

February 14, 2019

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The regular meeting of the Ontario County Board of Supervisors was called to order at 6:30 p.m. at the Ontario County Safety Training Facility, 2914 County Road 48 in the Town of Hopewell, with Chair Marren presiding.

The Pledge of Allegiance was led by Supervisor Bendzlowicz.

Upon roll call, all Members of the Board were present with the exception of Supervisors Bateman, and Teed, who were declared necessarily absent.

Minutes of the preceding session were approved without being read by motion of Supervisor Baker, seconded by Supervisor Gallahan and carried.

Supervisor Vedora presented the 2018 Compliance Report and noted if there were any questions to contact Michele Smith.

Chair Marren delivered the following State of the County Address:

STATE OF THE COUNTY

February 14, 2019

You can tell from this slide of Collaborative Projects, that teamwork was the key to our success in 2018. Tonight I would like to highlight just some of our accomplishments from last year.

We were guided by our County Vision Statement throughout 2018, “A vibrant community where every citizen has the opportunity to be healthy, safe and successful.” A team of department heads and managers implemented the first year of our employee engagement program, Ontario County Upward. They planned activities to help us focus on ethical practices, our historical, natural and economic resources, employee recognition, fiscal integrity and collaboration. Their efforts culminated in October when Ontario County received the ETHIE Award from the Rochester Area Business Ethics Foundation, an achievement we are all extremely proud of as the first government granted this recognition in our community.

The Campbell Commission members witnessed the implementation of the first full year of the weekend alternative, enhanced electronic home monitoring and trust accounts. They supported and saw new programs begin such as Centralized Arraignment, Crisis Intervention Training and Opioid Court. Ontario County received a nearly 2 million dollar, 5 year SAMHSA grant in 2018. The programming under this grant will assist day treatment court participants and encourage their success. When the Campbell Commission began its work, our daily jail population was over 240 inmates and now averages between 130 – 140 inmates. I want to recognize the Commission and all those in our law enforcement and human services community who worked together to bring our jail population down to levels not seen since our facility opened in 2003.

Another multi-departmental team worked tirelessly throughout 2018 to bring the 74 Ontario Street renovation project to reality. Administrative departments consulted with program departments and our contractors to help us focus on meeting critical program needs and renovating a facility that includes our old jail, dormant since 2003. In addition, our OFA kitchen moved and successfully consolidated with our Jail kitchen. The renovation will continue in the coming weeks and months, and we will look forward to the opening of the renewed facility in the spring of 2020.

Our Information Services Department kicked off two major projects in 2018. One team is dedicated to helping our County departments use an electronic document

management system, OnBase. Our Caseworkers in the Department of Social Services have successfully implemented their pilot project, and the new system is more efficient and convenient for their use in the field and the office. A second team is putting our new finance and payroll system into action. Every department in the County will eventually be impacted by both of these efforts. Both systems will provide greater cost effectiveness and improved efficiency through Ontario County's cyber infrastructure.

Last year, the County, our municipalities and our school districts implemented a number of projects in our shared services plan. We are working at this time to submit for reimbursement from the State for completed projects. And, we have recently been notified that another shared services cycle has been mandated by the State. You will recall that Ontario County outlined countless shared services dating back to 1959 in our original plan. We will gather our team once again this spring to plan new projects for calendar year 2020 to meet the letter of the new law in the spirit we have long enjoyed in Ontario County.

As we all recognize, it is our spirit of cooperation that produces positive results for our residents and taxpayers. Our first full year of grant coordination resulted in 42 successful applications involving at least 16 different departments totaling \$14.56 million dollars. We are one of a small number of counties with an Aa1 credit rating. We remain tax cap compliant. I want to thank our Ways and Means Committee members, our Budget Officer, our Director of Finance, her team and our department leaders for our favorable financial position. Our strong finances along with our qualified and dedicated leadership and workforce position us to manage the challenges that 2019 will bring: landfill odor mitigation and control, unfunded voting reforms, the unknowns with Raise the Age and the potential of marijuana legalization, just to name a few. We will keep our eye on the long haul as well, as we focus our sustainability and solid waste efforts, support our economic and workforce development strategies, continue our succession planning program and complete a 10 year plan for our facilities.

As I close my remarks, I want to thank each and every one of you for your cooperative participation on the committees on which you serve and on this Board as a whole. Our culture of cooperation is unique in County government and compliments the teamwork of our workforce. I want to thank our County Administrator for her team for their hard work and dedication. Our whole team makes our successful story possible. Our talented Ontario County employees deliver responsive programs and services to our resident "customers" and our most vulnerable citizens. In the coming year, we will face new challenges as we always do, but I am confident that our Ontario County team – our Board, our leaders, our staff and our community partners – will work together to meet these challenges with cost-effective and constructive solutions to the benefit of our entire community.

Mary Krause distributed a NACo Membership packet with the Board and encouraged them to visit the website as a resource.

Chair Marren granted privilege of the floor to Supervisor Sauers for Steve Barnhoorn regarding Resolution No. 65-2019. Mr. Barnhoorn spoke in support of the Resolution supporting the full restoration of Aid and Incentive for Municipalities to Local Governments. He said that, as elected officials, they are entrusted with the role of being stewards of their communities. He noted how much the Town of Richmond would lose if the AIM funding were cut as well as the significant impact the cuts on the Extreme Winter Recovery program and CHIPS would have on the smaller rural towns. He believes the highway budget is very similar to a national defense budget: there is a moral obligation and duty to safeguard the lives of our taxpayers who use our roads every day.

He said budget priorities, public safety and maintaining good, safe roads, should not be used by anyone in Albany as a bargaining chip. Mr. Barnhoorn encouraged the Board to consider adopting a separate resolution calling for keeping these programs intact and to stand united and send a message to Albany that last-minute decisions that impact local communities is unacceptable.

Chair Marren responded regarding the AIM funding; he said Stephen Acquario, Director of NYSAC did testify during the budget testimony on behalf of the all the towns within all 62 Counties.

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

Copies received of minutes of meetings held as follows:

- Governmental Operations and Insurance Committee held on November 28, 2018
- Governmental Operations and Insurance Committee held on December 12, 2018
- Health & Human Services Committee held on January 14, 2019
- Planning and Environmental Quality Committee held on November 26, 2018
- Planning and Environmental Quality Committee held on December 10, 2018
- A Finger Lakes Visitors Connection Board of Directors held on December 12, 2018

The Clerk received Notice of Obligational Authority updating the funding that is used by the Local Workforce Development Area (LWDA) from the New York State Department of Labor.

The Clerk received Notification of Grant Award (NGA) and approved application for the NY Connects Expansion and Enhancement program from Greg Olsen, NYS Office for the Aging.

The Clerk received Notification of Grant Award (NGA) for the 2019 federal fiscal year (FFY 2019) Nutrition Services Incentive Program (NSIP) from Karen Jackuback, Deputy Director, Division of Finance and Administration, NYS Office for the Aging.

The Clerk received revised Notification of Grant Award and budget pages for Medicare Improvements for Patients and Providers Act from Greg Olsen, NYS Office for the Aging.

The Clerk received the 2018 OSHA Injury and Illness report for the Ontario County Board of Supervisors Department from Sherman Manchester, Ontario County Safety Coordinator.

The Clerk received a memo regarding the 2019-2020 Hazard Abatement Grant from Sherman Manchester, Ontario County Safety Coordinator.

The Clerk received Notice of Public Hearing regarding proposed Local Law to amend the Zoning Chapter of the Code of the Town of Italy from Debbie Craig, Town Clerk, Town of Italy, County of Yates.

The Clerk received Notice of Honeoye Lake Water Quality Public Meeting from NYS Department of Environmental Conservation.

The Clerk received a letter regarding 2019 NYSAC Legislative Conference from Airosmith Development.

Supervisor Gallahan, as representative of the DEC Fish and Wildlife Management Board, reported on hunting accidents in 2018. He said the DEC released the safety statistics for 2018 noting the incident rate ties the lowest rate in history and the past six years are the safest on record.

Supervisor Venuti offered the following resolution and moved for its adoption, seconded by Supervisor Baker:

RESOLUTION NO. 56-2019
RESOLUTION OF SYMPATHY – MS. MARY E. LUCKERN

WHEREAS, This Board of Supervisors was saddened to learn of the recent death of Mary E. Luckern, former Supervisor representing the Town of Geneva, from 1998 through 2013; and

WHEREAS, Ms. Luckern was the first woman to hold the position of Supervisor in the Town of Geneva; and

WHEREAS, During her tenure on this Board, Ms. Luckern diligently served on many standing committees including Governmental Operation, Human Services, Planning and Research, Public Safety, and Public Works; and

WHEREAS, Ms. Luckern served as the Chair of the Governmental Operation committee from 2006- 2013; and

WHEREAS, Ms. Luckern was the recipient of the Geneva Area Chamber of Commerce 2013 Citizen of the Year Award; now, therefore, be it

RESOLVED, That this Board of Supervisors, on behalf of its members both past and present, recognizes the contributions and loyal service of Ms. Luckern, mourning her death, and extending its sincere sympathy to her family; and further

RESOLVED, That this resolution be spread upon the minutes of this Board and a copy sent to the Luckern family.

Adopted.

Supervisor Venuti noted that the Geneva Town Board submitted a Resolution of Sympathy and Gratitude to her family; noting all of her years as a Town Supervisor, Educator, Principal, and a member of all sorts of nonprofit boards. She was a big presence in the Geneva area; always a champion for children and many other things. He said she will be missed.

Supervisor Baker said he had the privilege to serve with Supervisor Luckern for many of the years she was on the Board, noting she was a woman with nothing but class. He could always count on her with an honest explanation of the way she felt and her votes were from the heart and from the head.

Supervisor Singer said she was with Mary Luckern in 1988 with eight new Supervisors that came onto the Board. She got to serve with her eight years and then again when Supervisor came back for a couple more years. Supervisor Singer agreed with Supervisor Baker; Mary Luckern was a class act, always a lady to the very end, very polite, but she was also very firm. Supervisor Singer said she was always fair to everyone and a pleasure to work with. Not only was she a blessing to the Town and its residents and to all the organizations she was involved with, but she was also an asset to the Board of Supervisors.

Supervisor Russell noted that as a rookie Supervisor in 2010, he had the opportunity to sit next to Mary Luckern in the Board meetings. He said it was a complete treat to share conversation; to hear her insight to issues on education and issues that face the Board. He said it was a delight to get to know her and he learned a lot from her.

Supervisor Marshall shared that he also, as a rookie in 2000, had the fortune to sit a seat or two away from Ms. Luckern. He learned a lot about being a supervisor for this County. She will be missed.

