



## **Zoom**

**Dial: 1 646 558 8656**

**Meeting ID: 853 3646 4419**

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## ***CONFERENCE SESSION***

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4:15 p.m. Orleans County 4-H Market Auction:  
4-H Youth Hugh Gabalski and Carissa Klossner  
4-H Program Coordinator Kristina Gabalski

## ***PUBLIC HEARING***

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4:20 p.m. CDBG Grant Microenterprise  
4:25 p.m. CDBG Grant Application for Microenterprise

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

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**May 28, 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:

Dr. Clark Godshall, Ed.D. - Retirement from Niagara/Orleans BOCES

Brian Ettinger - Retirement from The Department of Public Works

Retired Lt. Lawrence Manning - Retirement from the Sheriff's Office

Bill Larkin - Retirement from Sheriff's Office

Proclamation:

Mental Health Awareness Month -

World Elder Abuse Awareness Month - Joint DSS and OFA

DSS - Adult Protective Services Case Supervisor June Seager

AGING - Director Melissa Blonar

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

236. Authorizing the Sheriff's Office to Apply for Grant Funding through the Bureau of Justice Assistance (Draper)
237. Authorizing the Sheriff's Office to Purchase Mobile APP and Website (Draper)
238. Authorizing the Sale of Outdated Handguns and Authorizing the County Treasurer to Set Up New Money in the Sheriff's Budget (Draper)
239. Authorizing Creation and Filling of Positions in the Sheriff's Office (Draper)
240. Approving Agreement Extension between Emergency Management and the University of Rochester (Draper)

241. Authorizing Emergency Management to Apply for and Accept the Emergency Medical Services Support Grant (Draper)
242. Authorizing Emergency Management to Apply for the 2024 Statewide Interoperable Communications Formula Based Grant (Draper)
243. Authorizing Expending Grant Funds in Emergency Management (Draper)
244. Approving Extension of Agreement between Public Defender and New York Office of Indigent Legal Services (Draper)
245. Authorizing the Use of Grant Funds for the Public Defender's Office to Purchase Books from LexisNexis-Matthew Bender for the Public Defender's Office and Assigned Counsel Panel Attorneys (Draper)
246. Approving Agreement in the Orleans County Probation Department and Authorizing County Treasurer to Transfer Funds in the Probation Budget (Draper)
247. Authorizing the Submittal of a Community Development Block Grant Application and the Execution of Related Documents (Draper)
248. Authorizing County Treasurer to Set Up Money from Building and Equipment Reserve into the Information Technology Services Budget for 2023 Budgeted Projects (Fitzak)
249. Appointing the Director of Information Technology Services (Fitzak)
250. Authorizing Distribution of Mortgage Tax Receipts (Fitzak)
251. Approving Agreement between Orleans County Self Insurance Plan and USI Insurance, Inc. D/B/A FutureComp (Fitzak)
252. Approving the Management Compensation Plan Update for Enhanced Recruiting and Retention (Fitzak)
253. Approving Updates to the Vehicle Use Policy (Fitzak)
254. Resolution Calling on the Governor and Legislature to Support Community Colleges, Urging them to Develop an Equitable County Chargeback Formula, and Urging them to Take Over the Cost of Health Insurance for Community Colleges as they do for Four Year SUNY Schools (Fitzak)
255. Approving Agreement with Greensheen Paint and Design Inc. for a Paint-Only Collection Event (Eick)
256. Approving Agreement with the Orleans County Federation of Snowmobile Clubs (Eick)
257. Authorizing Payments from Capital Project Broadband (Eick)
258. Amending Agreements for the Department of Public Works with GE Software and Gilbarco Inc. (Morgan)
259. Approving Agreements between the Department of Public Works and Various Agencies (Morgan)
260. Approving Agreement between the Department of Public Works and Dynamic Infrastructure and Authorizing County Treasurer to Transfer Funds (Morgan)
261. Approving Agreement with the NYS DOT and the Department of Public Works (Morgan)
262. Agreement between the Department of Public Works and Keeler Construction Co., Inc. (Morgan)
263. Authorizing the Implementation, and Funding of the Costs of 100% of the Costs of a Transportation Project, which may be Eligible for Federal-Aid and/or State-Aid, or Reimbursement from Bridge NY Funds (Morgan)
264. Approving Agreement with the Department of Public Works and RAVI Engineering and Land Surveying (Morgan)
265. Approving Agreement with the Department of Public Works and Labella Associates, P.C.
266. Authorizing Payments from Capital Project Infrastructure Projects Account (Morgan)
267. Authorizing the County Treasurer to Close Out the Petty Cash Account (Morgan)

268. Authorizing Creation, Filling and Abolishing Positions in the Department of Public Works (Morgan)
269. Approving Payment for Printing, Processing, And Postage of Annual Mailing to Registered Voters of Orleans County (Allport)
270. Approving Agreements between the Mental Health Department and Various Providers (Allport)
271. Supporting the Passage of the S.1874 (Brouk) / A.5063 (Gunther) States Competency Restoration Process Bill in the 2024 Legislation Session (Allport)
272. Authorizing Reimbursement to the Clinic Coordinator and Coordinator of Care Management Positions in the Mental Health Department for Cell Phone Usage (Allport)
273. Approving Agreements between the Public Health Department and Various Agencies
274. Authorizing Purchases from Public Health Department Budget (Allport)
275. Authorizing County Treasurer to Transfer Money Within the Public Health Budget (Allport)
276. Authorizing Out of State Travel for Public Health Department Employees (Allport)
277. Approving Agreements with the Department of Social Services (Miller)
278. Authorizing County Treasurer to Set Up New Money in the Child and Family Services Unit within Orleans County Department of Social Services (Miller)
279. Authorizing Filling a Position in the Department of Social Services (Miller)
280. Approving Renewal Agreements between Office for the Aging Department and Various Agencies (Miller)
281. Authorizing the County Treasurer to Set Up New Money in the Office For the Aging's Budget (Miller)
282. Authorizing Job Development Agency to Apply for and Accept Incentive Pay for Performance Operating Grant Funding through New York State Empire State Development's Office of Strategic Workforce Development (Miller)
283. Authorizing Filling Vacancies in the Job Development Agency (Miller)
284. Authorizing Staff Adjustments and County Treasurer to Transfer Funds Within the Youth Bureau Budget (Miller)
285. Authorizing Payment of Claims for June Against the County (Draper)

Open Discussion – New Business

Adjournment

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## **RESOLUTIONS:**

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### **RESOLUTION NO. 236-524**

**AUTHORIZING THE SHERIFF'S OFFICE TO APPLY FOR GRANT FUNDING THROUGH THE BUREAU OF JUSTICE ASSISTANCE**

WHEREAS, the Orleans County Sheriff's Office requests to continue participation in the grant funding available through the US Department of Justice, Bureau of Justice Assistance; now be it

RESOLVED, that this Legislature does hereby authorize the Sheriff to apply for grant funding through the Bullet Proof Vest Partnership initiative, administered through the Bureau of

Justice Assistance, granting reimbursement up to 50% towards the cost of body armor vests purchased for law enforcement officers; and be it

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

Moved, Draper; second,

**RESOLUTION NO. 237-524**

AUTHORIZING THE SHERIFF'S OFFICE TO PURCHASE MOBILE APP AND WEBSITE

RESOLVED, that this Legislature authorizes the purchase of a Sheriff's mobile app and website from Sole Source provider OCV,LLC/TheSheriffApp.com, PO Box 3387, Auburn, AL 36831, in the amount of \$31,780.00 to be paid from Sheriff budgets 01.3110.0486.5322-Special Grant SLETPP FY202, 01.3110.4308.5323-Special Grants SLETPP FY2023 and 01.3110.0447-Sheriff Contracted Services.

