

November 17, 2022

The regular meeting of the Ontario County Board of Supervisors was called to order at 6:34 p.m. at 74 Ontario Street, Canandaigua, NY 14424, with Chairman John (Jack) Marren presiding

The Pledge of Allegiance was led by Supervisor Jared Simpson, Town of Canandaigua

Upon roll call, members of the Board were present with Supervisors Frederick Lightfoote and David Phillips who were declared necessarily absent. Chairman Marren granted permission for Supervisor Andrew Wickham to participate virtually.

Minutes of the preceding session was approved without being read by motion of Supervisor Mark Venuti, seconded by Supervisor Norman Teed; motion carried.

A Public Hearing regarding a project completed with Community Development Block Grant (CDBG) funding from the NYS Office of Community Renewal to support the expansion of operations of Z-Axis, Inc. in the Town of Phelps was called to order at 6:37 pm by Chairman Jack Marren.

As no one wished to speak, the Public Hearing was closed at 6:38.

A Public Hearing regarding the Tentative Budget of Ontario County for the fiscal year beginning January 1, 2023, and on the Ontario-Yates Counties' Flint Creek Small Watershed Protection District Budget was called to order at 6:38 pm by Chairman Jack Marren.

As no one wished to speak, the Public Hearing was closed at 6:39 pm.

A Public Hearing regarding the Proposed Capital Improvement Plan for 2023-2028 was called to order at 6:39 pm by Chairman Jack Marren.

As no one wished to speak, the Public Hearing was closed at 6:40 pm.

Under reports of County Officials, Deputy County Administrator Alissa Bub gave the following updates:

- They kicked off the United Way Campaign, it started on Monday, November 14th and will continue through November 28th.

County Attorney Holly Adams stated she sent out a legal opinion for review by the Board. She said that legal opinion is part of the application to the Office of State Comptroller necessary for the Honeoye Lake Consolidated Sewer District. It is a supplemental application.

Chairman Marren recognized Supervisor Louis Guard for his five years of service and awarded him a five-year service pin.

Chairman Marren gave the following updates:

- He reminded the towns to turn in their town budgets if they have not already done so.
- He read the resignation letter effective January 1, 2023 from Board of Elections Commissioner Charlie Evangelista.
- He distributed the top 20 sales tax drivers from Finance Director Mary Gates
- In Key Events, congratulations to Mary Beer and Tracy Dello Stritto for the 2022 Athena Leadership Award nominees.

- The merger of the Victor and Canandaigua Chamber is now the Ontario Chamber there was a letter from the Chamber for an application to choose a fee if you want to join the chamber.
- An email was received from the Assistant Secretary for Upstate Intergovernmental Affairs looking for recommendations from Ontario County to serve on a statewide Committee. The Governor's Office is looking for an appointee to represent a rural upstate county and associated with Access Ontario. This is a cybersecurity committee and recommended Sean Barry.
- NYSAC Director reached out to have Chris DeBolt serve on the Indigent Legal Defense Board. This is a Governor's appointment.
- Chairman announced he will not be seeking re-election this coming year as Chair.

Copies of the following communications are on file with the Clerk of the Board:

Copies received of minutes of meetings held as follows:

- Health and Human Services Committee held on October 17, 2022
- Planning and Environmental Quality Committee held on October 17, 2022
- Public Works Committee held on October 17, 2022
- Public Safety Committee held on October 19, 2022
- Governmental Operations and Insurance Committee held on October 19, 2022
- Ways and Means Committee held on October 19, 2022
- Special Public Works Committee held on October 27, 2022
- Special Public Safety Committee held on October 27, 2022
- Special Planning and Environmental Quality Committee held on October 27, 2022
- Special Ways and Means Committee held on October 27, 2022

A Notice of Obligational Authority (NOA) for the Opioid National Dislocated Worker Grant (Opioid NDWG) for Local Workforce Development Area – Ontario/Seneca/Wayne/Yates Counties received from Russell Oliver, Director, Division of Employment and Workforce Solutions, NYS Dept. of Labor.

The official copies of the revised Notifications of Grant Award (NGAs) and budget pages for the 2021-23 ADRC Vaccine and HDC5 programs for the period of April 1, 2021 through September 30, 2023 received from Karen Jackuback, Deputy Director, Division of Finance and Administration, NYS Office for the Aging.

An official copy of the Notification of Grant Award and approved application for the New York Connects Expansion and Enhancement program sponsored by Ontario County Office for the Aging for the period April 1, 2022 through March 31, 2023 received from Karen Jackuback, Deputy Director, Division of Finance and Administration, NYS Office for the Aging.

The Proposed Capital Improvement Plan – 2023 received from Ontario County Dept. of Finance.

Ontario County Property Tax Savings Plan 2023 – A Continuing Legacy of Shared Services received from Chris DeBolt, County Administrator.

County of Ontario, The New York State Department of Transportation State Single Audit for year ended December 31, 2021 received from Mengel Metzger Barr & Co. LLP.

County of Ontario, Single Audit Report for year ended December 31, 2021 received from Mengel Metzger Barr & Co. LLP.

County of Ontario, Basic Financial Statements for year ended December 31, 2021 received from Mengel Metzger Barr & Co. LLP.

County of Ontario, Communicating Internal Control Related Matters identified in an Audit for year ended December 31, 2021 received from Mengel Metzger Barr & Co. LLP.

COUNTY OF ONTARIO
LOCAL LAW NO. 6 (INTRO) OF 2022

“A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND
ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION
AND BUILDING CODE”

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

Local Law No. 5 of 2006 is hereby revoked in its entirety.

SECTION 1. PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (hereinafter referred to as the ‘Uniform Code’) and the State Energy Conservation Construction Code (hereinafter referred to as the ‘Energy Code’) within all buildings, structures and premises in the ‘custody of the County of Ontario’ as that phrase is defined herein. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, or other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law. This Local Law shall also apply within those towns, villages, and cities within the County of Ontario where a municipality has adopted a local law wherein such municipality has declined to be the entity enforcing the Uniform Code within its jurisdiction whereby the County of Ontario has the responsibility for enforcement of the Uniform Code therein.

SECTION 2. DEFINITIONS

The following words shall have the meanings herein assigned to them for the purposes of this Local Law

“Assembly Area” shall mean an area in any building, or in any portion of a building that is primarily used or intended to be used for gathering fifty or more persons for uses including but not limited to amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious function; food or drink consumption; awaiting transportation; or similar purposes.

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

“Canandaigua Airport” shall mean the property, building(s), and/or structure(s) owned by the County of Ontario or the Ontario County Industrial Development Agency located at 2450 Brickyard Road, Canandaigua, NY 14424. The term “Canandaigua Airport” shall not include any building(s) or structure(s) owned by any entity other than the County of Ontario or the Ontario County Industrial Development Agency unless such building or structure is rented by the County of Ontario or Finger Lakes Communication.

“Certificate of Compliance” shall mean a document issued by the County stating that work was done in compliance with approved construction documents and the Codes.

“Certificate of Occupancy” shall mean a document issued by the County certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the County, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law. Throughout this document the abbreviation ‘CEO’ may be used for the term “Code Enforcement Officer.”

“Code Enforcement Personnel” shall include the Code Enforcement Officer, Deputy Code Enforcement Officers, and all Inspectors as defined herein.

“Codes” shall mean the Uniform Code and Energy Code.

“County” shall refer to the County of Ontario, a municipal entity of the State of New York.

“Deputy Code Enforcement Officer” shall mean those individuals designated as such pursuant to subdivision (b) of section 3 of this local law.

“Energy Code” shall mean the New York State Energy Conservation Construction Code, adopted pursuant to Article 11 of the Energy Law.

“Equipment” shall include all materials related to plumbing, heating, electrical, ventilating, air conditioning, refrigerating, elevators, dumbwaiters, escalators, and other mechanical additions or installations.

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

“Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

“In the custody of the County” shall mean:

1. any building, structure, and/or premises owned by the County of Ontario, and/or
2. any building, structure, and/or premises rented and/or leased by the County of Ontario as lessee and occupied by the County of Ontario during the normal course of its business and located within the physical confines of Ontario County, New York, and/or
3. any building, structure, and/or premises held in trust by the County of Ontario for the educational purposes of Finger Lakes Community College, and/or
4. the improvements at the Constellation Brands/Marvin Sands Performing Arts Center located on the campus of Finger Lakes Community College, and/or
5. any building, structure, and/or premises rented and/or leased by Finger Lakes Community College as lessee and occupied by Finger Lakes Community

College during the normal course of its business and located within the physical confines of Ontario County, New York.

6. Any building, structure, and/or premises in the possession and control of the Ontario County Industrial Development Agency. For example, the Canandaigua Airport and the buildings and facilities therein that are owned and operationally managed by the Ontario County Industrial Development Agency are subject to this local law.

Such definition shall expressly not include:

1. County roads and bridges owned and maintained by the County of Ontario, and/or
2. Any and all property or buildings acquired by the County of Ontario under Article 11 of the Real Property Tax Law of the State of New York, for the sole purpose of sale under tax foreclosure, and/or
3. Any building, structure, and/or premises located outside the physical confines of Ontario County, New York that is rented or leased by Finger Lakes Community College.
4. Any dwelling unit, including room or suites in a hotel, motel, or other short term rental accommodation for that is rented by the County, including by the County Commissioner of Social Services, to provide emergency or other housing.
5. Any building, structure, and/or premises for which the Ontario County Industrial Development Agency exercises no operational control even where said agency is named in the deed for such property for the purpose of rendering economic assistance to a business or operator occupying such premises.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

“Operating Permit” shall mean a permit issued pursuant to section 10 of this local law. The term “Operating Permit” shall include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

“OFPC” shall mean the New York State Office of Fire Prevention and Control and any successor agency thereto.

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

“Owner:”

1. For projects under the direction of, initiated by, or in the custody of the County of Ontario, the Owner for the purpose of this local law shall be the Director or Department Head of the County department whose personnel are proposing to perform, are performing, or are overseeing contractors who are performing any renovation, repair, or construction work, or in the case of a Capital Project of the County of Ontario the owner shall be the person designated as being administratively responsible for the project by resolution duly adopted by the Board of Supervisors of the County of Ontario.
2. For projects in the possession or control of the Ontario County Industrial Development Agency, the Owner shall be the Ontario County Economic Developer.

3. For all other projects the Owner for the purpose of this local law shall be the owner of the premises upon which the renovation, repair, or construction project is proposed to be or is actually being constructed or performed.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

“Premises:”

1. For any projects under the direction of, initiated by, or in the custody of the County of Ontario, the Premises shall be any real property owned by the County of Ontario, except property obtained or acquired by the County of Ontario under Article 11 of the Real Property Tax Law of the State of New York.
2. For all other projects the Premises shall be the owner’s real property upon which the renovation, repair, or construction project is proposed to be or is actually being constructed or performed.

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

“Stop Work Order” shall mean an order issued pursuant to section 6 of this local law.

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

SECTION 3. ESTABLISHMENT OF RESPONSIBLE OFFICERS, DUTIES AND RESPONSIBILITIES

(a) The position of County Code Enforcement Officer in the Ontario County Planning Department (hereinafter referred to as ‘CEO’) is hereby designated as the County official responsible to administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The CEO shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of

Occupancy, and Operating Permits, and to include in terms and conditions as Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

- (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law;
- (7) to maintain records;
- (8) to collect fees as set by resolution of the Board of Supervisors of the County of Ontario;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the County attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law;
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law;
- (12) coordinate the activities and responsibilities of all Deputy Code Enforcement Officers and Inspectors to ensure performance of Ontario County's responsibilities under the Uniform Code, the Energy Code, and/or this Local Law. Any requests made by the CEO for duties to be performed by any Deputy Code Enforcement Officers or Inspectors shall be made sufficiently in advance and in such a manner so as to ensure timely processing of plan review, building permit issuance, field inspections, and all other requirements of this local law;
- (13) be and hereby is authorized and empowered to require inspection of any work performed as part of a County construction or renovation project, by a certified electrical inspector. Such inspection shall be performed by a certified, licensed, electrical inspector with current, valid insurance meeting standard County insurance requirements at the time such inspection is performed. The cost of such inspection shall be part of the project cost and not paid for out of the CEO's budget. The CEO shall have the right to withhold issuance of Certificates of Occupancy, Temporary Certificates, and/or Certificates of Compliance until any such required inspections have been submitted, reviewed, and the work certified as being acceptable by the inspector and the CEO pursuant to this local law, the Uniform Code, and the Energy Code;