Supervisor Green offered the following resolution and moved for its adoption, seconded by Supervisor Singer:

**RESOLUTION NO. 57-2019
AUTHORIZATION: TWO-YEAR APPOINTMENTS**

RESOLVED, That upon recommendation of Chairman Marren, and after review by the Governmental Operations and Insurance Committee, the Ontario County Board of Supervisors hereby approves the following appointments to the Fish and Wildlife Management Act Board and the Ontario County Agricultural Enhancement Board for the term January 1, 2019, through December 31, 2020, as listed below:

Fish and Wildlife Management Act Board

David R. Sauter, Landowner Representative
Wayne F. Houseman, Landowner Representative Alternate

Ontario County Agricultural Enhancement Board

Frederick S. Lightfoote, Supervisor Representative

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Fish and Wildlife Management Act Board, Ontario County Agricultural Enhancement Board, and the appointees.

Adopted.

Supervisor Gallahan offered, as a block, the following seven resolutions and moved for their adoption, seconded by Supervisor Bendzlowicz:

**RESOLUTION NO. 58-2019
HAVA GRANT BUDGET ADJUSTMENT
ONTARIO COUNTY BOARD OF ELECTIONS**

WHEREAS, Resolution No. 119-2018 authorized a one year extension agreement of the original Help America Vote Act (HAVA) grant, NYS Grant Contact #003234, for the period April 1, 2018 through March 31, 2019; and

WHEREAS, There is \$294,649.32 remaining in the HAVA grant and the Board of Elections require a budget amendment to establish a budget for the grant; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee have reviewed this budget transfer and moved for its approval; now, therefore, be it

RESOLVED, That the following budget transfer is hereby approved

Year 2019:			
	A 1450 0107 R 3089	State Aid – Other	\$ 294,649.32
	A 1450 0107 E 2300	Computer Equipment	\$ 14,800.00
	A 1450 0107 E 4180	Training	\$ 900.00
	A 1450 0107 E 4530	Agency Contracts	\$ 233,949.32
	A 1450 0107 E 4601	Data Processing Software	\$ 45,000.00

and further

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

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

**RESOLUTION NO. 59-2019
RESOLUTION OF DENIAL
CORRECTION OF ERROR – 2019 COUNTY/TOWN TAX ROLL**

WHEREAS, An application for corrected tax roll for the 2019 County/Town tax roll has been received by the Real Property Tax Director in accordance with RPTL §554; and

WHEREAS, The property owner is Lucky 4 Us, LLC with a mailing address of 16 Erie Crescent, Fairport, NY 14450. The property at issue is a condominium located at 45 Cliffside Drive in the town of South Bristol. The tax map identification number is 168.16-1-6.045; and

WHEREAS, The Real Property Tax Director has completed an investigation pursuant to RPTL §554, and has filed a copy of the findings of that investigation; and

WHEREAS, After review of the findings, the Governmental Operations and Insurance Committee has accepted the recommendation of the Real Property Tax Director to deny the application for correction of error; now, therefore, be it

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RESOLVED, That the report of findings has been reviewed by this Board; and further

RESOLVED, That the application for Correction of Error is denied; and further

RESOLVED, That copies of this resolution be sent to the Town of South Bristol, The Naples Central School District, and Lucky 4 Us, LLC.

**RESOLUTION NO. 60-2019
AUTHORIZATION TO PARTICIPATE IN DEFENSE OF
REAL PROPERTY TAX ASSESSMENT CHALLENGES AGAINST
THE 2018 FINAL ASSESSMENT ROLL**

WHEREAS, This Board of Supervisors by Resolution No. 285-2007 established a policy and program to share in the costs of defending legal challenges to real property tax assessments; and

WHEREAS, Pursuant to said program a number of municipalities have requested that the county share in the cost of defending certiorari proceedings filed against the 2018 Final Assessment Roll; and

WHEREAS, The Real Property Tax Director has reviewed the requests with representatives of the towns; and

WHEREAS, The assessments can be reasonably supported on acceptable technical grounds; and

WHEREAS, The Real Property Tax Services Director and County Attorney recommend that the county participate in the certiorari cases on the list filed herewith by joining the town or city and the school and paying 25% of defense costs going forward, including professional appraisal and legal fees, subject to total funding available and to be made available by this Board of Supervisors; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee agree with these recommendations; now, therefore, be it

RESOLVED, That Ontario County agrees to share the defense costs in the certiorari cases listed below; and further

# Parcel s	Ass mt Year	SWIS	Scho ol	Filing Index	Tax Map Number	Proper ty Class
2	2018	320200	SCC	118962-2018	71.17-1-35.21	411
		320200	SCC		71.17-1-35.22	511
1	2018	320200	SCC	119012-2018	84.10-1-13.2	411
1	2018	323400	SCC	118980-2018	85.03-1-19.000	453
1	2018	324889	SVC	118990-2018	6.04-1-78.000	453

RESOLVED, The County Attorney is authorized to join with the appropriate town and school to defend the cases, and payment of 25% of defense costs, including

professional appraisal and legal fees is hereby authorized, subject to total funding available and to be made available by this Board of Supervisors; 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 the County Administrator is authorized to sign Intermunicipal Agreements to confirm the commitment of financial support, specify legal representation and payment arrangements; and further

RESOLVED, That certified copies of this resolution be sent to the Town Supervisors of the Towns of Hopewell and Victor and the City Manager of the City of Canandaigua.

**RESOLUTION NO. 61-2019
AUTHORIZATION TO PARTICIPATE IN APPEAL OF
REAL PROPERTY TAX ASSESSMENT CHALLENGE DECISION –
DEVIATION OF POLICY**

WHEREAS, The Ontario County Board of Supervisors, pursuant to Resolution No. 285-2007, established a policy and program for the County to share in the costs of defending legal challenges to real property tax assessments; and

WHEREAS, Ontario County entered into an Intermunicipal Agreement to lend financial support in the defense of a certiorari action filed as Index 114235-2016; and

WHEREAS, The court recently issued a decision which the attorney representing the town believes is contrary to the provisions of Real Property Tax Law, in that certain improvements were deemed to be personal property, and therefore not taxable; and

WHEREAS, The Town of Seneca has requested that Ontario County deviate from the Assessment Challenge Policy to participate in the appeal of the Supreme Court decision providing 50% cost share in lieu of the normal 25% cost share; and

WHEREAS, Ample funds are available in the Real Property Tax Services current budget, as well as in the Assessment Challenge reserve account; and

WHEREAS, Considering the detrimental effect such a precedence could have on the tax base, the Real Property Tax Director and the County Attorney recommend that the county join with the Town of Seneca to appeal the court's decision and pay 50% of the defense costs going forward; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee have accepted the recommendation; now, therefore, be it

RESOLVED, That Ontario County agrees to pay a 50% share of the appeal costs in this case, (Index 114235-2016); and further

RESOLVED, That the County Administrator is authorized to sign an amended Intermunicipal Agreement to confirm the commitment of financial support, specify legal representation and payment arrangement; and further

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

RESOLUTION NO. 62-2019
ADOPTION OF THE ONTARIO COUNTY EXCLUSION SCREENING POLICY

WHEREAS, The Office of Inspector General (OIG) is a department in the US federal government responsible for combating health care and Medicaid fraud and does so partially by maintaining an exclusion list, known as the LEIE or the List of Excluded Individuals and entities, which is continuously updated to include those who have abused or taken advantage of Medicare & Medicaid programs; and

WHEREAS, Any individual or entity listed on the LEIE cannot participate as a healthcare provider in any healthcare program funded by the federal government and paying such excluded individuals could jeopardize reimbursement to the County for such programs; and

WHEREAS, The Ontario County Compliance Committee has drafted and recommends the adoption of an “Ontario County Exclusion Screening Policy” in order to maintain high quality care and service without negatively impacting the integrity of its financial operations; and

WHEREAS, The proposed policy has been reviewed and evaluated by the Government Operations and Insurance Committee for recommendation to the Board of Supervisors; now, therefore, be it

RESOLVED, That the Board of Supervisors does hereby adopt the attached “Ontario County Exclusion Screening Policy”, effective immediately.

RESOLUTION NO. 63-2019
RESOLUTION CALLING ON THE STATE TO
EQUITABLY DISTRIBUTE SPORTS WAGERING REVENUE TO
ALL NEW YORK COUNTIES

WHEREAS, In 2018 the United States Supreme Court struck down the Federal Professional and Amateur Sports Protection Act of 1992, which restricted sports gaming and their operations to four states (Nevada, Oregon, Delaware, and Montana); and

WHEREAS, Now all 50 states may allow for and regulate sports gambling; and

WHEREAS, To date eight (8) states have passed legislation that allows for full-scale sports wagering, with dozens more considering passing this legislation; and

WHEREAS, Under current New York law, casinos are permitted to provide for sports betting operations as soon as NYS Gaming Commission regulations are implemented; and

WHEREAS, It is highly likely that sports gaming will be operational in New York in the near future; and

WHEREAS, Under the current revenue sharing system, New York State receives funding from gaming facilities and a portion of this funding is passed to local governments for needed infrastructure and public services; and

WHEREAS, Depending on where the county is located, this local gaming revenue share can come from one or a combination of the following entities: private commercial casinos, Native American casinos, racinos, horse and harness raceways, and Off-Track Betting Corporations (OTBs); and

WHEREAS, With the expansion of casino gaming in New York State and the potential increase from sports gaming, there will be a realignment of gaming spending throughout the State; and

WHEREAS, Without future state legislative and regulatory changes, only commercial and Native American casinos will be allowed to provide sports betting, which could lead to further realignment of gaming spending and local government revenue sharing throughout the state; and

WHEREAS, Under the current sharing/distribution system, it is arguable that Native American casinos would not need to share any revenue obtained from sports wagering with local governments or the State because these casinos now share revenue from VLT spending and not from other revenues, such as other games of chance; now, therefore, be it

RESOLVED, When sports gaming regulation is passed in New York, the Ontario County Board of Supervisors calls on the State to distribute an equitable percentage of income and gaming revenues to local governments and to consider a method where preexisting gaming facilities could be involved in sports gaming services in order to retain revenue locally, keep and create local jobs, and to ensure needed local government revenue; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Rich Funke and Senator Pamela Helming, and the New York State Association of Counties.