Moved, Draper; second,

**RESOLUTION NO. 238-524**

AUTHORIZING THE SALE OF OUTDATED HANDGUNS AND AUTHORIZING THE COUNTY TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET

WHEREAS, The Orleans County Sheriff's Office changed over from outdated 45mm handguns to 9 mm handguns and has four (4) outdated Glock Model 21, 45 ACP caliber pistols; and

WHEREAS, Medina Police Department has agreed to purchase the four (4) outdated Glock Model 21, 45 ACP pistols from the Sheriff's Office at the cost of \$310.00 per pistol for a total of \$1,240.00; now be it

RESOLVED, that this Legislature authorizes the sale of four (4) Glock Model 21, 45 ACP caliber pistols to Medina Police Department for a total sales price of \$1,240.00; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up new money in the Sheriff's Budget as follows:

REVENUE:

|              |                   |            |
|--------------|-------------------|------------|
| 01.3110.2265 | Sale of Equipment | \$1,240.00 |
|--------------|-------------------|------------|

APPROPRIATION:

|              |                 |            |
|--------------|-----------------|------------|
| 01.3110.0250 | Other Equipment | \$1,240.00 |
|--------------|-----------------|------------|

Moved, Draper; second,

**RESOLUTION NO. 239-524**

## AUTHORIZING CREATION AND FILLING OF POSITIONS IN THE SHERIFF'S OFFICE

RESOLVED, that due to resignation in the Sheriff's Marine Division, this Legislature does hereby authorize the filling of a vacant part-time Marine Deputy Sheriff (3110.33) position in the Sheriff's Marine Patrol at \$17.86 – Non- Certified and \$21.32 – Certified per hour effective June 5, 2024; and be it

FURTHER RESOLVED, that due to a resignation in the Sheriff's Alternatives to Incarceration Division, this Legislature does hereby authorize the filling of a vacant Work Experience Crew Leader (3110.65) in the Sheriff's Alternatives to Incarceration Division at \$21.00 per hour effective June 5, 2024; and be it

FURTHER RESOLVED, that due to a vacancy in the Sheriff's Corrections Division, this Legislature does hereby authorize the filling of a full-time Correction Officer (3150.01) in the Sheriff's Jail at Grade 5 of the OCSEA salary schedule, effective June 5, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of one (1) part-time Public Safety Dispatcher position (3020.27) in the Sheriff's Communications Division at \$20.82 per hour; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created part-time Public Safety Dispatcher position (3020.27) in the Sheriff's Communication Division, effective June 5, 2024.

Moved, Draper; second,

### **RESOLUTION NO. 240-524**

## APPROVING AGREEMENT EXTENSION BETWEEN EMERGENCY MANAGEMENT AND THE UNIVERSITY OF ROCHESTER

WHEREAS, Resolution No. 425-1018 and Resolution No. 381-919 approved and extended the agreement between Emergency Management and the University of Rochester expiring June 30, 2024; now be it

RESOLVED, that this Legislature does hereby approve a five (5) year agreement extension with the University of Rochester, acting in its capacity as a regional training center on behalf of the NYS Department of Health, expiring on June 30, 2027.

Moved, Draper; second,

### **RESOLUTION NO. 241-524**

## AUTHORIZING EMERGENCY MANAGEMENT TO APPLY FOR AND ACCEPT THE EMERGENCY MEDICAL SERVICES SUPPORT GRANT

WHEREAS, the New York State Department of Health has announced that funding aimed to provide or develop programs that will increase EMS sustainability at the county level for the

creation of new programs or services and/or supplement existing EMS system models to enhance performance and sustainability with the development of innovative delivery models; now it be

RESOLVED, that this Legislature authorizes the Director of Emergency Management to apply for and accept the funding opportunity through the Emergency Medical Services Support Grant; and be it

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

Moved, Draper; second,

**RESOLUTION NO. 242-524**

**AUTHORIZING EMERGENCY MANAGEMENT TO APPLY FOR THE 2024 STATEWIDE INTEROPERABLE COMMUNICATIONS FORMULA BASED GRANT**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to apply for the 2024 Statewide Interoperable Communications Formula Based Grant (SICG FY24) through the NYS Division of Homeland Security and Emergency Services Office for performance period of January 1, 2024 through December 31, 2026 which will aid in making the necessary improvements and provide for sustainment of Land Mobile Radio systems, maintenance components supporting interoperability, continuous training and exercise for our first responders, sustainment and further development of governance structure.

Moved, Draper; second,

**RESOLUTION NO. 243-524**

**AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT**

RESOLVED, that as part of the County wide radio project, this Legislature authorizes the Director of Emergency Management to expend SICG FY21 Grant Funds for purchase of radios and accessories from L3 Harris Technologies, Inc., 221 Jefferson Ridge Parkway, Lynchburg, VA 24501 (OGS Contract PT68716) at a cost not to exceed \$50,000.00 and said equipment to be used by Orleans County Department of Public Works, Probation, and County Task Force.

Moved, Draper; second,

**RESOLUTION NO. 244-524**

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

WHEREAS, Resolution No. 80-919 approved an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, A.E., Smith Building 11th Floor, 80

Swan Street, Albany, New York 12210 (Contract #CSTWIDEHH33) for a five-year contract related to the Hurrell-Harring settlement, now be it

RESOLVED, that this Legislature approves an extension of an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, A.E., Smith Building, 11<sup>th</sup> Floor, 80 South Swan St, Albany, NY 12210 (Contract #CSTWIDEHH), to continue to provide remaining funds from the total amount of \$3,211,297.59, effective for an extension term of April 1, 2024 through March 31, 2025.

Moved, Draper; second,

**RESOLUTION NO. 245-524**

AUTHORIZING THE USE OF GRANT FUNDS FOR THE PUBLIC DEFENDER'S OFFICE TO PURCHASE BOOKS FROM LEXISNEXIS-MATTHEW BENDER FOR THE PUBLIC DEFENDER'S OFFICE AND ASSIGNED COUNSEL PANEL ATTORNEYS

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

WHEREAS, various books are required for use by the Assigned Counsel Panel attorneys; and

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

RESOLVED, that this Legislature authorizes the Public Defender's Office to purchase books from LexisNexis-Matthew Bender in the total amount of up to \$9,000.00 (PD- up to \$4,500.00 / ACP- up to \$4,500.00), at no additional cost to the County.