- (14) Present an annual report on all Uniform Code enforcement activities as prescribed in Section 16 herein, including the identification and remediation of violations, to the Ontario County Board of Supervisors. The CEO shall report identification and remediation activities to the Insurance Committee of the Ontario County Board of Supervisors;
- (15) Work with the County Commissioner of Public Works or his delegate and the Director of Facilities and Grounds for the Finger Lakes Community College to establish a schedule for the inspection and maintenance of all fire detection, prevention, and suppression equipment and systems in buildings in the possession or control of the County of Ontario;
- (16) Conduct random field inspections of at least 5% of all renovation, remodeling, or construction work not otherwise required to be inspected under this Local Law for compliance with the Uniform Code. Said 5% shall be measured from all work orders concerning construction, repair, and remodeling of buildings in the possession or control of the County of Ontario. The CEO shall have access to review work orders in the Public Works work order system;
- (17) Establish, coordinate, and deliver an educational program for all department heads and the staff of the County Public Works, County Sewer Districts, Planning, and any other Department determined by the CEO to be likely to renovate and or construct facilities which may be subject to compliance with the Uniform Code and the Energy Code. The purpose of said education program shall be to increase understanding by staff of activities which require permits, inspections, and certificates as well as the proper procedures to be followed to ensure compliance with the intent and purpose the uniform code, the energy code, and this local law. Such educational program established by the CEO may include classes presented or recognized by the State of New York as part of its certification training for Code Enforcement Officers;
- (18) Conduct annual fire prevention inspections of all buildings in the custody of the County of Ontario which contain or constitute Assembly Areas in accordance with Section 11, paragraph (a) herein.
- (19) Once every 3 years, or more often as may be required by Section 11 herein, conduct a fire prevention inspection of all buildings in the possession or control of the County of Ontario which are not included within (18) above;
- (20) Consult monthly, or more frequently as determined by the CEO to be necessary to comply with the requirements of this local law, with the County Supervisor of the Bureau of Buildings and Grounds to review all renovation, construction, repair, and remodeling work requests and orders received and processed by said Bureau for the purpose of determining which projects require review under the Uniform Code, the Energy Code, and this Local Law;
- (21) Consult monthly, or more frequently as determined by the CEO to be necessary to comply with the requirements of this local law, with the FLCC Director of Facilities and Grounds and the Director of Campus Safety (the Campus Safety Officer) to review all renovation, construction, repair, and remodeling work projects for the purpose of determining which projects require review under the Uniform Code, the Energy Code, and this Local Law;

- (22) Consult with the designee of the Chief Executive Officer of the lessee of the Constellation Brands-Marvin Sands Performing Arts Center (CMAC) to review all renovation, construction, repair, and remodeling work projects, and special event set-ups for the purpose of determining which projects require review under the Uniform Code, the Energy Code, and this Local Law. Such consultations shall be held as frequently as deemed necessary by the CEO to ensure compliance with the requirements of this local law;
 - (23) Consult with the director of Ontario County ARC to review all renovation, construction, repair, and remodeling work projects for the purpose of determining which projects require review under the Uniform Code, the Energy Code, and this Local Law. Such consultations shall be held as frequently as deemed necessary by the CEO to ensure compliance with the requirements of this local law;
 - (24) Conduct random field inspections of at least 5% of all renovation, remodeling, or construction work occurring at the FLCC main campus and any satellite campuses within Ontario County not otherwise required to be inspected under this Local Law for the purpose of determining compliance with the Uniform Code and the Energy Code; and
 - (25) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) Deputy Code Enforcement Officers: The Ontario County Board of Supervisors by resolution shall designate one or more County Staff as Deputy Code Enforcement Officers for the County of Ontario and are hereby vested with such authority as is necessary to fulfill the duties of these positions. The Deputy Code Enforcement Officers shall be responsible for the following:
- (1) shall fulfill the duties of the CEO as defined in this local law during any anticipated or unanticipated vacancies, leaves, or vacations in the position of the County Code Enforcement Officer. In designating Deputy Code Enforcement Officers, the Ontario County Board of Supervisors shall establish a hierarchy of succession for assuming the duties of the CEO including coordinating the activities of other Deputy Code Enforcement Officers and/or Inspectors.
 - (2) At the request of the CEO, shall assist the CEO in regard to the discharge of obligations under this local law to the extent that the Deputy Code Enforcement Officer's existing workload permits. It is anticipated that the Deputy Code Enforcement Officer shall work with the CEO to eliminate duplication of effort such as combining building safety inspections with required fire inspection.
- (c) The CEO and Deputy Code Enforcement Officers shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- (d) In the event that the Code Enforcement Officer and all Deputy Code Enforcement Officers are unable to serve as such for any reason, an individual shall be appointed by duly adopted resolution of the Board of Supervisors of the County of Ontario to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(e) One or more Inspectors may be appointed by duly adopted resolution of the Board of Supervisors of the County of Ontario to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(f) Resolution of differences in interpretation among Code Enforcement Personnel: The Code Enforcement Personnel shall work together to resolve any and all differences of opinion regarding the meaning and intent of the Uniform Code, the Energy Code, and /or this Local Law. In the instance where agreement cannot be reached between the Code Enforcement Personnel in a time determined to be reasonable by the CEO, the judgment of the CEO shall take precedence. In the event that more than one County Code Enforcement Officer position exists, the judgment of the CEO shall take precedence. The CEO shall have the authority to confer with engineers, architects, manufacturers, representatives from the State Department of State, and such other consultants as the CEO deems necessary and appropriate to reach his or her determination. When Deputy Code Enforcement Officers and Inspectors disagree with a determination of the CEO, they shall have no other recourse than to file an official request for interpretation to the regional office of the NYS Department of State Codes Division with copies to the CEO and the Director of Planning of the County of Ontario.

(g) The County Code Enforcement Officer shall meet the requirements established for the civil service title of County Code Enforcement Officer. The CEO, Deputy Code Enforcement Officers, and Inspectors appointed by the Ontario County Board of Supervisors shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

SECTION 4. BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work that costs less than \$5,000 in total (including all professional design fees, materials, and labor) in any of the following categories:

- (1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

- (2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) installation of partitions or movable cases less than 5'-9" in height;
- (5) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) installation of listed portable electrical, plumbing, heating, ventilation, or cooling equipment or appliances;
- (7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision.

(b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the CEO. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the CEO deems sufficient to permit a determination by the CEO that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the location, nature, extent, and scope of the proposed work;
- (2) the tax map number and the street address of any affected building or structure;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information included but not limited to braced wall design, the size, section, and relative location of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written

statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance unless otherwise provided for in the permit. The CEO shall only specify an expiration date in excess of 12 months after the date of issuance when he or she determines a longer term is necessary to accommodate a construction project that by its magnitude and nature is expected to last a period of time in excess of twelve (12) months. A Building Permit which has become

invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the CEO determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5. CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the CEO, or by a Deputy Code Enforcement Officer, or by an Inspector authorized by the CEO. The Permit Holder shall notify the CEO when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building ;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues, or gas vents;
- (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
- (11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by memorandum for buildings in the custody of the County or by certified mail for all other buildings, structures, or premises. The Code Enforcement Officer shall be permitted, but

not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by memorandum for buildings in the custody of the County or by certified mail for all other buildings, structures, or premises; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7. CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy and Certificates of Compliance required: A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

(b) Issuance of Certificates of Occupancy and Certificates of Compliance. The CEO shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The CEO or Deputy Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the CEO, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections,
- (2) flood hazard certifications,
- (3) a written statement of the results of tests performed to show compliance with the Energy Code, and

- (4) (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name (if any), address and tax map number of the property;
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the CEO issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. Upon issuance of a certificate of substantial completion by an engineer or architect duly licensed by the State of New York whom has been retained by the County of Ontario to provide plans and specifications for the construction of a new or remodeling of an existing building or structure in the possession or control of the County, or the issuance of a certificate of substantial completion by an engineer or architect duly licensed by the State of New York whom has been retained by the Permit Holder, the CEO shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the CEO determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The CEO may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the CEO and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code. The CEO may renew said Temporary Certificate as the CEO deems necessary and prudent.

(e) Revocation or suspension of certificates. If the CEO determines that a Certificate of Occupancy, Certificate of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the CEO within such period of time as shall be specified by the CEO, the CEO shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate.

SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION

The chief of any fire department providing firefighting services for a property in the custody of the County, and/or the County Director of Emergency Management Services, and/or the County Director of Buildings and Grounds shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent for any building or structure in the custody of the County.

SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OF IMMINENT DANGER

Unsafe structures and equipment in the custody of the County shall be identified and addressed in accordance with the following procedures:

(a) If during the course of any routine inspection or inspection done in response to a complaint or request, the CEO shall discover any building, structure, or premises in the possession or control of the County that he deems to be unsafe for occupancy or use and constituting an imminent threat to the health and safety of employees, or contractors, or consultants of the County of Ontario or to the general public, the CEO shall immediately issue a Declaration of Unsafe Building Certificate to the County Commissioner of Public Works with copies to the Supervisor of the Bureau of Buildings and Grounds, County Director of Planning, County Attorney, County Safety Coordinator, and County Administrator.

(b) The Commissioner of Public Works or his designee in consultation with the CEO and such other County and other person or persons as the Commissioner of Public Works deems necessary and prudent, shall take immediate steps to protect the health and safety of all affected parties as are reasonable and prudent.

(c) The CEO shall set forth the conditions upon which said Declaration of Unsafe Building shall be cancelled. These may include structural or other engineering inspections and/or analyses performed by an engineer possessing a currently valid license issued by the New York State Department of Education, inspection by the local gas utility, and/or inspections by other competent professionals as are determined necessary in the opinion of the CEO.

(d) No such Declaration of Unsafe Building shall be cancelled except by the CEO stamping "CANCELLED" upon such Declaration of Unsafe Building and attaching a statement documenting the reason or reasons addressing each concern or issue noted in the original Declaration and including a copy of any inspections or analyses performed pursuant to (c) above. Each such revocation shall be issued to the County Commissioner of Public Works with copies to the Supervisor of the Bureau of Buildings and Grounds, County Director of Planning, County Attorney, County Safety Coordinator, and County Administrator.

SECTION 10. OPERATING PERMITS.

(a) Operating Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
- (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
 - (i) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
 - (ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
 - (iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
 - (iv) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;
 - (v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
 - (vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
 - (vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;
 - (viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
 - (ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
 - (x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;
 - (xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
 - (xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
 - (xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law as now in effect or as hereafter amended from time to time.
- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS

- (4) use of pyrotechnic devices in assembly occupancies or areas of public assembly;
- (5) buildings containing one or more assembly areas;
- (6) outdoor events where the planned attendance exceeds 1,000 persons;
- (7) facilities that store, handle or use hazardous production materials;
- (8) parking garages as defined in subdivision (a) of section 13 of this local law;
- (9) the Canandaigua Airport as long as it is under the possession and control of the Ontario County IDA;
- (10) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Supervisors of the County of Ontario.
- (11) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Supervisors of the County of Ontario. Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the CEO. Such application shall include such information as the CEO deems sufficient to permit a determination by the CEO that quantities, materials, and activities conform to the requirements of the Uniform Code. If the CEO determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the CEO, at the expense of the applicant.

(c) This subdivision is intentionally omitted

(d) Inspections. The CEO, Deputy Code Enforcement Officer, or an Inspector authorized by the CEO shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer, Deputy Code Enforcement Officer, or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer, Deputy Code Enforcement Officer, or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the County of Ontario sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the CEO may require a

separate Operating Permit for each such activity, or the CEO may, in their discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating Permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) Up to but not exceeding One Hundred Eighty (180) days for tents, special event structures, and other membrane structures;
- (2) Up to but not exceeding Sixty (60) days for alternative activities at a sugarhouse;
- (3) Up to but not exceeding one (1) year for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section, and
- (4) Up to but not exceeding one (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(g) Revocation or suspension of Operating Permits. If the CEO determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(h) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the CEO, Deputy Code Enforcement Officer, or an Inspector designated by the CEO at the following intervals:

- (1) at least once every twelve (12) months for buildings which contain an assembly area;
- (2) At least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and
- (3) At least once every thirty-six (36) months for multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential occupancies.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote

inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer, or a Deputy Code Enforcement Officer, or Inspector authorized to perform fire safety and property maintenance inspections by the Code Enforcement Officer, at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of OFPC and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
- (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
- (3) such inspections are performed no less frequently than once a year;
- (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
- (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section by the owner of such premises. This subdivision shall not apply to inspections performed by OFPC.

SECTION 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance, or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.

(a) Definitions. For the purposes of this section:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(i) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(iii) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the

profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

- (5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
- (6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
- (7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the County of Ontario, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
- (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
 - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
- (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to [specify date not more than six (6) months after the effective date of this local law].

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed [specify interval not to exceed three (3) years].

(e) Additional Condition Assessments.

- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
- (2) If the County of Ontario becomes aware of any new or increased deterioration which, in the judgment of the County of Ontario, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the County of Ontario to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the County of Ontario within One Hundred and Twenty (120) Days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

- (1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
- (2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
- (3) an evaluation and description of the unsafe conditions;
- (4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
- (5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
- (6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
- (7) the responsible professional engineer's recommendation regarding preventative maintenance;

- (8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
- (9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(g) Review Condition Assessment Reports. The County of Ontario shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County of Ontario shall, by Order to Remedy or such other means of enforcement as the County of Ontario may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County of Ontario to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The County of Ontario shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County of Ontario with a written statement attesting to the fact that he or she has been so engaged, the County of Ontario shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The County of Ontario shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the County of Ontario:

- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law;
- (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law; and/or
- (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the County of Ontario by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this [City / Town / Village] as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:
 - (i) the accompanying Flood Insurance Rate Map (FIRM);
 - (ii) Flood Boundary and Floodway Map (FBFM); and
 - (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

SECTION 15. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all condition assessment reports received;

- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law, including.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 16. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Board of Supervisors of the County of Ontario a written report and summary of all business conducted by the Code Enforcement Officer, Deputy Code Enforcement Officers, and the Inspectors, including a report and summary of all transactions and activities described in section 15 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the County of Ontario, on a form prescribed by the Secretary of State, a report of the activities of the County of Ontario relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials the County of Ontario is required to maintain; true and complete copies of such portions of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of the activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

SECTION 17: VIOLATIONS

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable

statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer, Deputy Code Enforcement Officer, and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to such other penalties as may be proscribed by State law,

- (1) any Person who violates any provision of this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate of Occupancy, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than Two Hundred Dollars (\$200) for each day or imprisonment not exceeding one day, or both; and
- (2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than Two Hundred Dollars (\$200) for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this County.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the County of Ontario, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate of Occupancy, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of the County of Ontario, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Supervisors of the County of Ontario.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this

local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this

local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 18: FEES

A fee schedule for buildings not in the possession or control of the County may be established by resolution of the Board of Supervisors of the County of Ontario. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 19. INTERMUNICIPAL AGREEMENTS

(a) The Board of Supervisors of the County of Ontario may, by resolution, authorize the County Administrator of Ontario County to enter into an agreement subject to review and approval by the County Attorney's Office, in the name of this County, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

(b) The Board of Supervisors of the County of Ontario may, by resolution, authorize the County Administrator of the Ontario County to enter into an agreement, in the name of this County, with any other municipal government within Ontario County to provide Code Enforcement technical assistance to said municipality.