RESOLUTION NO. 64-2019

RESOLUTION URGING THE GOVERNOR AND STATE LEGISLATURE TO ENACT LEGISLATION THAT ENSURES A FAIR AND LEVEL PLAYING FIELD FOR ALL RETAILERS BY UPDATING THE STATE SALES TAX CODE IN RECOGNITION OF THE RECENT SUPREME COURT DECISION THAT RULED STATES HAVE THE RIGHT TO COLLECT SALES TAX ON PURCHASES MADE OVER THE INTERNET

WHEREAS, The U.S. Supreme Court recently ruled in favor of all states to collect sales tax on Internet purchases made by consumers in their state under *South Dakota v. Wayfair*; and

WHEREAS, The *South Dakota v. Wayfair* decision declared that their prior ruling under “*Quill* creates rather than resolves market distortions”; and

WHEREAS, The Decision further declares, “In effect, it is a judicially created tax shelter for businesses that limit their physical presence in a state but sell their goods and services to the state’s consumers...;” and

WHEREAS, The decision also states, “By giving some online retailers an arbitrary advantage over their competitors who collect sales taxes, Quill’s physical presence rule has limited States’ ability to seek long-term prosperity and has prevented market participants from competing on a level playing field;” and

WHEREAS, The Court’s ruling reiterates many of the same reasons counties and the Governor put forth relating to the need for New York to update its sales tax collection system; and

WHEREAS, The Supreme Court ruling in *South Dakota v. Wayfair* provides a clear blueprint on how states can proceed in changing their state laws to comport with the decision while maintaining the rights of all market participants; and

WHEREAS, As of December 2018, 31 states and the District of Columbia had enacted laws or regulations requiring out-of-state retailers to collect and remit sales taxes on their transactions within their state, with most using the guidance laid out in the Supreme Court Decision; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors calls on the Governor and State Legislature to update the state’s sales tax laws to ensure that sales tax lawfully owed is collected on Internet purchases in a way that conforms with the principles laid out in *South Dakota v. Wayfair*; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Rich Funke and Senator Pamela Helming, and the New York State Association of Counties.

The foregoing block of seven resolutions was adopted.

Supervisor Gallahan offered the following resolution and moved for its adoption, seconded by Supervisor Sauer:

RESOLUTION NO. 65-2019
RESOLUTION SUPPORTING THE FULL RESTORATION OF
AID AND INCENTIVES FOR
MUNICIPALITIES TO LOCAL GOVERNMENTS

WHEREAS, Aid and Incentives for Municipalities (AIM) is state aid provided to all of New York’s cities (other than NYC), towns and villages; and

WHEREAS, Statewide, \$714.7 million in AIM Funds is distributed to these local governments, with nearly 90% flowing to the cities; and

WHEREAS, The proposed Executive budget calls for \$59.2 million in cuts to the AIM program to 1,328 of the state’s 1,465 towns and villages; and

WHEREAS, Towns and villages rely on this important state aid to address aging infrastructure, blighted housing, abandoned commercial sites, brownfields and public safety in their communities; and

WHEREAS, AIM funding offsets property taxes, which are already too high in the state of New York; and

WHEREAS, Many of the affected towns and village have already adopted their budgets and are counting on that aid to continue to provide proper services to their residents; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors supports the full restoration of this state aid program to local governments and urges the Governor and State Legislature to fully restore this funding in the final 2019/2020 state budget; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Rich Funke and Senator Pamela Helming, and the New York State Association of Counties.

Adopted.

Supervisor Gallahan offered, as a block, the following three resolutions and moved for their adoption, seconded by Supervisor Vedora:

**RESOLUTION NO. 66-2019
RESOLUTION URGING NEW YORK STATE TO
FUND THE PURCHASE OF ELECTRONIC POLL BOOKS FOR
COUNTY BOARDS OF ELECTIONS**

WHEREAS, Counties, through local Boards of Elections, are responsible for managing election operations, and paying for all or most of the costs of these operations; and

WHEREAS, In January, State Lawmakers have passed and the Governor has signed into law series of voting reforms to the New York State Election Law; and

WHEREAS, These reforms include early voting, voter registration transfers, same day voter registrations, and pre-registering 16 and 17 year olds to vote; and

WHEREAS, Implementing these reforms will require counties to purchase and use electronic polling books, estimated to cost up to \$1 million per county; and

WHEREAS, Despite their desire to improve voter turnout, state leaders have not invested in our voting system infrastructure in more than a decade; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors calls upon Governor Andrew M. Cuomo and the New York State Legislature to fund the electronic poll books that counties will have to purchase to effectively implement many of the state's new voting reforms; and further

RESOLVED, That the state fund the costs associated with the new reforms of which include equipment, education and training for poll workers; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins,

Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator RichFunke and Senator Pamela Helming, and the New York State Association of Counties.

RESOLUTION NO. 67-2019
RESOLUTION URGING NEW YORK STATE TO FUND ALL COSTS
ASSOCIATED WITH NEW STATE-ENACTED VOTING REFORMS
IMPLEMENTED AT THE COUNTY LEVEL

WHEREAS, New York State has some of the lowest voter turnout rates in the nation; and

WHEREAS, State Lawmakers have passed and the Governor has enacted a series of reforms to state election law and the voting process, including early voting, consolidating the federal and state primary dates, voter registration transfers, and same day voter registrations; and

WHEREAS, Counties, through local Boards of Elections, are responsible for managing election operations, and paying for all or most of the costs of these operations; and

WHEREAS, The State's new early voting law requires counties to open polling sites for early voting for 10 days prior to any primary or general election, starting during the 2019 general election; and

WHEREAS, Another state proposal would allow for same day voter registration, which would enable voting-age residents to register to vote and vote on election day, and

WHEREAS, These reforms will likely require counties to purchase and use electronic polling books, and make other investments in their election systems; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors calls upon Governor Andrew M. Cuomo, and the New York State Legislature to create a task force of state and local officials to determine the costs associated with implementing these voting reforms; and further

RESOLVED, That the state fund the costs associated with the new reforms; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Rich Funke and Senator Pamela Helming, and the New York State Association of Counties.

RESOLUTION NO. 68-2019
AUTHORIZATION FOR LEGAL ACTION
RISK RETENTION FUND

WHEREAS, Resolution No. 638-1986 created the Ontario County Risk Retention Plan; and

WHEREAS, Section 3(f)(2) of said resolution authorizes all necessary proceedings in the defense of actions against the County, subject to the right of the Board of Supervisors to discontinue such actions at any time; and

WHEREAS, The County has been named as a defendant in the lawsuit *Morris v. Ontario County, et al.*, NY State Supreme Court No. 112730-2015, based on allegations of faulty design, installation and maintenance of a certain guiderail located adjacent to County Road 41; and

WHEREAS, The County and FRA Engineering, Architecture and Land Surveying, P.C. (“FRA”) entered into two contracts made October 25, 2001 and April 22, 2005, whereby FRA agreed to provide professional design and engineering services for the Reconstruction of Ontario County Road 41 project; and

WHEREAS, The County and Ramsey Constructors, Inc. (“Ramsey”) entered into a contract made May 4, 2005, whereby Ramsey agreed to provide construction services for the Reconstruction of Ontario County Road 41 project; and

WHEREAS, Both the FRA and Ramsey contracts require that the contractors defend, indemnify and hold the County harmless against any claims arising from their work on the County Road 41 project; and

WHEREAS, In addition to the aforementioned contract requirements, both the FRA and Ramsey contracts require that the contractors provide liability insurance coverage, and name the County as an additional insured, as contained in Schedule “B” entitled “Standard Insurance Provision”; and

WHEREAS, The County tendered defense and indemnity of the claims raised against it in this lawsuit to Ramsey and T.Y. Lin International Engineering, Architecture and Land Surveying, P.C. (“TY Lin”) as successor in interest to FRA; and

WHEREAS, Both Ramsey and TY Lin have refused to defend or indemnify the County; and

WHEREAS, Resolution No. 517-2015 authorized the Ontario County Attorney, or his designated Assistant County Attorney, to commence such proceedings against Ramsey Constructors, Inc. and T.Y. Lin International Engineering, Architecture and Land Surveying, P.C. (“TY Lin”) as successor in interest to FRA Engineering, Architecture and Land Surveying, P.C., subject to the right of this Board of Supervisors to withdraw such authorization at any time; and

WHEREAS, The Government Operations and Insurance Committee has considered this matter and concluded that it is in the best interests of the County to commence legal action against Ramsey’s insurance carrier and TY Lin’s insurance carrier to protect the County’s rights and enforce the obligations set out in the Ramsey and FRA contracts; now, therefore, be it

RESOLVED, The Ontario County Attorney, or her designated Assistant County Attorney, is hereby authorized to commence such proceedings as she may deem appropriate against Ramsey Constructors, Inc. insurance carrier and T.Y. Lin

International Engineering, Architecture and Land Surveying, P.C. (“TY Lin”) as successor in interest to FRA Engineering, Architecture and Land Surveying, P.C. insurance carrier, subject to the right of this Board of Supervisors to withdraw such authorization at any time; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Ontario County Attorney.

The foregoing block of three resolutions was adopted.

Supervisor Marshal offered, as a block, the following nine resolutions and moved for their adoption, seconded by Supervisor Hicks:

**RESOLUTION NO. 69-2019
AGREEMENT TO PROVIDE MEALS
TO THE ONTARIO ARC SOCIAL ADULT DAY PROGRAM
OFFICE FOR THE AGING - 2019**

WHEREAS, Ontario ARC located at 3071 County Complex Drive, Canandaigua, New York 14424 will be operating a Social Adult Day Service located at the Eberhardt Center 2975 County Road 48, Canandaigua, NY 14424; and

WHEREAS, Ontario ARC desires to purchase meals from the Ontario County Office for the Aging to serve to their adult day clients; and

WHEREAS, the Office for the Aging desires to support the operation of a social adult service because it has determined there is a growing need for social adult day care in Ontario County; and

WHEREAS, Ontario ARC agrees to purchase the meals from Ontario County at the rate of \$8.53 per meal; and

WHEREAS, The Health and Human Services Committee has reviewed this request and recommends approval of this resolution; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize an agreement between the Office for the Aging and Ontario ARC for the period January 1, 2019, through December 31, 2019; and further

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

RESOLVED, That a certified copy of this resolution be sent to Ontario ARC.

**RESOLUTION NO.70-2019
AUTHORIZATION TO CONTRACT WITH ONTARIO ARC
FOR SOCIAL ADULT DAY RESPITE SERVICES
OFFICE FOR THE AGING - 2019**

WHEREAS, The Director of the Office for the Aging recommends that the County enter into an agreement for Respite Services with Ontario ARC, located at 3071 County Complex Drive, Canandaigua, New York 14424 and operating a Social Adult Day Service located at the Eberhardt Center 2975 County Road 48, Canandaigua, NY 14424; and

WHEREAS, The purpose of this contract is to provide social adult day respite services to give temporary relief to informal caregivers who are caring for an older adult age 60 years of age or older living in Ontario County and has chronic illness or dementia; and

WHEREAS, Ontario ARC will be paid at rate of \$90.00 per full day, \$60.00 for half day of social adult day service and \$20.00 per one way trip for transportation to and or from the center based on a care plan authorized by the Office for the Aging; and

WHEREAS, The funds for this contract have been allocated in the Office for the Aging 2019 budget; and

WHEREAS, The County finds it necessary to contract with multiple providers to meet the needs of respite clients and Ontario ARC is one of those providers; and

WHEREAS, Reimbursement to all respite care providers including Ontario ARC will not exceed a total cost of \$66,000; and

WHEREAS, The Health and Human Services Committee has reviewed this request and has approved this resolution; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between the Office for the Aging and Ontario ARC for the period January 1, 2019 to December 31, 2019; and further

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

RESOLVED, That a certified copy of this resolution be sent to Ontario ARC.