Moved, Draper; second,

**RESOLUTION NO. 246-524**

APPROVING AGREEMENT IN THE ORLEANS COUNTY PROBATION DEPARTMENT AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS IN THE PROBATION BUDGET

WHEREAS, due to AutoMon Services being acquired by Catalis, 3025 Windward Plaza, Suite 200, Alpharetta, GA 30005, and the transition of the Probation Case Management System (Caseload Explorer) software maintenance agreement and additional hosting services agreement being combined into a single subscription agreement; now be it

RESOLVED, that this Legislature approves the subscription agreement with Catalis, to provide technical support services for Caseload Explorer and a Caseload Explorer (Microsoft Azure) government hosting for Orleans County Probation for a five-year term, from June 21, 2024 through June 20, 2029; to be \$13,068.58, with annual increase of 5%, as described in the agreement; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to transfer monies as follows:

FROM:

|              |                           |             |
|--------------|---------------------------|-------------|
| 01.3140.0447 | Misc. Equipment Contracts | \$14,571.10 |
|--------------|---------------------------|-------------|

TO:

|              |               |             |
|--------------|---------------|-------------|
| 01.3140.0225 | Subscriptions | \$14,571.10 |
|--------------|---------------|-------------|

Moved, Draper; second,

**RESOLUTION NO. 247-524**

**AUTHORIZING THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND THE EXECUTION OF RELATED DOCUMENTS**

WHEREAS, the New York State Community Development Block Grant Program provides funding to communities under the Microenterprise Program to undertake activities that focus on community development needs such as creating or expanding job opportunities; and

WHEREAS, Orleans County (the "County") desires to partner with The Orleans County Local Development Corporation ("OCLDC") as a subrecipient to apply to the New York State Office of Community Renewal ("OCR") for \$300,000.00 for eligible Microenterprise activities which will provide grants to eligible businesses (including startup and existing) for working capital, equipment, etc.; and

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and regarding the proposed microenterprise program; now be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application in the amount of \$300,000.00, such amount to be used to provide business grants and fund the costs of grant administration and program activities; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with OCLDC relating to the use and administration of the grant funds, subject to review and approval by the County Attorney.

Moved, Draper; second,

**RESOLUTION NO. 248-524**



AUTHORIZING COUNTY TREASURER TO SET UP MONEY FROM BUILDING AND EQUIPMENT RESERVE INTO THE INFORMATION TECHNOLOGY SERVICES BUDGET FOR 2023 BUDGETED PROJECTS

WHEREAS, Information Technology Services entered into agreements in 2023 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 Building & Equipment Reserve into the 2024 ITS budget as follows:

RESERVE:

|                                |             |
|--------------------------------|-------------|
| Building and Equipment Reserve | \$61,651.00 |
|--------------------------------|-------------|

APPROPRIATION:

|              |                   |             |
|--------------|-------------------|-------------|
| 01.1680.0270 | Capital Equipment | \$61,651.00 |
|--------------|-------------------|-------------|

Moved, Fitzak; second,

**RESOLUTION NO. 249-524**

APPOINTING THE DIRECTOR OF INFORMATION TECHNOLOGY SERVICES

WHEREAS, Resolution No. 87-224 authorized filling the Director of Information Technology Services; now be it

RESOLVED, that this Legislature appoints Kevin Neureuter, Jr. to the position of Director of Information Technology Services, at Grade 10, Step 5 of the Management Compensation Plan Salary Schedule at 40 hours per week, effective May 31, 2024; and be it

FURTHER RESOLVED, that for the purposes of earning annual leave will be treated as an employee that has completed one year of service or the actual years of service whichever is greater.

Moved, Fitzak; second,

**RESOLUTION NO. 250-524**

AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS

WHEREAS, this Legislature is in receipt of the Semi-annual Mortgage Tax Report showing the amounts to be credited to each tax District of Orleans County, of the money collected during the preceding six months ending March 31, 2024; and be it

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

| Mortgage Tax Apportionment             |                  |             |                 |        |               |               |               |
|--|------------------|-------------|-----------------|--------|---------------|---------------|---------------|
| October 1, 2023 through March 31, 2024 |                  |             |                 |        |               |               |               |
|  | Town Taxable     | Double      | Village Taxable | Rate   | Due Town      | Village Share | Town Share    |
| Albion                                 | \$234,412,021.00 | 468,824,042 | 128,408,688     | 27.39% | \$ 34,236.39  | \$ 9,377.19   | \$ 24,859.20  |
| Barre                                  | \$117,582,555.00 |             |                 |        | \$ 11,192.71  |               | \$ 11,192.71  |
| Carlton                                | \$301,083,941.00 |             |                 |        | \$ 13,465.44  |               | \$ 13,465.44  |
| Clarendon                              | \$206,824,775.00 |             |                 |        | \$ 21,290.04  |               | \$ 21,290.04  |
| Gaines                                 | \$135,151,230.00 | 270,302,460 | 24,459,244      | 9.05%  | \$ 16,204.81  | \$ 1,466.35   | \$ 14,738.46  |
| Kendall                                | \$225,178,654.00 |             |                 |        | \$ 19,586.99  |               | \$ 19,586.99  |
| Murray                                 | \$198,784,890.00 | 397,569,780 | 60,350,244      | 15.18% | \$ 31,092.07  | \$ 4,719.71   | \$ 26,372.36  |
| Ridgeway                               | \$367,252,410.00 | 734,504,820 | 156,604,752     | 21.32% | \$ 35,560.08  | \$ 7,581.81   | \$ 27,978.27  |
| Shelby                                 | \$300,809,939.00 | 601,619,878 | 122,890,122     | 20.43% | \$ 29,776.48  | \$ 6,082.30   | \$ 23,694.18  |
| Yates                                  | \$165,196,689.00 | 330,393,378 | 30,597,571      | 9.26%  | \$ 10,162.12  | \$ 941.11     | \$ 9,221.01   |
|  |                  |             |                 |        | \$ 222,567.13 | \$ 30,168.47  | \$ 192,398.66 |

Moved, Fitzak; second,

**RESOLUTION NO. 251-524**

**APPROVING AGREEMENT BETWEEN ORLEANS COUNTY SELF INSURANCE PLAN AND USI INSURANCE, INC. D/B/A FUTURECOMP**

WHEREAS, a Request For Proposal was issued March 21, 2024 for a fixed fee contractual agreement for Third Party Administration – Workers’ Compensation of the Orleans County Self Insurance Plan which had a due date of April 26, 2024; now be it

RESOLVED, that this Legislature authorizes the agreement with USI Insurance, Inc. D/B/A FutureComp for third party administration of the Orleans County Self Insurance Plan, effective May 15, 2024 through May 14, 2027 at an annual cost of \$59,400.00 for the first year, \$61,152.00 for the second and third years with an option to extend at an annual cost of \$62,700.00 for years four and five, to be billed monthly in advance, which will be a direct expense to the Orleans County Self Insurance Plan.