SECTION 20. PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

COUNTY OF ONTARIO LOCAL LAW NO. 7 (INTRO) OF 2022

“INCREASE THE SALARIES FOR THE BOARD OF SUPERVISORS FOR THE
YEAR 2023”

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

SECTION 1: Legislative Intent

Ontario County Board Resolution #478-2021 set the salaries for the Board of Supervisors for the years 2022 and 2023. This local law authorizes increases in the 2023 salaries for these officers, subject to the provisions of NYS Municipal Home Rule Law §24(2)(h).

SECTION 2: Board of Supervisors Salary Adjustment, 2023

The compensation of these county officers serving for the definite term for the year 2023 is hereby increased for 2023 in accordance with the following salary schedule of the Board of Supervisors:

Position	2022 Salary	2023
Supervisor	\$14,938.00	\$18,000.00
Chairman of the Board	\$11,906.00	\$14,347.00
Vice-Chairman of the Board	\$1,190.00	\$1,434.00
Budget Officer	\$1,190.00	\$1,434.00

SECTION 3: An incumbent holding a position described in this local law at any time during the period from January 1 of the year 2023, until the time when basic annual salaries are first paid pursuant to this local law for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent was entitled for such service and the compensation actually received therefor. Such lump sum payment shall be made as soon as practicable.

SECTION 4: All local laws and resolutions of the Board of Supervisors of Ontario County, to the extent that the same are inconsistent with this local law, are hereby superseded by this local law.

SECTION 5: This local law is adopted subject to a permissive referendum, and the Clerk is directed to publish notice of the same as required by law.

SECTION 6: This local law shall become effective in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

**COUNTY OF ONTARIO
LOCAL LAW NO. 8 (INTRO) OF 2022**

**“APPLYING THE MANAGEMENT COMPENSATION PROGRAM TO CERTAIN
COUNTY OFFICERS APPOINTED FOR DEFINITE TERMS FOR THE YEAR 2023”**

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

SECTION 1: Legislative Intent

The Ontario County Management Compensation Plan, adopted by this Board on December 20, 2001, and amended on October 27, 2022 is a schedule providing higher rates of compensation through additional increments of salary based on length of service, pursuant to NYS County Law §201. This local law authorizes certain increases for those officers appointed for definite terms for the year 2023, subject to the provisions of NYS Municipal Home Rule Law §24(2)(h).

SECTION 2: Salary Adjustments, 2023

The compensation of those county officers appointed for definite terms for the year 2023 is hereby increased above their compensation for 2023 in accordance with the terms and schedule of the Management Compensation Plan adopted on December 20, 2001, and annually amended thereafter, most recently on October 27, 2022.

SECTION 3: An incumbent holding a position described in this local law at any time during the period from January 1 of the year 2023, until the time when basic annual salaries are first paid pursuant to this local law for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent was entitled for such service and the compensation actually received therefor. Such lump sum payment shall be made as soon as practicable.

SECTION 4: All local laws and resolutions of the Board of Supervisors of Ontario County, to the extent that the same are inconsistent with this local law, are hereby superseded by this local law.

SECTION 5: This local law is adopted subject to a permissive referendum, and the Clerk is directed to publish notice of the same as required by law.

SECTION 6: This local law shall become effective in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

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

RESOLUTION NO. 648-2022
CAPITAL PROJECT NO. H085-2022
AUTHORIZATION TO CONTRACT FOR CONSULTANT SERVICES FOR
DEVELOPMENT OF THE 2023 FLCC FACILITIES MASTER PLAN
FLCC FACILITIES MASTER PLAN PROJECT

WHEREAS, Resolution No. 258-2022 created Capital Project No. H085-2022 as the FLCC Facilities Master Plan Update Project funded 50% by Ontario County and 50% by the State of New York; and

WHEREAS, The County Purchasing Office, using materials developed by FLCC and the County Director of Planning, released Request for Proposals R22064 for the Preparation of the FLCC 2023 Facilities Master Plan (the 'rfp'); and

WHEREAS, The firm of LaBella Associates, PC submitted a proposal in response to said rfp dated August 19, 2022 and a letter dated October 3, 2022 updating said proposal, a copy of both being on file with the Clerk of this Board; and

WHEREAS, The FLCC Facilities Master Plan Committee evaluated the five proposals received, interviewed three firms, and recommends retaining LaBella Associates, PC, as consultant; and

WHEREAS, Sufficient funds exists in the budget of Capital Project No. H085-22 to fund a contract with said firm; now, therefore, be it

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts the proposal from LaBella Associates, PC, 300 State St., STE 201, Rochester, New York 14614 dated August 19, 2022 as modified by their letter of October 3, 2022, to provide consultant services to prepare the 2023 FLCC Facilities Master Plan and authorizes and empowers the County Administrator to execute a contract with LaBella Associates, PC, in an amount not to exceed Two Hundred Thirty Five Thousand Five Hundred Dollars (\$235,500.00); and further

RESOLVED, That the cost of said consultant services shall be paid from line HHH08522 54260 Consultation & Professional of Capital Project No. H085-22; and further

RESOLVED, That the term of said contract commence on November 18, 2022, and terminate on January 31, 2024; 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 Two Hundred Fifty Thousand Dollars (\$250,000.00); and further

RESOLVED, That a certified copy of this resolution be sent to the Finance Department and LaBella Associates, PC, attention Mr. Jerry DeRomanis, by the Clerk of this Board.

Adopted.

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

**RESOLUTION NO. 649-2022
SETTING OF THE ORGANIZATIONAL MEETING FOR 2023**

BE IT RESOLVED, That the Organizational Meeting of the Board of Supervisors of Ontario County for the Year 2023 will be held at the 74 Ontario St., Board of Supervisors Chambers, Canandaigua, New York, on Thursday, the 5th day of January 2023, 4:30 P.M., for the organization of the Board and for such other business as may be presented to the Board at that meeting; and further

RESOLVED, That the Governmental Operations and Insurance Committee has reviewed and supports this action; and further

RESOLVED, That the Clerk of this Board shall forward the necessary, proper, and legal notice of the above meeting to all Supervisors, Department Heads, and designated

newspapers.

RESOLUTION NO. 650-2022
AUTHORITY TO NOTIFY CITIES OF CANANDAIGUA AND GENEVA
OF 2023 COUNTY TAX LEVY

WHEREAS, Section 999 of the NYS Real Property Tax Law requires the City of Geneva be annually notified by December 7th of its apportionment of the ensuing year's fiscal County property tax levy; and

WHEREAS, Adoption later than December 7th would violate the provisions of Section 999 of NYS Real Property Tax Law, as well as cause administrative hardship on the Cities of Canandaigua and Geneva; and

WHEREAS, It is the wish of the Ontario County Board of Supervisors to timely advise both cities in accordance with the Law and without causing undue hardship; now, therefore, be it

RESOLVED, That the Ontario County Agency for Real Property Tax Services provide the appropriate 2023 County property tax levy amounts to both cities, once the 2023 County Budget Levy has been adopted, prior to December 7, 2022; and that same be provided as advisory in nature; and further

RESOLVED, That said advisory levy amounts may be utilized by the two cities until such calendar 2022 date upon which the Ontario County Board of Supervisors shall ratify those amounts through resolution adoption; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Cities of Canandaigua and Geneva.

RESOLUTION NO. 651-2022
OFFICIALS DESIGNATED TO APPROVE
NYSRPTL CORRECTION OF ERRORS

WHEREAS, Chapter 515, Laws of 1997, Sections 554 and 556, New York State Real Property Tax law, have been amended to permit a tax levying body to authorize designated officials to approve correcting the tax roll and tax bill, and to authorize the payment of refunds less than \$1,500 (one thousand five hundred dollars) for correction of errors appearing on assessment and tax rolls; and

WHEREAS, Ontario County annually processes some 35-50 correction of errors resolutions causing related administrative effort and legislative action which can be minimized, resulting in time and cost savings; and

WHEREAS, The County Treasurer and the Director of Real Property Tax Services recommend that this amendment be adopted in order to make these corrections and/or refunds to the taxpayer erroneously assessed in a more timely and efficient fashion; now, therefore, be it

RESOLVED, That the County Treasurer and the Deputy County Treasurer are hereby designated pursuant to the provisions of Chapter 515, New York State Real Property Tax Law for the period beginning January 1, 2023; and be it further

RESOLVED, Also pursuant to Chapter 515, that on or before the 15th day of each month, the County Treasurer shall submit a report to the County Board of Supervisors of the corrections and refunds processed by him/her during the preceding month indicating the name of each recipient, the location of the property, and the amount of the correction or refund, and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to NYS-ORPTS/ Albany, NY.

**RESOLUTION NO. 652-2022
OVERAGES AND SHORTAGES FOR
LEVY AGAINST CERTAIN TOWNS IN 2023**

WHEREAS, There were overages and shortages of tax amounts billed and collected on the 2022 Tax Rolls due to rounding; now, therefore, be it

RESOLVED, That there is levied and assessed against the following names Towns the amount set opposite the name of said Town as its share of overage and shortages on previous tax rolls to be charged or credited against the various Towns of the County of Ontario on the 2023 Tax Rolls as follows:

TOWN	OVER (-)	SHORT +	COMBINED TOTALS
Bristol		0.10	0.10
Canadice		0.24	0.24
Canandaigua	(-800.76)		(-800.76)
East Bloomfield	(0.32)		(0.32)
Farmington		430.00	430.00
Geneva Town		0.14	0.14
Gorham	(0.03)	0.05	0.02
Hopewell	(0.35)		(0.35)
Manchester	(0.28)	0.77	0.49
Naples	(0.15)	0.10	(0.05)
Phelps	(0.22)		(0.22)
Richmond	(0.89)		(0.89)
Seneca		0.22	0.22
South Bristol	(0.56)		(0.56)

Victor	(8.80)	8.26	(0.54)
West Bloomfield		0.16	0.16
Town Totals	(812.36)	440.04	(372.32)

and further

RESOLVED, That the certified copies of this resolution be sent electronically by Clerk of this Board to each Town Supervisor.

**RESOLUTION NO. 653-2022
2023 TAX LEVY
FLINT CREEK SMALL WATERSHED PROTECTION DISTRICT**

WHEREAS, By Resolutions No. 616 of 1977 and No. 693 of 1978, this Board of Supervisors approved the establishment of the Flint Creek Small Watershed Protection District, pursuant to Article 5-D of the County Law; and

WHEREAS, The 2023 budget of the Flint Creek Small Watershed Protection District, approved by the Flint Creek Administrative Board on July 6, 2022, has been filed with the Clerk of this Board of Supervisors for inclusion in the 2023 Ontario County Budget, and a public hearing was duly held thereon; and

WHEREAS, Resolution No. 1-22 of the Flint Creek Administrative Board requested that Ontario County levy and collect assessments on their behalf against cleared and unclear acreage in the District, pursuant to paragraph 9 of the agreement between Yates and Ontario Counties, which agreement was approved by the Ontario County Board of Supervisors by Resolution No. 693 of 1978, in accordance with County Law 271; and

WHEREAS, The 2023 assessment roll for the Flint Creek Small Watershed Protection District has been filed with the Clerk of this Board; now, therefore, be it

RESOLVED, That the 2023 appropriation of \$4,920.75 be levied and assessed upon the property liable therefore, pursuant to the assessment roll filed with the Clerk of this Board for the fiscal year January 1, 2023, through December 31, 2023; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Flint Creek Small Watershed Protection District Administrative Board, % Edward Hansen, Jr., 3995 Old Mill Rd, Stanley, New York 14561.

The foregoing block of five resolutions was adopted.