**RESOLUTION NO. 71-2019
AUTHORIZATION TO CONTRACT WITH
ONTARIO ARC
FOR SENIOR NUTRITION PROGRAM MEAL DISTRIBUTION SERVICES
OFFICE FOR THE AGING - 2019**

WHEREAS, The Office for the Aging desires to enter into an agreement with Ontario ARC, located at 3071 County Complex Drive, Canandaigua, New York 14424 to provide assistance in the distribution of meals for the Senior Nutrition Program; and

WHEREAS, The purpose of this contract is to provide services and facilities intended to assist with the weekday distribution of meals prepared and packaged by the Office for the Aging Senior Nutrition Program for pickup by client caregivers and volunteer drivers who deliver hot meals to clients; and

WHEREAS, These services have become necessary since the Senior Nutrition Kitchen operations moved to the Ontario County jail kitchen where only individuals with security clearance can enter the kitchen; and

WHEREAS, Ontario ARC will be paid at a rate of \$900.00 per month for a total contract amount not to exceed \$10,800; and

WHEREAS, The Health and Human Services Committee has reviewed this request and has approved this resolution; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between the Office for the Aging and Ontario ARC for the period April 1, 2019 to December 31, 2019; and further

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

RESOLVED, That a certified copy of this resolution be sent to Ontario ARC.

**RESOLUTION NO. 72-2019
AUTHORIZATION TO CONTRACT WITH
GENEVA HOUSING AUTHORITY
SENIOR NUTRITION PROGRAM MEAL SITE
OFFICE FOR THE AGING - 2019**

WHEREAS, The County desires to enter into an agreement with the Geneva Housing Authority, 41 Lewis Street, P.O. Box 153, Geneva, New York 14456, for the use of space to operate a congregate meal program for older adults at Lyceum Heights Apartments, Building #2, 150 Lyceum Street, Geneva, NY; and

WHEREAS, The time frame for this agreement is January 1, 2019 to December 31, 2019 and the funds for this contract have been allocated in the 2019 Office for the Aging budget; and

WHEREAS, The Health and Human Services Committee has reviewed this request and has approved this resolution; now, therefore, be it

RESOLVED, that upon review and approval by the County Attorney for form, this Board of Supervisors does hereby authorize a contract between the Geneva Housing Authority and the Office for the Aging at a cost not to exceed \$8,835.00; and further

RESOLVED, That the County Administrator is hereby authorized and directed to sign said agreement on behalf of the County; and further

RESOLVED, That a certified copy of this resolution be sent to the Geneva Housing Authority.

Supervisor Vedora abstained from voting on Resolution 72-2019 due to his position as the Chairman of the Geneva Housing Authority.

**RESOLUTION NO. 73-2019
AUTHORIZATION TO CONTRACT WITH
THE SALVATION ARMY
NUTRITION PROGRAM AGREEMENT
OFFICE FOR THE AGING - 2019**

WHEREAS, The County desires to enter into an agreement with the Canandaigua Salvation Army located at 110 Saltonstall Street, Canandaigua, New York 14424, for the use of space to operate a congregate meal program for older adults; and

WHEREAS, The time frame for this agreement is January 1, 2019 to December 31, 2019 and the funds for this contract have been allocated in the 2019 Office for the Aging budget; and

WHEREAS, The Health and Human Services Committee has reviewed this request and recommends approval of this resolution; now, therefore, be it

RESOLVED, that upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Salvation Army at a cost not to exceed \$5,616.00; and further

RESOLVED, That the County Administrator is hereby authorized and directed to sign said agreement on behalf of the County; and further

RESOLVED, That a certified copy of this resolution be sent to the Salvation Army.

**RESOLUTION NO. 74-2019
AUTHORIZATION TO CONTRACT WITH
CANANDAIGUA SALVATION ARMY
FOR SENIOR CENTER RECREATION SERVICES
OFFICE FOR THE AGING - 2019**

WHEREAS, The County desires to enter into an agreement for a Senior Center Recreation Program with the Canandaigua Salvation Army, 110 Saltonstall Street, P.O. Box 510, Canandaigua, New York 14424; and

WHEREAS, The time frame for this agreement is January 1, 2019 to December 31, 2019 and the funds for this contract have been allocated in the 2019 Office for the Aging budget; and

WHEREAS, The Health and Human Services Committee has reviewed this request and recommends approval of this resolution; now, therefore, be it

RESOLVED, that upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Salvation Army at a cost not to exceed \$1,800.00; and further

RESOLVED, That the County Administrator is hereby authorized and directed to sign said agreement on behalf of the County; and further

RESOLVED, That a certified copy of this resolution be sent to the Salvation Army.

February 14, 2019

RESOLUTION NO. 75-2019
AUTHORIZATION TO CONTRACT WITH
GENESEE REGION HOME CARE OF ONTARIO COUNTY, INC
FOR RESPITE SERVICES
OFFICE FOR THE AGING - 2019

WHEREAS, The Director of the Office for the Aging recommends that the County enter into an agreement with Genesee Region Home Care of Ontario County, Inc., 3111 Winston Road, South, Rochester, New York 14623 for personal care services; and

WHEREAS, The purpose of this contract is to provide respite care for informal caregivers of people 60 years of age or older living in Ontario County who have a chronic illness or dementia; and

WHEREAS, The Genesee Region Home Care of Ontario County will be paid a rate of \$24.71 per hour for personal care services; and

WHEREAS, The funds for this contract have been allocated in the Office for the Aging 2019 budget; and

WHEREAS, The County finds it necessary to contract with multiple providers to meet the needs of respite clients and Genesee Region Home Care of Ontario County, Inc., is one of those providers; and

WHEREAS, Reimbursement to all respite care providers including Genesee Region Home Care of Ontario County, Inc. will not exceed a total cost of \$66,000; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between Genesee Region Home Care of Ontario County, Inc. and the Office for the Aging for the period January 1, 2019 to December 31, 2019; and further

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

RESOLVED, That a certified copy of this resolution be sent to the Genesee Region Home Care of Ontario County, Inc.

RESOLUTION NO. 76-2019
AUTHORIZATION TO CONTRACT WITH
CENTER OF DISABILITY RIGHTS, INC (CDR)
FOR SOCIAL ADULT DAY RESPITE SERVICES
OFFICE FOR THE AGING - 2019

WHEREAS, The Office for the Aging desires to enter into an agreement with The Center for Disability Rights, Inc. (CDR) located at 497 State Street, Rochester, New York 14608 and operating a Social Adult Day Service located at 195 Parrish Street, Canandaigua, NY 14424, for its Caregiver Respite Program; and

WHEREAS, The purpose of this contract is to provide social adult day respite services to give temporary relief to informal caregivers who are caring for an older adult age 60 years of age or older living in Ontario County and has chronic illness or dementia; and

WHEREAS, CDR will be paid at rate of \$60.00 per full day, \$40.00 for half day of social adult day service and \$15.00 per one way trip for transportation to and or from the center and a fee up to \$20.00 for bathing a client, based on a care plan authorized by the Office for the Aging; and

WHEREAS, The funds for this contract have been allocated in the Office for the Aging 2019 budget; and

WHEREAS, The County finds it necessary to contract with multiple providers to meet the needs of respite clients and the Center for Disability Rights (CDR) is one of those providers; and

WHEREAS, Reimbursement to all respite care providers including CDR will not exceed a total cost of \$66,000; and

WHEREAS, The Health and Human Services Committee has reviewed this request and recommends approval of this resolution; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between the Office for the Aging and CDR for the period January 1, 2019 to December 31, 2019 for social adult day respite services; and further

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

RESOLVED, That a certified copy of this resolution be sent to the Center for Disability Rights, Inc. (CDR).

**RESOLUTION NO. 77-2018
AUTHORIZATION TO CONTRACT WITH
LEGAL ASSISTANCE OF WESTERN NEW YORK, INC
OFFICE FOR THE AGING - 2019**

WHEREAS, The U.S. Older American's Act rules and regulations require that legal services be provided to persons 60 years of age and over; and

WHEREAS, New York State Office for the Aging requires Counties to contract with Legal Assistance agencies for this service; and

WHEREAS, The Legal Assistance of Western New York, Inc., 361 South Main Street, Geneva, New York 14456 has offered to provide such service to Ontario County; and

WHEREAS, The total cost of legal services to be paid to Legal Assistance of Western New York, Inc. will not exceed \$25,000; and

WHEREAS, The funds for this contract have been allocated in the 2019 Office for the Aging budget; and

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

RESOLVED, that upon review and approval by the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between Legal Assistance of Western New York, Inc. and the Office for the Aging for the period January 1, 2019 to December 31, 2019; and further

RESOLVED, That the County Administrator is hereby authorized and directed to sign said agreement on behalf of the County; and further

RESOLVED, That a certified copy of this resolution be sent to Legal Assistance of Western New York, Inc.

The foregoing block of nine resolutions was adopted.

Supervisor Singer offered the following resolution and moved for its adoption, seconded by Supervisor Venuti:

**RESOLUTION NO.78-2019
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO.1(INTRO.) 2019**

WHEREAS, There has been introduced at a meeting of this Board held on February 14, 2019, a proposed local law entitled "A Local Law to Allow the Appointment of Alternate Members to the Ontario County Planning Board"; now, therefore, be it

RESOLVED, That a public hearing shall be held on March 7, 2019, at 6:30 p.m. at the Ontario County Safety Training Facility, 2914 County Road 48, Canandaigua, New York; and further

RESOLVED, That at least five days' notice of such hearing shall be given by the Clerk of this Board by the due posting thereof upon the Supervisors' bulletin board at the Ontario County Court House, and by publishing such notice at least once in the official newspapers of the County.

Adopted.