Moved, Fitzak; second,

**RESOLUTION NO. 252-524**

**APPROVING THE MANAGEMENT COMPENSATION PLAN UPDATE FOR ENHANCED RECRUITING AND RETENTION**

WHEREAS the Chairman of the Legislature appointed a Management Compensation Committee to improve recruiting and retention of management employees in November of 2023; and

WHEREAS this committee met five times assessing the Management Compensation Plan looking to improve quality of life and balance of work-life measures that are little to no cost to the County; now be it

RESOLVED, that the current Management Compensation Plan for 2024 be updated to reflect the implementation of the Committee's recommendations for various adjustments that meet these goals; and be it

FURTHER RESOLVED, that the recommendations of the committee include loading benefit time for new hires, allowing management employees to carry an additional week of annual leave and clarifying language for bereavement and sick leave usage that will allow for implementation of improved quality of life and balance of work-life measures at little or no cost to the County effective immediately; and be it

FURTHER RESOLVED, that the aforementioned plan is to be filed with the Clerk of the Legislature by the Chief Administrative Officer and Director of Personnel and Self Insurance and that the terms and provisions of the plan as filed are incorporated herein by reference as if fully set forth in this resolution; and be it

FURTHER RESOLVED, that this Legislature thanks the members of this committee for their work to improve recruiting and retention of management employees with their recommendations for changes to the current Management Compensation Plan and demobilizes the Management Compensation Committee.

Moved, Fitzak; second,

#### **RESOLUTION NO. 253-524**

#### **APPROVING UPDATES TO THE VEHICLE USE POLICY**

WHEREAS, Resolution No. 337-794 modified and updated the Vehicle Use Policy; now be it

RESOLVED, that this Legislature approves the updates of the Orleans County Vehicle Use Policy to:

Item V. MOTOR VEHICLE MAINTENANCE, B. Regulations, 3. Marking of County vehicles will be as follows:

c. No personal accessories or emblems are to be attached to **any** County vehicle. This shall include any equipment described in the New York State Statute Vehicle and Traffic Law in Section 375 Equipment. Any exceptions to this policy must be specifically addressed by a resolution of the Orleans County Legislature to approve personal accessories or emblems to ensure that the use of the accessory appropriate and is covered by Orleans County automobile insurance coverage.

and be it,

FURTHER RESOLVED, that this Legislature authorizes these updates and clarifications to take effective immediately and will be printed in the Orleans County Policies and Procedures update.

Moved, Fitzak; second,

## **RESOLUTION NO. 254-524**

RESOLUTION CALLING ON THE GOVERNOR AND LEGISLATURE TO SUPPORT COMMUNITY COLLEGES, URGING THEM TO DEVELOP AN EQUITABLE COUNTY CHARGEBACK FORMULA, AND URGING THEM TO TAKE OVER THE COST OF HEALTH INSURANCE FOR COMMUNITY COLLEGES AS THEY DO FOR FOUR YEAR SUNY SCHOOLS

WHEREAS, under state law, funding for community colleges is to be provided through state aid, a county sponsor contribution, and student tuition and fees; and

WHEREAS, the establishment and continued operation of a statewide community college system was based on an ongoing state aid funding commitment of at least one third, and up to 40 percent, of community college operating costs; and

WHEREAS, the state funding amount has declined over the years and is now below their historic one-third commitment, and far short of 40 percent; and

WHEREAS, this year the Executive State Budget proposes to maintain a funding floor for community colleges at 100 percent of prior year funding, up from the 98 percent floor enacted in FY 2022; and

WHEREAS, without this funding floor, community colleges would face a \$138 million (22 percent) loss in formula aid due to enrollment declines; and appropriation shall be payable subject to a plan developed by the State University of New York and approved by the director of the budget with actions necessary for community colleges to undertake in order to operate without reliance on the base aid funding floor in operating funds remains unchanged, our community colleges will lose millions of dollars in base State Aid, as well as even more funding if 20 percent of the aid was held for a period of time or indefinitely; and

WHEREAS, a significant portion of the operating cost for community colleges is related to the cost of health insurance; and

WHEREAS, the Orleans County Legislature requests that the State pay for community college health insurance costs as they do for the four-year SUNY schools; and

WHEREAS, many community colleges are at a crossroads because they are facing a decade of declining enrollment due to overall state population loss and a dramatic decline in K-12 students, more competition from 4-year schools due to special tuition aid provided by the state, forcing them to ask county sponsors and students to pay more, with county chargebacks rising at an unsustainable pace; now be it

RESOLVED, the Orleans County Legislature applauds the Governor for proposing to implement a funding floor for community colleges; and be it

FURTHER RESOLVED, that Orleans County Legislature does not support the base funding until SUNY and the Division of Budget develop plans that require community colleges to find ways to maintain operations without the 100 percent spending floor in future years as it could severely undermine current year operations; and be it

FURTHER RESOLVED, SUNY should continue to work closely with community colleges to develop innovative solutions to attract and support students during these challenging times, such as providing cybersecurity curriculum, cannabis management, and specific regional industry workforce development; and be it

FURTHER RESOLVED, the Orleans County Legislature calls on the State University of New York (SUNY) to develop a more equitable funding methodology for community college chargebacks for counties sending residents to colleges outside of their border; and be it

FURTHER RESOLVED, the Orleans County Legislature calls on the New York State Legislature to include funding in the State budget to take over the cost of health insurance costs at all community colleges; 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, Fitzak; second,

#### **RESOLUTION NO. 255-524**

#### **APPROVING AGREEMENT WITH GREENSHEEN PAINT AND DESIGN INC. FOR A PAINT-ONLY COLLECTION EVENT**

WHEREAS, this Legislature desires to conduct a Paint Only Collection Event on June 15, 2024, to provide County and Non-County residents with safe, secure, and convenient disposal of household paints; and

WHEREAS, the County cost is \$0 due to GreenSheen being under contract with PaintCare organization to support the collection and recycling/reuse/resale and disposal of paints and coatings in New York State. This service is sponsored and supported by NYSDEC, PaintCare and covered under the new Paint Stewardship law enacted in May of 2022 for New York State; now be it

RESOLVED, that this Legislature approves an agreement with GreenSheen Paint and Design Inc, 1470 Rotterdam Industrial Park, Building 14, Bay 7, Schenectady, NY 12306 for the paint-only collection event, being held on June 15, 2024, at the former GCC Albion Campus Parking lot, 456 West Avenue, Albion, New York, 14411.

