

April 1, 2021

The regular meeting of the Ontario County Board of Supervisors was called to order at 6:30 p.m. via WebEx on ontariocountyny.webex.com and at 74 Ontario Street, Canandaigua, NY 14424, with Chairman John Marren presiding.

The Pledge of Allegiance was led by Supervisor Daniel Marshall of the Town of South Bristol.

Upon roll call, the Members of the Board were present with eight members via WebEx. Supervisor Tamara Hicks was declared necessarily absent.

Minutes of the preceding session was approved without being read by motion of Supervisor Kristine Singer, seconded by Supervisor Todd Campbell; motion carried.

A Public Hearing regarding proposed Local Law No. 1 (Intro.) of 2021 entitled "Limiting Third-Party Food Delivery Service Fees" was called to order at 6:33 pm.

As no one wished to speak, the Public Hearing was closed at 6:34 pm.

Director of Preventive Services, Kate Ott gave a report on COVID-19 cases noting they are starting to see an uptick in cases. Overall, there have been about 6,300 cases since this time last year. They are doing 2-3 vaccine clinics a week. They are doing well as a region and County with about 44% of eligible vaccinated with their first dose and 22% with their second dose. They have been rated 10th in the County health rankings. Ms. Ott, at the request of Chairman Marren, shared about a visit to a homebound individual at an apartment complex, and during that arrival, there was another individual in a different apartment that needed lifesaving CPR. She gave chest compressions, while the friend of the individual gave rescue breaths. The individual started breathing and was able to show a pulse and became responsive after the police gave Narcan.

County Administrator, Chris DeBolt reported on the County Operations, noting no cases of COVID in the County workforce. They plan to slowly transition more employees back to in person over the course of April and then more significantly in May. They will reserve the right to put the brakes on this should the surrounding cases indicate the need to. As of April 1st, there is still no state budget, Mr. DeBolt is hopeful they will deliver through the process and come up with a budget. The state did decide to legalize adult recreational use marijuana. He explained that instead of the Counties opting in or out, it will be up to the town, village, and city. They have until December 31, 2021 to opt out. If you opt out, you can later opt in. He said he thought the Campbell Commission would be a good venue to have in depth discussion about the opt in opt out provision and what it really means, what the benefits are, and what the downsides are. Then, report back to the Board through the Public Safety Committee.

Chairman Marren mentioned that Supervisor Ingalsbe and he are looking at what they can do with fire protection and to support their ambulance core in their two towns. The Fisher's Fire District is 95% career. Chairman Marren is requesting to look at, from a County perspective, EMS and Fire Protection. He suggested a Request for Proposal for a study and to put in benchmarks and implementation of some phases.

Chairman Marren recognized the years of service of the following Board members:

- Supervisor Fred Wille with five years of service.
- Supervisor Peter Ingalsbe with five years of service.
- Supervisor Dan Marshall with five years of service.
- Supervisor Norm Teed with fifteen years of service.

Supervisor Rich Russell requested privilege of the floor for Jill and Rob Meyers, residents and owners of Bella Rose Bed and Breakfast on Main Street, Canandaigua. Ms. Meyers spoke against the proposed legislation to amend New York Tax Law §1202 and how it would adversely affect their business. The amendment has to be approved in order for the County to move ahead to amend the Counties occupancy tax local law to remove the exemption for three rentable units or less. Ms. Meyers explained the difference of small businesses and the impact of the increase of occupancy tax of less economy of scales. She explained that studies show small properties with fewer rooms are more adversely affected by an occupancy tax. When the rate is set too high, smaller lodging providers are forced to reduce their rates. She reiterated the statement at the Ways and Means Committee that the County generates more tax revenue than ever expected. She said, why not be creative in thinking and reduce the occupancy tax for all lodging providers, regardless of size or at least eliminate it for small businesses with less economies of scale. She said they hear frequently that the proposed amendment will level the playing field for all. She questions whether we know what the playing field is. She is asking our government representative to not discriminate against them just because they comprise one of the small numbers of traditional and visible lodging providers with 3 units or less. She said they are easy to find in tax, however hundreds of 1-unit properties listed on short term rental platforms in Ontario County; most of those listings have no physical address. She listed many of the platforms who list these rentals. She thanked the Board for their attention to their concerns.

The following communications and reports were received and are on file in the Clerk's Office:

- Health and Human Services Committee held on March 1, 2021
- Planning and Environmental Quality Committee held on March 1, 2021
- Public Works Committee held on March 1, 2021
- Public Safety Committee held on March 3, 2021
- Governmental Operations and Insurance Committee held on March 3, 2021
- Ways and Means held on March 3, 2021
- Special Ways and Means held on March 11, 2021

NYSRPTL Correction of Errors received from Ontario County Treasurer.

Resolution No. 63-21 entitled "Resolution Urging the Governor and Federal Government to Expand Broadband and Rural Cellular coverage to All New Yorkers" received from Hamilton County.

Resolution No. 73 entitled "Resolution Calling Upon NYS Legislators to Curtail Governor Andrew Cuomo's Emergency Powers Authority" received from Fulton County.

Notification of Grant Award and approved application for the New York Connects Expansion and Enhancement program sponsored by our organization for the period of April 1, 2020 through March 31, 2021 received from Karen Jackuback, NYS Office for the Aging.

A Letter announcing that Ontario County has been awarded \$5,172 under the FY2020 Hazardous Materials Emergency Preparedness (HMEP) Grant Program received from Patrick A. Murphy, Commissioner, NYS Homeland Security and Emergency Services.

The 2021 Builders Exchange of Rochester, NY Membership Directory.

The March 2021 Seneca-Keuka Watershed Partnership.

The February 2021 Director's Report for Happy Tails, Ontario County Humane Society received from William Martin, Shelter Director.

Notice of Public Hearing regarding the adoption of a local law amending the Richmond Town code at Part II "General Legislation," to add Chapter 195 "twelve (12) month moratorium on large-scale battery energy storage system installations" received from the Town of Richmond.

Notice of Disclosure Statement hearing regarding Purdue Pharma L.P. received from the United States Bankruptcy Court Southern District of New York.

Supervisor Rich Russell offered the following five resolutions as a block and moved for its adoption, seconded by Supervisor Fred Wille:

**RESOLUTION NO. 128-2021
AUTHORIZATION TO ACCEPT
NYS ELECTIONS CYBERSECURITY REMEDIATION GRANT
FROM THE NYS BOARD OF ELECTIONS**

WHEREAS, Ontario County has been awarded \$91,912.47 from the New York State Board of Elections Cybersecurity Remediation Grant Program (Project# BOE01-C00463-1110000; CFDA # n/a; MUNIS # G21010) for the purpose of reimbursing county board of elections for local dollars spent to implement cybersecurity remediation and mitigation services; and

WHEREAS, The term of the grant covers the period December 21, 2019 through December 31, 2021; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for acceptance of said funds; and

WHEREAS, The Government Operations and Insurance and Ways and Means Committees have reviewed this resolution at their March 24th, 2021 Committee meetings and recommend acceptance of New York State Board of Elections Cybersecurity Remediation Grant Program funding; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby accepts the New York State Board of Elections Cybersecurity Remediation Grant Program over the term of December 21, 2019 through December 31, 2021 for State funds not to exceed \$ 91,912.47; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the appropriate Standing Committee; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the grant contract with the NYS Board of Elections and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That the following budget transfer is hereby approved:

MUNIS Project String (Account)	Account Description	Revenue	Expense
G21010-43089 (AA1680PL-43089)	State Aid, Other	+ \$ 91,912.47	
G21010-52300 (AA1680PL-52300)	Equipment, Computer		+ \$ 24,512.00
G21010-54260 (AA1680PL-54260)	Consultants		+ \$ 12,100.00
G21010-54270 (AA1680PL-54270)	Service Contracts		+ \$ 55,300.47
	Totals	+ \$ 91,912.47	+ \$ 91,912.47

and further

RESOLVED, That the Department of Finance is authorized to make the necessary accounting and budget entries to effect the intent of this resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to NYS Board of Elections, 40 North Pearl St, Suite 5, Albany, NY 12207.

**RESOLUTION NO. 129-2021
AWARD OF BID B21015 FOR BOOK SCANNER FOR THE DEPARTMENT OF
RECORDS, ARCHIVES AND INFORMATION SERVICES, CIP FUNDS**

WHEREAS, Ontario County Purchasing Department solicited bid (B21015) and received a bid for the purchase of a new book scanner; and

WHEREAS, Five bids were submitted, one bid submission however did not meet the criteria set forth in the bid specification; it has been determined that Indus International, Inc. has been deemed to be the low bidder that meets the specifications and has the technology necessary to provide the necessary equipment by the Ontario County Purchasing Department and RAIMS; and

WHEREAS, The Department of RAIMS has sufficient funds provided and approved by CIP account to pay for the equipment at a bid cost of \$20,000.00 with a \$3,250 cost (will begin next year) for annual maintenance and support; now, therefore, be it

RESOLVED, That Indus International, Inc. 340 South Oak Street, West Salem, Wisconsin 54669 will be awarded the bid (B21015) to provide an Indus 9000 Book Scanner at a cost of \$20,000 and \$3,250 per year for maintenance and support per the tab sheet on file with the Clerk of this Board; and further

RESOLVED, That the Ontario County Department of Finance is authorized to make all necessary budgetary and accounting entries to effect the intent of this resolution; and further

RESOLVED, That a copy of this resolution be sent to Indus International, Inc. 340 South Oak Street, West Salem, Wisconsin 54669.

**RESOLUTION NO. 130-2021
INTERMUNICIPAL COOPERATION AGREEMENT
WITH SCHOOL DISTRICTS FOR PROVISION OF
SCHOOL TAX BILL PREPARATION SERVICES**

WHEREAS, Certain school districts have requested the assistance of the Ontario County Real Property Tax Services Agency in connection with preparation of school tax bills; and

WHEREAS, The Real Property Tax Services Agency possesses the requisite equipment, personnel, and expertise to perform such services; and

WHEREAS, This Board of Supervisors has determined that it is in the best interest of the County of Ontario to provide such services; now, therefore, be it

RESOLVED, Upon review and approval of the County Attorney as to form the County of Ontario Board of Supervisors hereby, authorizes intermunicipal cooperation agreements with the school districts listed below for performance of school tax preparation services:

Bloomfield Central School District	Naples Central School District
Canandaigua City School District	Phelps-Clifton Springs Central School District
Geneva City School District	Pittsford Central School District
Honeoye Central School District	Red Jacket Central School District
Honeoye Falls-Lima Central School District	Victor Central School District
Livonia Central School District	Wayland-Cohocton Central School District
Marcus Whitman Central School District	

and further

RESOLVED, That said agreement shall be for a term of one year commencing April 1, 2021, and terminating March 31, 2022; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreements on behalf of the County of Ontario; and further
RESOLVED, That this resolution shall take effect immediately.