Supervisor Richard Russell offered the following resolution and moved for its adoption, seconded by Supervisor Frederick Wille:

**RESOLUTION NO. 654-2022
AUTHORIZATION TO PAY FOR
DAMAGED VEHICLE REPLACEMENT COSTS**

WHEREAS, On September 12, 2022 an Ontario County Sheriff's Office vehicle sustained structural and unknown potential further damage, rendering the vehicle unlikely to be safe to drive if repaired; and

WHEREAS, The replacement cost of the vehicle is \$53,606.75; and

WHEREAS, Payment of claims in excess of \$20,000 require approval of the Ontario County Board of Supervisors (the "Board") (Res. 638-1986); and

WHEREAS, The Governmental Operations and Insurance Committee approved this on 11/9/2022 and recommends to the Board that it is in the best interests of Ontario County to proceed with the replacement of the damaged vehicle and to pay the costs associated therewith; and

WHEREAS, The Governmental Operations and Insurance Committee, Public Safety Committee and the Ways and Means Committee recommend adoption of this resolution; now, therefore, be it

RESOLVED, The Board hereby authorizes payment of the amount of \$53,606.75 for purposes of paying the cost to replace the damaged vehicle; and further

RESOLVED, that the following budget amendment be made to allow for the transaction to occur:

EXPENSES	LINE ITEM	AMOUNT
Interfund Revenue	AA3110 42801	+ 53,606.75
Vehicles	AA3110 52200	+ 53,606.75
Appropriated Fund Balance	MS30599	+ 53,606.75
Property Loss and Claims	MS193054430	+ 53,606.75

and further

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

RESOLVED, That the Chairman of the Board, or his designee, is hereby authorized to sign any authorization document necessary to effectuate payment as approved herein; and further

RESOLVED, That a certified copy of this resolution shall be transmitted by the Clerk of this Board to the County Attorney.

Adopted.

Supervisor Richard Russell offered the following resolution and moved for its adoption, seconded by Supervisor Frederick Wille:

RESOLUTION NO. 655-2022

**APPROVAL OF SALE OF PROPERTY LOCATED AT
10 CHAPIN STREET, CANANDAIGUA, NEW YORK
TO THE CITY OF CANANDAIGUA**

WHEREAS, On July 18, 1800, the County of Ontario, New York (the “County”) took title from Oliver Phelps and Nathaniel Gorham by deed, Liber 7 of Deeds at Page 16 to what is known as the “Public Square” within the City of Canandaigua; and

WHEREAS, Pursuant to Chapter 871 of the laws of 1964, the New York State Legislature authorized the County to “sell, lease, grant or convey the right, title and interest of such county...in and to that certain tract or parcel of land located in the city of Canandaigua...containing four hundred fifty-seven thousandths (0.457) acres more or less” (the “Property”); and

WHEREAS, The County adopted Local Law 2 of 1980 superseding the provisions of subdivision 6 of Section 215 of the County law in its application to the Property; and

WHEREAS, The City of Canandaigua, New York (the “City”) desires to own the Property; and

WHEREAS, The County desires to transfer the Property to the City; and

WHEREAS, The Governmental Operations and Insurance Committee has reviewed and recommends adoption of this resolution; now, therefore, be it

RESOLVED, That upon review and approval as to form by the County Attorney, the County Board of Supervisors hereby approves selling the Property to the City for the sum of one dollar (\$1.00); and further

RESOLVED, That the County Administrator is hereby authorized and empowered to execute the Purchase and Sale Agreement and any and all other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That if the sale of the Property pursuant to this resolution is determined to be in violation of the restrictions and condition subsequent in Liber 7 of Deeds Page 16, then such sale shall be absolutely void and of no effect whatsoever.

Adopted.

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

**RESOLUTION NO. 656-2022
AUTHORITY TO ESTABLISH CHARGES FOR FLU SHOTS
SEPTEMBER 1, 2022 – AUGUST 31, 2023 PUBLIC HEALTH**

WHEREAS, The Ontario County Public Health Department provides flu shots to community residents annually; and

WHEREAS, The costs for the vaccine and administration of these shots is reimbursable from certain insurance companies; and

WHEREAS, The Public Health Department is desirous of seeking reimbursement from insurance companies where possible; and

WHEREAS, It is necessary to establish a yearly departmental charge for the administration of these shots in order to bill for these services; and

WHEREAS, The Public Health Director and the Health and Human Services Committee recommend establishing these charges; now, therefore, be it

RESOLVED, That the following fees be established for the administration of the flu vaccine for the 2022-2023 flu season:

Vaccine	Service	Cost
Flu	Vaccine Administration	\$20.00
	Cost of Vaccine	\$20.00

and further

RESOLVED, That individuals without insurance will pay forty dollars, \$40.00, per table above.

**RESOLUTION NO. 657-2022
AMENDMENT TO
NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH)
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
CONTRACT #C35732GG (CFDA #93.994)**

WHEREAS, Resolution No. 461-2020 authorized a contract with The New York State Department of Health (“NYSDOH”) awarding Ontario County a five-year non-competitive contract in the amount of \$ 26,904/year (NYS Grants Gateway#: DOH01-C35732GG-3450000; NYS Contract #: C35732GG; CFDA# 93.994; MUNIS# G20024) for the period of October 1, 2020 through September 30, 2025 to continue providing the Children and Youth with Special Health Care Needs program; and

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

WHEREAS, NYSDOH has increased the yearly amount of \$26,904/year to \$62,806/year for the remainder of the five-year contract effective October 1, 2022, through September 30, 2025; and

WHEREAS, The funding for this contract was approved with the original County budget; and

WHEREAS, The Health and Human Services, and Ways and Means Committees have reviewed this request and recommend the contract amendment; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors does hereby accept the \$62,806 yearly amount from the New York State Department of Health, Corning Tower, Empire State Plaza, Albany, New York 12237 effective October 1, 2022 through September 30, 2025, with no additional County cost; and further

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

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

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

**RESOLUTION NO. 658-2022
AUTHORITY TO CANCEL UNCOLLECTIBLE DEBTS
ONTARIO COUNTY MENTAL HEALTH ~ 2021 and 2022**

WHEREAS, The Ontario County Department of Mental Health has provided services for residents of our community and have made multiple attempts to collect outstanding balances for services that were provided; and

WHEREAS, The pandemic brought changes to the way that services were rendered, as well as Wellcare Contract changes requiring preauthorization for telehealth services, resulting in denial of claims that were not re-submitted in a timely manner to the insurance company, which resulted in non-reimbursement of a total of \$7,427 for fiscal year 2021; and

WHEREAS, Worker's Comp claims in the amount of \$997 were not submitted to secondary insurance in a timely manner and the timeframe to submit these claims for payment to secondary insurance has passed these are now non-reimbursable for fiscal year 2019; and

WHEREAS, Balances for services rendered, which range in dates from 2014 through 2022, have remained on the accounts receivable ledger in the amounts of \$17,930.85 for 2021 and \$11,152.80 through the third quarter of 2022 and have now been determined to be uncollectible; and

Source	Time Period	Amount
Uncollectible Debt	2021	\$17,930.85
Uncollectible Debt	1 st QTR – 3 rd QTR 2022 (Year to Date)	\$11,152.80

Wellcare Insurance	2021	\$7,427.00
Workers Comp	2019	\$997.00
GRAND TOTAL		\$37,507.65

WHEREAS, The Health & Human Services Committee and the Ways & Means Committee have reviewed and are recommending that these unpaid balances be discharged; now, therefore, be it

RESOLVED, That said accounts totaling \$ 37,507.65 be, and hereby are, deemed uncollectible, and the Ontario County Mental Health Department is hereby authorized to remove the unpaid balances from its accounts receivable ledger; and further

RESOLVED, That the Ontario County Finance Department is authorized to make the necessary accounting and budget entries to affect the intent of this Resolution.

The foregoing block of three resolutions was adopted.

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

**RESOLUTION NO. 659-2022
AUTHORIZATION TO CONTRACT WITH
ROCHESTER – GENESEE REGIONAL TRANSPORTATION AUTHORITY
(RTS) FOR SENIOR TRANSPORTATION SERVICES**

WHEREAS, The Ontario County Office for the Aging has funding from the New York State Office for the Aging to provide transportation services for medical appointments, shopping and other essential appointments for Ontario County residents aged 60 or over who have no other means of transportation; and

WHEREAS, The Purchasing Department issued RFP (R21089) for the provision of transportation services to residents aged 60 or older; and

WHEREAS, The Office for the Aging deemed it to be in the best interest of the County to give the award to multiple providers to meet the diverse transportation needs of older adults and the Rochester - Genesee Regional Transportation Authority aka RTS, with offices at 1732 E. Main Street, Rochester, NY. 14609 was one of those providers; and

WHEREAS, The current award (R21089) expires on December 31, 2022, and both parties mutually agree to an additional 12-month renewal; and

WHEREAS, The funds for this contract have been allocated in the Office for the Aging 2023 budget; and

WHEREAS, The contractor will be reimbursed for services based on Schedule A which is attached to the agreement on file with the Clerk of this Board; and

WHEREAS, Reimbursement for all transportation providers including RTS will not exceed a total of \$48,886; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between the Office for the Aging and Rochester - Genesee Regional Transportation Authority (RTS) for the period of January 1, 2023 – December 31, 2023; and further

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

**RESOLUTION NO. 660-2022
AUTHORIZATION TO CONTRACT WITH WOOD LIBRARY**

WHEREAS, The County desires to enter into an agreement for computer training and education with the Wood Library, 134 North Main Street, Canandaigua, New York 14424 for people 60 years of age and older; and

WHEREAS, The Contractor will conduct hands-on or virtual basic or intermediary computer and technology instruction to older adults in Ontario County; and

WHEREAS, The total cost for the training and education will not exceed \$5,100.00; and

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

RESOLVED, That upon review and approval by the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between Wood Library and the Office for the Aging for the period covering January 1, 2023 – December 31, 2023; and further

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

**RESOLUTION NO. 661-2022
AUTHORIZATION TO CONTRACT WITH
LIFESPAN OF GREATER ROCHESTER, INC FOR
MOBILITY MANAGEMENT AND HOME MODIFICATION SERVICES**

WHEREAS, The New York State Office for the Aging has provided the Ontario County Office for the Aging with funding to address unmet needs of older adults in Ontario County; and

WHEREAS, The Ontario County Office for the Aging has determined that mobility management and home modification are unmet needs in Ontario County; and

WHEREAS, The Office for the Aging has determined that it is in the best interest of the County to contract with Lifespan of Greater Rochester, Inc, with offices at 1900 S. Clinton Avenue, Rochester, NY 14618 to provide these services; and

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

RESOLVED, That upon review and approval by the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between with Lifespan of Greater Rochester, Inc. at 1900 S. Clinton Avenue, Rochester, NY 14618, and the Office for the Aging for a fee not to exceed \$73,800; and further

RESOLVED, That this Board of Supervisors does hereby authorize a contract for the period January 1, 2023, to December 31, 2023; and further

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

The foregoing block of three resolutions was adopted.

Supervisor Mark Venuti offered the following nine resolutions as a block and moved for its adoption, seconded by Supervisor Christopher Vastola:

**RESOLUTION NO. 662-2022
REAPPOINTMENT TO THE ONTARIO COUNTY
FOUR SEASONS LOCAL DEVELOPMENT CORPORATION**

BE IT RESOLVED, That the following individuals are hereby reappointed as members of the Ontario County Four Season Local Development Corporation for three-year terms expiring on September 30, 2025:

Sherry Brahm-French Arbor Hill Grapery and Winery Explore Naples NY 6461 State Route 64 Naples NY	Edward C. Russ Kenyon Boylan Code 11 North Street Canandaigua NY	Sheryl Mordini 1795 Acorn Inn 4508 State Route 64 Canandaigua NY
---	---	---

and further

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

**RESOLUTION NO. 663-2022
APPOINTMENT TO THE ONTARIO COUNTY
FOUR SEASONS LOCAL DEVELOPMENT CORPORATION
DARREN HOLDEN**

November 17, 2022

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

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

Darren Holden
Hotel Canandaigua, Tapestry Collection by Hilton
205 Lakeshore Drive
Canandaigua NY 14424

to replace Steven Laros with a term that expired on September 30, 2022; now, therefore, be it

RESOLVED, That Darren Holden be appointed as a member of the Ontario County Four Seasons Local Development Corporation Board of Directors to fill the vacancy, term to expire on September 30, 2025; and further

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

RESOLUTION NO. 664-2022
APPOINTMENT OF NINA TILLMAN TO THE
ONTARIO COUNTY PLANNING BOARD

WHEREAS, The Phelps Town Board has recommended the appointment of Nina Tillman as the Town of Phelps representative to the Ontario County Planning Board; and

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

RESOLVED, That as of November 17, 2022 the following individual is appointed as a member of the Ontario County Planning Board:

Name	Representing	Term Expires
Nina Tillman	Town of Phelps	November 16, 2027

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, the Town of Phelps, and Nina Tillman.

RESOLUTION NO. 665-2022
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 original approved Intermunicipal Cooperation Agreement is November 13, 2019 to June 1, 2021; and

WHEREAS, The original term was extend to June 1, 2022 by Resolution No. 97-2021 due to the delay in initiating the project due to staff availability and the Covid-19 pandemic; and

WHEREAS, By memorandum dated April 27, 2022 that was presented on May 2, 2022 to the Planning and Environmental Quality Committee the Committee approved an extension of the contract to December 1, 2022 as provided for in Resolution No. 97-2021; and

WHEREAS, Ontario County Planning Department has delivered a consolidated Comprehensive Plan and EAF to the Town of Gorham; and

WHEREAS, The contract calls for assistance with the comprehensive plan adoption process; and

WHEREAS, More time is needed to complete the comprehensive plan adoption process; 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 March 1, 2023; 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.