Moved, Eick; second,

#### **RESOLUTION NO. 256-524**

#### **APPROVING AGREEMENT WITH THE ORLEANS COUNTY FEDERATION OF SNOWMOBILE CLUBS**

WHEREAS, this Legislature desires to extend the agreement with the Orleans County Federation of Snowmobile Clubs for another three (3) years until 2027. The previous agreement expired in 2023; and

WHEREAS, the County will review, update data using GIS, sign, and submit documents to the New York State Snowmobile Unit. The Orleans County Federation of Snowmobile Club President will manage expense receipts, organize expenditure reports, gather GPS data, and disburse funds to the snowmobile organizations; now be it

RESOLVED, this Legislature approves an agreement with the Orleans County Federation of Snowmobile Clubs, whereby the County will review, update data using GIS, sign, and submit documents to the New York State Snowmobile Unit. The Orleans County Federation of Snowmobile Club President will manage expense receipts, organize expenditure reports, gather GPS data, and disburse funds to the snowmobile organizations. This agreement is effective May 1, 2024, through April 30, 2027; and be it

FURTHER RESOLVED, That the Orleans County Federation of Snowmobile Clubs agree to hold the county harmless in this program; and be it

FURTHER RESOLVED, that the Chairman of the Orleans County Legislature is authorized to submit any necessary applications for funding and to enter into agreement with NYSOPRHP and the Orleans County Federation of Snowmobile Clubs.

Moved, Eick; second,

#### **RESOLUTION NO. 257-524**

#### **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 Name</u> | <u>Description</u>   |
|---------------|--------------------|--|
| \$10,200.00   | RTO                | Inv # 20240507-P1. VFP- Shelter Transport Carlton Site                             |
| \$90,912.99   | RTO                | Inv# 20240510-P1. 3 <sup>rd</sup> site- Carlton<br>Upstate tower, fence, generator |
| \$ 1,463.21   | Ferrellgas         | Fitting for propane tank install   |

Moved, Eick; second,

#### **RESOLUTION NO. 258-524**

#### **AMENDING AGREEMENTS FOR THE DEPARTMENT OF PUBLIC WORKS WITH GE SOFTWARE AND GILBARCO INC.**

WHEREAS, GE Software Inc. and Gilbarco Inc. have combined all the billing payments into one company and will be billing the Highway Division for a combined amount for a software license and product support agreement; and

WHEREAS, both of these agreements have different agreement effective dates and costs associated with the software agreement and product support; therefore, be it

RESOLVED, that this Legislature amends Resolution No. 215-422 and both of these agreements to reflect a new start date effective July 1, 2024 through June 30, 2025 so that the two agreements expire at the same time; and amends both of these agreements to include a price increase for a total cost of \$3,840.00 a year; and therefore, be it

FURTHER RESOLVED, these two agreements are to be paid out of Budget Code 04.5140.0225 Software subscription.

Moved, Morgan; second,

### **RESOLUTION NO. 259-524**

#### **APPROVING AGREEMENTS BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND VARIOUS AGENCIES**

RESOLVED, that this Legislature does hereby approve agreements between The Department of Public Works and the following agencies for construction year 2024:

Stephenson Equipment Inc., 6108 Drott Drive, Syracuse, NY 13057 for a Roller Rental from June 1, 2024 through October 31, 2024; NYS OGS Rental Award #23182 Group 72007 at a cost of \$5,200.00/month; and subject to a partial reimbursement through the Consolidated Highway Improvement Program and town payments.

Suit-Kote Corporation, 1911 Lorings Crossing Road, Cortland, NY 13045 to provide labor, equipment and materials to In-Place Cold Recycle and Fog Seal parts of Murdock Road, Carr Road, New Guinea Road, South Holley Road and Upper Holley Road. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 154-324, Project ID: DPW227-2024, to be paid from Road Fund budgets 03.5112.0436 and 03.5110.0470. Pricing is not to exceed \$1,400,000.00 and there is a partial reimbursement through the Consolidated Highway Improvement Program.

Midland Asphalt, 640 Young Street, Tonawanda, NY 14151-0388 to provide labor, equipment and materials to Pugmill 4,000 tons of 5/8" crusher run. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 154-324, Project ID DPW228-2024, to be paid from Road Fund budgets 03.5112.0436 and 03.5110.0470. Pricing is not to exceed \$200,00.00 and is partially reimbursable through the Consolidated Highway Improvement Program.

Keeler Construction Co., Inc., 13519 West Lee Road, Albion, NY 14411 to furnish a paver, operator and screedman to assist the County Department of Public Works with paving portions of various County roads. Project ID: DPW230-2024. Pricing is through the Road and Bituminous Bid award Resolution No. 154-324 with a cost not to exceed \$150,000.00. Projects are partially reimbursable through the Consolidated Highway Improvement Program, to be paid from the Road fund budgets 03.5112.0436 and 03.5110.0470.

Killian Construction, 1379 Brighton Henrietta Town Line Road, Rochester, NY 14623 to furnish a self-loading mill with operator to assist the County Department of Public Works with milling portions of various County roads. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 154-324, Project ID DPW229-2024; pricing is not to exceed \$65,000.00 and is partial reimbursable through the Consolidated Highway Improvement Program, to be paid out of the Highway Division Budgets 03.5112.0436 and 03.5110.0470; and be it

Killian Construction, 1379 Brighton Henrietta Town Line Road, Rochester, NY 14623 to furnish a self-loading mill with operator to assist the County Department of Public Works with milling the asphalt wearing surface on various bridge decks. Pricing is through the County Department of Public Works Road and Bituminous Bid Resolution No. 154-324, Project ID DPW232-2024; pricing is not to exceed \$18,000.00; to be paid out of the Highway Division Budget code 03.5120.0470.

Moved, Morgan; second,

**RESOLUTION NO. 260-524**

APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND DYNAMIC INFRASTRUCTURE AND AUTHORIZING COUNTY TREASURER TO TRANSFER FUNDS

RESOLVED, that this Legislature does hereby approve an agreement between the Department of Public Works and Dynamic Infrastructure, 136 Madison Avenue, NY, NY 10016 to provide digitization and analysis services that enables data-driven infrastructure asset maintenance; to be paid out of the Road Fund Budget 03.5120.0225 at a total cost of \$140,000.00. Contract Period effective June 1,2024 through May 31, 2029; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer funds within the Department of Public Works/Highway Division budget as follows:

FROM:

|              |                        |             |
|--------------|------------------------|-------------|
| 03.5120.0470 | Capital Bridge Project | \$20,000.00 |
|--------------|------------------------|-------------|

TO:

|              |                       |             |
|--------------|-----------------------|-------------|
| 03.5120.0225 | Software Subscription | \$20,000.00 |
|--------------|-----------------------|-------------|

Moved, Morgan; second,

**RESOLUTION NO. 261-524**

APPROVING AGREEMENT WITH THE NYS DOT AND THE DEPARTMENT OF PUBLIC WORKS

RESOLVED, that the Legislature approves an agreement between the Orleans County Department of Public Works and the New York State Department of Transportation, 14110 Route 31 West, Albion, NY 14411 for Shared Highway Services. This agreement includes exchange and lending of materials, labor or equipment to assist in the maintenance of State and Municipal roads



and highways, which will provide a cost savings in utilizing and maximizing both parties' resources; agreement effective July 1, 2024 through June 30, 2028.