Supervisor Singer offered, as a block, the following seven resolutions and moved for their adoption, seconded by Supervisor Lightfoote:

**RESOLUTION NO. 79-2019
AUTHORIZING CONTRACT WITH
ONTARIO COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR
PUBLIC BENEFIT ECONOMIC DEVELOPMENT SERVICES – 2019**

WHEREAS, Pursuant to Resolution No. 345-2016, 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, 2019 through December 31, 2019; 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, 2019 through December 31, 2019 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. 80-2019
AUTHORIZING CONTRACT WITH
ONTARIO COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR
PUBLIC BENEFIT ECONOMIC DEVELOPMENT SERVICES – 2019

WHEREAS, Pursuant to Resolution No. 346-2016, 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, 2019, through December 31, 2019; 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, 2019 through December 31, 2019 at a minimum amount of \$168,275 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. 81-2019
AUTHORIZING CONTRACT WITH
ONTARIO COUNTY LOCAL DEVELOPMENT CORPORATION FOR
PUBLIC BENEFIT ECONOMIC DEVELOPMENT SERVICES – 2019

WHEREAS, Pursuant to Resolution No. 346-2016, 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 Local 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, 2019, through December 31, 2019; 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 Local Development Corporation for a term of January 1, 2019 through December 31,

2019 at a minimum amount of \$4,800 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 Local Development Corporation; 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 Local Development Corporation, 20 Ontario St, Suite 106B, Canandaigua, NY 14424.

**RESOLUTION NO. 82-2019
AUTHORIZING A CONTRACT AMENDMENT WITH
FAIRWEATHER CONSULTING
BUSINESS RETENTION & EXPANSION PROGRAM**

WHEREAS, Resolution No. 298-2004, approved the adoption of the Ontario County Updated Strategic Plan which recommends efforts to retain and expand mature industries; and

WHEREAS, The effort to assist in the retention and growth of Ontario County businesses has since been known as the Business Retention and Expansion (BR&E) program within the Office of Economic Development; and

WHEREAS, Resolution No. 819-2018 authorized a contract with Fairweather Consulting for the year ending December 31, 2019, at a cost not to exceed \$84,300, with an optional one-year renewal, to provide business retention and expansion services as part of the County's Business Retention and Expansion program; and

WHEREAS, The County wishes to create a infographic report to be included in the Office of Economic Development's annual report that includes industry specific data for key employment groups included in the Business Retention and Expansion program Fairweather Consulting now administers; and

WHEREAS, Fairweather Consulting has quoted an initial set up cost for the Economic Progress Infographic of a cost not to exceed \$8,200 that includes 2018 data; and

WHEREAS, Sufficient funds exist within the Office of Economic Development budget for said services; and

WHEREAS, The Planning and Environmental Quality Committee has reviewed this proposal and recommends that the current Fairweather Consulting contract be amended to include the Economic Progress Infographic work in 2019 relating to the County's Business Retention and Expansion services; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Ontario County Board of Supervisors does hereby approve the amendment for Fairweather Consulting, 7 Innis Avenue, Suite 3, New Paltz, New York 12561, to develop and create Economic Progress Infographic for an additional cost not to exceed \$8,200 as part of the County's Business Retention and Expansion program; 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 Governmental Operations and Insurance standing committee; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the contract with Fairweather Consulting and all other documents necessary to effectuate the purpose of this resolution; 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 copy of this resolution be sent by the Clerk of this Board to Fairweather Consulting.

RESOLUTION NO. 83-2019

AWARD OF QUOTE Q18107 AND AUTHORIZATION TO CONTRACT ON-SITE MOBILE DOCUMENT DESTRUCTION SERVICES

WHEREAS, Ontario County requires secure destruction of sensitive documents generated by various County departments; and

WHEREAS, The Ontario County Board of Supervisors has adopted a Solid Waste Management Plan that calls for increased diversion and responsible disposal of waste generated by Ontario County facilities; and

WHEREAS, Source separation of shredded documents reduces the potential of improper disposal; and

WHEREAS, A request for quotes for on-site document destruction services was released, duly advertised, and opened by the Purchasing Department as quote Q18107; and

WHEREAS, The quote dated December 18, 2018 submitted by Shred Text Inc. has been determined to be the low responsive/responsible quote, a copy of which is on file with the Clerk of this Board; and

WHEREAS, Copies of the quote certification and evaluation summary are on file with the Clerk of this Board; and

WHEREAS, The cost of this shredding is covered within the budgets of the Departments utilizing the service; and

WHEREAS, The Planning & Environmental Quality Committee have reviewed and recommends adoption of this resolution; now, therefore, be it

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisor's hereby approves an agreement with Shred Text Inc., 106 Crimson Woods Court, Rochester, NY, 14626, for the services and prices referenced in the quote on file with the clerk of this Board; and further

RESOLVED, That the Board hereby authorizes the County Administrator to execute this agreement; and further

RESOLVED, That the term of said contract will be awarded for a one-year period starting on March 1, 2019 and ending on February 29, 2020, with the option to renew for 2 additional twelve-month periods; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Ms. Rosanne Bonin, Shred Text Inc., 106 Crimson Woods Court, Rochester, NY, 14626.

RESOLUTION NO. 84-2019
AUTHORIZATION TO CONTRACT WITH IMPACT EARTH
FOR WASTE ASSESSMENT AT FINGER LAKES COMMUNITY COLLEGE

WHEREAS, Resolution No. 297-2014 authorized the adoption of the County's Local Solid Waste Management Plan; and

WHEREAS, The Local Solid Waste Management Plan identifies numerous implementation tasks, including increasing recycling at county-owned facilities as well as encouraging the management of organic waste; and

WHEREAS, Finger Lakes Community College (FLCC) has expressed an interest in assessing their current waste collection and disposal programs; and

WHEREAS, Impact Earth has the necessary qualifications and staff to provide FLCC with a comprehensive assessment of their current waste streams and specific recommendations for waste diversion program implementation; and

WHEREAS, Impact Earth has provided a quote to perform these services for a fee not to exceed Three Thousand Dollars (\$3000.00); and

WHEREAS, Sufficient funds exist within the Local Solid Waste Management Plan Budget; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves an agreement with Impact Earth for a fee not to exceed Three Thousand Dollars (\$3000.00); and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute a contract with Impact Earth for a fee not to exceed Three Thousand Dollars (\$3000.00); and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to Mr. Robert Putney of Impact Earth at 125 Tech Park Dr., Rochester, NY 14623.

**RESOLUTION NO. 85-2019
AUTHORIZING CASELLA APPLICATION TO THE NYSDEC
FOR A RESEARCH DEVELOPMENT AND DEMONSTRATION PERMIT
TO OPERATE AN ORGANICS DEPACKAGING OPERATION
AT THE ONTARIO COUNTY LANDFILL**

WHEREAS, The County of Ontario owns a duly permitted Sanitary Landfill located in the Town of Seneca; and

WHEREAS, Resolution No. 464 – 2003 approved a contract with New England Waste Services of N.Y., Inc. (Casella Waste Management Systems, Inc.), hereinafter referred to as “Casella” to operate such landfill; and

WHEREAS, Casella is requesting authorization from Ontario County to make application to the NYSDEC for a permit to establish and operate, in an existing building at the landfill, a 12 month pilot project that will separate packaged food, beverages, and other organic material from their packaging and send the separated material to offsite anaerobic digesters as described in a draft application dated 1/25/19 (the Project); and

WHEREAS, Recyclable packaging will be sent to the Material Recovery Facility onsite, and all other material not suitable for digestion or recycling will be placed in the landfill as solid waste; and

WHEREAS, The Project will divert organics and recyclable materials from the landfill and provide information needed for consideration of a possible larger scale operation in the future; and WHEREAS, The Project will impact less than 4,000sf of floor area within an existing structure; and

WHEREAS, This authorization and the proposed operation are considered a Type II action and consequently, not subject to further review pursuant to the implementing regulations of the NYS Environmental Quality Review Act (SEQR); and

WHEREAS, The draft application has been reviewed by staff and this resolution has been recommended for Board approval by the Planning and Environmental Quality Committee; now, therefore, be it

RESOLVED, Casella is hereby authorized to make application to the NYSDEC for consideration and possible approval of the Project; and further

RESOLVED, That the County staff are hereby authorized to work with Casella and complete all other administrative actions necessary to effect the intent of this resolution.

The foregoing block of seven resolutions was adopted.

Supervisor Singer offered, as a block, the following five resolutions and moved for their adoption, seconded by Supervisor Wickham:

**RESOLUTION NO. 86-2019
APPOINTMENT TO THE ONTARIO COUNTY
SOIL AND WATER CONSERVATION DISTRICT BOARD**

WHEREAS, The Ontario County Soil and Water Conservation District Board of Directors has recommended the appointment of the following individual as a member of the Ontario County Soil and Water Conservation District Board:

NAME AND ADDRESS	REPRESENTING	TERM EXPIRES
Amanda Button 1700 County Road 43 Clifton Springs 14432	Practical Farmer	12/31/2020

and

WHEREAS, The Planning and Research Committee recommends the appointment of said nominee; now, therefore, be it

RESOLVED, That as of January 1, 2019, the said nominee is appointed as a member of the Ontario County Soil and Water Conservation District Board; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Ontario County Soil and Water Conservation District, the County Planning Department, the County Clerk, and said nominee.

**RESOLUTION NO. 87-2019
APPOINTMENT TO ONTARIO COUNTY
FOUR SEASONS LOCAL DEVELOPMENT CORPORATION
LORI PROPER**

WHEREAS, There is a vacancy on the Ontario County Four Seasons Local Development Corporation's Board of Directors; and

WHEREAS, The Board of Directors of the Ontario County Four Seasons Local Development Corporation and the Ontario County Planning and Environmental Quality Committee have recommended the appointment of:

Lori Proper
Canandaigua Inn on the Lake
770 South Main Street
Canandaigua, NY 14424

to replace Alexa Gifford with a term that expired on September 30, 2018; now, therefore, be it

RESOLVED, That Mrs. Proper be appointed as a member of the Ontario County Four Seasons Local Development Corporation Board of Directors to fill the vacancy, term to expire on September 30, 2021; and further

RESOLVED, That certified copies of this resolution be sent to the Ontario County Four Seasons Local Development Corporation, the County Clerk and the appointee.

RESOLUTION NO. 88-2019
ONTARIO COUNTY ECONOMIC DEVELOPMENT CORPORATION
BOARD APPOINTMENT – SUPERVISOR FREDERICK WILLE

WHEREAS, The Ontario County Economic Development Corporation (“OCEDC”), with offices located at 20 Ontario Street, Suite 106B, Canandaigua, New York 14424, was created on January 11, 2010, as a not-for-profit corporation to provide various economic development services within Ontario County including, but not limited to, the use of CDBG funds to fund economic development loans and grants where appropriate to assist businesses that will provide economic benefits to Ontario County and its residents pursuant to and in compliance with the HUD Regulations; and

WHEREAS, This Board of Supervisors appointed three Directors to the Board of Directors for OCEDC as provided for in the OCEDC by-laws and the Grant Agreement between the County and OCEDC by Resolution No. 54-2010; and

WHEREAS, Robert Green, Jr., Town of Bristol Supervisor, was an OCEDC board member whose term expired December 31, 2018; and

WHEREAS, The Planning and Environmental Quality Committee recommends that Supervisor Frederick Wille, 2585 Wheeler Station Road, Bloomfield, NY 14469, be appointed to replace Supervisor Green as a member of the Ontario County Economic Development Corporation Board; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby authorize the appointment of Supervisor Frederick Wille, with a term to expire on December 31, 2019; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk and Supervisor Frederick Wille.