**RESOLUTION NO. 131-2021
RENEWAL OF CONTRACT WITH
CANANDAIGUA QUICK PRINT FOR PRINTING SERVICES**

WHEREAS, A contract was approved with Canandaigua Quick Print for county print functions per resolution 12-2017 and renewed on resolution 101-2020; and

WHEREAS, The original contract allows for one final optional renewal of twelve (12) months if mutually agreeable to both parties; and

WHEREAS, Ontario County continues to have a need for said services; and

WHEREAS, Canandaigua Quick Print has agreed to renew the original contract for a fifth and final renewal per the pricing structure in the original proposal (R16086); and

WHEREAS, The Information Technology and Purchasing departments agree that it would be in the County's best interest to renew this contract with Canandaigua Quick Print; and

WHEREAS, The Governmental Operations & Insurance Committee has reviewed and recommends this contract renewal; now, therefore, be it

RESOLVED, That the award of renewal be made to Canandaigua Quick Print, 330 South Main Street, Canandaigua, New York 14424, and that the renewal shall be in effect from March 1, 2021 to February 28, 2022; and further

RESOLVED, That a certified copy of this resolution be sent to Canandaigua Quick Print by the Clerk of this Board

**RESOLUTION NO. 132-2021
ACCEPTANCE OF FUNDS FROM N.Y.S. OCCUPATIONAL SAFETY AND
HEALTH HAZARD ABATEMENT GRANT**

WHEREAS, The New York State Occupational Safety and Health Hazard Abatement Board has awarded Ontario County a grant of \$4,335 (DOL01-OSH TE-2020-0013; CFDA# N/a; MUNIS# G21012) to be used to provide specialized onsite training to municipal employees of Ontario County; and

WHEREAS, The period of the contract is August 1, 2020, through July 31, 2021; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee have reviewed and recommend the acceptance of these grant funds; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby approves a contract with the New York State Department of Labor Hazard Abatement Board for a term of August 1, 2020 through July 31, 2021 at no additional County cost; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the appropriate Standing Committees; and further

RESOLVED, that the County Administrator be, and hereby is, authorized and empowered to execute the FY2020 Occupational Safety and Health Training and Education (“OSH T&E”) Program Agreement with the New York State Department of Labor Hazard Abatement Board, and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the Board of Supervisors does hereby accept the OSH T&E Grant Funds by adoption of this resolution, with unused funds at year end flowing into future years:

To:		Revenue	Appropriation
G21012 - 43089-NA-NA (AAC104 43089)	Other Public Safety	+\$4,335	
G21012 - 54690 (AAC104 54690)	Instructional Expenses		+\$4,335
		+\$4,335	+\$4,335

and further

RESOLVED, That the Department of Finance is authorized to make the necessary budgetary and accounting entries to affect the intent of this resolution.

The foregoing block of five resolutions was adopted.

Supervisor Daniel Marshall offered the following resolution and moved for its adoption, seconded by Supervisor Norman Teed:

**RESOLUTION NO. 133-2021
PROCLAMATION
DESIGNATING APRIL 5-11, 2021 AS PUBLIC HEALTH WEEK**

WHEREAS, The week of April 5-11, 2021, is National Public Health Week, and the theme is “Building Bridges to Better Health”; and

WHEREAS, Since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the public’s health; and; and

WHEREAS, U.S. life expectancy dropped from 2014 to 2017 in the longest sustained decline since the Great Recession and only in 2018 began to increase again; further, studies consistently show the United States has a lower life expectancy than comparable countries; and

WHEREAS, There is a significant difference in health status, such as obesity, poor mental health and drug use, among people living in rural areas compared with people living in urban areas, and this variance increases because rural residents are often more likely to face social determinants that negatively impact health, such as poverty, transportation barriers and lack of economic opportunity; and

WHEREAS, Public health professionals help communities prevent, prepare for, withstand, and recover from the impact of a full range of health threats, including disease outbreaks such as the COVID-19 pandemic, measles, natural disasters and disasters caused by human activity; and

WHEREAS, Public health action, together with scientific and technological advances, has played a major role in reducing and, in some cases, eliminating the spread of infectious disease, and in establishing today’s disease surveillance and control systems; and

WHEREAS, Six in 10 U.S adults have a chronic disease and four in 10 have two or more; and health risks such as alcoholism, obesity and tobacco use are the primary reason for 7 of every 10 deaths annually in the United States; and

WHEREAS, The COVID-19 pandemic has illuminated and exacerbated racial inequities and a growing number of local, state governments and public health leaders have declared racism a public health crisis; and

WHEREAS, The Health and Human Services Committee has reviewed this resolution and recommend its adoption; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors does hereby proclaim April 5-11, 2021 as Public Health Week in Ontario County; and further

RESOLVED, That Ontario County call upon the people of the County to observe this week by helping our families, friends, neighbors, co-workers and leaders to better understand the value of public health and supporting great opportunities to adopt preventive lifestyle habits in light of this year's theme, "Building Bridges to Better Health".

Adopted.

Supervisor Daniel Marshall offered the following six resolutions as a block and moved for its adoption, seconded by Supervisor Norman Teed:

**RESOLUTION NO. 134-2021
AUTOPSY SERVICES CONTRACT WITH
DR. WILLIAM DEAN, MD - 2021**

WHEREAS, The Ontario County Public Health Department desires to enter into a professional service contract with Dr. William Dean, M.D., Pathology Services, PLLC, 252 Billsboro Road, Geneva, NY 14456 for the provision of autopsy services; and

WHEREAS, Funds have been appropriated in the budget to pay the provider as stated in Schedule A of the contract at a rate of \$750.00 per autopsy; and

WHEREAS, The Director of Public Health and the Health and Human Services Committee recommend this contract; now, therefore, be it

RESOLVED, That upon the review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the contract with Dr. William Dean M.D., Pathology Services, PLLC, 252 Billsboro Road, Geneva, NY 14456 for a term of twenty-four months beginning January 1, 2021 through December 31, 2022 at a cost not to exceed as noted in the Schedule A; and further

RESOLVED, That the County Administrator be, and is hereby, authorized and empowered to execute said Agreement on behalf of the County of Ontario.

**RESOLUTION NO. 135-2021
AUTHORIZATION OF SLIDING FEE SCHEDULES FOR 2021
DEPARTMENT OF PUBLIC HEALTH**

WHEREAS, The Department of Public Health establishes sliding fee schedules annually based on current year federal poverty guidelines for services provided, such as the administration of immunizations and lead testing; and

WHEREAS, The Department utilizes these schedules to determine whether a client is eligible for sliding fee payments; and

WHEREAS, The fee cannot exceed the maximum amount established by the NYSDOH; and

WHEREAS, The Director of Public Health and the Health and Human Services Committee have reviewed and recommend the use of updated sliding fee schedules on file with the Department of Public Health for services provided by the Department; now, therefore, be it

RESOLVED, That the sliding fee schedules on file with the Department be utilized for the determination of appropriate charges to clients for services such as the administration of immunizations and lead testing effective April 2, 2021 and until such time as federal poverty guideline information is updated.

**RESOLUTION NO. 136-2021
AUTHORIZATION TO ACCEPT INCENTIVE AWARD
NYS DEPARTMENT OF HEALTH**

WHEREAS, The Ontario County Public Health has been awarded a grant of \$21,893 from New York State Department of Health's Year 8 Local Health Department (LHD) Performance Incentive Initiative (CFDA#: N/A; MUNIS #G21009) to support costs associated with Article 6 eligible services for expedited partner therapy for the treatment of Chlamydia trachomatis infection; and

WHEREAS, Ontario County Public Health participated in the Initiative and due to COVID-19 pandemic interruptions, received an award along with all other participating counties; and

WHEREAS, the grant contract period extends from January 1, 2021 through December 31, 2021; and

WHEREAS, This resolution has been reviewed by the Health and Human Services Committee at its March 22rd, 2021 meeting and by the Ways and Means Committee at its March 24th, 2021 meeting, both committees recommend acceptance of the incentive award; and

WHEREAS, The County Administrator recommends the acceptance of the incentive award; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a contract from the New York State

Department of Health in the amount of \$21,893 for a term of January 1, 2021 through December 31, 2021 at no additional County cost; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the appropriate Standing Committee; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Year 8 Local Health Department Performance Incentive Initiative with the New York State Department of Health, and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the County's Finance Department is authorized to make the necessary budgetary and accounting entries to effectuate the intent of this resolution:

Line	Description	Revenue	Appropriation
G21009-43450-NA-NA (AA4010PL-43450)	State Aid, Public Health Other	\$ 21,893	
G21009-54100 (AA4010PL 54100)	Office expense		\$ 1,000
G21009-54101 (AA4010PL 54101)	Equipment, Minor		\$ 1,000
G21009-54180 (AA4010PL 54180)	Mileage/ Day Training		\$ 1,500
G21009-54250 (AA4010PL 54250)	Advertising		\$ 1,200
G21009-54580 (AA4010PL 54580)	Printing		\$ 4,500
G21009-54690 (AA4010PL 54690)	Educational Expenses		\$ 2,000
G21009-54730 (AA4010PL 54730)	Miscellaneous Expense		\$ 5,000
G21009-54750 (AA4010PL 54750)	Training & Conferences		\$ 3,500
G21009-54950 (AA4010PL 54950)	Supplies, Medical		\$ 1,000
G21009-54756 (AA4010PL 54756)	Refreshments		\$ 1,193
	TOTALS:	\$ 21,893	\$ 21,893

