transportation to Pre-K SEP services spent 78% less on transportation costs per child in 2022 compared to localities using third-

party transportation vendors, equaling millions of dollars in cost savings for localities annually; and

WHEREAS, the disparity in cost for Pre-K SEP transportation per child from using third-party vendors versus school districts has been getting wider since 2019, especially in small counties; and

WHEREAS, county taxpayer dollars are used to pay for Pre-K SEP transportation services regardless of who administers such services; and

WHEREAS, both school districts and municipal government have the fiduciary responsibility to be good stewards of local taxpayer money; now be it

RESOLVED, the Orleans County Legislature calls upon the Governor and the New York State Legislature to shift the responsibility for the administration of Pre-K-SEP transportation services to local school districts, commensurate with their experience transporting other pupils with disabilities residing in their districts to and from special services and the cost savings for localities associated with school districts providing these services versus third-party vendors; and be it

FURTHER RESOLVED, that counties maintain the fiscal responsibility for providing these services; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Allport; second,

#### **RESOLUTION NO. 171-324**

#### **AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH DEPARTMENT EMPLOYEES**

RESOLVED, that the Legislature does hereby authorize out of state travel for one (1) Public Health department employee to attend the CTSE Annual Conference to be held at The David L. Lawrence Convention Center in Pittsburgh, PA. Costs covered by the Public Health Infrastructure Grant through Health Research Inc.; and be it

FURTHER RESOLVED that the Legislature does hereby authorize out of state travel for the Weights and Measures Director to attend the Northeastern Weights & Measures Association Annual Meeting to be held at the Holiday Inn Cape Cod – Hyannis in Hyannis, MA; and be it

FURTHER RESOLVED that the Legislature does hereby authorize out of state travel for two (2) Public Health department employees to attend the Central Atlantic States Association of Food and Drug Officials (CASA) to be held at the Hilton Richmond Hotel in Richmond, VA. Costs covered by the Public Health Infrastructure Grant through Health Research Inc.; and be it

FURTHER RESOLVED that the legislature does hereby authorize out of state travel for the Director of Community Health Services/Deputy Public Health Director to attend the NACCHO Healthcare Infection Prevention and Control Summit to be held in Chicago, IL. Cost covered by NACCHO.

Moved, Allport; second,

**RESOLUTION NO. 172-324**

**AUTHORIZING FILLING A POSITION IN THE PUBLIC HEALTH DEPARTMENT**

RESOLVED, that this Legislature does hereby authorize the filling of the vacant Environmental Health Specialist (4010.18) in the Public Health department at Grade 18 of the CSEA schedule, effective April 5, 2024 .

Moved, Allport; second,

**RESOLUTION NO. 173-324**

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

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

Orleans County Department of Social Services and the Orleans County Public Health Department, 14016 Route 31 West, Albion, NY 14411 to provide nursing services to clients and families affected by substance abuse disorders on a part-time basis. County cost is reimbursed at 100% up to \$50,000 total by a grant from the New York State Office of Children and Family Services (OCFS), effective April 1, 2024 through March 31, 2029.

Cayuga Centers 101 Hamilton Avenue, Auburn, NY 13021 for the provision of Per Diem services of emergency or respite residential foster care for children alleged to being, or have been adjudicated as, neglected, abandoned, or an abused person in need of supervision at a rate of \$350.00 per day. Reimbursement is approximate and will vary by child's eligibility for State and Federal Funding, effective March 1, 2024 through December 31, 2024.

Western New York Independent Living, Buffalo, NY, Local Office, Batavia, NY for the provision of Consumer Directed Personal Assistance Program (CDPAP); to be effective April 1, 2024 through March 31, 2025 at rates set by NYS Department of Health. County cost is \$0.

Moved, Miller; second,

**RESOLUTION NO. 174-324**

**RESOLUTION CALLING ON THE GOVERNOR TO COMPLETE ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE RECONCILIATIONS THAT ARE YEARS OVERDUE AND PROVIDE A FULL ACCOUNTING OF FUNDS OWED TO COUNTIES AND NEW YORK CITY AND A SCHEDULE FOR RELEASE OF THESE FEDERAL FUNDS**

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, additionally, counties and New York City also voluntarily contribute about \$1 billion annually to draw down available federal funds to support publicly owned or supported nursing homes, clinics, and hospitals; and

WHEREAS, the local share the state requires counties and New York City to pay 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 (ACA) and the COVID era the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York state billions of dollars; 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 followed by a reconciliation in the following year of the remaining 20 percent of savings; and