Moved, Morgan; second,

**RESOLUTION NO. 262-524**

AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND KEELER CONSTRUCTION CO., INC.

WHEREAS, during a recent culvert inspection, the Commissioner of Public Works witnessed a partial culvert pipe failure on Upper Holley Road between the Genesee/Orleans County Line and New Guinea Road. The partial failure could lead to a complete failure and compromise the road and life safety of the traveling public; and

WHEREAS, the Commissioner of Public Works is requesting emergency authorization to replace the culvert to avoid major disruption to the traveling public, schools, emergency services, and local businesses in the area; and

WHEREAS, the Commissioner of Public Works needs to supplement his limited workforce and equipment with labor and equipment from a contractor to complete this emergency project in an expedited manner; and

WHEREAS, the Department of Public Works wishes to enter into an agreement with Keeler Construction Co., Inc. to provide labor and equipment that is currently not available to the Orleans County Department of Public Works on a time and material cost basis; now therefore be it

RESOLVED, that the County of Orleans Legislature hereby authorizes the Commissioner of Public Works to replace the culvert on Upper Holley Road and grants the Commissioner of Public Works emergency authorization to procure all materials, labor and equipment necessary to complete the work in an expedited manner; and be it

FURTHER RESOLVED, that the County of Orleans Legislature hereby approves an agreement between the Orleans County Department of Public Works and Keeler Construction Co., Inc., 13519 West Lee Road, Albion, NY 14411 to provide all necessary labor and equipment to assist the Orleans County Department of Public Works to complete the emergency replacement of the Upper Holley Road Culvert on a time and material cost basis to be paid out of 03.5120.0470; and be it

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

Moved, Morgan; second,

**RESOLUTION NO. 263-524**

AUTHORIZING THE IMPLEMENTATION, AND FUNDING OF THE COSTS OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, WHICH MAY BE ELIGIBLE FOR FEDERAL-AID AND/OR STATE-AID, OR REIMBURSEMENT FROM BRIDGE NY FUNDS

WHEREAS, a Project for the Route 279 Road over Beardsley Creek Bridge Replacement, P.I.N. 4BNY.52 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. will design, let and construct the Project; and

WHEREAS, the Legislature of Orleans County desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; now be it

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

RESOLVED, that the Legislative Board hereby authorizes the County of Orleans to pay 100% of the cost of \$226,000.00 for Preliminary Engineering, Design and ROW Incidentals work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$226,000.00 is hereby appropriated from Orleans County and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Legislative BOARD hereby agrees that the County of Orleans shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the County of Orleans; and it is further

RESOLVED, that Orleans County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Chairman of the Legislature of the County of Orleans be and is hereby authorized to execute on behalf of the County of Orleans all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County of Orleans's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that this is Supplemental Agreement no. 1 amending the agreement to increase funding for the Preliminary Design phase and deleting ROW Incidentals; and it is further

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

RESOLVED, this Resolution shall take effect immediately.

Moved, Morgan; second,

**RESOLUTION NO. 264-524**

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND RAVI ENGINEERING AND LAND SURVEYING

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Ravi Engineering and Land Surveying, 2110 South Clinton Avenue, Suite 1, Rochester, NY 14618 to perform Construction Inspection and Construction Support for the County Line Road over Jeddo Creek Bridge Replacement Project. NYS DOT Contract #D040340, Bin #: 3318870, PIN 4OR005; and be it

FURTHER RESOLVED, this agreement is effective through December 31, 2024 at a cost not to exceed \$139,000.00; to be paid out of the Road Fund Capital Bridge budget 03.5120.470.2288.

Moved, Morgan; second,

**RESOLUTION NO. 265-524**

APPROVING AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND LABELLA ASSOCIATES, P.C.

RESOLVED, that this Legislature does hereby approve an agreement with the Department of Public Works and Labella Associates, P.C., 300 State Street, Suite 201, Rochester, NY 14614, to perform Construction Inspection and Construction Support for the replacement of Angling Road Bridge Bin #3318830 located in the Town of Yates; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$140,000.00. Project is 80% reimbursable through federal funds, 15% through Marchiselli funding with a County cost of 5%.

Moved, Morgan; second,

**RESOLUTION NO. 266-524**

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

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

| Amount     | Vendor Name    | Description                                 |
|------------|----------------|---|
| \$4,469.71 | Erdman Anthony | S. Holley Road Culvert – Eng. Serv. – Est 6 |

Moved, Morgan; second,

**RESOLUTION NO. 267-524**

**AUTHORIZING THE COUNTY TREASURER TO CLOSE OUT THE PETTY CASH ACCOUNT**

WHEREAS, Resolution No. 425-1214 established and authorized a Petty Cash account for the Department of Public Works Buildings and Grounds Division in the amount of \$50.00 and the Petty Cash account is no longer needed, and the County Treasurer needs authorization to close said account; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to close the Petty Cash account for the Buildings and Grounds Division.

Moved, Morgan; second,

**RESOLUTION NO. 268-524**

**AUTHORIZING CREATION, FILLING AND ABOLISHING POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS**

RESOLVED, that due to a resignation, this Legislature authorizes the filling of a full-time Secretary II position (5010.06), at Grade 3 of the Management Compensation Salary Schedule in the Department of Public Works, effective June 7, 2024; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full-time Custodian position (1620.33), Grade 6 of the CSEA Salary Schedule in the Department of Public Works Buildings and Grounds Division; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of newly created full-time Custodian position (1620.33), effective June 7, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize abolishing a full-time Custodial Worker position (1620.13) in the Department of Public Works Buildings and Grounds Division effective, June 7, 2024; and be it

FURTHER RESOLVED; as a result of a retirement, this Legislature does hereby authorize the filling of a vacant permanent full-time Motor Equipment Operator position (5110.09) in the Department of Public Works, at Grade H2 of the CSEA Salary Schedule, effective June 7, 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 June 7, 2024.

Moved, Morgan; second,

**RESOLUTION NO. 269-524**

**APPROVING PAYMENT FOR PRINTING, PROCESSING, AND POSTAGE OF ANNUAL MAILING TO REGISTERED VOTERS OF ORLEANS COUNTY**

RESOLVED, that this Legislature approves the payment of \$3,807.84 for the printing and processing of the annual mail check postcards and \$3,813.08 for postage, totaling \$7,620.92 to Phoenix Graphics Inc., Rochester, NY to all active and inactive voters of Orleans County advising them of the 2024 State/Local Primary and General Election dates and other relevant voter information, as pursuant to New York State Election Law 4-117. To be paid from Election Budget 01.1450.0441-Printing and 01.1450.0461-Postage.