**RESOLUTION NO. 137-2021
AUTHORIZATION TO ACCEPT RABIES CONTROL AGREEMENT
BETWEEN ONTARIO COUNTY PUBLIC HEALTH AND
NEW YORK STATE DEPARTMENT OF HEALTH**

WHEREAS, The New York State Department of Health has provided Ontario County Public Health with five-year reimbursement grant contract (NYS Contract # DOH01-RABIES-2021-00040; CFDA# N/A ; MUNIS# G21008) for rabies expenses; and

WHEREAS, The grant term is from April 1, 2021 – March 31, 2026; and

WHEREAS, The State has determined the reimbursable amount for Ontario County for is \$ 37,588.00 annually for a total five-year funding amount of \$187,940; and

WHEREAS, The Director of Public Health, the Health and Human Services and Ways & Means Committees have reviewed this resolution at their March 22nd, 2021 and March 24th, 2021 meeting and recommend resolution to accept this agreement; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby approves a contract with the New York State Department of Health for a term of April 1, 2021 through March 31, 2026 for \$ 37,588.00 annually for a total five-year funding amount of \$187,940 at no additional County cost; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the appropriate Standing Committee; and further

RESOLVED, that the County Administrator be, and hereby is, authorized and empowered to execute the FY21-26 Rabies Control Program Agreement with the New York State Department of Health, and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the County’s Department of Finance is authorized to make the necessary FY2021 budgetary and accounting entries to affect the intent of this resolution with unused funds at year end flowing into future years:

To:		Revenue	Appropriation
G21008-42705-NA-NA (AA4042PL-42705)	Donations	+\$2,528	
G21008-43489-NA-NA (AA4042PL-43489)	State Aid, Other Public Health	+	
		\$37,588	
G21008 - 51700 (AA4042PL-51700)	Full-time Hourly		\$ 770.98
G21008 - 51800 (AA4042PL-51800)	Part-time Hourly		\$ 1,189.00

G21008 - 54101 (AA4042PL-54101)	Minor Equipment		\$ 300.00
G21008 - 54140 (AA4042PL-54140)	Postage		\$ 750.00
G21008 - 54180 (AA4042PL-54180)	Mileage/Day training		\$ 500.00
G21008 - 54250 (AA4042PL-54250)	Advertising		\$ 2,250.00
G21008 - 54260 (AA4042PL-54260)	Contracts		\$ 30,972.00
G21008 - 54580 (AA4042PL-54580)	Printing		\$ 300.00
G21008 - 54950 (AA4042PL-54950)	Supplies, Medical		\$ 400.00
G21008 - 54951 (AA4042PL-54951)	Vaccine		\$ 2,284.00
G21008 - 58010 (AA4042PL-58010)	NYS ERS		\$ 219.48
G21008 - 58020 (AA4042PL-58020)	FICA		\$ 146.32
G21008 - 58021 (AA4042PL-58021)	Medicare		\$ 34.22
		+\$40,116	+\$40,116

**RESOLUTION NO. 138-2021
AMENDMENT TO RESOLUTION NO. 325-2020
CONTRACT WITH HRI (CONTRACT # 6334-01)
FOR EMERGENCY PREPAREDNESS PROGRAM GRANT 2020-2021**

WHEREAS, Resolution 325-2020 authorized a contract with Health Research, Inc. (HRI) and New York State Department of Health (NYSDOH) for the purposes of upgrading local public health's preparedness for and response to bioterrorism and other public health threats. (HRI Contract # 6334-01; CFDA # 93.354; MUNIS # 20010) for the period of March 5, 2020 through March 15, 2021; and

WHEREAS, It is now necessary to amend this contract; and

WHEREAS, HRI/NYSDOH will extend the "Contract End Date" at a no cost time extension through December 31, 2021 for Coronavirus (COVID-19) response activities; and

WHEREAS, The grant funds designated for the Ontario County Public Health Department are necessary to fulfill the obligations set forth by the NYSDOH in the area of emergency response and preparedness; and

WHEREAS, The Public Health Director and the Health and Human Services Committee recognize and approve the need for such planning; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves the agreement with Health Research, Inc., Riverview Center, 150 Broadway, Suite 560, Menands, NY 12204, for the period of March 5, 2020 through December 31, 2021 for which future funding has been allocated; and further

RESOLVED, That the County Administrator be, and is hereby, authorized and empowered to execute the Emergency Preparedness Program Agreement with Health Research, Inc., and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the position of Registered Nurse, created by Resolution No. 439-2002 and further supported by this year's grant shall be abolished at such a time as the grant funding expires.

RESOLVED, That certified copies of this resolution be emailed by the Clerk of this Board to the Public Health Department.

**RESOLUTION NO. 139-2021
AUTHORIZATION OF SLIDING FEE SCHEDULES FOR 2021
DEPARTMENT OF MENTAL HEALTH**

WHEREAS, The Department of Mental Health's sliding fee schedule is based on current year federal poverty guidelines for all mental health services provided at the clinic; and

WHEREAS, The Department utilizes a program designed to determine whether a client is eligible for sliding fee payments based on their income, as well as the number of persons in their household; and

WHEREAS, The Director of Community Services and the Health & Human Services Committee recommend the use of the software for services provided to clients until such time as the federal poverty guideline information is updated and available; now, therefore, be it

RESOLVED, That the sliding fee program, which utilizes a minimum fee of \$13, be utilized for the determination of appropriate charges to clients for services rendered effective April 2, 2021.

The foregoing block of six resolutions was adopted.

Supervisor Daniel Marshall offered the following three resolutions as a block and moved for its adoption, seconded by Supervisor Frederick Wille:

**RESOLUTION NO. 140-2021
ENDORSEMENT OF APPOINTMENT TO THE
FINGER LAKES WORKFORCE DEVELOPMENT BOARD
AND FINGER LAKES WORKFORCE INVESTMENT BOARD, INC.
ERICA WRIGHT**

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) is the federal legislation for the public workforce system; and

WHEREAS, The Counties of Ontario, Wayne, Seneca and Yates, through official action of their legislative bodies, and with approval of the Governor of the State of New York, established a Workforce Investment Area in 1999 consisting of the four Counties, and the Finger Lakes Workforce Investment Board in accordance with the Workforce Investment Act and agree to the same designated area under the Workforce Innovation and Opportunity Act; and

WHEREAS, The members must be endorsed by the respective Boards of Supervisors and/or Legislative Boards; and

WHEREAS, The Governance and Membership Committee and Executive Director of the Finger Lakes Workforce Investment Board has solicited nominations in accordance with the Law, and said nominations being reviewed and approved by the Health and Human Services Committee; now, therefore, be it

RESOLVED, That the following private sector individual be appointed to the Finger Lakes Workforce Development Board and Finger Lakes Workforce Investment Board, Inc. effective immediately and the term shall expire on June 30, 2022:

Erica Wright, Vice President
Finger Lakes Extrusion Corp.
2437 Route 21
Canandaigua, NY 14424

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Ms. Wright, the Finger Lakes Workforce Investment Board, Inc., and the County Clerk.

**RESOLUTION NO.141-2021
ENDORSEMENT OF APPOINTMENT TO THE**

**FINGER LAKES WORKFORCE DEVELOPMENT BOARD
AND FINGER LAKES WORKFORCE INVESTMENT BOARD, INC.
ROBERT COYNE**

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) of 2014 is the federal legislation for the public workforce system; and

WHEREAS, The Counties of Ontario, Wayne, Seneca and Yates, through official action of their legislative bodies, and with approval of the Governor of the State of New York, established a Workforce Investment Area in 1999 consisting of the four Counties, and the Finger Lakes Workforce Investment Board in accordance with the Workforce Investment Act; and

WHEREAS, The members must be endorsed by the respective Boards of Supervisors and/or Legislative Boards; and

WHEREAS, The Governance and Membership Committee and Executive Director of the Finger Lakes Workforce Investment Board has solicited nominations in accordance with the Law, and said nominations being reviewed and approved by the Health and Human Services Committee; now, therefore, be it

RESOLVED, That the following public sector individual be appointed to the Finger Lakes Workforce Development Board and Finger Lakes Workforce Investment Board, Inc. effective immediately and shall expire on June 30, 2023:

Robert Coyne, Executive Director
Rochester Technology & Manufacturing Assoc.
2485 West Henrietta Road, Suite 152
Rochester, NY 14623
Manufacturing Association Representative

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Mr. Coyne, the Finger Lakes Workforce Investment Board, Inc., to the Counties of Seneca, Wayne and Yates, and the County Clerk.

**RESOLUTION NO. 142-2021
ENDORSEMENT OF APPOINTMENTS TO THE
FINGER LAKES WORKFORCE DEVELOPMENT BOARD
AND FINGER LAKES WORKFORCE INVESTMENT BOARD, INC.
RANDI DIANTONIO**

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) of 2014 is the federal legislation for the public workforce system; and

WHEREAS, The Counties of Ontario, Wayne, Seneca and Yates, through official action of their legislative bodies, and with approval of the Governor of the State of New York, established a Workforce Investment Area in 1999 consisting of the four Counties, and the Finger Lakes Workforce Investment Board in accordance with the Workforce Investment Act; and

WHEREAS, The members must be endorsed by the respective Boards of Supervisors and/or Legislative Boards; and

WHEREAS, The Governance and Membership Committee and Executive Director of the Finger Lakes Workforce Investment Board has solicited nominations in accordance with the Law, and said nominations being reviewed and approved by the Health and Human Services Committee; now, therefore, be it

RESOLVED, That the following public sector individual be appointed to the Finger Lakes Workforce Development Board and Finger Lakes Workforce Investment Board, Inc. effective immediately and shall expire on June 30, 2022:

Randi DiAntonio
Vice President
NYS Public Employees Federation
225 East Avenue
Rochester, NY 14604
Labor Organization Representative

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Ms. DiAntonio, the Finger Lakes Workforce Investment Board, Inc., to the Counties of Seneca, Wayne and Yates, and the County Clerk.

