

March 11, 2021

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

The Pledge of Allegiance was led by Supervisor David Phillips.

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

Chairman Marren said it is day 375 of the Covid-19 global pandemic and declared it was a year ago on March 1st that the 1st reported positive case in New York State was announced.

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

Director of Public Health, Mary Beer gave a report on COVID-19 cases and reported 5,968 positive cases since the onset. She reported as of today, the county has vaccinated 27.5% of all eligible adult populations. She said the state will be distributing Johnson and Johnson vaccine to the larger centers such as at the state fair grounds and to hospitals to do their discharges. She said every dose of vaccine they receive; is every dose they give. They continue to do pop-up clinics at Mount Olive in Geneva for the African American, Latino, and senior populations. When they do receive the J&J vaccine they plan to administer to their homebound population.

County Administrator, Chris DeBolt reported on the County Operations, noting last week we have two positive employees and two this week. They are starting to have conversations on bringing staff back to work.

The Governor expanded vaccine eligibility from 65 down to 60 plus and opened it up to a few new public facing public employees. He has been having conversations with United Way and their team to set up a coordinated system to recruit volunteers. There will be guidance changes to the travel policy with the Governor lifting the travel restrictions. There is confusing guidance about the outdoor events and catering. The school superintendents have been getting hammered on for kids to go back five days a week since the CDC changed from 6 feet to 3 feet. Mr. DeBolt said until the State moves on the changes, their hands are tied.

The Federal Stimulus bill made it through both houses under the reconciliation process. They don't know what the guidelines and the rules are yet. The Treasury has 60 days to get the 1st half of the money to Ontario County.

Mary Beer and Mr. DeBolt filmed a community update FLTV last week.

Supervisor Todd Campbell gave brief update on the Ontario County Police Reform and Reinvention Collaborative. He said this collaborative is a response to an Executive Order from the Governor from the middle of last year. The list of stakeholders that participated in the collaborative are in the Police Reform Plan. He said it was a lot of due diligence and meetings. He said one of the agencies that were not targeted in the executive order were the State Troopers. After the last Public Safety Committee meeting, Sheriff Henderson informed Supervisor Campbell that the State Troopers are interested in coming to the Campbell Commission and they'd like to start attending some public meetings because they may have to work on a plan as well. Our plan is complete and hope for adoption tonight so that it can be submitted to the Governor by the required April 1st deadline. He said this is a commitment that this is not the final version, it is something that they will continue to work on. They will continue to focus and work on the implementation aspect of the plan. There is a five-page executive summary making it easier to read. Supervisor Campbell thanked everyone who participated in developing the plan.

Sheriff Henderson thanked all the stakeholders who helped with the collaborative. He said the if you read the plan, you will see what had been prior to developing the plan. They also had their implicit diversity bias training with Dr. Covington for the criminal side, which would be the road patrol law enforcement side and all members of that division are now certified. They will also be doing the training for the peace officer correction deputies as well as all civilians, which would be the 911 and clerical staff.

Chairman Marren granted privilege of the floor to Supervisor Dan Marshall on behalf of Julie Maslyn in regard to declaring March as Agriculture Month.

Ms. Maslyn represents the entire County Farm Bureau. She thanked the Board for the resolution, noting it is a New York State Farm initiative. Ontario County is the 6th largest agricultural production county in the state. There are many people and organizations that contribute to that size and success as well as the support of the Supervisors, many of whom have a direct link and impact on the agriculture in the county.

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

- Health and Human Services Committee held on February 8, 2021
- Planning and Environmental Quality Committee held on February 8, 2021
- Public Works Committee held on February 8, 2021
- Public Safety Committee held on February 10, 2021
- Governmental Operations and Insurance Committee held on February 10, 2021
- Ways and Means held on January 20, 2021
- Ways and Means held on February 10, 2021
- Special Ways and Means held on February 18, 2021

2021 New York State Legislative Reference Guide received from New York State Association of Counties (NYSAC)

Cornell Local Roads Program received from NYSLTAP Center

The 2020 Ontario County Humane Society Annual Report received from Director William Martin and Staff.

Unaudited Financial Report Year End 2020 received from Mary M. Gated, Director of Finance, Ontario County.

Winter 2021 Legislative Guide NYSAC New received from NYSAC.

Resolution No. 52-21 entitled "Board of Supervisors Approve Appointment of Finger Lakes Workforce Investment Board Member" received from Seneca County.

Resolution No. 499-20 entitled "Authorize Appointment to the Finger Lakes Workforce Investment Board" received from Wayne County.

Resolution No. 68 entitled "Recommend Martin Avila – Re-Appointment to the Ontario County Planning Board" received from the Tow of Victor.

A copy of a letter regarding Civil Rights Compliance Review In-Compliance received from Sondra Little, Director, NYS Department of Transportation Office of Civil Rights.

February 2021 Community Update, received from Site No. C835027A, NYSDEC Region 8.

**COUNTY OF ONTARIO
LOCAL LAW NO. 1 (INTRO) OF 2021**

**“A LOCAL LAW LIMITING THIRD-PARTY FOOD DELIVERY SERVICE
FEES”**

Be it enacted by the Board of the Supervisors of Ontario County as follows:

SECTION 1: Purpose: The Board of Supervisors intends by this local law to prevent potential price gouging imposed by third-party food delivery services on businesses in Ontario County during a declared emergency.

SECTION 2: Definitions:

1. Declared Emergency: The term “declared emergency” means the period during which a state disaster emergency has been declared by the Governor of the State of New York or a state of emergency has been declared by the Chair of the Ontario County Board of Supervisors, such declaration is in effect in the County, and there are restrictions on on-premises dining at food service establishments in the County.

2. Delivery fee: The term “delivery fee” means a fee charged by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order.

3. Food Service Establishment: The term “food service establishment” means any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order café; delicatessen; luncheonette; grill; tearoom; sandwich shop; soda fountain; bar; tavern; cocktail lounge; night club; roadside stand; take-out prepared food place; retail bakery; industrial feeding establishment; private, public or non-profit organization or institution, including schools; nursing homes; day care centers and hospitals; religious and fraternal organizations routinely serving food; catering kitchens; commissary or similar places in which food is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is served or provided for the public, with or without charge. This term shall not include a restaurant with 10 or more locations in the state.

4. Online Order: The term “online order” means any order placed by a customer through or with the assistance of a platform provided by third-party food delivery services, including a telephone order.

5. Purchase Price: The term “purchase price” means the total price of the items contained in an online order that are listed on the menu of the food service establishment

where such order is placed. Such term does not include taxes, gratuities, and any other fees that may make up the total cost to the customer of an online order.

6. Third-Party Food Delivery Service: The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from food service establishments located in the County that are owned and operated by different persons.

SECTION 3: Fee Limits During Declared Emergencies:

1. It shall be unlawful for a third-party food delivery service to charge a food service establishment a delivery fee that totals more than 15% of the purchase price of each online order.

2. It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees other than a delivery fee for the use of their service greater than 5% of the purchase price of each online order. Any fees or other charges from a third-party food delivery service to a food service establishment beyond such a maximum 5% fee per order, and a delivery fee collected pursuant to subdivision (1) of this section, are unlawful, provided that such cap shall not apply to a credit card fee that is charged to the third-party food delivery service and is charged in the same amount by the third-party food delivery service to such food service establishment.

3. It shall be unlawful for a person to cause a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to comply with this section.

4. The requirements of this section apply only during a declared emergency and either for a period of 90 days after the end of a declared emergency or until food service establishments are allowed to operate at % capacity whichever is shorter.

SECTION 4: Enforcement and penalties:

If a third-party delivery service charges a food service establishment fees in violation of this law, the food service establishment shall provide a written notice to the third-party food delivery service requesting a refund within seven (7) days. If the third-party food delivery service fails to provide a full refund for excessive fees within seven (7) days of the initial written notice or the third-party food delivery service continues to charge fees in violation of this local law after the initial written notice and seven (7) day cure period, a food service establishment may enforce this law by means of a civil action seeking damages and injunctive relief. The prevailing party in any such action shall be entitled to an award of reasonable attorney fees.

SECTION 5: Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 6: Severability:

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity, or

circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7: Reverse Preemption:

This local law shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, unless state law specifically exempts from preemption earlier enacted local laws in this area.

Supervisor Rich Russell offered the following three resolutions as a block and moved for its adoption, seconded by Supervisor David Baker:

**RESOLUTION NO. 83-2021
AUTHORIZATION TO PARTICIPATE IN
DEFENSE OF REAL PROPERTY
TAX ASSESSMENT CHALLENGES
AGAINST THE 2020 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 2020 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

# Parcels	Assmt Year	SWIS	School	Filing Index	Tax Map Number	Property Class
1	2020	322400	SCC	127551	84.00-1-26.120	452
1	2020	322800	SVC	127477	41.07-1-28.411	411
3	2020	323289	SMW	127484	Various	210
1	2020	323400	SCC	127527	85.03-1-19.000	453
1	2020	324889	SVC	127543	6.00-1-3.210	453
1	2020	324889	SVC	127494	1.02-1-1.000	452

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, The County will pay the 25% of defense costs to the Town within 90 days from the date payment was made by the Town for these costs; 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 Canandaigua, Farmington, Gorham, Hopewell and Victor.

**RESOLUTION NO. 84-2021
RESOLUTION OF APPROVAL
CORRECTION OF ERROR – 2021 COUNTY/TOWN TAX ROLL**

WHEREAS, An application for corrected tax roll for the 2021 County/Town tax roll has been received by the Real Property Tax Director in accordance with RPTL §554; and

WHEREAS, The property owners are Ellen Cornett and Kim Smith, with a mailing address of PO Box 794, Honeoye, NY 14471. The parcel address is 8116 Quayle Road, Richmond, NY. The tax map identification number is 136.00-1-74.200; 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 Improved Methods Committee has accepted the recommendation of the Real Property Tax Director to approve the application for correction of error; now, therefore, be it

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

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

RESOLVED, That the Tax Collector for the Town of Richmond is hereby authorized to correct the tax bill and accept payment in the corrected amount of \$522.81; and further

RESOLVED, That copies of this resolution be sent to the Town of Richmond Tax Collector, Ontario County Treasurer Gary Baxter, Ellen Cornett and Kim Smith, and the Ontario County Real Property Tax Director.

**RESOLUTION NO. 85-2021
AUTHORIZATION TO CONTRACT WITH DINAN COMMUNICATIONS
TO PROVIDE PUBLIC RELATIONS AND MARKETING SERVICES
FOR VARIOUS COUNTY DEPARTMENTS**

WHEREAS, Ontario County continues to have a need for Public Relations and Marketing Services especially during a global public health pandemic. Keeping the public informed through press releases and social media is a high priority; and

WHEREAS, Ontario County's most recent contract for said services, with Transpro Consulting, LLC, expired on February 19, 2021; and

WHEREAS, Ms. Shelly Dinan, Ontario County's representative from Transpro Consulting, has recently transitioned to her own business, Dinan Communications, and has agreed to provide said professional services to Ontario County with the same rates as Transpro; and

WHEREAS, Ontario County would like to continue working with Ms. Dinan to provide Public Relations and Marketing Services; and

WHEREAS, The Governmental Operations and Insurance Committee recommends its approval; now, therefore, be it

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the contract with Dinan Communications, 11 Elm Street, Pittsford, NY 14534, beginning February 20, 2021, and expiring February 19, 2022, at a cost of \$2,250 per month for 30 hours of services, \$75.00 for any hours over that amount per month and any subcontracted items to be billed at cost with no mark up; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the contract with Dinan Communications, and all other documents necessary to effectuate the purpose of this resolution.

The foregoing block of three resolutions was adopted.