RESOLUTION NO. 89-2019
APPOINTMENT TO
ONTARIO COUNTY INDUSTRIAL DEVELOPMENT AGENCY
GEORGE BRADDON

WHEREAS, Andrew Molodetz, Cy Plastics, 8601 Main Street, Honeoye, New York, resigned his appointment to the Ontario County Industrial Development Agency board effective on November 20, 2017; and

WHEREAS, The Planning and Environmental Quality Committee recommends that George Braddon, Commodore Technology, 26 Maple Avenue, Bloomfield, New York 14469 be appointed as a board member of the Ontario County Industrial Development Agency; now, therefore, be it

RESOLVED, That Mr. George Braddon is appointed to the Ontario County Industrial Development Agency for a six-year term to expire December 31, 2024; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Secretary of State, the County Clerk, Michael J. Manikowski, Executive Director of the Ontario County Industrial Development Agency and George Braddon.

**RESOLUTION NO. 90-2019
APPOINTMENT TO
ONTARIO COUNTY LOCAL DEVELOPMENT CORPORATION
GEORGE BRADDON**

WHEREAS, Mr. Andrew Molodetz, Honeoye, New York, resigned his appointment to the Ontario County Local Development Corporation effective November 20, 2018; and

WHEREAS, The Planning and Environmental Quality Committee recommends that George Braddon, General Manager of Commodore Technology at 26 Maple Avenue in East Bloomfield, be appointed to fill the board vacancy on the Ontario County Local Development Corporation; now, therefore, be it

RESOLVED, That Mr. George Braddon is appointed to the Ontario County Local Development Corporation Board of Directors with a term which will expire December 31, 2024; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Secretary of State, the County Clerk, Michael J. Manikowski, Executive Director of the Ontario County Local Development Corporation and George Braddon.

The foregoing block of five resolutions was adopted.

Supervisor Singer offered the following resolution and moved for its adoption, seconded by Supervisor Bendzlowicz:

**RESOLUTION NO. 91-2019
REAPPOINTMENT OF THOMAS HARVEY
DIRECTOR OF PLANNING**

WHEREAS, Mr. Thomas Harvey's appointment as Director of Planning expired on February 13, 2019; and

WHEREAS, The County Administrator has reviewed the performance of the Director of Planning and recommends reappointment; and

WHEREAS, The Planning and Environmental Quality Committee supports the County Administrator's recommendation and recommends reappointment of Mr. Thomas Harvey to the Board of Supervisors effective February 14, 2019 through February 13, 2021; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby reappoints Mr. Thomas Harvey to the position of Director of Planning for a term of two years to commence February 14, 2019; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk and Mr. Harvey.

Adopted.

Supervisor Sauers said she would like to say thank you to Mr. Harvey; noting that he has helped her tremendously since she has come on board as a Supervisor.

Supervisor Singer noted that most of the Board members have relied on Tom and his staff for services and advice and guidance. She noted that he received his Master's degree in Environmental Science and Land Use in Planning from SUNY Environmental Science and Forestry. He joined the Planning Department in August of 1985 and has worked on many projects if not all in one form or another. She noted the building of the jail, the aquatic vegetation project, and the SEQR law. He was appointed the Planning Director in 2013.

Tom Harvey shared that he was honored and touched by the sentiment of the words. He said there is great work yet to do and again stated that he is honored the Board has chosen to reappoint him.

Supervisor Green offered the following resolution and moved for its adoption, seconded by Supervisor Bendzlowicz:

RESOLUTION NO. 92-2019
CAPITAL PROJECT 2-2018
74 ONTARIO STREET 700 MHz DEPLOYMENT
SEQR - ESTABLISHING LEAD AGENCY AND
NEGATIVE DETERMINATION OF SIGNIFICANCE

WHEREAS, Resolution No. 250-2018 created Capital Project No. 2 of 2018, known as the 74 Ontario Street 700 MHz Capital Project; and

WHEREAS, Said Capital Project is fully funded by a grant from the New York State Division of Homeland Security and Emergency Services; and

WHEREAS, The grant funding will be used for the build out of the existing 74 Ontario Street site to deploy 700 MHz equipment as recommended by the 2017 - 700 MHz City of Canandaigua Coverage Analysis Study; and

WHEREAS, Currently proposed is installation of two monopole antennas on the roof of the Ontario County 911 center located at 74 Ontario Street, which will provide public safety level coverage within nearby critical facilities, including Thompson Hospital, the V.A. Hospital and Canandaigua Elementary, Middle and High Schools (the Project); and

WHEREAS, Because the 74 Ontario Street property is adjacent to a historic district, a review of the Project pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQR") is necessary; and

WHEREAS, The County previously determined that the Project is a Type I action, completed Part 1 of the long Environmental Assessment Form (EAF), notified Involved Agencies of its intent to serve as the Lead Agency for a Coordinated Review, and on 8/231/8 held a public hearing to solicit public comment on the Project; and

WHEREAS, No involved agencies have voiced their objections to the County serving as Lead Agency; and

WHEREAS, No public comment was offered during the public hearing;

WHEREAS, Staff has completed a draft Parts 2 and 3 of the EAF; and now therefore be it

RESOLVED, The Ontario County Board of Supervisors hereby establishes itself as Lead Agency; and

RESOLVED, That, based on the information in the EAF, this Board determines the Project will not result in a significant adverse environmental impact and accepts the draft Negative Declaration prepared by staff, thereby concluding environmental review pursuant to SEQR; and further

RESOLVED, Staff are directed to distribute copies of the Negative Declaration and publish it to the Environmental Notice Bulletin as required by SEQR.

Adopted.

Supervisor Green reminded the Board that the 700 MHz Deployment has been ongoing for a number of years; serving the Fire, EMS, and Law Enforcement Community. He said he had the good fortune to sit on the Committee when it first started. He noted, through a training exercise last year, they were able to address issues that arose through the exercise appropriately through the 700 MHz Deployment.

Supervisor Green offered, as a block, the following ten resolutions and moved for their adoption, seconded by Supervisor Bendzlowicz:

**RESOLUTION NO. 93-2019
AUTHORIZATION TO ACCEPT THE UPSTATE QUALITY IMPROVEMENT
AND CASELOAD REDUCTION #2 GRANT FROM
OFFICE OF INDIGENT LEGAL SERVICES**

WHEREAS, The State of New York Office of Indigent Legal Services has notified Ontario County of an award in the amount of \$300,000 over a three (3) year period, as a result of the Public Defender's application for the Upstate Quality Improvement and Caseload Reduction competitive grant; and

WHEREAS, It is advantageous for Ontario County to accept these funds to improve the quality of indigent defense services in Ontario County through the Ontario County Public Defender's Office in the amount of \$300,000 over a three (3) year period; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this request and recommend the County Administrator authorization to sign a contract for this funding; now, therefore, be it

RESOLVED, That the following budget is hereby approved for grant years July 1, 2017 through June 30, 2020, with unused portions flowing into future years:

Account	Description	Revenue	Appropriation
A 1172 0187 R	Indigent Legal Services	\$300,000.00	

3025	Revenue		
A 1172 0187 E 1500	Full Time - Salaried		45,900.75
A 1172 0187 E 4160	Books and Subscriptions		5,000.00
A 1172 0187 E 4750	Trainings and Conferences		\$5,000.00
A 1172 0187 E 8010	Employee's Retirement		7,000.00
A 1172 0187 E 8020	FICA		3,000.00
A 1172 0187 E 8021	Medicare		700.00
A 1172 0187 E 8060	Cafeteria Plan		30,736.25
A 1172 0187 E 8067	Dental Insurance		329.00
A 1172 0187 E 8070	401a County Contribution		918.00
A 1172 0187 E 8075	Health Reimbursement Account		1,416.00

RESOLVED, That this Board of Supervisors does hereby authorize accepting the award of \$300,000 in funding over a period of three years from the Indigent Legal Services Board; and further

RESOLVED, That the County Administrator is authorized and directed to sign a contract and any other necessary documents which may be required.

**RESOLUTION NO. 94-2019
AUTHORITY TO SIGN AGREEMENTS FOR
HOUSING OUT-OF-COUNTY INMATES AT
THE ONTARIO COUNTY JAIL AND
HOUSING ONTARIO COUNTY INMATES
IN JAILS OUTSIDE THE COUNTY**

WHEREAS, The Sheriff and the Public Safety Committee of the Ontario County Board of Supervisors recognize there may be a need to house Ontario County inmates at another county's correctional facility; and

WHEREAS, Agreements for housing out such inmates at county correctional facilities outside Ontario County have been filed with the Clerk of the Board of Supervisors; and

WHEREAS, The Sheriff and the Public Safety Committee of the Ontario County Board of Supervisors recommend that Ontario County contract with other New York State counties and federal agencies to house their prisoners because such arrangements enable the Ontario County Jail to operate at a higher capacity and recover costs in so doing; and

WHEREAS, Agreements for the housing in and out of such prisoners shall be filed with the Clerk of the Board of Supervisors; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney, the Sheriff and the Ontario County Administrator be, and they hereby are, authorized to execute said housing in and out agreements for the term of January 1, 2019 through December 31, 2020 and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the rate for prisoners to be housed in the Ontario County Jail shall be set for the term of January 1, 2019 through December 31, 2020 at \$85.00 per day plus any medical expenses incurred while housed in the Ontario County Jail; and further

RESOLVED, That certified copies of this resolution be transmitted by the Clerk of this Board to the legislative body of each of the participating counties.