Supervisor Kristine Singer offered the following resolution and moved for its adoption, seconded by Supervisor Andrew Wickham:

**RESOLUTION NO. 143-2021
REQUEST FOR STATE LEGISLATION TO
AMEND NEW YORK TAX LAW §1202-t – HOTEL OR
MOTEL TAXES IN ONTARIO COUNTY**

WHEREAS, Section 1202-t of the New York State Tax Law, adopted in 2002, currently authorizes Ontario County to enact a local law imposing an occupancy tax upon persons occupying a “hotel” or “motel” in Ontario County; and

WHEREAS, Pursuant to such authority, Ontario County enacted a local law entitled the “Ontario County Room Occupancy Tax Law,” in 2002 and since renewed the local law every

three years, with the language of the local law remaining unchanged since its original adoption in 2002; and

WHEREAS, By Resolution No. 465-2020, the Ontario County Board of Supervisors designated the Ontario County Four Seasons Local Development Corporation, d.b.a. A Finger Lakes Visitors Connection, as Ontario County's Tourist Promotion Agency for 2021; and

WHEREAS, The Ontario County Four Seasons Local Development Corporation has recommended amending the occupancy tax local law to remove the exemption for three rentable units or less in order to level the playing field in the Ontario County lodging industry; and

WHEREAS, Ontario County desires to modify its local law to remove the occupancy tax exemption for facilities having three rentable units or less and to adjust the allocation of revenues; and

WHEREAS, Such modifications will require that the State amend N.Y. Tax Law §1202-t to authorize the changes; and

WHEREAS, The Planning and Environmental Quality Committee and the Ways and Means Committee recommend that such amendments to N.Y. Tax Law §1202-t be sought in the 2021 session of the State Legislature; now, therefore, be it

RESOLVED, That Ontario County requests the New York State Legislature to amend Tax Law §1202-t to authorize the modifications, with amendments to the sections as shown in Exhibit A, annexed hereto, and hereby made a part of this resolution; and, be it further

RESOLVED, That the Clerk of this Board transmit a certified copy of this resolution and exhibit to Ontario County's representatives in the New York State Legislature.

EXHIBIT A

PROPOSED AMENDMENTS TO N.Y. TAX LAW §1202-t, HOTEL OR MOTEL TAXES IN ONTARIO COUNTY

- (1) Notwithstanding any other provisions of law to the contrary, the county of Ontario is hereby authorized and empowered to adopt and amend local laws imposing in such county a tax, in addition to any other tax authorized and imposed pursuant to this article, such as the legislature has or would have the power and authority to impose upon persons occupying hotel or motel rooms in such county. For the purposes of this section, the term "hotel" or "motel" shall mean and include any facility providing lodging on an overnight basis, and shall include those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities. ~~Such tax shall not be applicable to a facility having three rentable units or less.~~

The rates of such tax shall not exceed three percent of the per diem rental rate for each room, provided however, that such tax shall not be applicable to a permanent resident of a hotel or motel. For the purposes of this section the term “permanent resident” shall mean a person occupying any room or rooms in a hotel or motel for at least thirty consecutive days.

* * *

- (9) All revenues resulting from the imposition of the tax under the local laws shall be paid into the treasury of Ontario county and shall be credited to and deposited in the general fund of such county and shall be available thereafter for the promotion of tourism and tourist attractions in Ontario County **and other directly related and supporting activities as related to tourism including, but not limited to, programs to improve public infrastructures, to develop, operate and maintain public parks and recreational facilities, to maintain and enhance the water resources of Ontario County, including lakes and tributary streams, and for environmental conservation,** and not more than five percent of such revenue shall be used for the cost of administering such tax. Such promotion may be carried out by an appropriate organization or organizations as designated by the Ontario County Board of Supervisors.

Adopted, with Supervisors Richard Russell, Norman Teed, Daryl Marshall, and Theodore Bateman voting no.

Supervisors Richard Russell noted he cannot support this resolution until a way is developed to find most of the properties with 3 rooms or less.

Supervisor Menikotz asked if situated properties fit within the definition of hotel and motel. Lea Nacca addressed the definition of hotel and motel as “any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as bed and breakfast and tourist facilities”. This is in sections 3d definitions from the local law.

Supervisor David Baker asked if Treasurer Baxter was in attendance. Mr. Baxter responded regarding the level playing field. He also noted that the City of Canandaigua is not applicable to our law, just Ontario County.

Chairman Marren asked if this was a time sensitive matter. Ms. Nacca replied they wanted to introduce it to the legislative session for the state. Mr. Marren asked if anyone knew Senator Helming’s stance on the matter noting Senator Helming has not been a fan of the change. Mr. Baxter replied he does not believe Senator Helming has seen the current proposed law as they made some changes to it and they did try to make some changes as requested by her previously. Mr. Baxter plans to meet with Senator Helming if the proposed resolution passes.

Supervisor Gregory Bendzlowicz said no one wants to look at additional taxes, but when it comes to a level playing field, it a matter of everybody being taxed equally to the exact same thing.

Supervisor Andrew Wickham said there is challenges, but it first needs to go through the legislature of the state. He would like to see the tax decreased.

Supervisor David Baker weighed in on the concept of lowering tax and does not believe that is how it should go. He said the revenue can be applied to reduce other county expenses in areas that bring people to our community such as parks. He believes the occupancy tax should change and would level the playing field.

Supervisor Dan Marshall noted that the money from the occupancy tax was a 95 5 issue where 5% stayed with the County and 95% went directly to Finger Lakes Visitors Connection. The Finger Lakes Tourism Board recognizes and is aware the formula will not hold and, in all likelihood, will be diverted to factors such as parks and recreation and such.

Supervisor David Phillips asked if this included summer rentals around the lake in the definition of hotels and motels. Lea Nacca said it did as long as it was not a long-term rental.

Supervisor Kristine Singer offered the following three resolutions as a block and moved for its adoption, seconded by Supervisor Frederick Lightfoote:

**RESOLUTION NO. 144-2021
AUTHORIZING CONTRACT WITH ONTARIO COUNTY
INDUSTRIAL DEVELOPMENT AGENCY FOR
PUBLIC BENEFIT ECONOMIC DEVELOPMENT SERVICES – 2021**

WHEREAS, Pursuant to Resolution No. 59-2021, this Board of Supervisors approved the adoption of the Ontario County Updated Strategic Plan (the Plan); and

WHEREAS, The Plan endorses efforts to strengthen technology, develop and retain workforce resources, retain and expand industries, and create infrastructure to support economic development in Ontario County; and

WHEREAS, The Ontario County Industrial Development Agency desires to contract with Ontario County for managerial, administrative, financial, website hosting and publication services, and use of facilities to support the delivery of its economic development initiatives in Ontario County; and

WHEREAS, The County of Ontario desires to provide said services from January 1, 2021, through December 31, 2021; and

WHEREAS, The Planning and Environmental Quality Committee has reviewed and recommends approval of this agreement; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a revenue contract with the Ontario County Industrial Development Agency for a term of January 1, 2021 through December 31, 2021 at a minimum amount of \$169,040 for managerial, administrative, financial, website hosting and publication services, and use of facilities to support the delivery of its economic development initiatives in Ontario County beginning and ending, based on rates established in Schedule A of said contract as amended annually; and further

RESOLVED, That the Ontario County Administrator is authorized to execute said agreement with Ontario County Industrial Development Agency; and further

RESOLVED, That the Department of Finance is authorized to make all necessary budgetary and accounting entries to effect the intent of this resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Ontario County Industrial Development Agency, 20 Ontario St, Suite 106B, Canandaigua, NY 14424.

**RESOLUTION NO. 145-2021
AUTHORIZING CONTRACT WITH ONTARIO COUNTY
ECONOMIC DEVELOPMENT CORPORATION FOR
PUBLIC BENEFIT ECONOMIC DEVELOPMENT SERVICES – 2021**

WHEREAS, Pursuant to Resolution No. 59-2021, this Board of Supervisors approved the adoption of the 2016 Ontario County Updated Strategic Plan (the Plan); and

WHEREAS, The Plan endorses efforts to strengthen technology, develop and retain workforce resources, retain and expand industries, and create infrastructure to support economic development in Ontario County; and

WHEREAS, The Ontario County Economic Development Corporation desires to contract with Ontario County for managerial, administrative, financial, website hosting and publication services, and use of facilities to support the delivery of its economic development initiatives in Ontario County; and

WHEREAS, The County of Ontario desires to provide said services from January 1, 2021 through December 31, 2021; and

WHEREAS, The Planning and Environmental Quality Committee has reviewed and recommends approval of this agreement; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a revenue contract with the Ontario County Economic Development Corporation for a term of January 1, 2021 through December 31, 2021 at a minimum amount of \$71,274 for managerial, administrative, financial, website hosting and publication services, and use of facilities to support the delivery of its economic development initiatives in Ontario County based on rates established in Schedule A of said contract; and further

RESOLVED, That the Ontario County Administrator is authorized to execute said agreement with Ontario County Economic Development Corporation; and further

RESOLVED, That the Department of Finance is authorized to make the necessary accounting and budget entries to effect the intent of this resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Ontario County Economic Development Corporation, 20 Ontario Street, Suite 106 B, Canandaigua, NY 14424.

**RESOLUTION NO. 146-2021
PROCLAMATION
DESIGNATING APRIL AS FAIR HOUSING MONTH**

WHEREAS, Recognizing that housing opportunities should not be limited to individuals due to discriminatory practices in the sale or rental of housing, in Resolution No. 538-2020 this Board adopted the Ontario County Fair Housing Plan; and

WHEREAS, Implementation of said plan requires continuous public education and notice of this County's commitment to Fair Housing and dissemination of information to the public of where they may obtain assistance if they believe they have been unfairly discriminated against in obtaining fair housing based upon age, color, familial status, handicap, national origin, race, religion, and sex; and

WHEREAS, The US Census estimates there are 50,857 dwelling units in Ontario County (American Community Survey 2015-2019), with one in five being in a multi-family structure (American Community Survey 2015-2019), and a home ownership rate of 75.3% (American Community Survey 2007-2011); and

WHEREAS, The Director of Planning has been designated as the Ontario County Fair Housing Officer; and

WHEREAS, The Planning and Environmental Quality Committee has reviewed this resolution and recommend its adoption; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors does hereby proclaim April 2021 as Fair Housing Month in Ontario County; and further

RESOLVED, That any resident of Ontario County that believes they have been discriminated against in obtaining fair housing because of age, color, familial status, handicap, national origin, race, religion, and sex may obtain referral to the U.S. Department of Housing and Urban Development Office in Buffalo, NY, or other appropriate agency by contacting the Ontario County Director of Planning at (585) 396-4455; and further

RESOLVED, That the Director of Planning is hereby authorized to print and distribute fair housing informational posters for display in County Buildings and to be distributed to municipalities for their use; and further

RESOLVED, That information on Fair Housing Month be displayed on the County’s web page and Planning Department web page; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the official newspapers and other media outlets serving Ontario County.