Moved, Allport; second,

**RESOLUTION NO. 270-524**

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

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

Arc GLOW (Genesee, Livingston, Orleans, Wyoming counties), 64 Walnut Street, Batavia, NY 14020 providing Therapeutic Recreation Services (Camp Rainbow) and Prevocational Services to the Developmental Disabilities population of Orleans County. County cost is \$39,831.00.

GLOW OUT, Inc. 201 East Main Street, Batavia, New York 14020 for the purpose of providing a wide range of support services for person identifying within the LGBTQ Community to the residents of Orleans County. Contract amount for 2024 is not to exceed \$15,000.00.

Moved, Allport; second,

**RESOLUTION NO. 271-524**

**SUPPORTING THE PASSAGE OF THE S.1874 (BROUK) / A.5063 (GUNTHER) STATES COMPETENCY RESTORATION PROCESS BILL IN THE 2024 LEGISLATION SESSION**

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, that the Orleans County Legislature is calling on members of the New York State Senate Assembly to reform the support the passage of state's S.1874 (Brouk) / A. 5063 (Gunther) in the 2024 Legislation Session; and be it

FURTHER 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, Orleans County 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. 272-524**

**AUTHORIZING REIMBURSEMENT TO THE CLINIC COORDINATOR AND COORDINATOR OF CARE MANAGEMENT POSITIONS IN THE MENTAL HEALTH DEPARTMENT FOR CELL PHONE USAGE**

RESOLVED, that this Legislature authorizes payment from the Mental Health budget, for the Clinic Coordinator position and Coordinator Care Management position of the Mental Health Department to be partially reimbursed for cell phone charges, incurred in conducting daily business, in the amount of \$50.00 per month, vouchered quarterly, effective June 1, 2024 and be it

FURTHER RESOLVED, that this partial reimbursement for cell phone charges incurred in conducting daily business will remain with this job title indefinitely.

Moved, Allport; second,

**RESOLUTION NO. 273-524**

**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:

Quest Diagnostics of Pennsylvania Inc. Contract to provide laboratory testing for T Spot/TB to be submitted by Orleans County Health Department. The cost will be \$51.95 for each test with reimbursement from NYS Aid Article 6 100/36%. Effective May 1, 2024 through April 30, 2029.

University of Rochester-Western Region Healthcare Coalition Emergency Preparedness, 601 Elmwood Avenue, PO Box 709, Rochester, NY 14623. Amendment to MOU with University of Rochester acting in capacity as Regional Health Emergency Preparedness Training center to extend equipment threshold from \$1,000.00 to \$5,000.00. Effective July 1, 2024 through June 30, 2027.

Staffing Solutions Organization LLC.-Public Consulting Group. 148 State Street, 10<sup>th</sup> Floor, Boston, MA 02109. Affiliation agreement with SSO via PCG (Public Consulting Group LLC). Fellows Program. Effective August 1, 2024 through July 31, 2026. No County cost.

Monroe 2 BOCES, Rochester Tech Park, 160 Wallace Way, Building 9, Rochester, NY 14624. Contract to provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from the New York State Education Department and Medicaid at 59.5% with the County cost at 40.5%. Center-based tuition, evaluation rates and SEIS rates are set by New York State. Effective July 1, 2024 through June 30, 2027 to run congruent with last agreement.



Tobacco Enforcement Program. Empire State Plaza, Corning Tower, Albany, NY 12237. To accept a five-year award through the SFS for Tobacco Enforcement Program effective April 1, 2024 through March 31, 2029 in the amount of \$139,250.00 (\$27,850.00 each year).

Environmental Facilities Corporation. 625 Broadway, Albany, NY 12207-2997. To establish the terms and conditions under which the County may seek disbursements from the State Septic System Replacement Fund to reimburse property owners in an amount up to 50% of the Eligible Costs of Septic System Projects, up to a maximum of \$10,000 per project. Effective May 1, 2024 through March 31, 2027.

Moved, Allport; second,

**RESOLUTION NO. 274-524**

**AUTHORIZING PURCHASES FROM PUBLIC HEALTH DEPARTMENT BUDGET**

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase Versaflo PAPR Kits with hoods and filters in the amount of \$ 9,948.00 from Safeware, Inc., 4403 Forbes Blvd., Lanham, MD 20706-4328, per Sourcewell Contract Number 080922-SAF PS & EM. To be paid from Health Department budget 01.4010.0250-Other Equipment with COVID-19 grant funds. No county cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the purchase of four (4) portable radios and chargers in the amount of \$9,235.32 from L3Harris Technologies, Inc, 221 Jefferson Ridge Parkway, Lynchburg, VA 24501, per NYS Contract #PT68716. To be paid from Health Department budget 01.4010.0250-Other Equipment with COVID-19 grant funds. No county cost.

Moved, Allport; second,

**RESOLUTION NO. 275-524**

**AUTHORIZING COUNTY TREASURER TO TRANSFER MONEY WITHIN THE PUBLIC HEALTH BUDGET**

WHEREAS, the programmatic needs have changed since the set-up of the COVID-19 grant funds; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to transfer monies in the Health Department budget as follows:

FROM:

|              |                           |             |
|--------------|---------------------------|-------------|
| 01.4010.0402 | Personal Service Contract | \$36,000.00 |
|--------------|---------------------------|-------------|

TO:

|              |                               |             |
|--------------|-------------------------------|-------------|
| 01.4010.0250 | Other Equipment               | \$20,000.00 |
| 01.4010.0434 | Advertising                   | \$ 3,000.00 |
| 01.4010.0487 | Environmental Health Supplies | \$13,000.00 |

Moved, Allport; second,

**RESOLUTION NO. 276-524**

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

RESOLVED, that this Legislature does hereby authorize out of state travel for a Health Department employee to attend the Managing Public Information for All Hazards Incidents (MPI) training at Noble Training Facility in Anniston, Alabama. Costs covered by FEMA/PHI Grant. No county cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel for a Health Department employee to attend the MRC National Summit at the Hyatt Regency Chicago in Chicago, Illinois. Costs covered by NACCHO (National Association of County and City Health Officials). No county cost.

Moved, Allport; second,

**RESOLUTION NO. 277-524**

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

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

New Directions Youth & Family Services, Randolph, NY for the provision of residential foster care services; to be effective July 1, 2024, through June 30, 2025 at per diem rates as established by the State, not to exceed \$802,000.00. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

Orleans County Attorney, Medina, NY for the provision of 0.75 part-time attorney assigned to the Child Support unit of Social Services. Attorney services include 2 days per week for time spent in the DSS office. Changes in the amounts reflect changes in rates as required by the state. Contract is effective January 1, 2024 through December 31, 2024 at a cost of \$63,191.00. County cost is \$25,144.00.