WHEREAS, for the first three years after enactment of the Affordable Care Act the state followed through on a relatively timely basis with the initial pass through of savings based on 80 percent of the estimated value of these federal savings to counties and New York City and the reconciling the remaining 20 percent; and

WHEREAS, the last completed reconciliation and transfer of federal savings owed to counties was for state fiscal year 2015-16 with the reconciliation being implemented in December of 2020; and

WHEREAS, as of February 1, 2024, counties and New York City are waiting on seven years of unfinished reconciliations; and

WHEREAS, the only accounting counties have received from the state of the unreconciled eFMAP funds have come via FOIL requests for SFY 2017-2020; and

WHEREAS, as of February 8, 2022, 34 counties have received responses from DOH to their FOIL inquiries and that these calculations show that up to \$232 million is owed to these counties from Affordable Care Act eFMAP reconciliations; and

WHEREAS, the state utilized the same 80 percent pass through methodology for the distribution of federal COVID eFMAP savings provided from 2020-2024, but no reconciliations have been completed for these years; and

WHEREAS, the New York State Association of Counties has submitted FOIL requests on behalf of all counties for federal COVID eFMAP savings distributed to counties; and

WHEREAS, the federal COVID eFMAP savings are mandated to be shared with counties under federal law; and

WHEREAS, the state identified at the beginning of the COVID crisis that the local share of these federal savings would be about 17.8 percent, but publicly available data indicates only about 12.7 percent has been shared with counties and this has required NYSAC to FOIL the New York State Department of Health because hundreds of millions of dollars in federal savings have yet to be distributed; and

WHEREAS, because the state is withholding 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 are scaled back or eliminated, now be it

RESOLVED, the Orleans County Legislature 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

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second,

#### **RESOLUTION NO. 175-324**

#### **RESOLUTION OPPOSING THE GOVERNOR'S SFY2025 BUDGET PROPOSAL TO SHIFT MORE COSTS TO COUNTIES BY MANDATING PRESCHOOL FOR FAMILY SERVICES (FFFS) BLOCK GRANT**

WHEREAS, over the last 15 years the state has devolved away from its historic and constitutional responsibilities of providing social services and support for low-income families and children, as demonstrated through significant reductions in state financial support for these programs, thereby shifting state costs and responsibilities to counties and New York City; and

WHEREAS, the SFY 2025 proposed budget continues the trend of shifting social services costs to counties and New York City by requiring additional local spending of \$75 million for child welfare services within the capped Flexible Fund for Family Services (FFFS) which is already underfunded; and

WHEREAS, these increased county costs are partially offset with temporary federal funding that will likely not continue, which will force higher costs on county taxpayers on a recurring basis; and

WHEREAS, state funding shifts have increased county and New York City social services costs by hundreds of millions of dollars annually because the state requires that all services still be

provided in full, often including new and more comprehensive service levels, but with less state resources; and

WHEREAS, the steady pullback in State funding support has been expansive and includes cutting state matching support for child welfare from 65 percent to 62 percent; and

WHEREAS, state funding support for the Safety Net Program was cut from 50 percent to 29 percent, offset with the addition of temporary federal aid that gradually disappeared leaving the full burden on counties and New York City; and

WHEREAS, the State cut in matching funds for Safety Net Program costs is currently costing New York City hundreds of millions of dollars annually in higher costs under the recent surge in migrants to the state, with counties statewide also experiencing tens of millions of dollars each year in higher costs; and

WHEREAS, state funding support for the Foster Care Block Grant was cut by \$62 million in state fiscal year 2018, a 14 percent reduction; and

WHEREAS, the SFY 2023 adopted budget also included provisions to settle longstanding litigation against the state related to foster care rates paid to foster parents, forcing counties and New York City to fully fund more than \$200 million in rate increases; and

WHEREAS, the steady pullback in State funding support also includes cuts in state matching funds to adoption subsidies, food stamp administration, and youth detention and treatment; now be it

RESOLVED, the New York State Association of Counties (NYSAC) opposes cost shifts in critical social services programs from the state to counties and New York City; and be it

FURTHER RESOLVED, NYSAC believes the best way to support services for children and families is to restore state matching support for Safety Net programs to 50 percent, and restore child welfare state funding support to 65 percent; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second,

#### **RESOLUTION NO. 176-324**

**RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO BECOME TRUE PARTNERS IN ADDRESSING HOMELESSNESS BY FOCUSING ON RENT ALLOWANCE AND STANDARD OF NEED WHICH MUST INCLUDE THE RESTORATION OF 50/50 COST SHARING FOR SAFETY NET PROGRAMS, AND PROVIDE ACTUAL BRICK AND MORTAR SOLUTIONS BY MAKING PERMANENT HOUSING THE CENTRAL FOCUS**