The foregoing block of three resolutions was adopted.

Supervisor Kristine Singer offered the following four resolutions as a block and moved for its adoption, seconded by Supervisor Frederick Lightfoote:

**RESOLUTION NO. 147-2021
RE-APPOINTMENT OF MARTIN AVILA TO THE
ONTARIO COUNTY PLANNING BOARD**

WHEREAS, The Victor Town Board has recommended the re-appointment of Martin Avila to serve as the Town’s representative to the Ontario County Planning Board; and

WHEREAS, The Planning and Environmental Quality Committee recommends the re-appointment of Martin Avila to a full five-year term; now, therefore, be it

RESOLVED, That effective immediately the following individual is re-appointed as a member of the Ontario County Planning Board:

Name and Address	Representing	Term Expires
Martin Avila P.O. Box 412 Victor, NY 14564	Town of Victor	March 31, 2026

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Victor Town Board, the County Planning Department, County Clerk, and Martin Avila, P.O. Box 412, Victor, NY 14564.

**RESOLUTION NO. 148-2021
APPOINTMENT OF CHRISTEN SMITH TO THE
ONTARIO COUNTY PLANNING BOARD**

WHEREAS, The Canandaigua City Council has recommended the appointment of Christen Smith as the City’s representative to the Ontario County Planning Board; and

WHEREAS, The Planning and Environmental Quality Committee also recommends the appointment of Ms. Smith ; now, therefore, be it

RESOLVED, That as of April 1, 2021 the following individual is appointed as a member of the Ontario County Planning Board:

Name and Address	Representing	Term Expires
Christen Smith 178 Chapin Street Canandaigua, NY 14424	City of Canandaigua	March 31, 2026

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Canandaigua City Council, and Christen Smith.

**RESOLUTION NO. 149-2021
APPOINTMENT OF GREGORY FARKAS TO THE
ONTARIO COUNTY PLANNING BOARD**

WHEREAS, The Ontario County Director of Planning has recommended the appointment of Gregory Farkas as an alternative member of the Ontario County Planning Board as authorized by Local Law 1 of 2019; and

WHEREAS, The Planning and Environmental Quality Committee also recommends the appointment of Mr. Farkas; now, therefore, be it

RESOLVED, That as of April 1, 2021 the following individual is appointed as an alternate member of the Ontario County Planning Board able to serve as a voting member in the event a municipal representative in unable to vote due to a conflict of interest:

Name and Address	Representing	Term Expires
Gregory Farkas 2200 Trimble Road Clifton Springs, NY 14432	Alternative Member	March 31, 2026

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Director of Planning, and Gregory Farkas.

**RESOLUTION NO. 150-2021
APPOINTMENT OF SUE KELL TO
THE ONTARIO COUNTY PLANNING BOARD**

WHEREAS, The Manchester Town Board has recommended the appointment of Sue Kell as the Town's representative to the Ontario County Planning Board; and

WHEREAS, The Planning and Environmental Quality Committee also recommends the appointment of Ms. Kell; now, therefore, be it

RESOLVED, That as of April 1, 2021 the following individual is appointed as a member of the Ontario County Planning Board:

Name and Address	Representing	Term Expires
Sue Kell 3064 Bunker Hill Road Clifton Springs, NY 14432	Town of Manchester	March 31, 2026

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Manchester Town Board, and Sue Kell.

The foregoing block of four resolutions was adopted.

Supervisor Kristine Singer offered the following two resolutions as a block and moved for its adoption, seconded by Supervisor Frederick Lightfoote:

**RESOLUTION NO. 151-2021
AUTHORIZING CONTRACT WITH
HOBART AND WILLIAM SMITH COLLEGES FOR
SENECA WATERSHED INTERMUNICIPAL ORGANIZATION
2021 PARTNERSHIP SUPPORT PROJECT**

WHEREAS, Resolution No. 365-2014 authorized Ontario County’s membership and participation in the Seneca Watershed Intermunicipal Organization (SWIO), an entity created to foster cooperative water quality programming across the municipal boundaries of the Seneca Lake watershed; and

WHEREAS, Resolution No. 61-2021 authorized a contract between Ontario County and Oswego County Soil and Water Conservation District for transfer of SFY20-21 New York State funding in the amount of Eighty-Nine Thousand Two Hundred Dollars (\$89,200) for Ontario County’s Finger Lakes – Lake Ontario Watershed Protection Program, aka FLOWPA, to fund local projects to help protect and improve water resources in New York’s Lake Ontario drainage basin; and

WHEREAS, New York State Department of Environmental Conservation (DEC) has reviewed and approved Ontario County’s SFY20-21 FLOWPA workplan and budget for aforesaid state funding; and

WHEREAS, Said workplan and budget included Five Thousand Dollars (\$5,000) for public outreach and technical work in support of SWIO and the development of the Seneca - Keuka Lakes Watershed Nine Element Plan (9-E Plan); and

WHEREAS, SWIO has engaged a full-time staff person with the title Seneca Watershed Steward to help complete the 9-E Plan; and

WHEREAS, Said Seneca Watershed Steward and the SWIO program and budget are housed and administered at the Finger Lakes Institute (FLI) of Hobart and William Smith Colleges on behalf of the participating Seneca watershed municipalities; and

WHEREAS, SWIO has submitted a proposal to Ontario County in the amount of Five Thousand Dollars (\$5,000) for 2021 public outreach and research activities related to the 9-E Plan (hereinafter Project), attached hereto as Schedule A; and

WHEREAS, Adequate funding exists in Ontario County's NYS grant funded FLOWPA programs for SFY20-21 for said Project; and

WHEREAS, The Planning and Environmental Quality Committee recommends approval of this resolution; now, therefore, be it

RESOLVED, Upon review and approval by the County Attorney as to form, the Board of Supervisors hereby authorizes and empowers the County Administrator to execute a contract with Hobart and William Smith Colleges for Five Thousand Dollars (\$5,000) in support of said Project; and further

RESOLVED, The Term of said agreement shall be January 1, 2021 through December 30, 2021; and further

RESOLVED, That if a no-cost time extension of up to six (6) months is necessary the BOS hereby approves such extension subject to review and approval by the Planning and Environmental Quality Committee; and further

RESOLVED, That the Finance Department is authorized to make the necessary budgetary and accounting entries to effectuate the intent of this resolution; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Treasurer; Roberta Truscello, Director of Sponsored Programs, Hobart & William Smith Colleges, 300 Pulteney Street, Geneva, NY 14456 and Mark Venuti, Chair, SWIO, c/o Town of Geneva, 3750 County Road 6, Geneva, NY 14456.

**RESOLUTION NO. 152-2021
AUTHORIZATION TO SIGN AMENDED MEMORANDUM OF
UNDERSTANDING REGARDING THE SENECA WATERSHED
INTERMUNICIPAL ORGANIZATION - 2021**

WHEREAS, Ontario County participated for several years as a member of the former Seneca Lake Area Partners in Five Counties (SLAP-5), an organization of public and private entities formed to develop a management plan for the Seneca Lake watershed with grant funding under the New York State Department of State (NYS DOS); and

WHEREAS, said watershed management plan was completed and approved by NYSDOS in 2015; and

WHEREAS, Pursuant to said watershed management plan, an intermunicipal body called the Seneca Watershed Intermunicipal Organization (SWIO) was formed in 2014 to facilitate implementation of recommended actions in said watershed management plan to achieve water quality goals for the benefit of residents and the Finger Lakes Region; and

WHEREAS, Resolution No. 364-2014 authorized a Memorandum of Understanding (MOU) between Ontario County and SWIO signifying Ontario County's membership in and support of SWIO; and

WHEREAS, SWIO has amended the 2014 MOU to acknowledge that 1) municipal water purveyors outside the watershed, but drawing water from Seneca Lake, are eligible voting members of SWIO and 2) the Seneca Lake Watershed Management Plan referenced in the MOU is a living document subject to updates and successor watershed plans based on new data and information, whose implementation, upon SWIO's approval of said updates or successor plans, shall be supported by SWIO; and

WHEREAS, SWIO has disseminated the amended Seneca Lake Watershed Management Plan Memorandum of Understanding for Seneca Lake Municipalities and requests that the County of Ontario sign the amended MOU; and

WHEREAS, The proposed MOU does not obligate the County of Ontario to a financial contribution to support said organization or the implementation of tasks identified in the Seneca Lake Watershed Management Plan or its updates or successor plans; and

WHEREAS, The amended Seneca Lake Watershed Management Plan Memorandum of Understanding for Seneca Lake Municipalities on file with the Clerk of this Board is hereby approved; now, therefore, be it

RESOLVED, That the County Administrator be and hereby is authorized and empowered to sign said Memorandum of Understanding; and further

RESOLVED, That Supervisor Louis Guard (City of Geneva) is hereby appointed as the Ontario County representative to the Seneca Watershed Intermunicipal Organization, succeeding Supervisor Dominick Vedora; and further

RESOLVED, That Supervisor Guard shall report on the activities and recommendations of said Organization to the Planning and Research Committee; and further

RESOLVED, That in no case shall any actions taken by said Organization be considered a financial obligation of the County of Ontario without and until an authorization is made by resolution of this Board; and further

RESOLVED, That certified copies of this Resolution be sent by the Clerk of this Board to the Finance Department and the Chairman of SWIO, Supervisor Mark Venuti, Town of Geneva, 3750 County Road 6, Geneva, NY, 14456.

The foregoing block of two resolutions was adopted. Supervisor Louis Guard abstained from voting for Resolution Nos. 151-2021 and 152-2021 as he works for Hobart and William Smith College.