Supervisor Rich Russell offered the following resolution and moved for its adoption, seconded by Supervisor David Baker:

**RESOLUTION NO. 86-2021
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 1 (INTRO.) 2021**

WHEREAS, There has been introduced at a meeting of this Board held on March 11, 2021 a proposed local law entitled “A Local Law Limiting Third-Party Food Delivery Service Fees”; now, therefore, be it

RESOLVED, That a public hearing shall be held on April 1, 2021, at 6:30 p.m. at the Supervisors' Chambers, location 74 Ontario Street, 2nd Floor, Canandaigua, New York; and via WebEx at <https://ontariocountyny.webex.com>, meeting number 179 658 5884, passcode BOS2021; 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, with Supervisor Robert Green, Norm Teed, David Phillips, Ted Bateman, Daryl Marshall and Tammie Hicks voting no.

Supervisor Baker requested to move ahead with the Public Hearing to hear from people who want to then make a decision on whether to go forward with the Local Law.

Supervisor Dan Marshall supports the resolution; however, noted that Finger Lakes Visitor's Center had asked a number of restauraners, what 3 items or what items could Ontario County do to help them. The third-party delivery fee did not even come up as one of the three concerns. He said that is something to consider. They are looking for more help on creating additional occupancy. A white page document was submitted by Valerie Knobloch with the Finger Lakes Visitor's Center for the Supervisors to review on information regarding the delivery fees.

Supervisor Daryl Marshall does not approve of the Town or County getting involved in the private sector. He is concerned on what type of precedent it will be setting.

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

**RESOLUTION NO. 87-2021
PROFESSIONAL SERVICES CONTRACT WITH
DANIELLE MARTIN - 2021**

WHEREAS, The Ontario County Public Health Department, Children with Special Needs Program desires to contract with:

Contractor	Professional Services	Rate
Danielle Martin 3484 Woodworth Road Geneva, NY 14456	Physical Therapy	State Rate Schedule A

and

WHEREAS, Funds have been appropriated in the budget to pay the provider; and

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

RESOLVED, That upon the review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the contract with Danielle Martin, 3484 Woodworth Road, Geneva, NY 14456 for a term of twelve months, beginning January 1, 2021 through December 31, 2021 at a cost not to exceed as noted in the Schedule A; and further

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

**RESOLUTION NO. 88-2021
AUTHORIZATION TO RENEW CONTRACT
ONTARIO COUNTY HUMANE SOCIETY
RABIES RESPONSE PROGRAM - 2021**

WHEREAS, Resolution No. 97-2003 authorized a rabies control agreement with the Ontario County Humane Society and the Ontario County Public Health Department which included a specimen and submission appendix; and

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

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

RESOLVED, That the Rabies Response Program includes a specimen and submission appendix with costs as delineated by the scope of practice on file with the Clerk of this Board be renewed; and further

RESOLVED, The costs for the rabies response program contract will be in the amount of \$109,117.00 while costs associated with the specimen and submission appendix continue with no increase and have been budgeted in the 2021 budget and all costs are eligible for State Aid reimbursement at 36%; and further

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a contract with Ontario County Humane Society, 2976 County Road 48, Canandaigua, NY 14424 for a term of twelve months, January 1,

2021 through December 31, 2021, at a cost not to exceed \$109,117.00 as noted in the Schedule A; and further

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

The foregoing block of two resolutions was adopted.

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

**RESOLUTION NO. 89-2021
ADOPTION OF THE ONTARIO COUNTY
PUBLIC HEALTH EMERGENCY PLAN**

WHEREAS, Recently amended NYS Labor Law §27-c requires all public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease, which may impact operations, the safety of employees and contractors, and the continuity of operations; and

WHEREAS, A committee of Ontario County department heads, employees, and labor union representatives developed a draft plan for consideration; and

WHEREAS, The plan includes the identification of essential functions and positions, facilitation of remote work, provisions for procurement of personal protective equipment, protocols for disinfecting and cleaning, and protocols for supporting contact tracing; and

WHEREAS, This plan was developed based on information, best practices, and guidance available as a result of the 2020 Coronavirus pandemic which may also be applicable to other infectious disease outbreaks; and

WHEREAS, The plan is intended to provide guidance and serve as a tool to guide appropriate response depending on the circumstances of the future public health emergencies which may emerge, but it is not meant to be comprehensive to address all possible scenarios; and

WHEREAS, The draft plan was provided to the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Local 835, Ontario County Unit 7850, the Ontario County Police Benevolent Association, the Ontario County Sheriff's General Unit, and the Ontario County Lieutenants' Police Benevolent Association, for review and comment as required by the law and no comments were received; and

WHEREAS, The plan has been evaluated by the Health and Human Services Committee and is recommended for adoption; now, therefore, be it

RESOLVED, That the Board of Supervisors does hereby adopt the “Ontario County Public Health Emergency Plan” effective immediately, which is on file in the Ontario County Clerk of the Board Office; and further

RESOLVED, That a copy of this Resolution be provided to the Director of Human Resources for publication and posting as required by law.

Adopted.

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

**RESOLUTION NO. 90-2021
AUTHORIZATION TO CONTRACT WITH
HOMEMAKERS OF THE GENESEE, DBA, CAREGIVERS
OFFICE FOR THE AGING 2021-2022**

WHEREAS, The Director of the Office for the Aging recommends that the County enter into an agreement with Homemakers of the Genesee, DBA, Caregivers, 2465 Sheridan Drive, P.O. Box 1264, Buffalo, New York 14240 for personal care services; and

WHEREAS, The purpose of this contract is to provide Personal Care Services Level I and Level II funded by EISEP (Expanded In Home Services for the Elderly Program), Title III E Respite and Unmet Needs to frail older adults or their informal caregivers; and

WHEREAS, The Homemakers of the Genesee, DBA, Caregivers will be paid a rate of \$25.00 per hour for Personal Care Level I and II services; and

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

WHEREAS, The County finds it necessary to contract with multiple providers to meet the needs of clients and Homemakers of the Genesee, DBA, Caregivers, is one of those providers; 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 with Homemakers of the Genesee, DBA, Caregivers, for the period April 1, 2021 to March 31, 2022; and further

RESOLVED, That the County Administrator is hereby authorized to sign said agreement.

**RESOLUTION NO. 91-2021
AUTHORIZATION TO CONTRACT WITH
PURFOODS LLC DBA MOM’S MEALS**

OFFICE FOR THE AGING 2021-2022

WHEREAS, The Director of the Office for the Aging recommends that the County enter into an agreement with PurFoods, LLC, dba Mom's Meals located at 3210 SE Corporate Woods, Ankeny, IA 50021 for packaged meals shipped directly to a client's residence; and

WHEREAS, The purpose of this contract is to expand the capacity of the home delivered meal program and to be able to offer meals tailored to special diets; and

WHEREAS, The Mom's Meals will be paid a rate of \$6.99 per meal; and

WHEREAS, The funds for this contract have been allocated in the 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 of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract with PurFoods, LLC dba Mom's Meals for the period April 1, 2021 to March 31, 2022; and further

RESOLVED, That the County Administrator is hereby authorized to sign said agreement.

**RESOLUTION NO. 92-2021
AUTHORIZATION TO CONTRACT WITH
ONTARIO ARC FOR EXERCISE AND NUTRITION CLASSES
OFFICE FOR THE AGING 2021-2022**

WHEREAS, The Ontario County Office for the Aging wishes to contract with Ontario ARC, having an office at 3071 County Complex Drive, Canandaigua, New York 14424 to provide exercise and nutrition education classes; and

WHEREAS, There is evidence that exercise and good nutrition help promote health and prevent or delay chronic disease which may allow them to remain independent in their own homes as they age; and

WHEREAS, The nutrition and exercise classes will be held in conjunction with the Office for the Aging Senior Congregate meal program at the Salvation Army; and

WHEREAS, The Tai Chi for Arthritis class will be held in on-line during the pandemic and after reopening they will be held at various locations including congregated meal sites or other locations convenient to older adults; 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 approve a contract between the Ontario County Office for the Aging and Ontario ARC for the period April 01, 2021 to March 31, 2022, at a cost not to exceed Four Thousand Eight Hundred Dollars (\$4,800.00); and further

RESOLVED, That the Board of Supervisors does hereby direct and authorize the County Administrator to sign said agreement on behalf of the County.

The foregoing block of three resolutions was adopted.

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

**RESOLUTION NO. 93-2021
AUTHORIZATION TO CONTRACT WITH
ONTARIO COUNTY SOIL & WATER CONSERVATION DISTRICT
FOR ADMINISTRATIVE EVENT SERVICES**

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 encouraging the proper disposal of unique wastes; and

WHEREAS, Vehicular tires are identified as a landfill waste ban item and cannot be disposed of at any Region 8 landfill; and

WHEREAS, The removal of waste tires from Ontario County communities is an important effort in preventing illegal dumping and keeping the County's natural water resources clean; and

WHEREAS, The County and Ontario County Soil & Water Conservation District will collaborate to administer three tire collection events at various dates and locations across the County, all which will be open to Ontario County Residents; and

WHEREAS, Administrative services are required including pre-registration, day of check-in, and hauling service contracting; and

WHEREAS, Ontario County Soil & Water Conservation District has submitted a proposal dated February 9, 2021 to perform the above services for a fee not to exceed Seventeen Thousand Dollars (\$17,000.00); 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 its adoption; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts the proposal and approves the contract with Ontario County Soil & Water Conservation District for services related to the collection of residential tires for proper disposal, at a cost not to exceed Seventeen Thousand Dollars (\$17,000.00); and further

RESOLVED, That the term of said contract shall commence on March 1, 2021 and terminate on December 31, 2021; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the contract with Ontario County Soil & Water Conservation District, and all other documents necessary to effectuate the purpose of this resolution.

**RESOLUTION NO. 94-2021
AUTHORIZATION TO CONTRACT WITH
CORNELL COOPERATIVE EXTENSION
FOR E-WASTE COLLECTION EVENT ASSISTANCE**

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

WHEREAS, New York State legislation prohibits the disposal of electronic waste (e-waste) in landfills; and

WHEREAS, The Local Solid Waste Management Plan identifies numerous implementation tasks, including proper disposal of e-waste; and

WHEREAS, The County has seen a continuous need for the collection of e-waste from residents via county-wide collection events; and

WHEREAS, Two e-waste collection events will be held in 2021 to collect unwanted electronic waste from residents and properly dispose of it; and

WHEREAS, Educational outreach, marketing and registration for the event will be necessary to ensure residential participation and the collection of measurable participant data; and

WHEREAS, Cornell Cooperative Extension of Ontario County has supplied a quote to provide the above referenced services for a fee not to exceed Twelve Thousand Dollars (\$12,000.00); 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 its adoption; now, therefore, it be

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts the proposal and approves the contract with Cornell Cooperative Extension for services related to the collection of electronic waste, at a cost not to exceed Twelve Thousand Dollars (\$12,000.00); and further

RESOLVED, That the term of said contract shall commence on March 1, 2021 and terminate on December 31, 2021; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the contract with Cornell Cooperative Extension, and all other documents necessary to effectuate the purpose of this resolution; 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 Planning and Environmental Quality standing committee; and further

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

**RESOLUTION NO. 95-2021
AUTHORIZATION TO CONTRACT WITH EWASTE+
FOR AN E-WASTE COLLECTION EVENT**

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

WHEREAS, New York State legislation prohibits the disposal of electronic waste (e-waste) in landfills; and

WHEREAS, The Local Solid Waste Management Plan identifies numerous implementation tasks, including proper disposal of e-waste; and

WHEREAS, The County has seen a continuous need for the collection of e-waste from residents via county-wide collection events; and