**RESOLUTION NO. 666-2022
NO COST TIME EXTENSION OF CONTRACT WITH ONTARIO COUNTY
SOIL AND WATER CONSERVATION DISTRICT**

RELATED TO THE HEALTHY SOILS INITIATIVE

WHEREAS, The Ontario County Board of Supervisors adopted the Agricultural Enhancement Plan (Plan) for Ontario County pursuant to Resolution No. 204-2018; and

WHEREAS, The Ontario County Board of Supervisors provides financial resources for the Ontario County Agriculture Enhancement Board through the Ontario County Planning Department's budget to undertake projects to implement the recommendations of the Plan; and

WHEREAS, Resolution No. 639-2020 approved the contract and Resolution No. 443-2021 approved the contract amendment with Ontario County Soil and Water Conservation District (OCSWCD) to undertake a variety of activities related to the Healthy Soils Initiative for the amended total contract cost of \$5,500.00; and

WHEREAS, Due to issues related to the COVID-19 pandemic, OCSWCD has requested an additional six months to complete the project; and

WHEREAS, The Ontario County Agriculture Enhancement Board has reviewed the request and recommends a no cost time extension of the contract; and

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

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts the no cost time extension on file with the Clerk of this Board for the Ontario County Soil Water Conservation District, 480 North Main St, Canandaigua, NY 14424; and further

RESOLVED, That the term of this contract extension shall be from December 31, 2022 through June 30, 2023; and further

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

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

**RESOLUTION NO. 667-2022
ACCEPTANCE OF 2022-2023 NEW YORK STATE SNOWMOBILE TRAIL
DEVELOPMENT AND MAINTENANCE GRANT-IN-AID FUNDS**

WHEREAS, New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has awarded Ontario County a total of \$37,923 (OPHRP Project #: N/A;

CFDA#: N/A; MUNIS # G2228) for the purpose of supporting snowmobile trail development and maintenance in Ontario County; and

WHEREAS, The State of New York sets aside money from snowmobile registration fees annually for the purpose of awarding grants to counties for the establishment, improvement, and maintenance of snowmobile trails; and

WHEREAS, Ontario County applied to OPRHP for such grant-in-aid funds at the request of three snowmobile clubs within Ontario County for the 2022-2023 season; and

WHEREAS, Pursuant to Resolution No. 419-2022, the Ontario County Board of Supervisors determined that the proposed snowmobile trails will not result in any significant adverse environmental impacts, and in fact, will be a great benefit to the residents of Ontario County ensuring public protection and enjoyment; and

WHEREAS, Said grant-in-aid is a reimbursement grant, which provides pass through funds expenditures by Ontario County snowmobile clubs; and

WHEREAS, OPRHP will send a check for \$26,546.10 as a 70% advance payment for said grant; and

WHEREAS, The remaining 30% grant-in-aid amount of \$11,376.90 will be payable by OPRHP upon receipt of a voucher indicating that the full contract amount has been spent on snowmobile trails; and

WHEREAS, All grant-in-aid funds will be distributed to local snowmobile clubs for establishment, improvement, and maintenance of snowmobile trails; and

WHEREAS, Said grant-in-aid does not require any cash contribution from Ontario County; and

WHEREAS, The Ontario County Planning Department will provide in-kind services to support this grant in the manner of administration, geographic information system support, and technical assistance; and

WHEREAS, The Planning and Environmental Quality Committee and Ways and Means Committee have reviewed said grant-in-aid terms from OPRHP and recommends approval of same; now, therefore, be it

RESOLVED, That this Board does hereby accept said grant-in-aid from the OPRHP in the amount of \$37,923; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2022 Planning Department Budget as follows:

Account Number	Account Description	Amount
80202228 43889	State Aid, Other Culture	\$ 37,923
80202228 54260	Consultation & Professional	\$ 37,923

and further

RESOLVED, That any unspent and unencumbered appropriation be carried forward into future Planning Department budgets; and further

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts the contract with OPRHP and the snowmobile clubs within Ontario County to receive and disburse the grant-in-aid funds that is on file with the clerk of this Board; and further

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

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

**RESOLUTION NO. 668-2022
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 6 (INTRO.) OF 2022**

WHEREAS, There has been presented and introduced at a meeting of this Board held on November 17, 2022, a proposed local law entitled "A Local Law Providing For The Administration And Enforcement Of The New York State Uniform Fire Prevention And Building Code"; now, therefore, be it

RESOLVED, That a public hearing shall be held on December 8, 2022, at 6:30 P.M. at Board of Supervisors Chambers, 74 Ontario Street, Canandaigua, New York; and further

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

**RESOLUTION NO. 669-2022
RESOLUTION DECLARING DECEMBER 2022 AS
FAIR HOUSING MONTH IN THE COUNTY OF ONTARIO**

WHEREAS, The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS, The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits

recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS, The County of Ontario is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS, Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS, More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS, Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby declare the month of December 2022 as Fair Housing Month in the County of Ontario as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of the County of Ontario.

**RESOLUTION NO. 670-2022
AUTHORIZING NON-DISCLOSURE AGREEMENT WITH NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE FOR BROADBAND DATA**

WHEREAS, The County of Ontario desires to evaluate data assembled by the New York State Department of Public Service on areas of the County served, unserved, and underserved by broadband service; and

WHEREAS, The State Department of Public Service is willing to share such data with Ontario County under specific conditions laid out in a letter dated October 25, 2022 addressed to the County Director of Planning, a copy of which is on file with the clerk of this board, which include:

1. The data is considered confidential and cannot be disclosed to the public,
2. The data is not subject to release through a Freedom of Information Act request,
3. The data can be used by the County to determine if the County desires to contest the accuracy of the data with the State Department of Public Service,
4. The County may provide to an Internet Service Provider (ISP) a list of unserved and underserved addresses upon notification to the ISP that such information is confidential and should not be disseminated to the public,
5. The data must be kept in a limited access electronic data base with limited distribution within the County, and

6. The data cannot be shared with any other governmental agency outside of the County without first providing notice to the State Department of Public Service; and

WHEREAS, The Director of Planning has proposed to house said data on a single computer in the Planning Department in order to restrict dissemination; and

WHEREAS, The data can be used to develop an understanding of areas of the County that are unserved or underserved by broadband, determine if there is a need for expanding broadband availability and service within the County, and to develop a cost proposal with an ISP to expand broadband services in those unserved and underserved areas; now, therefore, be it

RESOLVED, That subject to the approval of the County Attorney as to form, the County said October 25, 2022 letter from the New York State Department of Public Service acknowledging the terms under which broadband data shall be provided to the Director of Planning; and further

RESOLVED, That this resolution take effect immediately.

The foregoing block of nine resolutions was adopted.

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

**RESOLUTION NO. 671-2022
AUTHORIZING CONTRACT WITH FINGER LAKES COMMUNICATION,
CO., INC. TO PROVIDE P25 COMPLIANT INTEROPERABLE
COMMUNICATIONS EQUIPMENT**

WHEREAS, Resolution No. 761-2018 granted authorization to accept a \$621,204.00 FY 2018 Statewide Interoperable Communications (SIC) Formula-Based Grant (Project SI18-1012-D00, Contract No. C198199; CFDA# n/a; MUNIS # G2225) from the New York State Division of Homeland Security and Emergency Services (NYSDHSES) for the purpose of improving interoperable radio communications throughout Ontario County and the surrounding region; and

WHEREAS, The term of said grant ends 12/31/2022; and

WHEREAS, Projects to be completed with 100% 2018 SIC Grant funding include 1) design and installation of a Microwave Link between Monroe and Ontario Counties and 2) acquisition and upgrade of P25 Compliant Interoperable Communications Equipment for use by Ontario County Office of Sheriff; and

WHEREAS, The cost of said Microwave Link project was less than originally budgeted in the 2018 SIG Grant; and

WHEREAS, NYSDHSES authorized a budget amendment to redirect \$180,589.02 in grant funds from the Microwave Link project to the P25 Compliant Interoperable Communications Equipment project; and

WHEREAS, Finger Lakes Communication, Co., Inc., 305 Clark Street, Auburn, NY 13021 is under contract with the County to monitor, install and maintain equipment in the County's P25 radio communications network per Resolution No. 474-2018; and

WHEREAS, Finger Lakes Communications has provided the following quotes based on NYS Contract PT68714 pricing totaling \$302,207.10 for P25 Compliant Interoperable Communications Equipment, attached hereto and on file with the Clerk of this Board:

Quote #	Description	Price
108000368	Portable gateway/repeater JPS	\$8,071.20
106020633	8 multi-key AEC encryption capable multi-band mobile radios	\$62,118.08
106020634	6 non-encrypted multi-band XL-200 portable radios	\$30,987.72
106020635	4 six-bay bank chargers	\$2,595.52
106020785	34 multi-key AES encrypted XL-200P multi-band portable radios	\$194,084.58
108000375	40 Spare batteries	\$4,350.00
TOTAL		\$302,207.10

and

WHEREAS, The Director of Purchasing has reviewed Contract PT68714 and found it to be current and valid; and

WHEREAS, Sufficient funding exists in 2018 SIC Grant Account 30202225 52550 Communications Equipment; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts Finger Lakes Communication Co. Inc. aforesaid quotes totaling \$302,207.10 and authorizes the County Administrator to execute a contract with Finger Lakes Communication, Co. Inc. for purchase of P25 Compliant Interoperable Communications Equipment at a cost of \$302,207.10; and further

RESOLVED, That the term of the contract will be November 18, 2022 to December 31, 2022; 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 Public Safety 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; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department and Mr. Grant Reade, President, Finger Lakes Communications, Co., Inc., grant@fingerlakescomm.com.

RESOLUTION NO. 672-2022
AUTHORIZATION TO ACCEPT DISTRIBUTION 13 GRANT
FROM THE OFFICE OF INDIGENT LEGAL SERVICES
OFFICE OF CONFLICT DEFENDER

WHEREAS, The Office of Indigent Legal Services, A. E. Smith Office Building, 11th Floor, 80 Swan Street, Albany, NY 12210, has made funding available in the amount of \$271,911 (\$90,637 per year) from the State of New York Office of Indigent Legal Services (ILS), for the Distribution 13 Grant, Contract No. C130032 Grant, for a term of January 1, 2023, through December 31, 2025; and

WHEREAS, The Ontario County Conflict Defender’s Office will use these funds to continue partially funding the full-time First Assistant Conflict Defender previously funded by ILS Distributions 4, 7 and 10 over a three (3) year period with no county match requirement; and

WHEREAS, This grant does not fully fund this position; and

WHEREAS, The county funded portion of this position will be budgeted through the annual budget process; with the 2023 budgeted cost being \$76,078; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this request and recommend the acceptance of the grant and proposed budget; now, therefore, be it

RESOLVED, That the following budget is hereby approved for the first grant year, with unused portions flowing into future years:

To:		Revenue	Appropriation
C1062220 43025	Distribution 13 Grant	\$90,637.00	
C1062220 51500	Full Time Salary		\$60,000.00
C1062220 54131	Cell Phone Reimbursement		\$250.00
C1062220 58010	NYS Employee Retirement		\$8,700.00
C1062220 58020	Social Security		\$3,950.00
C1062220 58021	Medicare		\$900.00
C1062220 58060	Cafeteria Plan Allowance		\$15,745.00
C1062220 58067	Dental Insurance		\$200.00
C1062220 58075	Health Reimbursement Account		\$892.00

and further

RESOLVED, That upon review and approval by the County Attorney as to form; the

Board of Supervisors hereby approves a contract with the New York State Office of Indigent Legal Services for a term of January 1, 2023 through December 31, 2025; 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 or their designee be, and hereby is, authorized and empowered to execute the agreement with NYS Office of Indigent Legal Services and all other documents necessary to effectuate the purposes of this resolution; and further

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

**RESOLUTION NO. 673-2022
ACCEPTANCE OF CONTRACT WITH FLACRA
FOR SUBSTANCE ABUSE EVALUATIONS AND
REFERRALS OF INMATES - PUBLIC DEFENDER - 2023**

WHEREAS, The Office of Indigent Legal Services has made non-competitive funding available for the Distribution 6 and Distribution 8 Grants to counties in New York State; and

WHEREAS, Part of this grant includes funding for substance abuse evaluations and referrals of inmates at the Ontario County Jail who are seeking release while their cases are pending that are referred by the Public Defender; who also are clients of the Ontario County Public Defender or Assigned Counsel Program; and

WHEREAS, Finger Lakes Area Counseling and Recovery Agency (FLACRA), 28 East Main Street, Clifton Springs, NY 14432 has proposed to provide such services for a fee of sixty dollars (\$60.00) per evaluation, with an additional thirty dollars (\$30.00) for referrals to programs outside FLACRA; and

WHEREAS, Sufficient funding for this contract exists within the budget for this Indigent Legal Services grant; and

WHEREAS, The Public Safety Committee has approved a contract period commencing January 1, 2023, and terminating December 31, 2023; 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 with fees established on the Schedule "A" of the contract; and further

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

and further

RESOLVED, That the contract period shall commence January 1, 2023, and terminate December 31, 2023.