Supervisor Robert Green offered the following three resolutions as a block and moved for its adoption, seconded by Supervisor Gregory Bendzlowicz:

**RESOLUTION NO. 153-2021
AUTHORIZING LETTER OF CONSENT
CONCERNING T-MOBILE WIRELESS COMMUNICATIONS
EQUIPMENT DEPLOYED AT THE VICTOR TOWER SITE**

WHEREAS, Resolution No. 292-2002 authorized a lease agreement with Omnipoint Communications, Inc., 12920 S.E. 38th Street, Bellevue, WA 98006 for use of space on the County-owned tower located at 701 High Street, Victor, NY 14564; and

WHEREAS, T-Mobile Northeast LLC (hereinafter TENANT), having acquired interest in Omnipoint Communications, Inc., is the assigned tenant in accordance with the terms of afore-mentioned lease; and

WHEREAS, TENANT's authorized agent Transcend Wireless has informed Ontario County that TENANT requests to upgrade its wireless communications equipment deployed at said tower site; and

WHEREAS, T-Mobile Northeast, LLC has provided the County with the following documents pertaining to the proposed equipment upgrade in accordance with the lease agreement and on file with the Clerk of this Board:

- 1) Detailed construction drawings stamped by a licensed professional engineer for the proposed equipment modifications (Revised 12/16/2020)
- 2) Structural analysis by WSP USA, Inc. indicating the tower can support the proposed modifications (8/23/2020)
- 3) Intermodulation analysis by C-Squared Systems, LLC concluding the proposed modifications are highly unlikely to cause any performance degradation from interference to existing users at the site (2/25/2021).

WHEREAS, TENANT'S lease agreement requires the County to consent in writing to any changes in equipment used by TENANT at the Victor Tower Site; and

WHEREAS, The changes in equipment proposed by TENANT are subject to review and Special Use approval by the Town of Victor; and

WHEREAS, All approvals and a building permit required for the proposed equipment modifications have been granted by the Town of Victor; and

WHEREAS, Ontario County Planning Department staff have reviewed all aforementioned documents and recommend consent to the equipment modifications proposed by T-Mobile Northeast, LLC; and

WHEREAS, The Public Safety Committee has reviewed and recommends approval of this resolution; now, therefore, be it

RESOLVED, That Ontario County consents to the change in equipment deployment at the Victor Tower Site at 701 High Street in the Town of Victor proposed by T-Mobile Northeast, LLC as described in the construction details provided; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to sign a letter of consent with Transcend Wireless indicating Ontario County's consent to the proposed changes in T-Mobile Northeast, LLC equipment to be deployed at the Victor Tower Site; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to Mr. Kyle Richers, Transcend Wireless, 10 Industrial Ave., Suite 3, Mahwah, NJ 07430.

RESOLUTION NO. 154-2021
ACCEPTANCE OF FY2020 HAZARDOUS MATERIALS
EMERGENCY PREPAREDNESS (HMEP) GRANT

WHEREAS, Ontario County has been awarded a grant of \$ 5,172 from the New York State Division of Homeland Security and Emergency Services (DHSES) FY2020 Hazardous Materials Emergency Preparedness Program (HMEP) (DHSES Project # HE20-1007-D00; CFDA# 20.703; MUNIS# G21013) for the purpose of conducting in-person and online HazMat trainings and drills with emphasis on appropriately responding to bulk shipments of energy product incidents in addition to other hazardous materials; and

WHEREAS, This grant is to be used to support efforts that lead to the prevention of serious hazmat transportation incidents, principally those of high consequence to people and the environment; and

WHEREAS, It is advantageous to for Ontario County to accept these funds; and

WHEREAS, This grant requires a County match of 20 percent which is met with the utilization of funding provided for one part time position that currently exists within the department; and

WHEREAS, The contract period extends from April 1, 2021 through July 31, 2022; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this resolution at their March 24th, 2021 meetings and recommend acceptance of these grant funds; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby approves a contract with the New York State Division of Homeland Security and Emergency Services (DHSES) for a term of April 1, 2021 through July 31, 2022 at a cost not to exceed \$ 1,034.40 which is to be met with the utilization of funding provided for one part-time position that currently exists within the department; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the appropriate Standing Committee; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the FY2020 Hazardous Materials Emergency Preparedness Program (HMEP) Agreement with the New York State Division of Homeland Security and Emergency Services, and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the following budget transfer is hereby approved, with unused portions flowing into future years:

TO	DESCRIPTION	Revenue	Appropriation
G21013-44389-NA-20.703 (AA3645PL-44389)	Federal Aid, Other Public Safety	+ \$ 5,172	
G21013-54580 (AA3645PL-54580)	Printing Costs		+ \$ 1,000
G21013-54610 (AA3645PL-54610)	Operating Supplies		+ \$ 4,172
TOTAL		+ \$ 5,172	+ \$ 5,172

and further

RESOLVED, That certified copies of this resolution be sent to the Office of Emergency Management.

**RESOLUTION NO. 155-2021
AUTHORIZING PURCHASE FOR E-911 EQUIPMENT UPGRADE
TCI TECHNOLOGY AND EQUIPMENT, LLC AN
AFFILIATE OF FRONTIER COMMUNICATIONS**

WHEREAS, Resolution No. 847-2018 authorized the contract to upgrade the existing 9-1-1 computerized phone system equipment that was installed in 2013 as well as enter into a maintenance contract; and

WHEREAS, A proposal has been received from TCI Equipment, LLC an affiliate of Frontier Communications of America, Inc. to provide the enhanced equipment purchase, installation of same and a four-year maintenance contract at a one-time cost of \$24,784.43; and

WHEREAS, Funds have been transferred from the 911 Wireless Reserve, per Resolution No. 124-2021 to fund the upgrade; and

WHEREAS, The Sheriff has reviewed this request with the Public Safety Committee which recommends authorization of this contract for the period of April 30, 2021 through April 29, 2025; now, therefore, be it

RESOLVED, That upon review and approval of the County Administrator as to form, the Board of Supervisors hereby authorizes the Sheriff to sign the agreement with Frontier Communications for an upgrade of the existing 9-1-1 computerized phone system that was installed in 2013, and upgraded in 2019 for a term commencing on April 30, 2021 and terminating April 29, 2025.

The foregoing block of three resolutions was adopted.

Supervisor Frederick Lightfoote offered the following eight resolutions as a block and moved for its adoption, seconded by Supervisor Theodore Bateman:

**RESOLUTION NO. 156-2021
CAPITAL PROJECT H043-17
NO-COST TIME EXTENSION WITH FIRSTLIGHT
FLCC PHONE ROOM RENOVATION PROJECT**

WHEREAS, Resolution No. 473-2019 approved a contract with FirstLight for the purchase, installation and programming of equipment associated with Phase II of Capital Project H043-17 FLCC Phone Room Renovation Project; and

WHEREAS, The term of said contract ran through August 1, 2020; and

WHEREAS, Additional time is needed to complete the installation and programming stipulated in the existing agreement; and

WHEREAS, The parties desire to extend the term of said contract until August 31, 2021; and

WHEREAS, The Public Works Committee recommends adoption of this resolution; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a no-cost time extension agreement with FirstLight for the installation and programming services as specified under the current agreement; and further

RESOLVED, That the term of said no-cost contract extension agreement shall commence on August 2, 2020 and terminate on August 31, 2021; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the County Finance Department.

**RESOLUTION NO. 157-2021
CAPITAL PROJECT H043-17
AUTHORIZING BUDGET TRANSFER, APPROVAL OF QUOTES,
AND AWARD OF CONTRACT
FLCC PHONE ROOM RENOVATION PROJECT**

WHEREAS, Resolution No. 334-2017 created and funded Capital Project No. H043-17 as the FLCC Phone Room Renovation Project in the amount of Eight Hundred Thousand Dollars (\$800,000.00); and

WHEREAS, Using plans and specifications provided by FLCC, quotes for the maintenance and support of equipment necessary to complete said project have been received and are on file with the Clerk of the Board of Supervisors; and

WHEREAS, The Public Works Committee and the Ways and Means Committee recommend adoption of this resolution; now, therefore, be it

RESOLVED, That the budget for Capital Project No. H043-17 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
To:				
HH H043 17 52550	Signal & Communication	\$746,924.3 0	+ \$46,529.94	\$793,454.2 4
HH H043 17 54260	Consultation & Professional	\$0.00		\$0.00
From:				
HH H043 17 54491	General Construction	\$19,835.10	- \$13,860.38	\$5,974.72
HH H043 17 54610	Supplies Operating	\$570.00		\$570.00
From:				
HH H043 17 54743	Change Order Contingency	\$29,170.60	- \$29,170.60	\$0.00
HH H043 17 54865	Administrative Expenses	\$3,500.00	- \$3,498.96	\$1.04
Revenues:				
HH H043 17 42397	FLCC Revenue - Other	\$400,000.0 0	\$0.00	\$400,000.0 0
HH H043 17 43297	State Aid	\$400,000.0 0	\$0.00	\$400,000.0 0

and further

RESOLVED, That the following quotes are hereby accepted in the following amounts from FirstLight for the goods and services described:

1. FirstLight quote #FLTQ17329-A for three (3) Cisco Headset 730 in the amount of Eight Hundred Four Dollars and Sixty Cents (\$804.60)
2. FirstLight quote #FLTQ17302 for A-Flex Voice licensing annual charge in the amount of Thirty-Nine Thousand Dollars (\$39,000.00)
3. FirstLight quote #FLTQ17305 for 2Ring renewal, three (3) years of basic support and service coverage of the phone system in the amount of Seven Thousand One Hundred Eighty Dollars and Eighty Cents (\$7,180.80); and further

RESOLVED, That upon review and approval of the County Attorney as to form, the County Administrator be, and hereby is, authorized and empowered to execute a contract with FirstLight, for Forty-Six Thousand Nine Hundred Eighty-Five Dollars and Forty Cents (\$46,985.40); and further

RESOLVED, That the term of said contract shall commence on March 12, 2021 and terminate March 11, 2022; and further

RESOLVED, That the cost of said contract with FirstLight shall be paid from line HH H043 17 52550 – Signal & Communication – from Capital Project No. H043-17; and further

RESOLVED, That the Department of Finance is authorized to make all necessary budgetary and accounting entries to effect the intent of this resolution for a total project budget of Eight Hundred Thousand Dollars (\$800,000.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department, Vice President for Administration and Finance of Finger Lakes Community College and FirstLight 7890 Lehigh Crossing, Suite 20, Victor, New York 14564.