WHEREAS, Two e-waste collection events will be held in 2021 to collect unwanted electronic waste from residents and properly dispose of it; and

WHEREAS, EWASTE+ has provided a quote for both electronics collection event day services including; collection, transportation, packing supplies, environmentally sound disposal/ recycling and reporting for an amount not to exceed Fifty Thousand Dollars (\$50,000.00); 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 accepts the proposal and approves the contract with EWASTE+ for services related to the collection of electronic waste, at a cost not to exceed Fifty Thousand Dollars (\$50,000.00); and further

RESOLVED, That the term of said contract shall commence on March 1, 2021 and terminate on December 31, 2021; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the contract with EWASTE+, and all other documents necessary to effectuate the purpose of this resolution; 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 Planning and Environmental Quality standing committee; and further

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

**RESOLUTION NO. 96-2021
AUTHORIZATION TO ACCEPT
FY2018 HOUSEHOLD HAZARDOUS WASTE
STATE ASSISTANCE PROGRAM
FROM NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

WHEREAS, Ontario County has been awarded a grant of \$21,682.97 from the 2018 Household Hazardous Waste State Assistance Program (NYS Grants Gateway Project #: DEC01-T01079GG-335000; New York State Contract# T01079GG; CFDA#: N/A; MUNIS #G21006) through the New York State Department of Environmental Conservation for the purpose of providing financial aid for household hazardous waste programs; and

WHEREAS, The grant contract period extends from for a term of January 1, 2018 through December 31, 2018; and

WHEREAS, The grant provides up to 50% reimbursement for approved County costs related to collection of Household Hazardous Waste within the contract term; and

WHEREAS, Ontario County has examined and duly considered the applicable laws of the State of New York and deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, The Planning and Environmental Quality and Ways and Means Committees have reviewed this resolution at their March 3rd, 2021 Committee meetings

and recommend acceptance of the FY2018 Household Hazardous Waste State Assistance Program; therefore, now, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby approves a contract with the New York State Department of Environmental Conservation for a term of January 1, 2018 through December 31, 2018 at a budgeted County cost of \$21,682.97; and further

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

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the FY2018 Household Hazardous Waste State Assistance Program Agreement with the New York State Department of Environmental Conservation, and all other documents necessary to effectuate the purposes of this resolution; and further

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

TO:		Revenue	Appropriation
AA8189 43089 G21006 43089	State Aid Other	+ \$21,682.97	
TOTAL:		+ \$21,682.97	

**RESOLUTION NO. 97-2021
AUTHORIZATION TO EXECUTE NO COST TIME EXTENSION TO
INTERMUNICIPAL COOPERATION AGREEMENT WITH
THE TOWN OF GORHAM TO
UPDATE THE TOWN'S COMPREHENSIVE PLAN**

WHEREAS, Resolution No. 673-2019 authorized the County Administrator to execute an Intermunicipal Cooperation Agreement between the County and the Town of Gorham wherein the Ontario County Planning Department will provide professional planning services to the Town of Gorham as outlined in Agreement Appendix A Scope of Services dated September 23, 2019; and

WHEREAS, The Agreement authorized professional service charges of \$26,386 and billing of identified project expenses estimated at \$1,425; and

WHEREAS, The term of the approved Intermunicipal Cooperation Agreement is November 13, 2019 to June 1, 2021; and

WHEREAS, There was a delay in initiating the project due to staff availability and the Covid-19 pandemic; and

WHEREAS, A copy of the proposed no-cost time extension amendment to the Intermunicipal Cooperation Agreement is on file with the Clerk of this Board, and

WHEREAS, The Planning and Environmental Quality Committee has reviewed and recommends approval of said Agreement amendment; now, therefore, be it

RESOLVED, That upon approval of the County Attorney as to form, the County Administrator be and hereby is authorized and empowered to execute a no-cost time extension amendment to the Intermunicipal Cooperation Agreement between the County and the Town of Gorham to extend the term of the Agreement to end on June 1, 2022; and further

RESOLVED, That if an additional 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 Planning and Environmental Quality Committee.

The foregoing block of five resolutions was adopted.

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

**RESOLUTION NO. 98-2021
REAPPOINTMENT- ONTARIO COUNTY SOIL AND WATER
CONSERVATION DISTRICT BOARD – JAMES PECK**

WHEREAS, The above named person mistakenly failed to take the oath of office and such failure disqualifies the appointment; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby approve the re-appointment of Mr. James Peck, 2269 DeWindt Road, Newark, NY 14512-8803, with the term expiring on December 31, 2022, and further

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

**RESOLUTION NO. 99-2021
REAPPOINTMENT TO THE ONTARIO COUNTY
INDUSTRIAL DEVELOPMENT AGENCY
LEWIS C. ZULICK**

WHEREAS, The Ontario County Board of Supervisors, in accordance with Resolution No. 318-81, provided for seven members to be appointed to the Ontario County Industrial Development Agency; and

WHEREAS, The term of office of Lewis C. Zulick, M.D., M.M.M., FACS, Clifton Springs Hospital and Clinic, 4 Coulter Road, Clifton Springs, New York 14432 to the

Ontario County Industrial Development Agency board expires on December 31, 2020; and

WHEREAS, The Planning and Environment Quality Committee recommends that Lewis C. Zulick be reappointed as a board member of the Ontario County Industrial Development Agency; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby reappoint Lewis C. Zulick to fill said vacancy for a five-year term to expire December 31, 2025; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Executive Director of the Industrial Development Agency, Secretary of State, the County Clerk, and Lewis C. Zulick.

**RESOLUTION NO. 100-2021
REAPPOINTMENT TO THE ONTARIO COUNTY
LOCAL DEVELOPMENT CORPORATION
LEWIS C. ZULICK**

WHEREAS, The Ontario County Board of Supervisors, in accordance with Resolution No. 220-2010, provided for the formation of the Ontario County Local Development Corporation (“OCLDC”); and

WHEREAS, Resolution No. 220-2010 also provided for the appointment of OCLDC members to be appointed in accordance with the Bylaws of the OCLDC; and

WHEREAS, The Bylaws provide for seven Directors appointed by the Ontario County Board of Supervisors; and

WHEREAS, The term of office of Lewis C. Zulick, M.D., M.M.M., FACS, Clifton Springs Hospital and Clinic, 4 Coulter Road, Clifton Springs, New York 14432 to the Ontario County Local Development Corporation board expired on December 31, 2020; and

WHEREAS, The Planning and Environment Quality Committee recommends that Lewis C. Zulick be reappointed as a board member of the Ontario County Local Development Corporation; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby reappoint Lewis C. Zulick to fill said vacancy for a five-year term to expire December 31, 2025; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Executive Director of the Industrial Development Agency, Secretary of State, the County Clerk, and Lewis C. Zulick.

**RESOLUTION NO. 101-2021
APPOINTMENT OF ALBERT MAGNAN TO THE**

ONTARIO COUNTY PLANNING BOARD

WHEREAS, The Bristol Town Board has recommended the appointment of Albert (AJ) Magnan as the Town's representative to the Ontario County Planning Board; and

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

RESOLVED, That as of March 11, 2021 the following individual is appointed as a member of the Ontario County Planning Board:

Name and Address	Representing	Term Expires
Albert (AJ) Magnan 6335 East Hollow Road, Canandaigua, NY 14424	Town of Bristol	December 31, 2025

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Bristol Town Board, and Albert Magnan.

The foregoing block of four resolutions was adopted.

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

**RESOLUTION NO. 102-2021
PROCLAMATION
MARCH AS AGRICULTURE MONTH**

WHEREAS, March signifies a national celebration of the importance of food and agriculture in the United States as it provides almost everything we eat and use each day. This month we recognize and celebrate the diversity and abundance provided by New York's farms and our growing food and agricultural sector and the contributions of Ontario County's family farmers; and

WHEREAS, There are 33,400 farms in NYS and 6,900,000 acres of operated farmland; and

WHEREAS, 297,446 acres of those important farming soils are in Ontario County; and

WHEREAS, The agricultural industry in New York State contributed more than \$5.4 billion in agricultural economy sales to the New York economy each year; and

WHEREAS, The agricultural industry in Ontario County contributed more than \$180,326,000 in total agricultural economic sales; and

WHEREAS, With farmland occupying nearly one quarter of New York State's land area, agriculture also promotes New Yorker's quality of life in other ways,

including providing access to fresh, locally sourced food, preserving open space, and enhancing communities through farmer's markets and other such activities; and

WHEREAS, Recognizing the month of March as Agriculture Month in Ontario County provides the opportunity for all residents of Ontario County and New York to better appreciate agriculture's breadth and beauty, how food and fiber products are produced, and the role agriculture plays in providing safe, abundant, and affordable products; and

WHEREAS, Proclaiming March as Agriculture month will build awareness of the benefits of the agricultural industry in Ontario County and encourage young people to consider agriculture as a career; and

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

RESOLVED, The Ontario County Board of Supervisors does hereby proclaim March 2021 as Agriculture Month in Ontario County; and further

RESOLVED, This Board urges Ontario County residents and all New Yorkers in recognizing the importance of our food and agriculture industry, to thank a farmer for providing the food we eat and to help celebrate every month with meals made from a variety of New York State products; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Assemblyman Jeff Gallahan, Senator Pamela Helming, Senator Samra Brouk, Ontario County Farm Bureau, and New York State Farm Bureau.

Adopted.

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

RESOLUTION NO. 103-2021
AUTHORIZING CONTRACT WITH
NMS LABS FOR FORENSIC LABORATORY SERVICES

WHEREAS, There is a need for Forensic Laboratory Services by the District Attorney; and

WHEREAS, A proposal has been received from the NMS Labs for said purposes of obtaining services including but not limited to the Toxicology as well as Forensic Testing of suspected narcotic and other drugs; and

WHEREAS, Sufficient funds exist within the District Attorney's budget for this contract; and

WHEREAS, The District Attorney has reviewed this contract request with the Public Safety Committee which recommends authorization of this contract for the period January 1, 2021 through December 31, 2021; now, therefore, be it

RESOLVED, The County Administrator is hereby authorized to execute the contract for forensic laboratory services with NMS Labs starting on January 1, 2021 and expiring on December 31, 2021 in an amount not to exceed \$235,000.00 for the 2021 calendar year; and further

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

**RESOLUTION NO. 104-2021
AUTHORIZATION TO APPLY TO THE FY2020-2021
CRIMINAL JUSTICE DISCOVERY REFORM PROGRAM GRANT
FROM NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

WHEREAS, Ontario County has been awarded a grant of up to \$ 389,729.00 from the FY2020-2021 Criminal Justice Discovery Reform Program (DCJS Project #: DG20-1031-D00; CFDA#: N/A; MUNIS #G21007) through the New York State Division of Criminal Justice Services (DCJS) for the purpose of providing funding to support local law enforcement agencies with expenses related to the implementation of New York State discovery and bail reforms that took effect January 1, 2020, contingent upon the submission and subsequent DCJS approval of a Discovery Reform Funding Plan submitted to DCJS by Ontario County; and

WHEREAS, The grant contract period extends from April 1, 2020 through March 31, 2021; and

WHEREAS, The application requires a letter of authorization to apply from the Chief Elected Official; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this resolution at their March 3rd, 2021 Committee meetings and recommend application to the FY2020-2021 Criminal Justice Discovery Reform Program; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby directs the Chairman of the Board of Supervisors to sign the letter of authorization to the New York State Division of Criminal Justice Services (DCJS) to apply for FY2020-2021 Criminal Justice Discovery Reform Program funding over the term of April 1, 2020 through March 31, 2021 for State funds not to exceed \$ 389,729.00; and further

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

RESOLVED, That the Chairman of the Board of Supervisors be, and hereby is, authorized and empowered to sign and submit the application, and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 105-2021
2021 FLACRA – WEEKEND JAIL ALTERNATIVE CONTRACT
PROBATION DEPARTMENT**

WHEREAS, The Ontario County Probation Department had success since 2017 with the Weekend Jail Alternative Program with Finger Lakes Area Counseling & Recovery Agency (FLACRA) for clients who could potentially benefit from group educational sessions, group counseling breakout sessions, including Elements of Thinking for a Change and other evidence-based practices; and

WHEREAS, The County saw a savings of 2342 jail bed days since 2017 from the program; and

WHEREAS, FLACRA is willing to track, report and keep records on this service; and

WHEREAS, The monies have been budgeted for in the 2021 Probation budget; and

WHEREAS, The Public Safety Committee has reviewed and approved entering into said contract; 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 FLACRA for a Weekend Jail Alternative Program at a cost not to exceed \$45,000.00 per year; and further

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

RESOLVED, That the contract shall cover the period of January 1, 2021 through December 31, 2021.