Moved, Miller; second,

**RESOLUTION NO. 278-524**

**AUTHORIZING COUNTY TREASURER TO SET UP NEW MONEY IN THE CHILD AND FAMILY SERVICES UNIT WITHIN ORLEANS COUNTY DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature accepts donations received from community members to assist the Child and Family Services unit of the Department of Social Services; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new money in the Department of Social Services budget as follows:

REVENUE:

01.0001.2705 Donations \$500.00

APPROPRIATION:

01.6010.0418.6104 Child and Family Services \$500.00  
Donations

Moved, Miller; second,

**RESOLUTION NO. 279-524**

**AUTHORIZING FILLING A POSITION IN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature does hereby authorize filling one (1) permanent full-time Social Services Program Assistant position (6010.2013) in the Department of Social Services, at Grade 13 of the CSEA Salary Schedule, effective June 7, 2024; and be it

FURTHER RESOLVED, this Legislature does also hereby authorize the filling of any subsequent vacancies in the Department of Social Services that result from filling the Social Services Program Assistant internally.

Moved, Miller; second,

**RESOLUTION NO. 280-524**

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

RESOLVED, that this Legislature does hereby authorize the following agreements for the Office For the Aging Department:

PurFood, LLC dba Moms Meals - to provide Meals through their home delivery program from June 1, 2024 to May 31, 2025 to residents needing meals, to alleviate a waiting list and ability to offer special diets. County cost \$0.

Hospice of Orleans, 14080 Route 31 W, Albion, NY 14411 - Orleans County Office for the Aging's subcontractor to provide Meals through their nutrition program from May 1, 2024 to April 30, 2025 to residents needing meals, Supportive Care of Orleans will reimburse Orleans County Office for the Aging per meal. County cost \$0 – Revenue Source.

Moved, Miller; second,

**RESOLUTION NO. 281-524**

**AUTHORIZING THE COUNTY TREASURER TO SET UP NEW MONEY IN THE OFFICE FOR THE AGING'S BUDGET**

RESOLVED, that this County Treasurer is authorized to set up new money as a result in an increase of allocation through the Alzheimer's Association grant were received as follows:

REVENUE:

|              |                       |            |
|--------------|-----------------------|------------|
| 01.6772.1972 | Office for the Aging- | \$5,000.00 |
|--------------|-----------------------|------------|

APPROPRIATIONS:

|              |                           |            |
|--------------|---------------------------|------------|
| 01.6772.0462 | Mileage In County         | \$ 500.00  |
| 01.6772.0463 | Travel Other Than Mileage | \$1,500.00 |
| 01.6772.0486 | Special Grants            | \$3,000.00 |

Moved, Miller; second,

**RESOLUTION NO. 282-524**

AUTHORIZING JOB DEVELOPMENT AGENCY TO APPLY FOR AND ACCEPT INCENTIVE PAY FOR PERFORMANCE OPERATING GRANT FUNDING THROUGH NEW YORK STATE EMPIRE STATE DEVELOPMENT'S OFFICE OF STRATEGIC WORKFORCE DEVELOPMENT

RESOLVED, the Orleans County Job Development Agency (OCJDA) is authorized to apply for funding through New York State Empire State Development's Office of Strategic Workforce Development; and be it

FURTHER RESOLVED, that this Legislature authorizes OCJDA to accept a Pay for Performance Operating Grant through New York State Empire State Development's Office of Strategic Workforce Development. This grant funding will be used for trainings, wraparound and retention services, select staff costs for support, and other program costs related to classes offered by CNC Technical Solutions for individuals residing or working in Orleans County that are recruited by Orleans County Job Development. This training is intended for placements with employers in or near Orleans County, though the skills taught will be transferable to employers throughout the State. Funding Available: April 2024 to March 2025. Total Requested from ESD: \$95,250.00. Local matching funds: \$65,573.00. Total Project Cost: \$160,823.00; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute this Incentive Proposal to accept a Pay for Performance Operating Grant subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved, Miller; second,

**RESOLUTION NO. 283-524**

AUTHORIZING FILLING VACANCIES IN THE JOB DEVELOPMENT AGENCY

RESOLVED, that this Legislature authorizes the filling of a vacant full-time Senior Account Clerk position (6210.16) in the Job Development Agency, at grade 10 of the CSEA Salary Schedule, effective June 7, 2024; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Employee and Training Program Assistant position (6210.20) in the Job Development Agency, at grade 7 of the CSEA Salary Schedule, effective June 7, 2024; and be it

FURTHER RESOLVED, the part-time Employment and training Program Assistant position (6210.20) will remain dependent upon funding availability within the Job Development Agency budget.

Moved, Miller; second,

**RESOLUTION NO. 284-524**

**AUTHORIZING STAFF ADJUSTMENTS AND COUNTY TREASURER TO TRANSFER FUNDS WITHIN THE YOUTH BUREAU BUDGET**

WHEREAS, the Orleans County Youth Bureau is transitioning from a contracted service agreement to an Orleans County staffed department; now be it

RESOLVED, that this Legislature hereby approves moving the management positions of Secretary to the Chief Administrative Officer and Deputy Clerk of the Legislature to the 40-hour salary table effective May 6, 2024; and be it

FURTHER RESOLVED, that the expense of the additional hours for these two positions be allocated to the Youth Bureau Department; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to transfer monies within the Youth Bureau budget as follows to cover salary expenses:

FROM:

|              |                            |             |
|--------------|----------------------------|-------------|
| 01.7312.0432 | Misc. Contracts/Agreements | \$17,630.00 |
|--------------|----------------------------|-------------|

TO:

|              |                   |             |
|--------------|-------------------|-------------|
| 01.7312.0100 | Personal Services | \$14,673.00 |
|--------------|-------------------|-------------|

|              |                  |             |
|--------------|------------------|-------------|
| 01.7312.0810 | State Retirement | \$ 1,834.00 |
|--------------|------------------|-------------|

|              |          |           |
|--------------|----------|-----------|
| 01.7312.0820 | Medicare | \$ 212.00 |
|--------------|----------|-----------|

|              |                 |           |
|--------------|-----------------|-----------|
| 01.7312.0830 | Social Security | \$ 911.00 |
|--------------|-----------------|-----------|

Moved, Miller; second,

**RESOLUTION NO. 285-524**

**AUTHORIZING PAYMENT OF CLAIMS FOR JUNE 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 June 11, 2024 and June 25, 2024:

| <u>Fund/Department:</u> | <u>Amount:</u> |
|-------------------------|----------------|
| General                 | \$             |
| Road Fund               | \$             |
| Road Machinery Fund     | \$             |
| Special Grant Fund      | \$             |
| Self Insurance          | \$             |

Moved, Draper; second,