**RESOLUTION NO. 95-2019
AUTHORIZING A LICENSE AGREEMENT TO OCCUPY SPACE AT
THE ONTARIO COUNTY SAFETY TRAINING FACILITY
OFFICE OF SHERIFF – FINGER LAKES LAW ENFORCEMENT ACADEMY**

WHEREAS, Finger Lakes Law Enforcement Academy, Inc. (“FLLEA”) is an accredited law enforcement institution providing Law Enforcement Academy Basic Course for Police Officers and other law enforcement training; and

WHEREAS, Finger Lakes Law Enforcement Academy, Inc. desires to use certain space at the County’s Safety Training Facility (“STF”) located at 2914 County Road 48, Canandaigua, New York 14424 to conduct certified law enforcement academies and other law enforcement training; and

WHEREAS, The County desires to permit FLLEA to use the STF to conduct the Law Enforcement Basic Course and other law enforcement trainings; and

WHEREAS, The Sheriff and the Public Safety Committee have reviewed this resolution and recommend approving of the license agreement with FLLEA; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves the license agreement with FLLEA for a term of January 1, 2019 through December 31, 2020; and further

RESOLVED, That in consideration for permitting FLLEA to use the STF, the County shall be guaranteed spots in each FLLEA Basic Course for Police Officers and waiver of the \$75 per recruit fee for cadets from all law enforcement agencies within Ontario County; and further

RESOLVED, That the County Administrator and Ontario County Sheriff be and hereby are authorized and empowered to execute the Agreement with Finger Lakes Law Enforcement Academy, with offices at the Wayne County Sheriffs’ Office, 7376 Route 31, Suite 1000, Lyons, New York 14489, and all other documents necessary to effectuate the purpose of this resolution.

RESOLUTION NO. 96-2019

February 14, 2019

**ACCEPTANCE OF BID – UNIFORM CLEANING
OFFICE OF SHERIFF**

WHEREAS, The Purchasing Department advertised for and received, per the tabulation sheet on file in the Board Office, sealed bids for dry cleaning of uniforms for the Office of Sheriff (B19002); and

WHEREAS, The County spends approximately \$26,000 annually for dry cleaning of uniforms; and

WHEREAS, The lowest bid response was received from K & L Cleaners, Ltd., 2469 State Route 54A, Penn Yan, NY 14527, and has been providing this service satisfactorily for the Office of Sheriff; and

WHEREAS, The Public Safety Committee has reviewed the bid results and recommends this award for dry cleaning of uniforms to K & L Cleaners, Ltd.; now, therefore, be it

RESOLVED, That the bid submitted by K & L Cleaners, Ltd., for dry cleaning of uniforms for the Office of Sheriff be awarded for the period of March 1, 2019 through February 29, 2020, by the Ontario County Board of Supervisors with the option of two (2) renewals for twelve (12) months if mutually agreeable by both parties; and further

RESOLVED, That a certified copy of this resolution be sent to K & L Cleaners, Ltd. by the Clerk of the Board.

**RESOLUTION NO. 97-2019
RE-APPOINTMENT TO TRAFFIC SAFETY BOARD -
PRITCHARD, CIRENCIONE, DUSERICK, HERREN,
GUERRIE, CASE, AND BEER**

WHEREAS, The terms of the incumbents Chris Pritchard, Lt. David Cirencione, Frank Duserick, George Herren, Heidi Guerrie, Kevin Case, and Mary Beer of the Ontario County Traffic Safety Board expired on December 31 2018; and

WHEREAS, The listed members are willing to serve an additional two year term; and

WHEREAS, The Ontario County Traffic Safety Board and the Public Safety Committee recommends their reappointment; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby re-appoint Chris Pritchard, Lt. David Cirencione, Frank Duserick, George Herren, Heidi Guerrie, Kevin Case, Mary Beer and Sgt. Tyler Turner to the Traffic Safety Board, with terms to expire on December 31, 2020; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Traffic Safety Board and the appointees.

**RESOLUTION NO. 98-2019
APPOINTMENT TO TRAFFIC SAFETY BOARD**

BRIAN YOUNG

WHEREAS, There is a vacancy on the Board; and

WHEREAS, Brian Young, Deputy County Administrator, has expressed a desire and a willingness to serve; and

WHEREAS, The Ontario County Traffic Safety Board and the Public Safety Committee recommend the appointment; Now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby appoint Brian Young, Deputy County Administrator, 20 Ontario Street, Canandaigua, NY 14424 to the Traffic Safety Board, with a term to expire on December 31, 2020; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Traffic Safety Board and the appointee.

**RESOLUTION NO. 99-2019
APPOINTMENT TO TRAFFIC SAFETY BOARD
JOSEPH MORIARTY**

WHEREAS, There is a vacancy on the Board due to the resignation of Debra Bowen; and

WHEREAS, Joseph Moriarty has expressed a desire and a willingness to serve; and

WHEREAS, The Ontario County Traffic Safety Board and the Public Safety Committee recommend the appointment; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby appoint Joseph Moriarty, 2930 County Road 48, Canandaigua, NY 14424 to the Traffic Safety Board, with a term to expire on December 31, 2020; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Traffic Safety Board and the appointee.

**RESOLUTION NO. 100-2019
APPOINTMENT TO TRAFFIC SAFETY BOARD
SERGEANT CHRISTOPHER BROWN**

WHEREAS, There is a vacancy on the Board due to the resignation of Sergeant Jason Haag; and

WHEREAS, Sergeant Christopher Brown, New York State Police, has expressed a desire and a willingness to serve; and

WHEREAS, The Ontario County Traffic Safety Board and the Public Safety Committee recommend the appointment; now, therefore, be it

February 14, 2019

RESOLVED, That this Board of Supervisors does hereby appoint Sergeant Christopher Brown, New York State Police, 1569 Rochester Road, Canandaigua, NY to the Traffic Safety Board, with a term to expire on December 31, 2020; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Traffic Safety Board and the appointee.

**RESOLUTION NO. 101-2019
APPOINTMENT TO TRAFFIC SAFETY BOARD
SARAH PALERMO**

WHEREAS, There is a vacancy on the Board; and

WHEREAS, Sarah Palermo has expressed a desire and a willingness to serve; and

WHEREAS, The Ontario County Traffic Safety Board and the Public Safety Committee recommend the appointment; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby appoint Sarah Palermo, DWI Victim Advocate, 11 William Street, PO Box 95, Mumford, NY, 14511, to the Traffic Safety Board, with a term to expire on December 31, 2020; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Traffic Safety Board and the appointee.

**RESOLUTION NO. 102-2019
APPOINTMENT TO TRAFFIC SAFETY BOARD
LIEUTENANT JEFFREY POTTER**

WHEREAS, There is a vacancy on the Board due to the resignation of Sergeant Tyler Turner; and

WHEREAS, Lieutenant Jeffrey Potter, Geneva Police Department, has expressed a desire and a willingness to serve; and

WHEREAS, The Ontario County Traffic Safety Board and the Public Safety Committee recommend the appointment; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby appoint Lieutenant Jeffrey Potter, Geneva Police Department, 255 Exchange Street, Geneva, NY 14456 to the Traffic Safety Board, with a term to expire on December 31, 2020; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Ontario County Traffic Safety Board and the appointee.

The foregoing block of ten resolutions was adopted.

Supervisor Lightfoote offered, as a block, the following three resolutions and moved for their adoption, seconded by Supervisor Bendzlowicz:

RESOLUTION NO. 103-2019
CAPITAL PROJECT NO. 03-2013
74 ONTARIO STREET RENOVATION - PHASE II
AWARD CONTRACT FOR COMMISSIONING SERVICES
ERDMAN ANTHONY

WHEREAS, Resolution 297-2013 created Capital Project 3-2013, 74 Ontario Street Renovations – Phase II; and

WHEREAS, Resolution No. 52-2019 awarded the construction contracts to Manning Squire Hening (General), Billitier Electric (Electrical) and Nairy Mechanical (HVAC and Plumbing) for a combined construction contracts total of \$10,404,000; and

WHEREAS, The Capital Project budget included funds to cover expenses related to commissioning the many mechanical and electrical operating systems that function within the renovated building; and

WHEREAS, Proposals were received from M/E Engineering and Erdman Anthony to perform these services; and

WHEREAS, The experience of Erdman Anthony in commissioning services at law enforcement facilities, schools and medical facilities makes the selection of Erdman Anthony the best option for the County; and

WHEREAS, The Public Works Committee and Ways and Means Committee have reviewed and recommended approval 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 contract with Erdman Anthony, 145 Culver Road, Suite 200, Rochester, New York 14620 for commissioning services for a cost not to exceed \$43,800; and further

RESOLVED, The County Administrator be and hereby is authorized and empowered to execute said contract all other documents necessary or appropriate to effectuate the purposes of this resolution; and further

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

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to Erdman Anthony and the Department of Finance.

RESOLUTION NO. 104-2019
CAPITAL PROJECT NO. 13-2015
MULTIPLE CULVERT REPLACEMENTS
REPLACEMENT OF COUNTY ROAD 36 CULVERT #118
AWARD CONTRACT FOR CONSTRUCTION
DEPARTMENT OF PUBLIC WORKS

WHEREAS, Resolution No. 919-2015 created Capital Project No. 13-2015, Multiple Culvert Replacements; and

WHEREAS, Ontario County Purchasing Department received bids (B19000) for the replacement of County Road 36 Culvert #118; and

WHEREAS, Wind-Sun Construction, Inc., 18 Hidden Meadow, Penfield, NY 14526 is the apparent lowest, responsive, responsible bidder with a bid of \$669,622.00; and

WHEREAS, The Construction Phase of the Project is estimated to cost \$719,843.65, which includes a 7.5% construction contract contingency of \$50,221.65; and

WHEREAS, The County Public Works Department – Engineering section designed this project; and

WHEREAS, The 2019 Capital Improvement Plan includes \$2,000,000 of funding for this Project; and

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

RESOLVED, That the budget of Capital Project No. 13-2015 be, and hereby is amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations :				
HCL 5157 E 4491	General Construction	\$3,208,510.8 5	+\$719,843.6 5	\$3,928,354.5 0
HCL 5157 E 4495	Engineering	\$88,800.00		\$88,800.00
HCL 5157 E 4820	Easements and Land	\$2,500.00		\$2,500.00
HCL 5157 E 4865	Administration	\$2,000.00		\$2,000.00
HCL 5157 E 4731	Contingency	\$513,000.00	-\$500,000.00	\$13,000.00
Revenue:				
HCL 5157 R 5035	Interfund Transfer -D Fund Reserve	\$0.00		\$0.00
HCL 5157 R 5041	Interfund Transfer -D Fund	\$3,814,810.8 5	+\$219,843.6 5	\$4,034,654.5 0

and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby approves an agreement with Wind-Sun Construction, Inc., for said work for at cost not to exceed \$669,622.00; and further

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

RESOLVED, That the Commissioner of Public Works is authorized, to make necessary adjustments in unit bid quantities and to initiate field changes to complete the proposed work, within the fund limits of the contract's contingency, and to report such use of the contract contingency to the Public Works Committee and to the Finance Office; and further

RESOLVED, That the Commissioner of Public Works, prior to authorizing a single work item financed with the project's contingency that exceeds \$7,500, shall request review by the Public Works Chairperson, and if by review, the Committee Chairperson determines such field change is critical to the timely progression of the project, the Chairperson, at their discretion, will approve said change; and further

RESOLVED, That the Commissioner of Public Works, be and hereby is, authorized and empowered to execute any and all documents necessary or appropriate to effectuate adjustments or change orders to the original contract within the limits agreed to in this resolution, subject to review and approval by the Office of the County Attorney; 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 Four Million Thirty Four Thousand Six Hundred Fifty Four Dollars and Fifty Cents (\$4,034,654.50); and further

RESOLVED, That nothing herein shall be construed as having transferred to any officer or employee of the County any power of the Board of Supervisors, which retains absolute authority to discontinue by majority of the weighted vote any action taken without prior authorization of the Board; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Department of Finance and Wind-Sun Construction, Inc.