**RESOLUTION NO. 106-2021
RENEWAL OF CONTRACT (R18102)
MENTAL HEALTH SERVICES – ONTARIO COUNTY JAIL**

WHEREAS, Resolution No. 352-2019 awarded an RFP to Qualis Group, LLC for mental health services at the Ontario County Jail (R18102); and

WHEREAS, Qualis Group, LLC has agreed to renew for an additional twelve months at current costs; and

WHEREAS, The Public Safety Committee has reviewed this proposal and recommends accepting this RFP renewal; now, therefore, be it

RESOLVED, That RFP (R18102) for mental health services at the Ontario County Jail be renewed with Qualis Group, LLC, 980 Harvest Drive, Suite 202, Blue Bell, PA 19422 at current costs not to exceed \$441,133 for the term of January 1, 2021 through December 31, 2021.

The foregoing block of four resolutions was adopted.

Supervisor Todd Campbell offered the following resolution and moved for its adoption, seconded by Supervisor Robert Green:

**RESOLUTION NO. 107-2021
RESOLUTION ADOPTING THE
ONTARIO COUNTY POLICE REFORM AND REINVENTION
COLLABORATIVE PLAN**

WHEREAS, On June 12, 2020 Governor Andrew Cuomo signed Executive Order 203 requiring each local government in New York to adopt a policing reform plan by April 1, 2021; and

WHEREAS, In accordance with Executive Order 203, the Ontario County Policy Reform and Reinvention Collaborative (the Collaborative) was established; and

WHEREAS, The Collaborative contained identified stakeholders interested in the issue of criminal justice and police reform; and

WHEREAS, These stakeholders conducted numerous meetings to discuss the issues and elements outlined in Executive Order 203; and

WHEREAS, The Collaborative also conducted four (4) public meetings to solicit input and opinions from the public on this subject; and

WHEREAS, A public survey was developed and distributed to the general community as well as inmates at the Ontario County Jail; and

WHEREAS, The Collaborative has worked diligently to synthesis, analyze, and debate the results of their internal conversations and the input from the public; and

WHEREAS, The culmination of these efforts is the final Ontario County Police Reform and Reinvention Collaborative Plan; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby adopts and approves the Ontario County Police Reform and Reinvention Collaborative Plan as presented hereto; and further

RESOLVED, The Chairman of the Board of Supervisors is hereby authorized to sign the Plan Certification Form provided by the Division of Criminal Justice Services; and further

RESOLVED, That copies of this resolution, the Ontario County Police Reform and Reinvention Collaborative Plan, and the executed Plan Certification Form be sent by the Clerk of this Board to the New York State Division of Budget as prescribed by Executive Order 203.

Adopted.

Supervisor Frederick Lightfoore offered the following resolution and moved for its adoption, seconded by Supervisor Peter Ingalsbe:

**RESOLUTION NO. 108-2021
CAPITAL PROJECT NO. H068-20
DETERMINATION OF EXEMPTION FROM REVIEW UNDER
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT
FLCC NURSING EXPANSION CAPITAL PROJECT**

WHEREAS, The County of Ontario is the local municipal sponsor of Finger Lakes Community College ("FLCC"); and

WHEREAS, Resolution No. 302-2020 established Capital Project No. H068-20 as the FLCC Nursing Expansion Capital Project; and

WHEREAS, Resolution No. 406-2020 hired Plan Architectural Studio, P.C. (PLAN) to provide architectural and engineering services in the design of said project; and

WHEREAS, A final design for this project has been completed by PLAN; and

WHEREAS, Said final design is fully described in the project description on file with the Clerk of this Board and the bid documents contained in Ontario County Bid (B21014); and

WHEREAS, FLCC is an educational institution; and

WHEREAS, The decision to fund and undertake construction of the FLCC Nursing Expansion Project constitutes an action as that is defined in 6 NYCRR Part 617 as authorized by the State Environmental Quality Review Act (collectively referred to as "SEQR"), and thus potentially subject to an environmental review under SEQR; and

WHEREAS, This Board has reviewed the project description, bid documents, the information contained therein, and such other documents as this Board felt it necessary or appropriate to examine to adequately review the proposed Action supporting and/or supplementing the EAF; and

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

RESOLVED, That this Board hereby finds that the proposed FLCC Nursing Expansion Project

- 1) involves the expansion of an educational facility of less than 10,000 square feet,
- 2) will disturb less than 1 acre of ground,
- 3) is not located in or near a state or federally regulated wetland, a duly established Critical Environmental Area, a 100-year flood plain or floodway as determined by FEMA, or an area of archeological sensitivity,
- 4) is not the site of endangered flora or fauna,
- 5) located on land previously disturbed by the original construction of Finger Lakes Community College,
- 6) and is not near or collocated with any structure on or eligible for listing on the state or national register of historic places; and further

RESOLVED, That this Board is the only involved agency deciding to fund, permit, implement and construct the FLCC Nursing Expansion Capital Project, as no other agency permits or approvals are necessary to implement said project; and further

RESOLVED, That the FLCC Nursing Expansion Project is hereby determined to be exempt from review under SEQR as a Type II action pursuant to 6 NYCRR Part 617.5 (c) (10) that exempts, “routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings”; and further

RESOLVED, That this resolution take effect immediately.

Adopted.

Supervisor Frederick Lightfoote offered the following resolution and moved for its adoption, seconded by Supervisor Theodore Bateman:

**RESOLUTION NO. 109-2021
CAPITAL PROJECT NO. H068-20
ACCEPT CONTRIBUTION TO INCREASE LOCAL SHARE AND
ACCEPT ADDITIONAL STATE AID
FLCC NURSING EXPANSION CAPITAL PROJECT**

WHEREAS, Resolution No. 302-2020 established Capital Project No. H068-20 as the FLCC Nursing Expansion Capital Project; and

WHEREAS, During the course of design of said project it was determined that the modular Owasco Building, owned by Finger Lakes Community College (FLCC), had to be demolished or removed; and

WHEREAS, FLCC determined that it no longer had use for the Owasco Building, and sold said building pursuant to public bid conducted by Auctions International as arranged by the Ontario County Purchasing Department; and

WHEREAS, On February 3, 2021 the FLCC Board of Directors adopted a resolution donating the Seven Thousand Two Hundred Dollars of proceeds for the sale of the Owasco Building to Ontario County as part of the local share of this capital project, a copy of which is on file with the Clerk of this Board; and

WHEREAS, The current project budget was established to provide funding only for the design phase of this project and it is anticipated that the project budget will be increased at the time construction bids are awarded; and

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

RESOLVED, That the budget of Capital Project H068-20 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
<i>Appropriations:</i>				
HHH06820 54053	Construction Tests/Inspections	\$10,000.00	\$ 0.00	\$10,000.00
HHH06820 54260	Consultation & Professional	\$525,000.00	\$ 0.00	\$525,000.00
HHH06820 54444	Financing of Debt	\$50,000.00	\$ 0.00	\$50,000.00
HHH06820 54495	Architectural/Engineering	\$523,000.00	\$ 0.00	\$523,000.00
HHH06820 54498	Asbestos and Related Testing	\$10,000.00	\$ 0.00	\$10,000.00
HHH06820 54731	Contingency	\$377,000.00	\$14,400.00 +	\$391,400.00
HHH06820 54865	Administration	\$5,000.00	\$ 0.00	\$5,000.00
<i>Revenues:</i>				
HHH06820 42397	FLCC Revenue	\$0.00	\$7,200.00 +	\$7,200.00
HHH06820 42705	Gifts and Donations	\$750,000.00	\$0.00	\$750,000.00
HHH06820 43297	State Aid	\$750,000.00	\$7,200.00 +	\$757,200.00

and further

RESOLVED, That the Department of Finance is directed to make all necessary budget and accounting entries to effect the intent of this resolution for a total project

budget of One Million Five-Hundred Fourteen Thousand Four Hundred Dollars (\$1,514,400.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department and the President of Finger Lakes Community College.

Adopted.

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

**RESOLUTION NO. 110-2021
CAPITAL PROJECT NO. H068-20
AWARD OF BID B21020 ROOFTOP AIR HANDLER FOR
FLCC NURSING EXPANSION AND BUDGET TRANSFER
FLCC NURSING EXPANSION CAPITAL PROJECT**

WHEREAS, Resolution No. 302-2020 established Capital Project No. H068-20 as the FLCC Nursing Expansion Capital Project; and

WHEREAS, Resolution No. 406-2020 hired Plan Architectural Studio, P.C. (PLAN) to provide architectural and engineering services in the design of said project; and

WHEREAS, Resolution No. 407-2020 hired LeChase Construction Services LLC (LeChase) to provide construction management services for said project; and

WHEREAS, Said project involves both renovation of existing space on the third floor at FLCC and an adjacent addition to the building, and the project schedule currently anticipates presentation of construction bids to this Board for award at its April 22, 2021 meeting; and

WHEREAS, During design and scheduling of this project the need to complete the remodeling of existing space needed to be completed between May and the end of August this year in order to allow the FLCC Nursing programs to continue operations in the fall 2021 semester; and

WHEREAS, In order to complete the renovation work by the end of August this year, PLAN has determined a new air handler will need to be installed on the roof of the existing building and LeChase has determined that installation needs to occur in July 2021; and

WHEREAS, LeChase has determined that the time between order and delivery of the requisite air handler is likely between 16 and 18 weeks, meaning that if the air

handler was included in the base bid awarded on April 22, 2021, it would likely not arrive on site until between August 12 and 26, 2021; and

WHEREAS, PLAN and LeChase have removed said air handler from the bid documents for this project and worked with the Purchasing Department to issue a separate bid (B21020) for purchase and delivery to FLCC of the requisite air handler; and

WHEREAS, Sufficient funds exist in the budget of this capital project to purchase said Air Handler; and

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

RESOLVED, That the budget of Capital Project H068-20 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
<i>Appropriations:</i>				
HHH06820 54053	Construction Tests/Inspections	\$10,000.00	\$ 0.00	\$10,000.00
HHH06820 54260	Consultation & Professional	\$525,000.00	\$ 0.00	\$525,000.00
HHH06820 54444	Financing of Debt	\$50,000.00	\$ 0.00	\$50,000.00
HHH06820 54495	Architectural/Engineering	\$ 523,000.00	\$ 0.00	\$ 523,000.00
HHH06820 54498	Asbestos and Related Testing	\$10,000.00	\$ 0.00	\$10,000.00
HHH06820 54521	HVAC	\$0.00	+ \$???,???.??	\$???,???.?? ?
HHH06820 54731	Contingency	\$391,400.00	- \$???,???.??	???,???.??
HHH06820 54865	Administration	\$5,000.00	\$ 0.00	\$5,000.00
<i>Revenues:</i>				
HHH06820 42397	FLCC Revenue	\$7,200.00	\$0.00	\$7,200.00
HHH06820 42705	Gifts and Donations	\$750,000.00	\$0.00	\$750,000.00
HHH06820 43297	State Aid	\$757,200.00	\$0.00	\$757,200.00

and further

RESOLVED, That the bid from Vendor Name, Vendor Street Address, Vendor Post Office, NY ZIP CODE in the amount of ??? Hundred ????? Thousand ??? Hundred Dollars (\$???,???.??) as described in project specifications for County Bid #B21020 is

hereby accepted as the low responsive, responsible bid for the Rooftop Air Handler for FLCC Nursing Expansion, a copy of which is on file with the Clerk of this Board; and further

RESOLVED, Upon review and approval by the County Attorney, as to form, the County Administrator be, and hereby is, authorized and empowered to execute a contract with Vendor Name, for ??? Hundred ????? Thousand ??? Hundred Dollars (\$???,???); and further

RESOLVED, That the cost of said contract shall be paid from budget line HH H068 20 54521 – HVAC of Capital Project H070-20; and further

RESOLVED, That the Department of Finance is directed to make all necessary budget and accounting entries to effect the intent of this resolution for a total project budget of One Million Five-Hundred Fourteen Thousand Four Hundred Dollars (\$1,514,400.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department and the President of Finger Lakes Community College.