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

WHEREAS, the COVID-19 pandemic made the situation worse through increased rental rates, decreased housing supply and an increased reliance on temporary housing assistance in shelters and motels; and

WHEREAS, in the post pandemic era, counties are experiencing a decline in the number of landlords that will rent to the clientele local social service districts serve; and

WHEREAS, the influx of over 160,000 migrant asylum seekers over the last two years has pushed the already overburden statewide shelter system beyond the brink; and

WHEREAS, many areas of the state are seeing increases in homelessness even without the addition of asylum seekers due to shortages in affordable housing, increases in evictions, and fewer landlords willing to rent their properties to social service districts; and

WHEREAS, the state's unprecedented reduction in fiscal support implemented over a decade ago when the state reduced its Safety Net program support from 50 percent to 29 percent has only made the situation worse; and

WHEREAS, state shelter allowances provided by the state are so low today that homeless clients cannot compete in the current housing market; and

WHEREAS, the net effect of low shelter rates for individuals and families that have been displaced and are residing in temporary housing is that current shelter allowances serve as a barrier to moving to permanent housing; and

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

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

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

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

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

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

RESOLVED, the Orleans County Legislature calls on the Governor and State Legislature to prioritize permanency in housing and to update rental allowances and the standard of need which have not been properly updated in decades to fully address the dramatic growth in housing, energy, and food costs; and be it

RESOLVED, as part of the effort, the State must restore the Safety Net state share to 50 percent; and be it

FURTHER RESOLVED, counties need brick and mortar solutions to existing housing problems; and be it

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

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

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, Office of Temporary Disability Assistance, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second,

#### **RESOLUTION NO. 177-324**

**RESOLUTION URGING THE GOVERNOR AND LEGISLATURE ENSURE THAT LOCAL SOCIAL SERVICE COMMISSIONERS ARE DIRECTLY INVOLVED IN DISCUSSIONS TO REDUCE COSTS IN THE MEDICAID PROGRAM**

WHEREAS, the Governor's SFY 2025 Budget acknowledges that Medicaid spending growth is unsustainable and cost containment actions must be implemented; and

WHEREAS, total spending for New York's Medicaid program is projected to exceed \$100 billion in SFY 2025, when county and NYC contributions are included; and

WHEREAS, the New York State Division of Budget (DOB) projects that before any state budget actions for SFY 2025 are taken into account Medicaid would run a state share funding deficit of \$735 million in SFY 2025, growing to \$2.23 billion in SFY 2026; and

WHEREAS, DOB projects that state share Medicaid costs will grow by 48 percent from SFY 2021 through SFY 2025, which includes \$1.2 billion in anticipated cost containments actions fully implemented in SFY 2025; and

WHEREAS, of the \$1.2 billion in targeted savings, \$400 million is undefined in the budget, with \$200 million expected from long term care services and \$200 million from other actions; and

WHEREAS, county social services commissioners and their staff are deeply involved in administering different components of Medicaid, including long term care services at the direction of the New York State Department of Health (DOH), adhering to state regulations and guidelines; and

WHEREAS, because of this involvement county social services commissioners can offer valuable insight into achieving savings in Medicaid including long term care service delivery.

NOW, THEREFORE, BE IT RESOLVED, the Orleans County Legislature calls on the Governor, Department of Health, the Legislature, and other stakeholders to include representatives from local social services commissioners to participate in these discussions to find recurring savings in Medicaid long term care services; and

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second,

#### **RESOLUTION NO. 178-324**

#### **RESOLUTION URGING NEW YORK STATE TO REDUCE THE COST OF STATE-MANDATED PROGRAMS ON LOCAL TAXPAYERS TO HELP ALLEVIATE THE HOUSING AFFORDABILITY CRISIS**

WHEREAS, despite the state capping the local share of Medicaid—and assuming the growth—New York State continues to rely on county taxpayers to balance its books; and

WHEREAS, even with this Medicaid growth cap in place the 57 counties and New York City have provided \$139 billion in local taxes to pay for the state designed and controlled program since 2005; and

WHEREAS, each year going forward counties will need to raise \$7.6 billion in local taxes to pay a share of the costs of the state's Medicaid program that is growing at an unsustainable rate and has been for many years; and

WHEREAS, this state mandated local share is unprecedented nationwide and more than all counties in the country combined are forced to pay for general Medicaid program costs; and