**RESOLUTION NO. 674-2022
ACCEPTANCE OF CONTRACT WITH
FINGER LAKES AREA COUNSELING AND RECOVERY AGENCY FOR
EXPANDED DRUG TREATMENT COURT SERVICES
PUBLIC DEFENDER 2023**

WHEREAS, Ontario County has been awarded a competitive grant from the Substance Abuse and Mental Health Services Administration (“SAHMSA”) to improve, enhance, and expand Ontario County’s Drug Treatment Court; and

WHEREAS, Part of the grant awarded to Ontario County includes funding to retain Finger Lakes Area Counseling and Recovery Agency (FLACRA), located at 28 East Main Street, Clifton Springs, NY 14432, to create, staff, and maintain a treatment and meeting group for graduates of the Finger Lakes Drug Treatment Court, and provide peer support services to current and former participants; and

WHEREAS, FLACRA has agreed to provide such services for an amount not to exceed \$85,000 annually, including personnel costs and all related costs; and

WHEREAS, The Public Safety Committee has approved a contract period commencing January 1, 2023, and terminating December 31, 2023; 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 to create, staff, and maintain a treatment and meeting group for graduates of the Finger Lakes Drug Treatment Court, and provide peer support services to current and former participants at a cost not to exceed \$85,000 annually; and further

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

RESOLVED, That the contract period shall commence January 1, 2023, and terminate December 31, 2023.

The foregoing block of four resolutions was adopted.

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

**RESOLUTION NO. 675-2022
ACCEPTANCE OF CONTRACT
WITH JOHN F. FINN INSTITUTE FOR PUBLIC SAFETY, INC.**

PUBLIC DEFENDER 2023

WHEREAS, Ontario County has been awarded a competitive grant from the Substance Abuse and Mental Health Services Administration ("SAMHSA") to improve, enhance, and expand Ontario County's Drug Treatment Court; and

WHEREAS, Part of the grant awarded to Ontario County includes funding to retain John F. Finn Institute for Public Safety, Inc. ("Finn Institute"), located at 421 New Karner Road, Suite 12, Albany, NY 12205 to provide data collection evaluation; program process and performance evaluation, and quality improvement facilitation services for the SAMHSA-funded Finger Lakes Drug Treatment Court Enhancement Project; and

WHEREAS, The Finn Institute has agreed to provide such services for an amount not to exceed \$30,000 in any grant contract year, or \$ 60,000 annually, including personnel costs and all related costs; and

WHEREAS, This contract is on file with the Clerk of the Board's Office; and

WHEREAS, The Public Safety Committee has approved a contract period commencing January 1, 2023, and terminating December 31, 2023; 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 Finn Institute to provide data collection evaluation; program process and performance evaluation, and quality improvement facilitation services for the SAMHSA-funded Finger Lakes Drug Treatment Court Enhancement Project at a cost not to exceed \$30,000 in any grant contract year, or \$60,000 annually; and further

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

RESOLVED, That the contract period shall commence January 1, 2023, and terminate December 31, 2023.

**RESOLUTION NO. 676-2022
ACCEPTANCE OF CONTRACT WITH
CATHOLIC CHARITIES OF THE FINGER LAKES
PUBLIC DEFENDER - 2023**

WHEREAS, Ontario County has been awarded a competitive grant from the Substance Abuse and Mental Health Services Administration ("SAHMSA") to improve, enhance, and expand Ontario County's Drug Treatment Court; and

WHEREAS, Part of the grant awarded to Ontario County includes funding to retain Catholic Charities of the Finger Lakes, located at 94 Exchange Street, Geneva, New York, 14456, to provide personnel to assist the Treatment Court Coordinator with

administrative work, drug screening, participant monitoring, and peer support; and

WHEREAS, Catholic Charities of the Finger Lakes has agreed to provide such services for an amount not to exceed \$241,333 annually, including personnel costs and all related costs; and

WHEREAS, The Public Safety Committee has approved a contract period commencing January 1, 2023, and terminating December 31, 2023; 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 Catholic Charities of the Finger Lakes at a cost not to exceed \$241,333 annually; and further

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

RESOLVED, That the contract period shall commence January 1, 2023, and terminate December 31, 2023.

**RESOLUTION NO. 677-2022
ACCEPTANCE OF FUNDS FROM
THE OFFICE OF CHILDREN AND FAMILY SERVICES (OCFS) FOR
SUPERVISION AND TREATMENT SERVICES
FOR JUVENILES PROGRAM (STSJP)
PROBATION DEPARTMENT 2022-2023**

WHEREAS, The Office of Children and Family Services (OCFS) provides an allocation to offset 62% of costs related to the detention of juveniles up to \$96,839.62; and

WHEREAS, Ontario County’s cost for maintaining a detention facility for 2020 was \$825,724 and

WHEREAS, Ontario County will no longer maintain a detention facility effective 12/31/2020; and

WHEREAS, allocated funds from the state not used for detention can be redirected to offset 62% of costs up to \$96,839.62 for alternatives to detention and placement of juveniles (STSJP) instead; and

WHEREAS, The County is responsible for 38% of the cost up to \$60,676.52; and

WHEREAS, The Public Safety Committee and the Ways and Means Committee has approved the acceptance of funds; now, therefore, be it

RESOLVED, That the following budget be established, with unused portions flowing into future years:

		Revenue	Appropriation
31402223 43389	State Aid, Other Public Safety	\$ 96,839.62	

31402223 54260	Consultation and Professional		\$157,516.14
ZZ 30599	Appropriated Fund Balance	\$60,676.52	
TOTAL:		\$157,516.14	\$157,516.14

and further

RESOLVED, That upon review and approval by the County Attorney as to form; the Board of Supervisors hereby approves the acceptance of funds; and further

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

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

**RESOLUTION NO. 678-2022
AUTHORIZATION TO CONTRACT WITH
REINTEGRATION MENTAL HEALTH COUNSELING
FOR SEX OFFENDER EVALUATIONS, RISK ASSESSMENTS
AND GROUPS FOR PROBATION 2023**

WHEREAS, Ontario County Probation Department would like to contract with Reintegration Mental Health Counseling to provide services which will evaluate and assess the risk level and treatment needs of sex offenders; and

WHEREAS, Reintegration Mental Health Counseling will provide these evaluations and assessments to the Probation Department at a rate of \$200.00 per evaluation; and

WHEREAS, Funding for the services are included in the 2023 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, this Board of Supervisors authorizes the County Administrator to execute a contract covering the period of January 1, 2023 through December 31, 2023, with Reintegration Mental Health Counseling to provide said services outlined in the Schedule A for an amount not to exceed \$6000; and further

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

The foregoing block of four resolutions was adopted.

Supervisor Robert Green offered the following two resolutions as a block and moved for its adoption, seconded by Supervisor James Petropoulos:

RESOLUTION NO. 679-2022

**ACCEPTANCE OF GRANT FROM
EMERGENCY MANAGEMENT PREPAREDNESS GRANT PROGRAM
(EMPG FY22 ~ CFDA # 97.042)
ONTARIO COUNTY EMERGENCY MANAGEMENT OFFICE**

WHEREAS, Ontario County has been awarded a grant of \$ 45,698.00 from the New York State Division of Homeland Security and Emergency Services (DHSES) through the FY22 Emergency Management Preparedness Grant Program (EMPG) (DHSES Project # EM22-1004-D00, Pending Contract #, MUNIS# G2230; CFDA Number 97.042) for the purpose of updating its Comprehensive Emergency Management Plan; and

WHEREAS, This grant requires a County match equal to the grant allotment which is met with the utilization of funding provided for two full time positions that currently exist within the department; and

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

WHEREAS, The contract period extends from October 1, 2021 through September 30, 2024; and

WHEREAS, The Public Safety and Ways and Means Committees recommend acceptance of this grant; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby approves a contract with the New York State Division of Homeland Security and Emergency Services (DHSES), Harriman Office Campus, 1220 Washington Avenue, Building 7A, Fl 7, Albany, NY 12242, for a term of October 1, 2021 through September 30, 2024 for the purpose of updating its Comprehensive Emergency Management Plan at a cost not to exceed \$ 45,698 and to be matched with the utilization of County funding provided for two full time positions that currently exist within the department; and further

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

RESOLVED, That the County Administrator is authorized to sign the FY22 Emergency Management Preparedness Grant (EMPG) agreement with the New York State Division of Homeland Security and Emergency Services, and all other documents necessary to effectuate the purposes of this resolution; and further

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

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

To	Description	Revenue	Appropriation
36452230 - 44389	Homeland Security Grant Revenue	+ \$ 45,698	
36452230 - 54260	Consultation		+ \$ 45,698
	Total:	+ \$ 45,698	+ \$ 45,698

and further

RESOLVED, That a certified copy of this resolution be emailed to the Ontario County Office of Emergency Management.

**RESOLUTION NO. 680-2022
ACCEPTANCE OF STATE HOMELAND SECURITY PROGRAM GRANT
(SHSP FY22 ~ CFDA # 97.067)
EMERGENCY MANAGEMENT OFFICE**

WHEREAS, Ontario County has been awarded a grant of \$170,714.00 from the New York State Division of Homeland Security and Emergency Services (DHSES) through the FY22 State Homeland Security Program (SHSP) (DHSES Project # SH22-1005-D00, Contract # C190156; MUNIS# G2229; CFDA Number 97.067) for the purpose of purchasing various DHSES approved equipment and services purchases; and

WHEREAS, This grant award covers equipment and services for three Ontario County Departments and combines three New York State Grant programs into a single Program, addressing four required Federal Emergency Management Administration (FEMA) National Priority Areas and two locally determined projects; and

WHEREAS, This award provides \$ 39,025 toward the to provide Emergency Operations Center annual software sustainment and maintenance costs incurred by the Emergency Management Office for use of DisasterLAN, Weatherbug, Crisis Track, and FireMobile systems in order to meet the State Homeland Security Program Enhancing Emergency Management and Response Grant Program Objective; and

WHEREAS, This award provides \$ 8,536 to address the required Intelligence and Information Sharing FEMA National Priority Area through the acquisition of License Plate Readers by the Ontario County Sheriff's Office; and

WHEREAS, This award provides \$8,542 to address the required Soft Targets/Crowded Places FEMA National Priority Area through the use of Ontario County Sheriff's Office operational overtime to provide counter-terrorism patrols during mass gathering events in and around Ontario County; and

WHEREAS, This award provides \$ 34,141 toward the Ontario County Sheriff’s Office to acquire an Side Scan Sonar System in order to meet the State Homeland Security Program’s Strengthening Counter-Terrorism/Law Enforcement Capability Grant Program Objective; and

WHEREAS, This award provides \$69,470 for Consultation services to update the Comprehensive Emergency Management Plan; and

WHEREAS, This award provides \$11,000 to purchase alerting software to enhance notifications beyond voice paging; and

WHEREAS, The grant contract period extends from September 1, 2022 through August 31, 2025; and

WHEREAS, The Public Safety, and Ways and Means Committees have reviewed this item and recommend acceptance of this grant; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors, hereby approves a contract with the New York State Division of Homeland Security and Emergency Services (DHSES), Harriman Office Campus, 1220 Washington Avenue, Building 7A Fl 7, Albany, NY 12226, for a term of September 1, 2022 through August 31, 2025 for the purpose of purchasing approved security and response equipment and services at a cost not to exceed \$ 170,714; 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 is authorized to sign the FY22 State Homeland Security Program grant agreement with the New York State Division of Homeland Security and Emergency Services, and all other documents necessary to effectuate the purposes of this resolution; and further

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

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

Public Safety Communications:

Account	Description	Revenue	Appropriatio
---------	-------------	---------	--------------

			n
30202229-44389	Homeland Security Grant Revenue	+ \$ 11,000	
30202229-54621	Software		+ \$ 11,000
TOTAL:		+ \$ 11,000	+ \$ 11,000

Emergency Management Office Projects:

Account	Description	Revenue	Appropriation
36452229-44389	Homeland Security Grant Revenue	+ \$ 108,495	
36452229-54260	Consultants / Professionals		+ 69,470
36452229-54621	Software		+ \$ 39,025
TOTAL:		+ \$ 108,495	+ \$ 108,495

Sheriff's Office Projects:

Account	Description	Revenue	Appropriation
31102229-44389	Homeland Security Grant Revenue	+ \$ 51,219	
31102229-51920	Overtime		+ \$ 8,542
31102229-52500	Equipment, Law Enforcement		+ \$ 42,677
TOTAL:		+ \$ 51,219	+ \$ 51,219

GRAND TOTAL:	+ \$ 170,714	+ \$ 170,714
--------------	--------------	--------------

and further

RESOLVED, That a certified copy of this resolution be sent to the Ontario County Sheriff's Office and the Emergency Management Office.

The foregoing block of two resolutions was adopted.