Supervisor Frederick Lightfoote made the motion, seconded by Supervisor Theodore Bateman to amend Resolution No. 110-2021, as follows:

**RESOLUTION NO. 110-2021
CAPITAL PROJECT NO. H068-20
AWARD OF BID B21020 ROOFTOP AIR HANDLER FOR
FLCC NURSING EXPANSION AND BUDGET TRANSFER
FLCC NURSING EXPANSION CAPITAL PROJECT
AS AMENDED**

WHEREAS, Resolution No. 302-2020 established Capital Project No. H068-20 as the FLCC Nursing Expansion Capital Project; and

WHEREAS, Resolution No. 406-2020 hired Plan Architectural Studio, P.C. (PLAN) to provide architectural and engineering services in the design of said project; and

WHEREAS, Resolution No. 407-2020 hired LeChase Construction Services LLC (LeChase) to provide construction management services for said project; and

WHEREAS, Said project involves both renovation of existing space on the third floor at FLCC and an adjacent addition to the building, and the project schedule

currently anticipates presentation of construction bids to this Board for award at its April 22, 2021 meeting; and

WHEREAS, During design and scheduling of this project the need to complete the remodeling of existing space needed to be completed between May and the end of August this year in order to allow the FLCC Nursing programs to continue operations in the fall 2021 semester; and

WHEREAS, In order to complete the renovation work by the end of August this year, PLAN has determined a new air handler will need to be installed on the roof of the existing building and LeChase has determined that installation needs to occur in July 2021; and

WHEREAS, LeChase has determined that the time between order and delivery of the requisite air handler is likely between 16 and 18 weeks, meaning that if the air handler was included in the base bid awarded on April 22, 2021, it would likely not arrive on site until between August 12 and 26, 2021; and

WHEREAS, PLAN and LeChase have removed said air handler from the bid documents for this project and worked with the Purchasing Department to issue a separate bid B21020 for purchase and delivery to FLCC of the requisite air handler; and

WHEREAS, Sufficient funds exist in the budget of this capital project to purchase said Air Handler; and

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

RESOLVED, That the budget of Capital Project H068-20 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
<i>Appropriations:</i>				
HHH06820 54053	Construction Tests/Inspection s	\$10,000.0 0	\$ 0.00	\$10,000.00
HHH06820 54260	Consultation & Professional	\$525,000. 00	\$ 0.00	\$525,000.0 0
HHH06820 54444	Financing of Debt	\$50,000.0 0	\$ 0.00	\$50,000.00
HHH06820 54495	Architectural/Engineering	\$523,000. 00	\$ 0.00	\$523,000.0 0
HHH06820 54498	Asbestos and Related Testing	\$10,000.0 0	\$ 0.00	\$10,000.00

HHH06820 54521	HVAC	\$0.00	+	\$166,997.0 0
HHH06820 54731	Contingency	\$391,400. 00	-	\$224,403.0 0
HHH06820 54865	Administration	\$5,000.00	\$ 0.00	\$5,000.00
<i>Revenues:</i>				
HHH06820 42397	FLCC Revenue	\$7,200.00	\$0.00	\$7,200.00
HHH06820 42705	Gifts and Donations	\$750,000. 00	\$0.00	\$750,000.0 0
HHH06820 43297	State Aid	\$757,200. 00	\$0.00	\$757,200.0 0

and further

RESOLVED, That the bid for an Annex Air unit submitted by Guckian Energy Systems would not be available until September, and the project schedule requires the air handler to be available in July of 2021 and is thus determined to be non-responsive; and further

RESOLVED, That the bid from Guckian Energy Systems for an AAON RT4 Air handler was evaluated and determined to be non-responsive as the unit specified does not meet bid specifications for the materials used in construction (steel vs. aluminum), lack of stainless steel coil endcaps, lack of redundant and staged supply fans, insufficient interface with the Siemen's Building Management System used by FLCC, and lack of startup and training; and further

RESOLVED, That the bid from J. W. Swanson & Assoc, LLC, 3277 Brighton Henrietta Town Line Rd, Rochester, NY 14623 in the amount of One Hundred Sixty-Six Thousand Nine Hundred Ninety-Seven Dollars (\$166,997.00) as described in project specifications for County Bid (B21020) is hereby accepted as the low responsive, responsible bid for the Rooftop Air Handler for FLCC Nursing Expansion, a copy of which is on file with the Clerk of this Board; and further

RESOLVED, Upon review and approval by the County Attorney, as to form, the County Administrator be, and hereby is, authorized and empowered to execute a contract with J. W. Swanson & Assoc, LLC, for One Hundred Sixty-Six Thousand Nine Hundred Ninety-Seven Dollars (\$166,997.00); and further

RESOLVED, That the cost of said contract shall be paid from budget line HH H068 20 54521 – HVAC of Capital Project H068-20; and further

RESOLVED, That the Department of Finance is directed to make all necessary budget and accounting entries to effect the intent of this resolution for a total project

budget of One Million Five-Hundred Fourteen Thousand Four Hundred Dollars (\$1,514,400.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department and the President of Finger Lakes Community College.

The foregoing amendment was adopted.

Resolution No. 110-2021, as amended, was adopted. Supervisor Campbell abstained from voting as he personally knows the person who owns the company.

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

**RESOLUTION NO. 111-2021
RETENTION OF BOND COUNSEL**

WHEREAS, It is necessary from time to time for this Board to authorize the issuance of serial bonds for the purposes of financing projects undertaken by the County of Ontario; and

WHEREAS, To insure maximum marketability for the County's bonds, the County Attorney recommends the retention of bond counsel; and

WHEREAS, Ontario County has retained Hodgson Russ, LLP for representation as bond counsel in previous years for multiple matters; and

WHEREAS, Hodgson Russ, LLP has submitted a proposed engagement letter, copy of which is on file with the Clerk of the Board of Supervisors, for continuing as bond counsel for Ontario County; now, therefore, be it

RESOLVED, The proposed engagement letter, on file with the Clerk of the Board of Supervisors, from Hodgson Russ, LLP is hereby accepted, and the County Attorney is authorized to execute such other documents as may be necessary to retain Hodgson Russ, LLP, as bond counsel for Ontario County; and further

RESOLVED, Fees of bond counsel shall be derived from the proceeds of the sale of authorized bonds, and the Director of Finance is authorized to make all necessary accounting entries to that end; and further

RESOLVED, That certified copies of this resolution be sent to Hodgson Russ, LLP.

**RESOLUTION NO. 112-2021
A BOND RESOLUTION, DATED MARCH 11, 2021, OF THE BOARD OF
SUPERVISORS OF THE COUNTY OF ONTARIO, NEW YORK (THE "COUNTY")
AUTHORIZING (A) THE EXPANSION, RECONSTRUCTION AND
RENOVATION OF, AND THE CONSTRUCTION OF IMPROVEMENTS,**

ADDITIONS AND UPGRADES TO THE FINGER LAKES COMMUNITY COLLEGE/CENTER FOR ALLIED HEALTH (AND ANY RELATED FACILITIES AND THE SITE) LOCATED AT 3325 MARVIN SANDS DRIVE, CANANDAIGUA, NEW YORK (THE “PROJECT”) AT AN ESTIMATED MAXIMUM COST OF \$7,232,278; (B) TO EXPEND OR APPLY TOWARD THE PROJECT \$4,332,278 OF OTHER AVAILABLE OR ANTICIPATED AND BUDGETED STATE AND COUNTY FUNDS (OR FUNDS FROM OTHER IDENTIFIED SOURCES); AND (C) TO ISSUE SERIAL BONDS OR OTHER OBLIGATIONS OF THE COUNTY (IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,900,000) TO FINANCE THE BALANCE OF THE ESTIMATED MAXIMUM COST OF THE PROJECT, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES (IN ANTICIPATION OF THE SALE OF SUCH BONDS OR OTHER OBLIGATIONS) TO THE COUNTY TREASURER.

WHEREAS, The Board of Supervisors of the County of Ontario (the “County”), a municipal corporation of the State of New York (the “State”) has been in the process of planning for a capital improvements project consisting of the expansion, reconstruction and renovation of, and the construction of improvements, additions and upgrades to the Finger Lakes Community College (“FLCC”)/Center for Allied Health (and any related facilities and the site) located at 3325 Marvin Sands Drive in Canandaigua, New York (the “Project”); and

WHEREAS, Such planning has been undertaken by the County, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County’s Public Works Committee and by the County’s Ways and Means Committee, and included such administrative actions as necessary or required by the State or any federal agency with respect to ensuring the safety and security of persons and property in the County with respect to the Project; and

WHEREAS, The Board of Supervisors, following the recommendations of its Public Works and Ways and Means Committees, has determined (A) to undertake the Project to expand the nursing program at FLCC; (B) to expend or apply toward the Project \$4,332,278 of other available or anticipated and budgeted State and County funds (or funds from other identified sources); and (C) to finance the balance of the cost of the Project through the issuance of serial bonds or other obligations of the County in an aggregate principal amount not to exceed \$2,900,000 and has determined that the Project is in the public interest of the County; and

WHEREAS, The amount of obligations authorized herein, and the plan of financing stated herein, are hereby determined to be consistent with, and not to violate, the County’s adopted Debt Management Policy as now in effect;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Ontario, New York, as follows:

SECTION 1. The class of objects or purposes to be financed pursuant to this resolution is the expansion, reconstruction and renovation of, and the construction of improvements, additions, and upgrades to the Finger Lakes Community College/Center for Allied Health (and any related facilities and the site) located at 3325 Marvin Sands Drive in Canandaigua, New York (the "Center"), to implement various health, safety, accessibility and Code compliance measures required in connection with any significant capital project, various re-purposing and program expansion steps, and various other measures, all as generally described in (but not to be limited by) the written plan for the Project that was prepared by the County with the assistance of LeChase Construction Services, LLC (the "Project Plan"), which is available for public inspection in the offices of the Clerk of the Board, such work being currently anticipated to include, without limitation and to the extent as and where required (and subject to reasonable adjustment as the work proceeds and as construction bids are received), the particular work items described below that are currently anticipated to be undertaken at the Center. Proposed interior renovations are anticipated to include renovations to the 4,725 square feet existing nursing and massage therapy program spaces including additions to the third and fourth floors to create additional instruction space for the nursing program to consist of four simulation bay rooms, two control rooms, two patient/certified nursing assistant rooms, 14 patient bay rooms, laboratories, a test preparation room, office space for nursing staff, an instruction and debriefing classroom, a student wellness center and various other conference, meeting, waiting, reception and work room spaces. Additional renovations and additions are anticipated to include the construction or reconstruction of six restrooms (of which three are anticipated to be ADA compliant), a mechanical room, custodial closet, a storeroom and a new two-stop elevator. The work is anticipated to involve the installation of sprinklers throughout the space, concrete foundations, structural steel framing, aluminum and glass curtain walls, and metal framed walls with exterior aluminum panels, foundation drainage and exterior wall waterproofing on the second floor, removal of an exterior second floor entry and courtyard including exterior concrete access stairs, the creation of an ADA compliant building entry via a new sidewalk and other infrastructure work. All of such work (or so much thereof as can be accomplished within the overall budget for the Project, once the construction bids are received) is to be undertaken at an estimated maximum cost of \$7,232,278, and will include the purchase of original furnishings, equipment, machinery and apparatus required in connection with the purposes for which the Center is used, and all ancillary or related work required in connection therewith, provided that the detailed costs of the components of the Project (as generally described in the Project Plan) may be reallocated among such components, or such components may be deleted, revised or supplemented if (1) the Board shall determine that such reallocation, deletion, revision or supplementation is in the best interests of the County and (2) the aggregate amount to be expended for the Project shall not exceed \$7,232,278 and (3) no material change shall be made in the overall scope and nature of the Project; and be it further

SECTION 2. The estimated maximum cost of such class of objects or purposes is determined to be \$7,232,278, which expenditure is hereby authorized. The plan for the financing of the Project is (A) to expend or apply toward the Project \$4,332,278 of other available or anticipated and budgeted State and County funds (or funds from other identified sources); and (B) to finance the balance of the cost of the Project through the issuance of serial bonds or other obligations of the County in an aggregate principal amount not to exceed \$2,900,000, with such amount to be offset by any additional federal, State, foundation and/or other funds received or to be received by the County that are earmarked for the Project. Unless paid from other such other sources, such balance of

the estimated maximum cost of the Project is to be paid by the levy and collection of taxes on all the taxable real property in the County to pay the principal of such serial bonds or other obligations, and the interest thereon, as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is an object or purpose described in subdivision 12(a)(1) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 25 years. Obligations authorized in this resolution shall mature in not more than 25 years, computed from the earlier of (A) the date of issuance of the first bond anticipation notes authorized to be issued in anticipation of the issuance of such obligations or (B) the date of issuance of such obligations. It is hereby determined and stated that current funds are not required by the Local Finance Law to be provided as a down payment prior to the issuance of the serial bonds or other obligations authorized by this resolution or any bond anticipation notes issued in anticipation thereof, in accordance with Section 107.00(d)(9) of the Local Finance Law.

SECTION 4. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the bonds or other obligations authorized hereby (and any bond anticipation notes that may be issued in anticipation of thereof) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 5. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Board of Supervisors pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the County Treasurer, as the chief fiscal officer of the County. Without in any way limiting the scope of the foregoing delegation of powers, the County Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the County.

SECTION 6. In the absence or unavailability of the County Treasurer, the Deputy County Treasurer is hereby specifically authorized to exercise the powers delegated to the County Treasurer in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Board of Supervisors shall cause the same (or a summary of same) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the Finger Lakes Times and the Daily Messenger, newspapers having general circulation in the County and published in Geneva and Canandaigua, New York, respectively. The validity of the bonds or other obligations authorized hereby, and of any bond anticipation

notes that may be issued in anticipation thereof, may be contested only if such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Each of the obligations authorized by this resolution, and any notes that may be issued in anticipation thereof, shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law. Such obligations shall be general obligations of the County, and, unless paid from other sources or charges, shall be payable as to both principal and interest by a general tax upon all the taxable real property within the County, without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations, and provision shall be made annually in the budget of the County by appropriation for (A) the amortization and redemption of any such obligations to mature in such year and (B) the payment of interest on any such obligations to be due and payable in such year.

SECTION 9. Prior to the issuance of any obligations that are authorized hereunder, the Board shall have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law (a.k.a. the "SEQRA statute"), all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Project (collectively, the "Environmental Compliance Proceedings"). It is noted and acknowledged that this Board has previously determined that the Project constitutes, under the Environmental Compliance Proceedings, a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the Environmental Compliance Proceedings are required. In the event that it is subsequently determined that any required steps under such Environmental Compliance Proceedings have not in fact been completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board will re-adopt, amend or modify this bond resolution prior to the issuance of any further obligations hereunder, to the extent required and acting upon the advice of counsel. It is hereby reaffirmed by the Board that to the extent the Environmental Compliance Proceedings may apply to the Project, the Project will not have a significant effect on the environment.

SECTION 10. The County intends to issue obligations authorized by this bond resolution to finance a portion of the cost of the purpose that is described in Section 2 hereof. The County covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the County, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to federal

income taxation under the Code or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provision hereof until the date which is 60 days after the final maturity date (or earlier prior redemption date) thereof.

SECTION 11. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 12. This resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 13. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this resolution, the County agrees, in accordance with and as an obligated person with respect to such obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the County Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Clerk to the Board, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of such obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the County and that are approved by the County Treasurer on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the County with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the County Treasurer shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or other qualified independent special counsel to the County. The County Treasurer, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 14. The County Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the

bonds authorized by this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3) of the Code.

SECTION 15. This resolution shall take effect immediately upon its adoption.

The foregoing block of two resolutions was adopted.

Supervisor Frederick Lightfoote offered the following ten resolutions as a block and moved for its adoption, seconded by Supervisor Dominick Vedora:

**RESOLUTION NO. 113-2021
CAPITAL PROJECT NO. H015-13
74 ONTARIO STREET RENOVATION – PHASE II
BUDGET TRANSFER - DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 297-2013 established Capital Project No. 3-2013, 74 Ontario Street Renovation – Phase II, now known as Capital Project No. H015-13; and

WHEREAS, Buildings and Grounds incurred expenses related to Capital Project No. H015-13; and

WHEREAS, Said expenses total \$19,639.47; and

WHEREAS, It is necessary to repay Buildings and Grounds; and

WHEREAS, Sufficient funding exists in the project to repay Buildings and Grounds; and

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

RESOLVED, That the budget for Capital Project No. H015-13 be amended as follows:

Line	Description	Current Budget	Change	Revised Budget
<i>Appropriations:</i>				
HHH01513 52100	Furniture & Furnishings	\$312,078.13	-\$8,139.47	\$303,938.66
HHH01513 54038	Moving Expenses	\$2,892.00		\$2,892.00
HHH01513 54101	Minor Equipment	\$148,425.34	-\$1,500.00	\$146,925.34
HHH01513 54260	Consultation & Professional	\$770,446.60		\$770,446.60
HHH01513 54332	Lease Agreements	\$3,000.00		\$3,000.00
HHH01513 54444	Financing of Debt	\$25,000.00		\$25,000.00
HHH01513 54491	General Construction	\$7,804,600.57	+\$19,639.47	\$7,824,240.04
HHH01513 54493	Electrical	\$1,406,927.08		\$1,406,927.08

HHH01513 54494	Plumbing	\$1,007,427.8 6		\$1,007,427.8 6
HHH01513 54495	Architectural & Engineering	\$1,271,460.4 1		\$1,271,460.4 1
HHH01513 54498	Asbestos & Related Testing	\$9,910.00		\$9,910.00
HHH01513 54521	HVAC	\$1,926,269.6 3		\$1,926,269.6 3
HHH01513 54743	Change Order Contingency	\$108,165.62		\$108,165.62
HHH01513 54865	Administrative Expenses	\$4,811.76		\$4,811.76
HHH01513 54731	Contingency	\$10,000.00	\$10,000.0 0	\$0.00
<i>Revenue:</i>				
HHH01513 44397	Homeland Security	\$135,010.00		\$135,010.00
HHH01513 45031	Interfund Transfers	\$10,076,405. 00		\$10,076,405. 00
HHH01513 45710	Serial Bonds	\$4,600,000.0 0		\$4,600,000.0 0

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 copies of this resolution be sent by the Clerk of the Board to the Department of Finance.

**RESOLUTION NO. 114-2021
CLOSING OF CAPITAL PROJECT NO. H013-13
ALLEN PADGHAM ROAD BRIDGE OVER GANARGUA CREEK**

WHEREAS, Resolution No. 100-2013 created Capital Project No. 01-2013, Allen Padgham Road Bridge Over Ganargua Creek, now known as Capital Project H013-13; and

WHEREAS, Capital Project No. H013-13 was budgeted and funded to an authorized amount of \$2,962,836.00 and final project costs were \$2,571,244.80; and

WHEREAS, Resolution No. 140-2020 authorized transferring \$120,000 of available County funds from Capital Project No. H013-13 to the Highway Reserve for Roads and Bridges; and

WHEREAS, All expenditures attributable to Capital Project No. H008-11 have now been made leaving \$351.48 of the County's contribution left in the project; and

WHEREAS, The Public Works and Ways and Means Committees have reviewed this resolution and recommend closing Capital Project No. H013-13; now, therefore, be it

RESOLVED, That Capital Project No. H013-13 is hereby closed; and further

RESOLVED, That the cash balance and any additional interest earnings remaining in Capital Project No. H013-13 be transferred to the D Fund Reserve for Roads and Bridges; and further

RESOLVED, That the Department of Finance is authorized to make all necessary accounting entries to affect the transfer of funds and the closing of Capital Project No. H013-13; and further

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

**RESOLUTION NO. 115-2021
CAPITAL PROJECT NO. H044-17
BRIDGE PREVENTIVE MAINTENANCE PROJECT (GROUP 2) - 2020
BUDGET TRANSFER**

WHEREAS, Resolution No. 398-2017 created Capital Project No. 09-2017, Bridge Preventive Maintenance Project (Group 2) – 2020, PIN 4ON0.01 (the “Project”) with costs to be borne at the ratio of 80% Federal Funds and 20% non-Federal funds; and

WHEREAS, This project is now known as Capital Project No. H044-17; and

WHEREAS, It is time to invoice Capital Project No. H044-17 for Ontario County Highway Engineering services during the design and construction phases; and

WHEREAS, Said engineering services total \$94,538.08 to date; and

WHEREAS, There are sufficient funds available in Capital Project No. H044-17 to cover these services; 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. H044-17 be, and hereby is amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Expenditures:				
HHH04417 54491	General Construction	\$755,724. 65	\$11,138.0 8	\$744,586. 57
HHH04417 54495	Engineering	\$212,200. 00	+\$11,138. 08	\$223,338. 08
HHH04417 54865	Administrative Expenses	\$1,000.00		\$1,000.00
HHH01313 54731	Contingency	\$22,375.3 5		\$22,375.3 5
Revenue:				

HHH01313 43089	State Aid	\$139,420. 00		\$139,420. 00
HHH01313 44597	Federal Aid	\$793,040. 00		\$793,040. 00
HHH01313 45031	Interfund Transfers	\$58,840.0 0		\$58,840.0 0

and further

RESOLVED, That the Department of Finance is authorized to make the necessary accounting and budget entries to affect the intent of this Resolution for a total project budget of \$991,300.00; and further

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

**RESOLUTION NO. 116-2021
CAPITAL PROJECT NO. H046-18
COUNTY ROAD 28 AT SHORTSVILLE ROAD
INTERSECTION IMPROVEMENT
ACCEPTANCE OF SUPPLEMENTAL AGREEMENT #4**