WHEREAS, New York State is one of only a few that require counties to pay the bulk of the costs of the state general assistance program (Safety Net). Since 2005, counties and New York City have provided \$25.2 billion in local tax revenues to support the state's Safety Net Program; and

WHEREAS, since 2005 counties and New York City have provided \$7.5 billion in local taxes to support indigent defense services, a federal and state constitutional requirement the state has shifted to counties and New York City; and

WHEREAS, only 15 states require their counties to pay a significant share of indigent defense costs, and few come close to the share and amount of local funds required of New York counties; and

WHEREAS, since 2005 counties and New York City have provided \$12.6 billion in local tax revenues to support the state's Preschool special education program. Counties pay just over 40 percent of Preschool Special Education costs for 3–5-year-olds, in addition to 10 percent of summer school special education services for k-12 students. Few counties nationwide pay for or provide educational services; and

WHEREAS, counties and New York City also provide local tax revenues in support of the state budget for dozens of other programs, many of which have seen lower state funding matches since the Great Recession; and

WHEREAS, the state legislature and Governor have shifted a record amount of new costs to county taxpayers in the last few years, forcing local taxpayers to spend \$14 billion in locally raised taxes in 2024 to pay for a significant portion of the costs of state designed and controlled programs, a 30 percent increase since SFY 2021; and

WHEREAS, the record amount of locally generated taxes paid by New Yorkers that directly fund state programs each year is more than the entire general fund spending of 29 individual states; and

WHEREAS, for the 57 counties outside of New York City the new cost shifts and added spending requirements imposed over the last two years by the state will approach \$600 million annually. These recurring costs include the intercept of federal Medicaid funding that for 20 years has been set aside by congress for county fiscal relief, state imposed double digit rate increases for preschool special education and foster care programs, a doubling of rates for criminal indigent defense costs, and higher pension costs; and

WHEREAS, these increases are equal to 11 percent of the entire county property tax levy for 2023 and will have to be supported with higher local taxes or service cuts in the future; and

WHEREAS, as recent as 2021, New York State shifted the entire cost of Criminal Procedure Law (CPL) 730 exams and placements to county taxpayers; and

WHEREAS, since 2005, counties and New York City have been required under state law to raise over \$184 billion in local taxes to pay for state programs that most counties across the country do not fund, hindering New York's economic competitiveness, driving significant job and population loss that has been accelerating in recent years, and fueled New York's housing affordability crisis; and

WHEREAS, all of these cost shifts have been used to provide relief to the state financial plan but does so by essentially substituting more regressive local taxes for the more progressive

state tax structure which has a direct and negative impact on local taxpayers and affordability in New York State; now be it

RESOLVED, the Orleans County Legislature urges the State Legislature and Governor Hochul, at minimum, to freeze the growth in county costs for all state mandated programs, and further, to include significant new funding to reduce or eliminate the \$14 billion in annual payments counties make for state-mandated programs as part of the SFY 2025 Budget and beyond; and

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Miller; second,

**RESOLUTION NO. 179-324**

AUTHORIZING COUNTY TREASURER TO SET UP FUNDS FROM RESERVE IN THE CHILD AND FAMILY SERVICES UNIT WITHIN ORLEANS COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, unspent funds in the amount of \$5,473.72 from the 2023 Department of Social Services Budget have been reverted to the County's Reserves; now be it

RESOLVED, the County Treasurer is hereby authorized to set up funds as follows:

RESERVE:

Miscellaneous Reserve	\$5,473.72
-----------------------	------------

APPROPRIATION:

01.6010.0418.6104	Donations	\$5,473.72
-------------------	-----------	------------

Moved, Miller; second,

**RESOLUTION NO. 180-324**

APPROVING AND MODIFYING CELLULAR PHONE USE AGREEMENTS FOR THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature approves the Department of Social Services Cellular Phone Use Agreement for position 6010.0166 in the Fraud Investigation Unit that will be using a Verizon cell phone.