Supervisor Robert Green offered the following thirteen resolutions as a block and moved for its adoption, seconded by Supervisor Todd Campbell:

**RESOLUTION NO. 681-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES
WITH THE TOWN OF BRISTOL 2023**

WHEREAS, The Town of Bristol has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Bristol; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Bristol for the provision of enhanced court security services in that jurisdiction not to exceed \$2,307 for the term of approximately 5 hours per month for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Bristol for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Bristol and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 682-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF CANANDAIGUA - 2023**

WHEREAS, The Town of Canandaigua has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Canandaigua; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Canandaigua for the provision of enhanced court security services in that jurisdiction not to exceed \$13,000 for approximately 11 hours per month for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Canandaigua for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Canandaigua and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 683-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF EAST BLOOMFIELD - 2023**

WHEREAS, The Town of East Bloomfield has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of East Bloomfield; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of East Bloomfield for the provision of enhanced court security services in that jurisdiction not to exceed \$7,500 for the term of approximately 12 hours per month for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of East Bloomfield for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of East Bloomfield and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 684-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF FARMINGTON - 2023**

WHEREAS, The Town of Farmington has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Farmington; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Farmington for the provision of enhanced court security services in that jurisdiction not to exceed \$15,000 and approximately 22 hours per month for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Farmington for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Farmington and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 685-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF GORHAM - 2023**

WHEREAS, The Town of Gorham has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Gorham; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Gorham for the provision of enhanced court security services in that jurisdiction not to exceed \$19,997 for the term of approximately 10 hours per week for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Gorham for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Gorham and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 686-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF RICHMOND - 2023**

WHEREAS, The Town of Richmond has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Richmond; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Richmond for the provision of enhanced court security services in that jurisdiction not to exceed \$7,000 for the term of approximately 3 hours per week for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Richmond for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Richmond and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 687-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF VICTOR - 2023**

WHEREAS, The Town of Victor has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Victor; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Victor for the provision of enhanced court security services in that jurisdiction not to exceed \$29,995 for approximately 15 hours per week for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Victor for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Victor and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 688-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF WEST BLOOMFIELD - 2023**

WHEREAS, The Town of West Bloomfield has determined there is a need for enhanced court security services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of West Bloomfield; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of West Bloomfield for the provision of enhanced court security services in that jurisdiction not to exceed \$15,997 for the term of approximately 8 hours per week for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of West Bloomfield for enhanced court security services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of West Bloomfield and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 689-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED LAW ENFORCEMENT SERVICES WITH
THE TOWN OF CANANDAIGUA - 2023**

WHEREAS, The Town of Canandaigua has determined there is a need for enhanced law enforcement services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower and expertise to perform such services with Part-Time County Police Officers for the Town of Canandaigua; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Canandaigua for the provision of enhanced law enforcement services in that jurisdiction not to exceed \$29,000 for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Canandaigua for enhanced law enforcement services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Canandaigua and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 690-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED LAW ENFORCEMENT SERVICES WITH
THE TOWN OF FARMINGTON - 2023**

WHEREAS, The Town of Farmington has determined there is a need for enhanced law enforcement services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Farmington; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Farmington for the provision of enhanced law enforcement services in that jurisdiction not to exceed \$15,000 for the term of January 1, 2023 through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Farmington for enhanced law enforcement services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Farmington and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 691-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED LAW ENFORCEMENT SERVICES WITH
THE TOWN OF GENEVA - 2023**

WHEREAS, The Town of Geneva has determined there is a need for enhanced law enforcement services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower, and expertise to perform such services with Part-Time County Police Officers for the Town of Geneva; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Geneva for the provision of enhanced law enforcement services in that jurisdiction not to exceed \$20,000 for the term of January 1, 2023, through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Geneva for enhanced law enforcement services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Geneva and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 692-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED LAW ENFORCEMENT SERVICES WITH
THE TOWN OF SOUTH BRISTOL - 2023**

WHEREAS, The Town of South Bristol has determined there is a need for enhanced law enforcement services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower and expertise to perform such services with Part-Time County Police Officers for the Town of South Bristol; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario Count Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of South Bristol for the provision of enhanced law enforcement services in that jurisdiction not to exceed \$10,000 for the term of approximately fifteen (15) hours per week from April 1, 2023, through October 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of South Bristol for enhanced law enforcement services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of South Bristol and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 693-2022
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED LAW ENFORCEMENT SERVICES WITH
THE TOWN OF VICTOR - 2023**

WHEREAS, The Town of Victor has determined there is a need for enhanced law enforcement services within its jurisdiction; and

WHEREAS, The Ontario County Sheriff's Office is capable of providing the requisite manpower and expertise to perform such services with Part-Time County Police Officers for the Town of Victor; and

WHEREAS, The Public Safety Committee has reviewed the matter and recommends authorization to enter into an intermunicipal cooperation agreement for the provision of such services; now, therefore, be it

RESOLVED, That the Ontario County Sheriff's Office is authorized and empowered to enter into an intermunicipal cooperation agreement with the Town of Victor for the provision of enhanced law enforcement services in that jurisdiction not to exceed \$25,400 for the term of January 1, 2023 through December 31, 2023; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with the Town of Victor for enhanced law enforcement services; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with the Town of Victor and all other documents necessary to effectuate the purposes of this resolution.

The foregoing block of thirteen resolutions was adopted.

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

RESOLUTION NO. 694-2022
AUTHORIZATION FOR EDUCATION AFFILIATION AGREEMENT WITH
KEUKA COLLEGE 2023

WHEREAS, Keuka College desires to provide clinical fieldwork educational experiences for mental health professionals; and

WHEREAS, Ontario County Sheriff's Office is willing to provide clinical educational experiences for the students; and

WHEREAS, This agreement does not involve financial compensation to or from any of the parties; and

WHEREAS, The Ontario County Sheriff and the Public Safety Committee recommend approval of this agreement; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves an Education Affiliation Agreement with Keuka College for a term of January 1, 2023 through December 31, 2023; and further

RESOLVED, That the County Administrator is hereby authorized and empowered to execute this agreement for the period of January 1, 2023 through December 31, 2023.

**RESOLUTION NO. 695-2022
APPROVAL OF CONTRACT AMENDMENT WITH
FINGER LAKES COMMUNICATION CO., INC. FOR
PROVISION OF RADIO COMMUNICATIONS EQUIPMENT
AT SOUTH BRISTOL TOWER SITE**

WHEREAS, Ontario County owns and operates an Emergency Communications System based on L3 Harris equipment components at 18 tower sites leased or owned by Ontario County and the County's 9-1-1 Center, all linked together by a microwave and fiber optic cable system in a ring configuration; and

WHEREAS, Resolution No. 474-2018 authorized an agreement with Finger Lakes Communication Co., Inc., 305 Clark Street, Auburn, NY 13021 to provide monitoring, maintenance, and repair of County's Emergency Communications System as an authorized L3 Harris equipment and service shop; and

WHEREAS, Resolution No. 784-2011 authorized an Antenna Site Agreement with SBA Towers II, LLC for deployment of County radio and microwave equipment on an existing tower located at 5701 South Hill Road in the Town of South Bristol (hereinafter Site); and

WHEREAS, Said tower collapsed on May 26, 2021 through no fault of the County, severely damaging County radio equipment; and

WHEREAS, Resolution No. 575-2021 authorized an agreement with Finger Lakes Communications, Co., Inc., in the amount of Thirty-Eight Thousand Eight Hundred Eighty-Six Dollars and Eight Cents (\$38,886.08) to deploy a microwave link on a temporary basis on a second tower at the Site owned by SBA Towers II, Inc. until the collapsed tower was rebuilt; and

WHEREAS, SBA Towers II, LLC has completed construction of the rebuilt tower; and

WHEREAS, Finger Lakes Communication, Co., Inc. has installed the temporary microwave equipment and provided Quote #108000370 dated October 3, 2022 in the amount of Eighty Two Thousand Nine Hundred Eighty Four Dollars and Eighty Nine Cents (\$82,984.89) for equipment and labor needed to reestablish the permanent microwave link on the rebuilt tower, attached hereto and on file with the Clerk of this Board; and

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

RESOLVED, That the following budget transfer is hereby approved:

Line	Description	Revenue	Appropriation
AA30511 BR300	Appropriated Reserve– Wireless 911 Surcharge	\$82,984.89+	
AAC300 52550	Equipment – Signal/Communication		\$82,984.89+

and further

RESOLVED, Upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts Quote #108000370 from Finger Lakes Communication Co., Inc. to provide the permanent Radio Communications System microwave link in the County's leased tower space at the South Bristol Site for a total amended contract amount not to exceed One Hundred Twenty One Thousand Eight Hundred and Seventy Dollars and Ninety-Seven Cents (\$121,870.97 = \$38,886.08 + \$82,984.89), and hereby authorizes the County Administrator to execute an amended contract with said firm for said services and said amount; and further

RESOLVED, That the contract term shall be extended to commence on June 2, 2022 and terminate on June 30, 2023; 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 Department of Finance is authorized to make all necessary budgetary and accounting entries to effectuate the intent of this resolution; and further

RESOLVED, That copies of this resolution be sent via email by the Clerk of this Board to Mr. Grant Reade, Finger Lakes Communication, Co., Inc., 305 Clark Street, Auburn, NY 13021, grant@fingerlakescomm.com

RESOLUTION NO. 696-2022
AUTHORITY TO SIGN AGREEMENTS FOR
HOUSING OUT-OF-COUNTY INCARCERATED INDIVIDUALS AT
THE ONTARIO COUNTY CORRECTIONAL FACILITY AND
HOUSING ONTARIO COUNTY INCARCERATED INDIVIDUALS IN
CORRECTIONAL FACILITIES OUTSIDE ONTARIO COUNTY - 2023

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

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

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

WHEREAS, Agreements for the housing of such incarcerated individuals shall be filed with the Clerk of the Board of Supervisors; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Sheriff and the Ontario County Administrator be, and hereby are authorized to execute said housing in and out agreements for the term of January 1, 2023 through December 31, 2023 and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the rate of incarcerated individuals to be housed in the Ontario County Correctional Facility shall be set for the term of January 1, 2023, through December 31, 2023 at \$100 per day plus any medical expenses incurred while housed in the Ontario County Correctional Facility; and further

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

The foregoing block of three resolutions was adopted.

Supervisor Peter Ingalsbe offered the following nine resolutions as a block and moved for its adoption, seconded by Supervisor Louis Guard:

RESOLUTION NO. 697-2022
CAPITAL PROJECT NO. H057-19
AUTHORIZATION TO CONTRACT WITH LAKE COUNTY LOGGING
FOR HAZARDOUS TREE REMOVAL AT FLCC MAIN CAMPUS
2019 FLCC MAINTENANCE CAPITAL PROJECT

WHEREAS, Resolution No. 360-2019 established Capital Project No. H057-19 as the 2019 FLCC Maintenance Capital Project; and

WHEREAS, Said project includes funding for site work and repair at Finger Lakes Community College (FLCC); and

WHEREAS, FLCC staff has identified sixty-eight trees that pose as potential hazards for hikers on the trails throughout the FLCC Main Campus property; and

WHEREAS, FLCC contacted several tree removal companies, including the Ontario County bid holder for care and removal of trees, some companies did not want to visit the site and provide a quote, and others did not want to quote the job because the work involved is within the woodlots; and

WHEREAS, Lake Country Logging LLC., 3662 Lake to Lake Rd., Stanley, NY 14561, provided a quote to fell said trees for a total contract amount of Ten Thousand Dollars (\$10,000), a copy of which is on file with the Clerk of this Board; and

WHEREAS, Sufficient funds exist in the budget of the 2019 FLCC Maintenance Capital Project to fund this work; and

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

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts the quote from Lake Country Logging LLC., 3662 Lake to Lake Rd., Stanley, NY 14561 to fell 68 trees on the trails at FLCC Main Campus in the amount of Ten Thousand Dollars (\$10,000.00) and authorizes and empowers the County Administrator to execute a contract with said vendor for said service for said amount; and further

RESOLVED, That the term of said contract shall commence on November 18, 2022, and terminate on January 31, 2023; and further

RESOLVED, That the cost of said contract shall be paid from line HH H057 19 54491 – General Construction of Capital Project H057-19; and further

RESOLVED, That the Department of Finance is authorized to make all necessary budgetary and accounting entries to effect the intent of this resolution for a total project budget of One Million Two Hundred Seventy-Nine Thousand Dollars (\$1,279,000.00); and further

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

RESOLUTION NO. 698-2022
CAPITAL PROJECT NO. H068-20
AUTHORIZATION TO CONTRACT FOR
ADDITIONAL TABLES AND CHAIRS
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, Sufficient funds are available in this capital project to purchase the necessary furniture and equipment to operate the facility after construction is complete; and

WHEREAS, KI, 1330 Bellevue Street, Green Bay, WI 54302, submitted quote #22LMZ-605194/C dated October 12, 2022, for the purchase, delivery and installation of additional chairs and high-top tables in the amount of Three Thousand Nine Hundred Thirty Dollars and Twenty-Three Cents (\$3,930.23) per NYS Contract PC68367, a copy of which is on file with the Clerk of this Board; and

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

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby accepts quote #22LMZ-605194/C and authorizes and empowers the County Administrator to execute a contract with KI for the purchase of additional chairs and high-top tables for an amount not to exceed Three Thousand Nine Hundred Thirty Dollars and Twenty-Three Cents (\$3,930.23); and further

RESOLVED, That the term of said contract shall commence on November 18, 2022, and terminate on November 17, 2023; and further

RESOLVED, That the cost of said contracts be paid from budget line HHH06820 52100 – Furniture and Furnishings 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 Seven Million Two Hundred Thirty-Two Thousand Two Hundred Seventy-Eight Dollars (\$7,232,278.00); and further

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

RESOLUTION NO. 699-2022
AUTHORIZE INCREASE IN POSTAGE METER FUNDS

WHEREAS, The County maintains a postage meter for metering County mail as well as mailings done for other municipalities and school districts; and

WHEREAS, The current limit on the postage meter is set at \$38,000; and

WHEREAS, Due to the increase in the volume of mail metered, staff is requesting this limit be increased to \$50,000; and

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

RESOLVED, That the limit of the postage meter be increased from \$38,000 to \$50,000.