WHEREAS, A project for County Road 28 at Shortsville Road Intersection Improvement, P.I.N. 4ON0.03 (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 90% Federal funds and 10% non-Federal funds; and

WHEREAS, Resolution No. 183-2018 created Capital Project No. 01-2018, County Road 28 at Shortsville Road Intersection Improvement, P.I.N. 4ON0.03, now known as Capital Project No. H046-18, and authorized the acceptance of the New York State revenue contract for Scoping, Preliminary Engineering, and Right of Way Incidentals for the Project; and

WHEREAS, Resolution No. 533-2019 authorized the acceptance of Supplemental Agreement #1 which increased the funding for the design and right of way phases and added Marchiselli funding; and

WHEREAS, Resolution No. 194– 2020 amended Resolution No. 533-2019; and

WHEREAS, Resolution No. 196-2020 authorized the acceptance of Supplemental Agreement #2 which added federal aid funding for the construction phase, awarded contracts for construction and construction inspection services, and authorized using reserve funds to cover a portion of funding shortfall; and

WHEREAS, Resolution No. 551-2020 authorized the acceptance of Supplemental Agreement #3 which added funding for the construction phase and returned \$396,900 to the D Fund Reserve for Roads and Bridges; and

WHEREAS, Supplemental Agreement #4 adds available Marchiselli funding for the construction phase; and

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

RESOLVED, That funding in the amount of \$239,100 be returned to the D Fund Reserve for Roads and Bridges; and further

RESOLVED, That the budget of Capital Project No H046-18 be, and hereby is amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations				
HHH04618 54491	General Construction	\$2,728,908.00		\$2,728,908.00
HHH04618 54495	Engineering	\$759,814.00		\$759,814.00
HHH04618 54820	Land Acquisition	\$24,000.00		\$24,000.00
HHH04618 54865	Administration	\$1,000.00		\$1,000.00
HHH04618 59000	Interfund Transfer	\$0.00	+\$239,100.00	\$239,100.00
Revenue				
HHH04618 43089	State Aid	\$32,325.00	+\$239,100.00	\$271,425.00
HHH04618 44597	Federal Aid	\$3,080,699.00		\$3,080,699.00
HHH04618 45031	Interfund Transfer	\$400,698.00		\$400,698.00

and further

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

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

RESOLVED, That the Ontario County Board of Supervisors accepts Supplemental Agreement #4; and further

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

RESOLVED, That in the event the full Federal and non-Federal share costs of the Project exceed the amount appropriated above, the Board of Supervisors shall convene as

soon as possible to appropriate said excess amount upon notification by the New York State Department of Transportation; and further

RESOLVED, That the County Administrator be, and hereby is, authorized to execute all necessary Agreements and certifications on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs within appropriations therefore that are not so eligible; and further

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

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

**RESOLUTION NO. 117-2021
CAPITAL PROJECT NO. H049-18
COUNTY ROAD 46 AND SMITH ROAD INTERSECTION IMPROVEMENT
AWARD OF CONTRACT FOR CONSTRUCTION AND
CONTRACT AMENDMENT FOR CONSTRUCTION INSPECTION SERVICES
AND ACCEPTANCE OF SUPPLEMENTAL AGREEMENT #2
TO NEW YORK STATE REVENUE CONTRACT**

WHEREAS, A project for County Road 46 & Smith Road Intersection Improvement, P.I.N. 40N0.04 (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 90% Federal funds and 10% non-Federal funds; and

WHEREAS, Resolution No. 784-2018 created Capital Project No. 04-2018, County Road 46 and Smith Road Intersection Improvement Project, now identified as Capital Project No. H049-18; and

WHEREAS, Resolution No. 784-2018 authorized the acceptance of the New York State Revenue Contract for the Preliminary Engineering, Detailed Design, and Right-of-Way Incidentals Phase for the Project; and

WHEREAS, Resolution No. 682-2019 authorized acceptance of Supplemental Agreement #1 which added Marchiselli funding for the preliminary engineering, detailed design, and right-of-way incidental phase for the Project; and

WHEREAS, Supplemental Agreement #2 has been received which adds funding for the construction phase and decreases funding for the right-of way phase; and

WHEREAS, Marchiselli funding for construction is not available at this time; and

WHEREAS, Ontario County Purchasing Department received bids (B20060) for County Road 46 at Smith Road Intersection Improvements, P.I.N. 4ON0.04; and

WHEREAS, Keeler Construction Co., Inc., 13519 West Lee Road, Albion, NY 14411, is the apparent lowest, responsive, responsible bidder with a bid of \$2,542,833.75; and

WHEREAS, The Construction of the Project is estimated to cost \$2,669,975.44, which includes a 5% construction contract contingency of \$127,141.69; and

WHEREAS, Resolution No. 200-2019 authorized the execution of a contract with Bergmann Associates, 280 East Broad Street, Suite 200, Rochester, New York 14604, for preliminary engineering and right-of-way incidental services related to the Project for a cost not to exceed \$190,000; and

WHEREAS, Resolution No. 225-2020 authorized the execution of an amended agreement with Bergmann Associates, for detailed design, right-of-way acquisition, and bid phase services related to project at a cost not to exceed \$153,600 for a total amended contract price not to exceed \$343,600; and

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

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

WHEREAS, After review of said proposal the Public Works Department recommends Bergmann Associates for construction inspection and construction support services related to said Project for a cost not to exceed \$425,000; and

WHEREAS, Construction phase of the Project is estimated to cost \$3,094,975.44; and

WHEREAS, An additional \$8,661 is needed to account for the right-of-way incidental and acquisition phases of the project; and

WHEREAS, The 2021 Capital Improvement Plan includes \$2,788,000 of funding for this project which includes \$209,100 of Marchiselli funding that was not provided at this time; and

WHEREAS, There are sufficient funds in the Capital Project Reserve (CRARM Reserve) to fund the project shortfall of \$306,975.44, anticipated Marchiselli portion of \$209,100.00, and additional funding of \$8,661.00 needed to account for the right-of-way incidental and acquisition phases; and

WHEREAS, Said funds will be returned to the Capital Project Reserve (CRARM Reserve) at such time additional funding becomes available; 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 following budget transfer is approved:

AA 03511 BR900	Appropriated Reserve – CRARM Reserve	+\$524,736.44
AA995099 59000	Interfund Transfers	+\$524, 736.44

and further

RESOLVED, That said additional funding will be returned to the Capital Project Reserve (CRARM Reserve) at such time it becomes available; and further

RESOLVED, That the Board of Supervisors hereby accepts Supplemental Agreement #2 to the New York State Revenue Contract for Capital Project No. H049-18; and further

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

RESOLVED, That the budget of Capital Project No. H049-18 be amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH04918 54491	General Construction	\$0.00	+\$2,669,975.44	\$2,669,975.44
HHH04918 54495	Engineering	\$400,450.00	+\$425,000.00	\$825,450.00
HHH04918 54820	Land	\$22,000.00	-\$15,400.00	\$6,600.00
HHH04918 54865	Administration	\$1,600.00		\$1,600.00
Revenue:				
HHH04918 43089	State Aid	\$28,050.00	-\$328.00	\$27,722.00
HHH04918 44597	Federal Aid	\$356,400.00	+\$2,485,467.00	\$2,841,867.00
HHH04918 45031	Interfund Transfer	\$39,600.00	+\$594,436.44	\$634,036.44

and further

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a contract with Keeler Construction Co., Inc., contingent upon delivery of a satisfactory DBE Utilization Plan, at a cost not to exceed \$2,542,833.75, said contract will expire on November 5, 2021; and further

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a contract amendment agreement with Bergmann Associates, at a cost not to exceed \$425,000 for a total amended contract price not to exceed \$768,600 said contract will expire December 31, 2022; and further

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

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Agreements with Keeler Construction Co., Inc., and Bergmann Associates, and all other documents necessary to effectuate the purpose of this resolution; 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 affect the intent of this Resolution; and further

RESOLVED, That the Department of Finance be, and hereby is, authorized to advance funds as necessary from the County D Fund to pay for any costs incurred before the receipt of Federal or non-Federal aid; 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 in the event the full Federal and non-Federal share costs of the Project exceed the amount appropriated above, the Board of Supervisors shall convene as soon as possible to appropriate said excess amount upon notification by the New York State Department of Transportation; and further

RESOLVED, That the County Administrator be, and hereby is, authorized to execute all necessary Agreements and certifications on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and further

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

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

**RESOLUTION NO. 118-2021
CAPITAL PROJECT NO. H055-19 AND H059-19
REPLACEMENT OF COUNTY ROAD 36 CULVERT #36 AND
REPLACEMENT OF COUNTY ROAD 36 CULVERT #32
AWARD OF CONTRACT FOR CONSTRUCTION**

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

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

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

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

WHEREAS, Ontario County Purchasing Department received bids (B20045) for construction of Project; and

WHEREAS, Twin Tier Constructors, Inc., PO Box 169 Scottsville NY 14546, is the apparent lowest, responsive, responsible bidder with a combined bid of \$1,229,254.00; and

WHEREAS, The Construction Phase of the Project is estimated to cost \$1,321,448.05 which includes a 7.5% construction contract contingency of \$92,194.05; and

WHEREAS, Sufficient funds exist in the construction line of Capital Project No. H055-19, Replacement of County Road 36 Culvert #36 for that bid plus 7.5% contingency, \$601,693.09 (\$559,714.50 bid + \$41,978.59 7.5% contingency); and

WHEREAS, Funding in the amount of \$715,950 is available in the construction line of Capital Project No. H059-19, Replacement of County Road 36 Culvert #32 and the additional funds needed (\$3,804.96) are available in the contingency line of Capital Project H059-19 to fund that bid plus 7.5% contingency, \$719,754.96 (\$669,539.50 (bid) + \$50,215.46 (7.5% contingency)); 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 for Capital Project No. H059-19 be amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations				
HHH05919 54491	General Construction	\$725,000.00	+\$3,804.96	\$728,804.96
HHH05919 54495	Engineering	\$150,000.00		\$150,000.00
HHH05919 54820	Land Acquisition	\$12,000.00		\$12,000.00
HHH05919 54865	Administrative Expenses	\$2,000.00		\$2,000.00
HHH05919 54731	Contingency	\$111,000.00	\$3,804.96	\$107,195.04
Revenue				
HHH05919 43089	State Aid	\$1,000,000.00		\$1,000,000.00

and further

RESOLVED, The Ontario County Board of Supervisors hereby accepts the above noted bid from Twin Tier Constructors, Inc. Said contract will commence on the date of the Notice to Proceed and will expire on September 30, 2021; 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 Twin Tier Constructors, Inc., for said work for a cost not to exceed \$1,229,254.00, said contract will expire on September 30, 2021; and further

RESOLVED, That the County Administrator is authorized to sign the agreements; 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 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.