Moved, Miller; second,

**RESOLUTION NO. 181-324**

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

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

RESOLVED, that this Legislature does hereby create two (2) permanent, full-time Caseworker Assistant positions in the Department of Social Services at Grade 10 of the CSEA Salary Schedule, effective April 5, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of these two (2) newly created, vacant positions effective April 5, 2024; and be it

FURTHER RESOLVED, that this Legislature, upon filling the two (2) newly created Caseworker Assistant positions, does hereby authorize the abolishment of two (2) Youth Care Worker positions (6010.0232) and 6010.0231); and be it,

FURTHER RESOLVED, as a result of a resignation, that this Legislature does hereby authorize filling a permanent full-time Account Clerk position (6010.0251) in the Department of Social Services at Grade 9 of the CSEA Salary Schedule, effective April 5, 2024 and be it

FURTHER RESOLVED, as a result of a resignation, that this Legislature does hereby authorize filling a permanent full-time Fraud Investigator position (6010.0115) in the Department of Social Services at Grade 15 of the CSEA Salary Schedule, effective April 5, 2024 and be it

FURTHER RESOLVED that this Legislature does hereby authorize filling a permanent, full-time Clerk position (6010.0703) in the Department of Social Services at Grade 7 of the CSEA Salary Schedule effective, April 5, 2024, and be it

FURTHER RESOLVED that this Legislature does hereby authorize filling a permanent, full-time Caseworker position (6010.0224) in the Department of Social Services at Grade 17 of the CSEA Salary Schedule, effective April 5, 2024.

Moved, Miller; second,

**RESOLUTION NO. 182-324**

**APPROVING A RENEWAL 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, 25 W. Academy Street, Albion, NY 14411, to provide bus passes to older adults in need, not to exceed \$2,500.00; effective for January 1, 2024 through December 31, 2024 at no county cost.

Moved, Miller; second,

**RESOLUTION NO. 183-324**

**APPROVING APPOINTMENT TO THE AGING ADVISORY COUNCIL**

RESOLVED, that this Legislature approves the following appointment to the Office for the Aging Advisory Council for a three-year term, effective April 1, 2024 through March 31, 2027  
Patricia Eick, 10471 Freeman Road, Medina, NY 14103

Moved, Miller; second,

**RESOLUTION NO. 184-324**

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

WHEREAS, there is resignation in the Office for the Aging’s office; now be it

RESOLVED, that this Legislature authorizes the abolishing of a vacant full-time Housekeeper Aide position (6772.20) at grade 4 of the CSEA Salary Schedule, effective March 20, 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes the creating two (2) part-time housekeeper positions effective March 27, 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes filling the two (2) newly created positions effective March 27, 2024.

Moved, Miller; second,

**RESOLUTION NO. 185-324**

**AUTHORIZING PAYMENT OF CLAIMS FOR APRIL AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Department of Public Works, Special Grant Fund (Job Development Agency) 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 finds and that the Clerk of the Legislature, Commissioner of the Department of Public Works, Director of Job Development Agency 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 April 9, 2024 and April 23, 2024:

Fund/Department:	Amount:
General	
Road Fund	
Road Machinery Fund	
Special Grant Fund	

Self Insurance

Moved, Morgan; second,

**RESOLUTION NO. 186-324**

**RESOLUTION ADVOCATING ON BEHALF OF SUNY COMMUNITY COLLEGES TO INCREASE FUNDING TO COMMUNITY COLLEGES IN THE STATE BUDGET**

WHEREAS, State University of New York's (SUNY's) community colleges serve the largest percentage of low income, historically marginalized populations, and working adults of all SUNY sectors; and

WHEREAS, the state's direct tax support for SUNY's community colleges is lower than it was a decade ago, has not increased in three years, and has fallen behind the NY state counties' direct tax support to community colleges by \$97 million; and

WHEREAS, the community college sector Trustees and Presidents and SUNY Adirondack advocated for New York State to meet its obligation to equally share its support to the community colleges with the counties; and

WHEREAS, increasing base operating aid by \$97 million will bring the state's share of direct state tax support for operating aid to equal that of New York's counties and support training 20,000 New Yorkers in high demand jobs through the Empire; and

WHEREAS, despite these advocacy efforts the Governor's Executive Budget calls for no increase in base operating aid; and

WHEREAS, with no increase to base operating aid, community college will be unable to meet the workforce needs appropriately and substantially in New York State and Orleans County, particularly in healthcare, IT, and regionally based industry sectors; and

WHEREAS, our county has faithfully carried out our fiduciary duties; now be it

RESOLVED, that the Orleans County Legislature urges New York State Legislators to advocate on behalf of the community college sector of SUNY by ensuring that NYS meets its fiduciary obligations to equally share its financial support of the community colleges with the counties by adding an additional \$97 billion in operating base aid for the community colleges as requested; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Governor Kathy Hochul, US Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congressman Joseph Morelle, Senator Robert Ort, Assemblyman Steve Hawley, Education Chair Chancellor of SUNY John B. King, Jr., New York State Association of Counties (NYSAC) and all others deemed necessary and proper.

Moved, Fitzak; second,