RESOLUTION NO. 158-20121
CAPITAL PROJECT NO. H055-19 AND H059-19
REPLACEMENT OF COUNTY ROAD 36 CULVERT #36 and
REPLACEMENT OF COUNTY ROAD 36 CULVERT #32
AWARD OF CONTRACT FOR CONSTRUCTION INSPECTION

WHEREAS, Resolution No. 298-2019 created Capital Project No. 03-2019 (now known as H055-19), Replacement of County Road 36 Culvert #36; and

WHEREAS, Resolution No. 303-2019 created Capital Project No. 06-2019 (now known as H059-19), Replacement of County Road 36 Culvert #32; and

WHEREAS, A project for the Replacement of County Road 36 Culvert #36, P.I.N. 4BNY.36 and a project for the Replacement of County Road 36 Culvert #32 P.I.N. 4BNY.35 (the “Project”) are eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, The Public Works Department – Engineering Section has designed this Bridge NY funded project; and

WHEREAS, Resolution No. 118-2021 awarded a contract to Twin Tier Constructors, Inc., for construction of the project; and

WHEREAS, The County Public Works Department received a qualification-based proposal for construction inspection services related to the Project, under the procedures set forth by the Federal Government for use of Federal Transportation funds; and

WHEREAS, The NYSDOT and County Engineering staff have reviewed and approved the construction inspection services scope and the corresponding price proposal; and

WHEREAS, After review of said proposal the Public Works Department recommends Ravi Engineering & Land Surveying, P.C., 2110 South Clinton Avenue, Suite 1, Rochester NY 14618 for construction inspection services related to said Project for a cost not to exceed \$150,000.00; and

WHEREAS, Sufficient funds exist in the engineering line of Capital Project No. H055-19, Replacement of County Road 36 Culvert #36 (HHH05519 54495) and H059-19, Replacement of County Road 36 Culvert #32 (HHH05919 54495) for the costs of said construction inspection services to be split evenly amongst; and

WHEREAS, The Public Works Committee has reviewed this resolution and recommends its approval; now, therefore, be it

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby approves a contract with Ravi Engineering for said work for a cost not to exceed \$150,000.00 and said contract will expire December 31, 2021; and further

RESOLVED, That if a no cost time extension of up to six (6) months is necessary, for this contract, the Board of Supervisors hereby approves such extension subject to review and approval by the Public Works Committee; and further

RESOLVED, That the County Administrator is authorized to sign the agreement; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Department of Finance.

**RESOLUTION NO. 159-2021
CREATION OF CAPITAL PROJECT NO. H077-21
COUNTY ROAD 4 AT COUNTY ROAD 20 INTERSECTION IMPROVEMENTS,
AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST
INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID
PROJECT, APPROPRIATING FUNDS AND AWARD OF CONTRACT TO
BERGMANN ASSOCIATES – DESIGN SERVICES**

WHEREAS, A project for the County Road 4 at County Road 20 Intersection Improvements, Town of Seneca, Ontario County, P.I.N. 4ON0.05 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the

apportionment of the costs of such safety project to be borne at the ratio of 90% Federal funds and 10% non-Federal funds; and

WHEREAS, This project is included in the 2021-2023 Capital Improvement Plan (Project # HS29-20) and the County share is budgeted in DD995099 59000; and

WHEREAS, The County of Ontario desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of the Design and Right-of-Way Incidentals Phase; and

WHEREAS, The County Public Works Department received qualification-based proposals for the Engineering and Design Services from interested engineering firms related to this project under the procedures set forth by the Federal Government for the use of Federal Transportation funds; and

WHEREAS, A selection committee was established by County Public Works Department to review said proposals received from interested engineering firms; and

WHEREAS, Three (3) firms were selected for interviews by the selection committee; and

WHEREAS, After review of said proposals and interviews the selection committee established by County Public Works Department recommends Bergmann Associates, 280 East Broad Street, Suite 200, Rochester, New York 14604, for preliminary engineering and right-of-way incidental services related to said Project; and

WHEREAS, The NYSDOT and County engineering staff have reviewed and approved the project scope and the corresponding price proposal; and

WHEREAS, The Public Works and Ways & Means Committees have reviewed this resolution and recommend its approval; now, therefore, be it

RESOLVED, That on the recommendation of the Public Works and Ways & Means Committees, the Ontario County Board of Supervisors hereby approves the creation of Capital Project No. H077-21, County Road 4 at County Road 20 Intersection Improvements; and further

RESOLVED, That the Board of Supervisors hereby authorizes the County Administrator to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and further

RESOLVED, That the Department of Finance be, and hereby is, authorized to advance funds as necessary from the County Road "D" Fund to pay for any costs incurred before the receipt of Federal or non-Federal Aid; and further

RESOLVED, That the Ontario County Board of Supervisors accepts the New York State Revenue Contract for the Design and ROW Incidentals Phase of Capital Project No. H077-21; and further

RESOLVED, That the Capital Project budget be, and hereby is, established as follows:

Appropriations		
HH H07721 54495	Engineering	\$387,100.00
HH H07721 54865	Administration	\$2,000.00
Revenue		
HH H07721 44597	Federal Aid	\$350,190.00
HH H07721 45031	Interfund Transfer	\$38,910.00

and further

RESOLVED, That the Department of Finance is authorized to make the necessary accounting and budget entries to effect the intent of this Resolution; and further

RESOLVED, That in the event the full Federal and non-Federal share costs of the Project exceed the amount appropriated above, the Board of Supervisors shall convene as soon as possible to appropriate said excess amount upon notification by the New York State Department of Transportation; and further

RESOLVED, That the County Administrator be, and hereby is, authorized to execute all necessary Agreements and certifications on behalf of the Board of Supervisors 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 further

RESOLVED, That the Commissioner of Public Works be, and hereby is, authorized to execute any reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with this Project; and further

RESOLVED, That upon review and approval by the County Attorney, the Board of Supervisors hereby approves an agreement with Bergmann Associates, for Preliminary

Engineering and ROW Incidentals services for a cost not to exceed \$192,230, appropriated from expense line HHH07721 54495; and further

RESOLVED, That the County Administrator is authorized to sign the agreement; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board of Supervisors to the Department of Finance.

**RESOLUTION NO. 160-2021
CAPITAL PROJECT NO. H022-15
HOPEWELL COMPLEX IMPROVEMENTS
BUDGET AMENDMENT**

WHEREAS, Resolution No. 576-2015 created Capital Project No. 2-2015, Hopewell Complex Improvements, now known as Capital Project No. H022-15; and

WHEREAS, The 2021 Capital Improvement Plan includes \$200,000 of funding for this project (CIP Project # HMP1-04); and

WHEREAS, County Engineering staff has designed Phase 3 of this project which includes road and drainage improvements from the Records and Archives Building to the end of the Ontario County Jail parking lot; and

WHEREAS, Ontario County Highway Department will be completing much of this work with materials being purchased from the Material Bids; and

WHEREAS, The Public Works and Ways and Means Committees have reviewed this resolution and recommend its adoption; now, therefore, be it

RESOLVED, That the budget of Capital Project No. H022-15 be, and hereby is amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH02215 54491	General Construction	\$550,000. 00	+\$243,757. 06	\$793,757. 06
HHH02215 54495	Architectural & Engineering	\$65,910.0 0	-\$9,997.06	\$55,912.9 4
HHH02215 54865	Administration	\$2,000.00	-\$1,670.00	\$330.00
HHH02215 54731	Contingency	\$32,090.0 0	-\$32,090.00	\$0.00
Revenue:				
HHH02215 45031	Interfund Transfer	\$650,000. 00	+\$200,000. 00	\$850,000. 00

and further

RESOLVED, That the Department of Finance is authorized to make the necessary accounting and budget entries to effect the intent of this resolution for a total project budget of \$850,000.00; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Department of Finance.

**RESOLUTION NO. 161-2021
AWARD CONTRACT FOR BROKERING
THE SUPPLY OF NATURAL GAS**

WHEREAS, Natural gas is used exclusively in the Animal Care Facility, Courthouse, Department of Public Works, Human Services Building, Jail, Records and Archives, Safety Training Facility, 74 Ontario Street, 20 Ontario Street, 3019 County Complex Drive, Vehicle Maintenance, and the County Transportation Center, for heating purposes; and

WHEREAS, The Wayne Finger Lakes BOCES Office, 131 Drumlin Court, Newark, NY 14513 makes the purchasing of natural gas available for municipal government users; and

WHEREAS, Wayne Finger Lakes BOCES quoted providing the service for \$1,404.00 for twelve (12) months beginning October 1, 2021 and ending September 30, 2022; and

WHEREAS, Ontario County has, in the past, found it to be cost beneficial to purchase transport gas through BOCES brokering; and

WHEREAS, The aforementioned costs are budgeted for; now, therefore, be it

RESOLVED, That on the recommendation of the Public Works Committee, the Ontario County Board of Supervisors hereby authorizes the award of contract to Wayne Finger Lakes BOCES; and further

RESOLVED, That the Clerk of this Board forward a certified copy of this resolution to Wayne Finger Lakes BOCES.

**RESOLUTION NO. 162-2021
AUTHORIZATION TO RENEW BID B19008
HAULING & DISPOSAL OF SLUDGE FROM
HONEOYE LAKE COUNTY CONSOLIDATED SEWER DISTRICT**

WHEREAS, Resolution No. 203-2019 awarded bid B19008 for the hauling and disposal of sludge from the Honeoye Lake County Consolidated Sewer District to Gotta Do Contracting, LLC; and

WHEREAS, Resolution No. 308-2020 extended said bid for the time period of May 15, 2020 to May 14, 2021; and

WHEREAS, Gotta Do Contracting, LLC has agreed to a 12-month renewal at the current price structure; and

WHEREAS, The Purchasing Department recommends the bid renewal; and

WHEREAS, The Public Works Committee has reviewed this proposal and recommends its approval; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the renewal of bid B19008 to Gotta Do Contracting, LLC for the hauling and disposal of sludge from the Honeoye Lake County Consolidated Sewer District for a 1-year period starting May 15, 2021 to May 14, 2022.