**RESOLUTION NO. 119-2021
CAPITAL PROJECT NO. H063-19
COUNTY ROAD 39 REHABILITATION
TRANSFER OF FUNDS - DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 646-2019 created Capital Project No. H063-19, County Road 39 Rehabilitation; and

WHEREAS, The rehabilitation project on County Road 39 is substantially complete; and

WHEREAS, There are unused funds of \$649,703.56 remaining in the project; and

WHEREAS, The Commissioner of Public Works recommends transferring said unused funds to the General Fund's Construction, Reconstruction, Acquisition, Repair, and Maintenance Reserve; and

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

RESOLVED, The budget of Capital Project No. H063-19 is amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations				
HHH06319 54491	General Construction	\$6,816,961. 57	- \$649,703.5 6	\$6,167,258. 01
HHH06319 54820	Land Acquisition	\$37,050.00		\$37,050.00
HHH06319 54865	Administrative Expenses	\$2,500.00		\$2,500.00
HHH06319 59000	Interfund Transfers	\$0.00	+\$649,703. 56	\$649,703.56
Revenue				
HHH06349 45031	Interfund Transfers	\$6,856,511. 57		\$6,856,511. 57

and further

RESOLVED, That \$649,703.56 be transferred from CP H063-19, County Road 39 Rehabilitation, to the General Fund's Construction, Reconstruction, Acquisition, Repair, and Maintenance Reserve (AA 30878 BR900); and further

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

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

**RESOLUTION NO. 120-2021
AUTHORIZATION TO ACCEPT BIDS B21008 FOR
FOR PURCHASE OF PLUMBING SUPPLIES**

WHEREAS, The Department of Public Works routinely needs to purchase plumbing supplies in its performance of the maintenance, repair and renovation of County facilities; and

WHEREAS, The County's Purchasing Department solicited bids (B21008) and bids were received for purchase of plumbing supplies; and

WHEREAS, It is in the best interest of the County to have multiple vendors to assure plumbing supplies are available when needed; and

WHEREAS, The Public Works Committee has reviewed and recommends award of this bid; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby authorizes the acceptance of the bid from the following vendors for a period of 12 months from date of award with up to two (2) twelve-month renewals upon agreement of all parties.

Geck Plumbing & Heating Supply Co., Inc. 620 Meigs St. Rochester, NY 14620	Canandaigua Winsupply 5102 North Rd., Canandaigua, NY 14424
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**RESOLUTION NO. 121-2021
AUTHORIZATION TO RENEW QUOTE Q18010
RENTAL OF WORK UNIFORMS
ARAMARK UNIFORMS SERVICES**

WHEREAS, Resolution No. 111-2018 awarded quote Q18010 for the rental of work uniforms to Aramark Uniforms Services for the period beginning March 31, 2018 and ending March 30, 2021; and

WHEREAS, Aramark Uniform Services has agreed to a 12-month renewal at the current price structure; and

WHEREAS, The Purchasing Department recommends the quote renewal; and

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

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the renewal of quote (Q18010) to Aramark Uniform Services, 200 Trade Court, Rochester, New York 14624, for the rental of work uniforms for a 1-year period starting March 31, 2021 through March 30, 2022.

**RESOLUTION NO. 122-2021
RENEWAL OF BID B19003
OEM REPLACEMENT PARTS**

WHEREAS, Resolution 161-2019 awarded Bid (B19003) for the purchase of OEM replacement parts; and

WHEREAS, There was no responsive renewal for Item 3 and will seek other sources; and

WHEREAS, The following low responsible, responsive bidders have agreed to renew the bid at the current price structure; now, therefore, be it

DJM Equipment, Inc. 7216 Palmyra Road Fairport, New York 14450	Item 7	Regional International Inc. 1007 Lehigh Station Road Henrietta, New York 14467	Item 8
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RESOLVED, That said award shall be effective starting on April 1, 2021, and ending on March 31, 2022.

The foregoing block of ten resolutions was adopted.

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

**RESOLUTION NO. 123-2021
REJECTION OF BID B21004 FOR PRINTING OF
BID SPECIFICATIONS AND DRAWINGS**

WHEREAS, The Purchasing Department bid for The Printing of Drawings and Specifications for large County projects and advertised for and received sealed bids for said printing (B21004) per tab sheets on file with the Clerk of the Board; and

WHEREAS, The Department of Public Works and Planning agree that having drawings and specifications for large projects printed by bid provides a less expensive option to drawings being included in the project pricing; and

WHEREAS, After the bids were received the Purchasing Department recognized a need to also have hosted services available for specifications and drawings; and

WHEREAS The Ways and Means Committee has reviewed the bid results and agrees with the recommended rejection; now, therefore, be it

RESOLVED, That bid (B21004) for The Printing of Drawings and Specifications be rejected in order to revise the bid specifications and rebid at a later date.

**RESOLUTION NO. 124-2021
TRANSFER OF FUNDS - 2021 COUNTY BUDGET
911 WIRELESS RESERVE TO SERVICE CONTRACT**

WHEREAS, Budget Transfer Request Forms have been received by the Ways and Means Committee after being reviewed and approved by the appropriate standing committee overseeing each department; and

WHEREAS, The Ways and Means Committee has reviewed and approved the following transfers; now, therefore, be it

RESOLVED, That the following transfers be made:

2021 Budget	FROM	TO	NET DIFFERENCE
911 Wireless Reserve			
Service Contract		AAR300 54270	24,784.50

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

**RESOLUTION NO. 125-2021
ABOLISH OFFICE SPECIALIST I POSITION AND
CREATE LEGAL RECORDS CLERK POSITION**

WHEREAS, The Ontario County District Attorney's Office has requested that an Office Specialist I position be reclassified to address the higher level of document responsibility associated with the Discovery Reform initiatives; and

WHEREAS, The Director of Human Resources has classified a position of Legal Records Clerk by Personnel Officer Classification Certification No. 54-2020; and

WHEREAS, The Management Compensation Committee and the Ways and Means Committee have reviewed and recommend the creation of a Legal Records Clerk (A08) and the abolishment of an Office Specialist I (A03) position when it is no longer protected for the promoted incumbent; and

WHEREAS, Sufficient funding exists within the District Attorney's Budget to fund this position change; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby authorize the following:

- a. Creation of Legal Records Clerk (01827/#3) classified by POCC#54-2020, with permission to fill said position effective upon adoption;
- b. Abolishment of a position of Office Specialist I (01533/#4) originally created by POCC #19-2001, when it is no longer protected for the promoted incumbent; and further

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

**RESOLUTION NO. 126-2021
ONTARIO COUNTY REVISED COVID-19 TRAVEL POLICY**

WHEREAS, On June 24, 2020, New York State Governor Andrew Cuomo issued Executive Order 205, effective June 25, 2020, which required, in part that all travelers

entering New York from another state must quarantine for a period of 14 days consistent with Department of Health regulations for quarantine; and

WHEREAS, The Ontario County Board of Supervisors adopted the “Ontario County Covid-19 Travel Policy” (Travel Policy) by Res. No. 388-2020 on July 9, 2020; and

WHEREAS, Resolution No. 605-2020 revised the Travel Policy to reflect the New York State Department of Health guidance which allowed individuals to test out of quarantine under specific conditions; and

WHEREAS, Recent interim considerations from the Center of Disease Control and Prevention (CDC) recommends that in general those individuals who have been fully vaccinated may be exempted from quarantine/isolation requirements; and

WHEREAS, the County Administrator and the Director of Human Resources recommend that the County’s Covid-19 Travel Policy be modified accordingly; now therefore, be it

RESOLVED, That this Board does hereby approve the Ontario County Covid-19 Travel Policy, as amended, which is filed with the Clerk of the Board; and, be it further

RESOLVED, That this policy shall be effective on the date of this adoption; and be it further

RESOLVED, That copies of this resolution and the policy be sent by the Clerk of this Board to all County Department Heads; and be it further

RESOLVED, That all Department Heads shall post conspicuously the Covid-19 Travel Policy in an area visible to all its employees; and be it further

RESOLVED, That the Director of Human Resources shall cause the policy to be distributed to the employees electronically and posted on the County’s intranet.

COVID-19 TRAVEL POLICY

Resolution No. 126-2021

Adopted March 11, 2021

Ontario County takes its responsibility to protect the health and well-being of its workforce seriously. On June 24, 2020, New York State (“NYS”) Governor Andrew Cuomo issued Executive Order 205, effective June 25, 2020, which provides, in part:

All travelers entering New York from a state with a positive test rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate, over a seven day rolling average, will be required to quarantine for a period of 14 days consistent with Department of Health regulations for quarantine.

The Commissioner may issue additional protocols for essential workers, or for other extraordinary circumstances, when a quarantine is not possible, provided such measures continue to safeguard the public health.

Any violation of a quarantine or isolation order issued to an individual pursuant to the Commissioner of the Department of Health's travel advisory by a local department of

health or state department of health may be enforced pursuant to article 21 of the public health law, and non-compliance may additionally be deemed a violation pursuant to section 12 of the public health law subject to a civil penalty of up to \$10,000.

Based on Executive Order 205, the Ontario County Board of Supervisors has adopted the following policy regarding employee travel, effective immediately:

1. Employees must report to their Department Head all travel, including departure and return dates, to the following states: Alabama, Arkansas, Arizona, Florida, North Carolina, South Carolina, Utah and Texas. This list of states is subject to change based on the above matrix and as updated by NYS Department of Health at any time. (The current list can be found at <https://coronavirus.health.ny.gov/covid-19-travel-advisory>)
2. Employees entering NYS after visiting a state listed in (1) above and as may be amended, from June 25, 2020, until further notice are “required to quarantine for a period of 14 days,” i.e., remain away from their work locations for fourteen (14) calendar days after re-entering NYS. Essential workers may be given alternative quarantine provisions, after consultation with the Public Health Director, so long as such said provisions continue to safeguard the public health.
3. Employees entering NYS after visiting a state listed in (1) above, from June 25, 2020, onwards and subject to quarantine will only receive pay for the quarantine period in accordance with any approved authorized paid leave, including the federal Emergency Paid Sick Leave Act, if applicable. Employees who are able to work remotely may be allowed to do so during quarantine, in lieu of utilizing paid leave time. If paid leave is not available or is not authorized, then the employee will remain unpaid for the quarantine period. Travel that is required and approved as necessary for work as provided below in (4) is not subject to unpaid leave time.
4. Exceptions to this policy may be made for essential workers acting under the direction of their Department Head. Essential Employees that need to travel for work to a state listed in (1) above and as may be amended must obtain prior written authorization from their department head in advance of the travel. The department head must confer with the Director of Human Resources, who will determine if the travel is necessary for work.

This policy is subject to change upon receipt of further guidance from the Governor’s Office, the NYS Department of Health and/or the Centers for Disease Control and Prevention (CDC).

The foregoing block of four resolutions was adopted.

At the request of Supervisor David Baker, unanimous consent was given to waive the provision of Rule No. 23 of the “Rules and Order of Business” of this Board so that action could be taken on the following addendum item at this meeting.

Supervisor David Baker offered the following resolution and moved for its adoption, seconded by Supervisor Frederick Lightfoote:

**RESOLUTION NO. 127-2021
TRANSFER OF FUNDS - 2021 COUNTY BUDGET**

BUILDINGS AND GROUNDS FOR METAL STRUCTURES

WHEREAS, Budget Transfer Request Forms have been received by the Ways and Means Committee after being reviewed and approved by the appropriate standing committee overseeing each department; and

WHEREAS, The Ways and Means Committee has reviewed and approved the following transfers; now, therefore, be it

RESOLVED, That the following transfers be made:

2021 Budget	FROM	TO	NET DIFFERENCE
<i>Buildings & Grounds</i>			
Contingency	AA1340 54731		(36,000.00)
Buildings		AA1620 52102	36,000.00

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

Adopted.

At 7:25 pm, Supervisor Rich Russell, seconded by Supervisor David Baker motioned to move into Executive Session under section 105(d) discussions regarding proposed, pending or current litigation. The motion carried.

At 8:21 pm, Supervisor Kristine Singer, seconded by Supervisor Daniel Marshall, motioned to go out of Executive Session. The motion carried.

Supervisor Gregory Bendzlowicz reported he and two City Supervisors were invited to speak at a workshop last Tuesday with the Geneva City Council members to speak about their duties on the Board of Supervisors. He thought it was very productive and there is a YouTube link to that workshop.

On motion of Supervisor Norman Teed, seconded by Supervisor Todd Campbell, the meeting was adjourned at 8:23 p.m.