**RESOLUTION NO. 105-2019
CAPITAL PROJECT NO. 05-2017
COUNTY ROAD 1 CULVERT #9 OVER UNNAMED TRIBUTARY
TO CANANDAIGUA LAKE
CONTRACT AMENDMENT FOR CONSTRUCTION INSPECTION SERVICES
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 213-2017 created Capital Project No. 5-2017, County Road 1 Culvert #9 Over Unnamed Tributary to Canandaigua Lake; and

WHEREAS, A project for the County Road 1 Culvert #9 Over Unnamed Tributary to Canandaigua Lake, Town of Gorham, PIN 4BNY.16 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such projects to be borne at the ratio of 0% Federal funds and 100% non-Federal funds; and

WHEREAS, Resolution No. 298-2017 awarded a contract to Popli Design Group, 555 Penbrooke Drive, Penfield, New York 14526, for preliminary engineering services for a cost not to exceed \$141,000; and

WHEREAS, Resolution No. 315-2018 awarded contract amendment 1 to Popli Design Group, for construction inspection and construction support services for a cost not to exceed \$142,500; and

WHEREAS, Resolution No. 315-2018 also awarded a construction contract to Economy Paving Co., Inc., 1819 NYS Route 13 Cortland NY 13045; and

WHEREAS, Economy Paving Co., Inc., did not complete construction of the Project by the final completion date stipulated in their contract and was assessed liquidated damages in the amount of \$18,000; and

WHEREAS, Due to the inability of Economy Paving Co., Inc., to complete construction by the final completion date, Popli Design Group required more time for construction inspection services then was allotted in contract amendment 1 and has requested a second contract amendment in the amount of \$11,000 to cover said extra time for inspection services; and

WHEREAS, County Engineering staff have reviewed Popli Design Group’s proposal for contract amendment 2 and recommend it for approval; and

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

RESOLVED, That the budget of Capital Project No. 05-2017 be, and hereby is amended as follows

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HCU 5163 E 4491	General Construction	\$1,071,496.2 1	-\$11,000.00	\$1,060,496.2 1
HCU 5163 E 4495	Architectural & Engineering	\$283,500.00	+\$11,000.00	\$294,500.00
HCU 5163 E 4865	Administration	\$2,000.00		\$2,000.00
HCU 5163 E 4731	Contingency	\$0.00		\$0.00
Revenue:				
HCU 5163 R 3089	State Aid	\$1,000,000.0 0		\$1,000,000.0 0
HBP 5149 R 5041	Interfund Transfer - D Fund	\$356,996.21		\$356,996.21

and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby approves a contract amendment agreement with Popli Design Group for said work for a cost not to exceed \$11,000 for a total

amended contract price not to exceed \$294,500 said contract will expire March 31, 2019; and further

RESOLVED, That the County Administrator is authorized to sign the agreements; 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 One Million Three Hundred Fifty Six Thousand Nine Hundred Ninety Six Dollars and Twenty One Cents (\$1,356,996.21); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Department of Finance, Popli Design Group, and New York State Department of Transportation – Regional Local Project Liaison, Region 4 Office, 1530 Jefferson Road, Rochester, NY 14623.

The foregoing block of three resolutions was adopted.

Supervisor Lightfoote offered, as a block, the following five resolutions and moved for their adoption, seconded by Supervisor Vedora:

**RESOLUTION NO. 106-2019
AUTHORIZATION TO RENEW QUOTE FOR HAULING AND DISPOSAL OF
TRASH/RECYCLABLES AT VARIOUS COUNTY BUILDINGS
DEPARTMENT OF PUBLIC WORKS - BUILDINGS AND GROUNDS**

WHEREAS, Ontario County needs to dispose of waste generated by its various departments; and

WHEREAS, Ontario County currently has a contract with Casella Waste Management of NY, Inc. pursuant to Resolution 108-2018 (R15089); and

WHEREAS, Casella Waste Management of NY, Inc., 54 Doran Street, Geneva, New York 14456 has agreed to renew its quote for (12) twelve months at the current price structure on file with the Clerk of the Board; now, therefore, be it

RESOLVED, That on recommendation of the Public Works Committee, the Ontario County Board of Supervisors hereby authorizes a quote renewal to Casella Waste Management of NY, Inc. beginning on February 28, 2019 and ending on February 27, 2020; and further

RESOLVED, That a certified copy of this resolution be sent to by the Clerk of this Board to Casella Waste Management of NY, Inc.

**RESOLUTION NO. 107-2019
AUTHORIZATION TO RENEW BID FOR
THE PURCHASE OF PLUMBING SUPPLIES
DEPARTMENT OF PUBLIC WORKS
BUILDINGS AND GROUNDS AND FLCC**

WHEREAS, Ontario County and FLCC are in need of plumbing supplies throughout the year; and

WHEREAS, Pursuant to Resolution 114-2018 (B18008), Ontario County currently has a contract with Geck Plumbing & Heating Supply, 620 Meigs Street, Rochester, New York, 14620, with a second award to the second low responsible, responsive bidder, V.P. Supply Corp., 3445 Winton Place, Rochester, New York 14623; and

WHEREAS, Both vendors have agreed to renew this bid for (12) twelve months at the current price structure; and

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

RESOLVED, That the Ontario County Board of Supervisors hereby authorizes renewal of Bid (B18008) to Geck Plumbing & Heating Supply, and with V P Supply Corp. as an alternate for the period beginning on March 6, 2019 and ending on March 5, 2020; and further

RESOLVED, That certified copies of this resolution be sent to by the Clerk of this Board to the Department of Finance, Geck Plumbing & Heating Supply and V P Supply Corp.

**RESOLUTION NO. 108-2019
AUTHORIZATION TO ACCEPT BID (B18106) FOR
THE MAINTENANCE AND REPAIR OF EMERGENCY GENERATORS
DEPARTMENT OF PUBLIC WORKS
BUILDINGS AND GROUNDS**

WHEREAS, Ontario County has a need for the annual maintenance and repair of emergency generators; and

WHEREAS, The Purchasing Department solicited bid (B18106) for said service; and

WHEREAS, Siemens Industry was the overall low bidder for the maintenance and repair of emergency generators but was determined to be non-responsible for response time issues; and

WHEREAS, Cummins, Inc. was then, after review, determined to be the low overall responsive responsible bidder for the maintenance and repair of emergency generators; and

WHEREAS, The Public Works Committee has reviewed the bid and recommends its acceptance; now, therefore, be it

RESOLVED, That on recommendation of the Public Works Committee, the Ontario County Board Supervisors hereby authorizes the award of Bid (B18106) for the maintenance and repair of emergency generators to Cummins, Inc., 700 Aero Drive,

Buffalo, New York 14225, per the tabulation sheet on file with the Clerk of this Board for a period starting January 30, 2019 and ending January 29, 2020; and further

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

**RESOLUTION NO. 109-2019
RENEWAL OF QUOTE FOR REPLACEMENT OF WINDSHIELDS
DEPARTMENT OF PUBLIC WORKS – FLEET MANAGEMENT**

WHEREAS, Resolution No. 226-2018 accepted the quote (Q18037) for replacement of windshields on County vehicles; and

WHEREAS, FB Glass, 1184 Emerson Street, Suite 1, Rochester, New York 14606 has agreed to renew the quote at the current price structure; and

RESOLVED, After discussion between the Ontario County Commissioner of Public Works and the Purchasing Department, it was deemed to be in the County's best interest to renew this quote with FB Glass; now, therefore, be it

RESOLVED, That said renewal for replacement of windshields on County vehicles be effective from April 3, 2019 to April 2, 2020; and further

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

**RESOLUTION NO. 110-2019
RESOLUTION TO APPROVE SPECIAL USE APPLICATION FOR
FACILITY USE AT ONTARIO COUNTY GANNETT HILL PARK
BY JUSTIN KUCZMA FOR TROOP 29
BOY SCOUTS OF AMERICA SPRING CAMPOREE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Justin Kuczma, has made a Special Use Application for Troop 29 Boy Scouts of America Spring Camporee at Ontario County Gannett Hill Park on May 10, 2019; and

WHEREAS, Under Section twenty-eight (B) of the Park Law, the Commissioner of Public Works proposed regulations to issue Special Use Permits for certain activities that involve commercial type activities, like the one proposed by Justin Kuczma; and

WHEREAS, These regulations were reviewed by the Public Works and Government Operations Committee and approved by the Board of Supervisors by Resolution 556-2017; and

WHEREAS, A Special Use Application by Justin Kuczma was received and reviewed by the Commissioner of Public Works and is recommended to the Public Works Committee and Board of Supervisors that its permit be approved; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby approves the application by Justin Kuczma of 63 Camelot Court, Canandaigua, NY 14424 to hold the Troop 29 Boy Scouts of America Spring Camporee at Ontario County Gannett Hill Park upon final review and approval by the County Attorney's Office; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to Justin Kuczma and Commissioner of Public Works.

The foregoing block of five resolution was adopted.

Supervisor Backer offered the following resolution and moved for its adoption, seconded by Supervisor Gallahan:

RESOLUTION NO. 111-2019
STEP ADJUSTMENT— CHRISTIAN H. SMITH
OFFICE OF SHERIFF

WHEREAS, Sheriff Kevin M. Henderson has requested a step adjustment for an employee in the Office of Sheriff; and

WHEREAS, The Ways and Means Committee has reviewed and recommends a step adjustment to Band 7, Step 5 (\$93,569) for Mr. Christian H. Smith, effective upon his appointment to Chief Correction Officer, January 6, 2019; and

WHEREAS, Sufficient funds exist within the Office of Sheriff's Budget to fund this step adjustment; now, therefore, be it

RESOLVED, That Mr. Christian H. Smith be placed in Band 7, Step 5 (\$93,569), effective upon his appointment date, January 6, 2019; and further

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

On motion of Supervisor Singer, seconded by Supervisor Hicks, the meeting was adjourned at 7:06 p.m.