**RESOLUTION NO. 163-2021
AUTHORIZATION OF USE OF COUNTY PARK LANDS
BY THE CANANDAIGUA LAKE WATERSHED ASSOCIATION
FOR THE 2021 GYPSY MOTH SCOUT & SCRAPE EVENT
AND FUTURE WORK**

WHEREAS, In the spring and summer of 2020 an infestation of the invasive European gypsy moths caused significant defoliation of trees throughout the region; and

WHEREAS, Left unchecked, repetitive infestations reduces a tree's resistance to diseases and other insect infestations which could lead to lose of trees in the Canandaigua Lake Watershed; and

WHEREAS, A significant loss of trees in the Canandaigua Lake Watershed could lead to the degradation of the Lake's water quality; and

WHEREAS, The Canandaigua Lake Watershed Association (the CLWA) wants to schedule an event on Saturday, April 17; Friday, April 24; and Saturday, May 1 from 10:00 a.m. to 12:00 p.m. to identify and remove gypsy moth eggs from trees within the boundaries of the County's Gannett Hill Park, Naples, NY (the "Project"); and

WHEREAS, The CLWA may consider similar gypsy moth mitigation efforts on additional County owned park land in the future ("Future Work"); and

WHEREAS, The CLWA intends to recruit volunteers to participate in the Project and any Future Work; and

WHEREAS, The CLWA will be responsible for supervising the Project and any Future Work, and its participating volunteers; and

WHEREAS, The County will provide volunteer release forms, and the CLWA will be responsible for obtaining said volunteer release forms from each volunteer and/or their parental guardian; and

WHEREAS, The CLWA shall provide proof of liability insurance for the Project and any Future Work; and

WHEREAS, The County's Department of Public Works will be responsible for overall supervision of the Project and any Future Work and

WHEREAS, The Public Works and Governmental Operations Committees both recommend the Project and any Future Work; now, therefore, be it

RESOLVED, Upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the CLWA's Project of recruiting volunteers to identify and remove gypsy moth eggs from trees within the boundaries of the County's Gannett Hill Park, Naples, NY, the Project; and further

RESOLVED, That the Commissioner of Public Works is authorized to approve applications for Future Work by the CLWA providing the same terms and conditions of this authorization are met and the Public Works and Government Operations Committees are duly informed.

The foregoing block of eight resolutions was adopted.

Supervisor David Baker offered the following five resolutions as a block and moved for its adoption, seconded by Supervisor Andrew Wickham:

RESOLUTION NO. 164-2021
DOG HANDLER STIPEND – VICTIM ASSISTANCE PROGRAM

WHEREAS, The District Attorney's Office is in receipt of a grant from the New York State Office of Victim Services (OVS01-1080200); and

WHEREAS, Said grant will pay 100% of costs in 2021 for a Therapy Dog to be used to assist victims of crimes with court appearances; and

WHEREAS, The Therapy Dog will be purchased with grant funds but will be assigned to an employee for day-to-day care; and

WHEREAS, The Civil Service Employees Association, Inc. local 1000 AFSCME, AFL-CIO, Local 835, Ontario County Unit 7850 (CSEA) collective bargaining

agreement with Ontario County does not currently provide additional compensation for such work; and

WHEREAS, The County and CSEA have negotiated a Memorandum of Agreement (MOA) and have agreed that Ontario County will pay a stipend to the Therapy Dog Handler; now, therefore, be it

RESOLVED, That the County Administrator is authorized to execute an MOA with CSEA to pay the employee who is assigned the day-to-day care of the Victim Service Therapy Dog; and be it further

RESOLVED, That said compensation shall only be paid so long as grant funds are available to pay for at least 80% of said costs; and be it further

RESOLVED that copies of this resolution be sent by the Clerk of this Board to the Department of Finance and to the Director of Human Resources to effectuate the intent of this Resolution.

**RESOLUTION NO. 165-2021
CREATION OF POSITION - COUNTY POLICE OFFICER (DBL)**

WHEREAS, Sheriff Kevin Henderson, has filed a New Position Duties Statement with the Director of Human Resources for a position he would like to create temporarily during the disability of a County Police Officer in the Office of Sheriff; and

WHEREAS, Said position has been classified as County Police Officer (DBL) by Personnel Officer Certification No. 11-2021; and

WHEREAS, The County Administrator and the Ways and Means Committee recommend the creation of this position; now, therefore, be it

RESOLVED, That the temporary, full-time position of County Police Officer (DBL) (01272/#01; 6001001) be created, without benefits, effective upon adoption for a period not to exceed 90 days; and further

RESOLVED, That the vacancy of this new position is authorized to be filled immediately; and further

RESOLVED, That sufficient funding exists within the Office of Sheriff's budget for this position.

**RESOLUTION NO. 166-2021
AUTHORIZE REMOVING INVESTMENT FUNDS FROM
THE ONTARIO COUNTY 457 AND 401(A) PLANS AND
SUBSTITUTE COMPARABLE REPLACEMENT FUNDS**

WHEREAS, At a meeting of the Ontario County Deferred Compensation Committee held on March 16,2021, the removal of a underperforming current investment Fund was discussed; and

WHEREAS, The Deferred Compensation Committee reviewed the *Invesco Equity and Income R6 Fund* and the *Invesco Comstock Y Fund* (the Funds) with representatives from the 457 Plan Service Group, who advised that the Fund has been on a watch list for not meeting investment monitoring criteria for at least five consecutive quarters; and

WHEREAS, Pursuant to the County's Deferred Compensation Investment Policy the Deferred Compensation Committee makes recommendations for additions or removal of plan providers; and

WHEREAS, The Deferred Compensation Committee recommends deleting the *Invesco Equity and Income R6 Fund* and replacing it with *American Century Strategic Allocation: Mod. Inv. Fund* for both the 457 Plan and the 401(a) Savings Match Plan; and

WHEREAS, The Deferred Compensation Committee recommends deleting the *Invesco Comstock Y Fund* and replacing it with *Hartford Dividend and Growth HLS IA. Fund* for both the 457 Plan and the 401(a) Savings Match Plan; and

WHEREAS, The Ways and Means Committee has reviewed the Deferred Compensation Committee's recommendations with respect to the above-named plans and recommends its support to the full Board of Supervisors; now, therefore, be it

RESOLVED, That the Board of Supervisors authorizes the removal of the *Invesco Equity and Income R6 Fund* and replacing it with *American Century Strategic Allocation: Mod. Inv. Fund* for both the 457 Plan and the 401(a) Savings Match Plan; and further

RESOLVED, That the Board of Supervisors authorizes the removal of *Invesco Comstock Y Fund* and replacing it with *Hartford Dividend and Growth HLS IA. Fund* for both the 457 Plan and the 401(a) Savings Match Plan; and further

RESOLVED, That the Chairman of the Deferred Compensation Committee be authorized to sign the investment option authorization form and any other necessary documentation to effectuate the change authorized by this Resolution for both the 457 Plan (Group 30072) and the 401(a) Plan (150211).

**RESOLUTION NO. 167-2021
AMEND AND RESTATE DEFERRED COMPENSATION MODEL PLAN**

WHEREAS, The New York State Deferred Compensation Board (the “*Board*”), pursuant to Section 5 of the New York State Finance Law (“*Section 5*”) and the Regulations of the New York State Deferred Compensation Board (the “*Regulations*”), had promulgated the Plan Document of the Deferred Compensation Plan for Employees of Ontario County (the “*Model Plan*”) and offers amendments to the Model Plan for adoption by local employers; and

WHEREAS, Ontario County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of The County of Ontario; and

WHEREAS, Effective December 11, 2020, the Board amended the Model Plan to adopt provisions including provisions related to the Setting Every Community Up for Retirement Enhancement (*SECURE*) Act of 2019, which extends the required start date for Required Minimum Distributions (*RMD*) to begin at the age of 72, changes the RMD rules for beneficiaries, creates new categories of beneficiaries, includes ability for plan sponsors to reduce the in-service distribution age from 70 ½ to as low as 59 ½, and allows for in-service withdrawals for the birth or adoption of a child up to \$5,000 ; and

WHEREAS, Effective December 11, 2020, the Board amended the Model Plan to adopt provisions including provisions related to the Coronavirus Aid, Relief, and Economic Security (*CARES*) act of 2020, which waived RMDs for the calendar year of 2020, allowed for in service distributions of up to \$100,000 to qualified individuals no later than December 31, 2020, allowed for loans up to \$100,000 to qualified individuals (up to 100% of the account value), and allowed for deferment of plan loan repayments for one year for qualified individuals; and

WHEREAS, The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, Upon due deliberation, the Ontario County Deferred Compensation Committee has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of The County of Ontario by adopting the amended Model Plan and Schedules A and B; now, therefore, be it

RESOLVED, That the Ontario County Deferred Compensation Committee and the Ways and Means Committee recommend the amended Model Plan, including the

optional provisions selected in Schedules A and B be adopted by the Ontario County Board of Supervisors, effective January 1, 2021; and further be it

RESOLVED, That a copy of this resolution be provided to the Director of Human Resources and be sent by the Clerk of this Board to Mr. Christian Sparacino, 457 Plan Service Group, 179 Sully's Trail, Suite 200, Pittsford, NY 14534-4599.

**RESOLUTION NO. 168-2021
AMENDMENT TO AND ADOPTION OF THE ONTARIO COUNTY
CASH MANAGEMENT AND INVESTMENT POLICY**

WHEREAS, New York State General Municipal Law (Section 39) requires all counties, cities, towns, villages, school districts and district corporations to adopt, by resolution, a comprehensive investment policy; and

WHEREAS, Resolution No. 694-87, adopted December 11, 1987, established an Ontario County Cash Management and Investment Policy; and

WHEREAS, That Policy stipulates that at least annually, the Board of Supervisors shall review and amend, if necessary, the established Guidelines; and

WHEREAS, Changes are needed to the Policy as recommended by the Finance Department and have been reviewed and approved by the Ways and Means Committee; now, therefore, be it

RESOLVED, That the attached Ontario County Cash Management and Investment Policy is hereby amended.

The foregoing block of five resolutions was adopted.

On motion of Supervisor Dominick Vedora, seconded by Gregory Bendzlowicz, the meeting was adjourned at 7:23 p.m.