**RESOLUTION NO. 700-2022
AUTHORIZE CUSTOMER AGREEMENT WITH
UPS UNDER SOURCEWELL CONTRACT #090121-UPS**

WHEREAS, The County has the need for overnight and ground delivery of mail and packages; and

WHEREAS, The existing agreement between UPS and the State of New York has expired; and

WHEREAS, Department of Public Works staff recommends entering into an agreement with UPS under Sourcewell Contract #090121-UPS in order to gain access to discounted pricing for express courier, overnight & ground delivery logistics services; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves an agreement with UPS for the procurement of express courier, overnight and ground delivery logistics services under Sourcewell Contract #090121-UPS; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said agreement with UPS and all other documents necessary to effectuate the purposes of this resolution.

**RESOLUTION NO. 701-2022
AUTHORIZE AGREEMENT WITH
THE TOWN OF HOPEWELL FOR SALT STORAGE**

WHEREAS, The Town of Hopewell offers its facilities for the storage of county salt used in snow and ice control at county facilities and parking lots in Canandaigua and Hopewell; and

WHEREAS, Resolution No. 559-2020 authorized an agreement with the Town of Hopewell for County salt storage at the Town highway facility and said agreement expires November 15, 2022; and

WHEREAS, This service to the County is vital in maintaining a convenient location to store salt and avoids the County having to build its own facilities; and

WHEREAS, The Town of Hopewell has agreed to provide salt storage for a cost of \$2,000 per year; and

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

RESOLVED, That the Town of Hopewell be paid \$2,000 per year for said salt storage; and further

RESOLVED, That the contract shall start on November 16, 2022, and expire on November 15, 2024; and further

RESOLVED, That upon review and approval of the County Attorney as to form, the Ontario County Board of Supervisors hereby approves an agreement with the Town of Hopewell for salt storage; and further

RESOLVED, The County Administrator is authorized to sign the agreement and any other documents necessary to effectuate the purpose of this resolution.

**RESOLUTION NO. 702-2022
AUTHORIZE CONTRACT FOR LIGHTING CONTROL REPLACEMENT AT
ONTARIO COUNTY JAIL TO DIGITRONIK LABS, INC.**

WHEREAS, Ontario County has identified the need to replace the existing lighting controls at Ontario County Jail; and

WHEREAS, The 2022 Capital Improvement Plan includes sufficient funding for the replacement; and

WHEREAS, The Ontario County Purchasing Department solicited proposals for RFP (R22073) For Lighting Control Replacement at Ontario County Jail and two proposals were received; and

WHEREAS, Upon review of the responses, it has been determined that Digitronik Labs, Inc. was the apparent lowest responsive, responsible reply to the RFP, with a price of \$49,775.45; and

WHEREAS, Ontario County Public Works and Buildings & Grounds has reviewed the contractors' responses and believe that it would be in the best interests of Ontario County to contract with Digitronik Labs, Inc. for the design, build and replacement of the lighting controls at Ontario County Jail; and

WHEREAS, The total cost is estimated to be \$52,275.45 which includes a contingency of \$2,500.00; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Ontario County Board of Supervisors hereby authorizes the contract with Digitronik Labs, Inc., not to exceed \$49,775.45; and further

RESOLVED, That the contract shall commence on November 21, 2022, and will expire on June 30, 2023; 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 Public Works Committee; and further

RESOLVED, That the Commissioner of Public Works is authorized to make necessary adjustments 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 County Administrator be, and hereby is, authorized and empowered to execute the Agreement with Digitronik Labs, Inc., and all other documents necessary to effectuate the purposes of this resolution; 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 Digitronik Labs, Inc. care of Shawn Mott at email address shawn@digitroniklabs.com.

**RESOLUTION NO. 703-2022
RENEWAL OF BID (B21001) FOR
MAINTENANCE AND REPAIR OF CHILLERS**

WHEREAS, Resolution No. 70-2021 awarded bid (B21001) for the maintenance and repair of chillers, per tabulation sheets on file with the Clerk of this Board; and

WHEREAS, Resolution No. 651-2021 renewed said Bid for the period of January 28, 2022 through January 27, 2023; and

WHEREAS, Monroe Piping and Sheet Metal, LLC has agreed to renew the current pricing for maintenance and repair of chillers for an additional twelve (12) months with an increase of 8.2% which is within the CPI limits of the bid; and

WHEREAS, The Public Works Committee has reviewed and accepts the bid renewal proposal; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby authorizes the renewal of Bid (B21001) for the Maintenance and Repair of Chillers with an 8.2% increase which is within the CPI limits to Monroe Piping and Sheet Metal, LLC, 68 Humboldt Street, Rochester, New York 14609 from January 28, 2023 to January 27, 2024; and further

RESOLVED, That certified copies of this resolution be sent by Clerk of this Board to Monroe Piping and Sheet Metal, LLC.

**RESOLUTION NO. 704-2022
AUTHORIZING EXECUTION OF INTER-MUNICIPAL AGREEMENT
WITH ONTARIO-WAYNE STORMWATER COALITION MEMBERS**

WHEREAS, Resolution No. 823-2017 authorized entering into an inter-municipal agreement with Ontario-Wayne Stormwater Coalition members; and

WHEREAS, Phase II Federal stormwater regulations require that all regulated municipal separate storm sewer system (MS4) operators comply with the SPDES General Permit for Stormwater Discharges authorized by the New York State Department of Environmental Conservation; and

WHEREAS, The Ontario County Highway Department, being a regulated MS4 operator, must develop and implement a stormwater management program; and

WHEREAS, It is desirable that the Ontario County Highway Department work in cooperation with Ontario-Wayne Stormwater Coalition members towards compliance with Phase II stormwater regulations; and

WHEREAS, Funds are included in the County Road Fund Budget; and

WHEREAS, The Public Works Committee has reviewed this proposal and approves of entering into said agreement and paying the annual membership fee; 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 Ontario-Wayne Stormwater Coalition members, 480 North Main Street, Canandaigua, NY 14424, at a rate not to exceed \$30,000 (\$5,000 per year for 5 years); and further

RESOLVED, That the agreement shall cover the period of February 1, 2023, and through January 31, 2028; and further

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

RESOLVED, That certified copy of this resolution be sent to Ontario County Soil &

Water Conservation District, 480 North Main Street, Canandaigua, NY 14424 by the Clerk of this Board.

**RESOLUTION NO. 705-2022
RENEWAL OF BID (B21078) FOR COLLISION/REPAIR SERVICE**

WHEREAS, Resolution No. 501-2021 awarded bid (B21078) for Automotive Collision/Repair Services; and

WHEREAS, Ruggles World of Auto Body, 2187 Rt. 21 North, Canandaigua N.Y. 14424 has agreed to a 12-month renewal at the current price structure; and

WHEREAS, After review by the Ontario County Parts and Service Manager, the Purchasing Department has deemed it to be in the County's best interest to renew this bid with Ruggles World of Auto Body; and

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

RESOLVED, That said renewal be effective from December 3, 2022 to December 2, 2023; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Ruggles World of Auto Body.

The foregoing block of nine resolutions was adopted.

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

**RESOLUTION NO. 706-2022
AUTHORIZATION TO ACCEPT DONATION OF A
PARK BENCH AT GRIMES GLEN**

WHEREAS, Kory Yerkes, an Ontario County resident, and her coworkers at the Brighton Public Library would like to donate a park bench to be installed in Grimes Glen at no cost to Ontario County; and

WHEREAS, The park bench is being donated in memory of their coworker, Matt Everett, a longtime patron of Grimes Glen; and

WHEREAS, Ontario County desires to accept said donation; and

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

RESOLVED, That Ontario County be authorized and empowered to accept a donation from Kory Yerkes and her coworkers at the Brighton Public Library of a park bench to commemorate their coworker, Matt Everett's fondness of Grimes Glen; and

further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to Kory Yerkes, 2680 Cooley Rd., Canandaigua, NY 14424

Adopted. Supervisor David Baker wished to go on record as voting no.

Supervisor Baker provided comments on why he voted no noting he would like to see Grimes Glen revert back to its original state. Supervisor Hicks provided comments in response stating she believes Grimes Glen became a place to go during covid and that it is a location that comes up on the phone app for places to hike and has become a popular place to hike.

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

**RESOLUTION NO. 707-2022
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 7 (INTRO.) 2022**

WHEREAS, There has been introduced at a meeting of this Board held on November 17, 2022, a proposed local law entitled “A Local Law To Increase the Salaries for the Board of Supervisors for the Year 2023”; now, therefore, be it

RESOLVED, That a public hearing shall be held on December 8, 2022, at 6:30 P.M. at 74 Ontario Street, Canandaigua, New York and via WebEx at <https://ontariocountyny.webex.com>; 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.

**RESOLUTION NO. 708-2022
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 8 (INTRO.) 2022**

WHEREAS, There has been introduced at a meeting of this Board held on November 17, 2022, a proposed local law entitled “A Local Law Applying the Management Compensation Program to Certain County Officers Appointed for Definite Terms for the Year 2023”; now, therefore, be it

RESOLVED, That a public hearing shall be held on December 8, 2022, at 6:30 P.M. at 74 Ontario Street, Canandaigua, New York and via WebEx at <https://ontariocountyny.webex.com>; 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.

The foregoing block of two resolutions was adopted.

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

**RESOLUTION NO. 709-2022
ABOLISH RECYCLING EQUIPMENT OPERATOR POSITION AND
CREATE MOTOR EQUIPMENT OPERATOR II POSITION**

WHEREAS, Ms. Carla Jordan, Director of Sustainability and Solid Waste Management has requested that one (1) position of Recycling Equipment Operator be abolished when it is no longer protected for the previous incumbent and one (1) position of Motor Equipment Operator II be created; and

WHEREAS, The Director of Human Resources has classified one (1) position of Motor Equipment Operator II by Personnel Officer Classification Certification No.85-2022; and

WHEREAS, The Management Compensation Plan Committee and the Ways and Means Committee recommend the positions be created and abolished as requested; and

WHEREAS, Sufficient funds exist within Sustainability and Solid Waste Management's Budget for these position changes; now, therefore, be it

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

- a. The abolishment of one (1) Recycling Equipment Operator position (#3125001) when it is no longer protected for the previous incumbent; and
- b. The creation of one (1) position of Motor Equipment Operator II (Grade HH3) effective upon adoption; and
- c. That the new Motor Equipment Operator II position may be filled immediately; and further be it

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

**RESOLUTION NO. 710-2022
SALARY ADJUSTMENT – JOHN FALBO**

WHEREAS, Mr. John Falbo has served as the Undersheriff under Sheriff Philip Povero since November 21, 2021; and

WHEREAS, Sheriff Philip Povero has recommended a step adjustment for John Falbo when he returns to his previously held Chief Deputy Sheriff position (Band 5) on January 1, 2023 to Step 7 (\$122,454/yr.); and

WHEREAS, The Ways and Means Committee has reviewed and approved the step adjustment for Mr. Falbo when he is returned to his previously held position of Chief Deputy Sheriff, effective January 1, 2023; and

WHEREAS, Sufficient funding exists within the Office of Sheriff's budget for this step adjustment; now, therefore, be it

RESOLVED, That the rate of pay for John Falbo when he returns to the Chief Deputy Sheriff position be set at Band 5, Step 7 (\$122,454/yr.); effective January 1, 2023; and further

RESOLVED, That the Department of Finance shall be authorized to make the necessary budgetary and accounting entries to meet the intent of this resolution.

The foregoing block of two resolutions as adopted.

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

**RESOLUTION NO. 711-2022
COLLECTION AND DISBURSEMENT OF
PENALTIES ASSESSED PER RPTL §480-A**

WHEREAS, Ms. Margaret Dutton, whose mailing address is 6107 St Rt 15A, Springwater, NY 14560, owns property in the Town of Canadice, as tax map 180.00-1-39.110, located at 6397 S Old Bald Hill Rd, which has been enrolled in the Forestry Program per Real Property Tax Law §480-a; and

WHEREAS, 4.0 acres of forest were voluntarily removed from the program, and a violation has been issued by NYSDEC; and

WHEREAS, Penalties and interest have been calculated per RPTL §480-a(7)(c), and Ms. Dutton has been notified in writing; and

WHEREAS, This resolution has been reviewed by the Governmental Operations Committee and the Ways and Means Committee; now, therefore, be it

RESOLVED, That pursuant to Real Property Tax Law §480-(7)(f), the Clerk of this Board is hereby authorized and directed to levy the amount of penalties and interest in the

amount of \$5,593.79 to tax map 180.00-1-39.110 on the 2023 Tax Rolls for the town of Canadice; and further

RESOLVED, That upon settlement of Town and County Taxes with the town of Canadice, the Ontario County Treasurer will submit proof of payment to NYS DEC; and further

RESOLVED, That upon such notice, the Ontario County Treasurer will disburse the penalties and interest so collected as follows:

County General Fund	\$1,466.11
Town of Canadice	\$656.82
Honeoye Central School	\$3,470.86

and further

RESOLVED, That the Clerk of this Board send certified copy of this resolution to the Treasurer, Director of Real Property Tax Service, County Clerk and Supervisor for the Town of Canadice.

Adopted.

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

RESOLUTION NO. 712-2022
APPROVAL OF THE 2023 – 2028 CAPITAL IMPROVEMENT PLAN

WHEREAS, The Ontario County Board of Supervisors previously did review the contents of the proposed 2023 - 2028 Capital Improvement Plan (CIP) as on file with the Clerk of this Board; and

WHEREAS, A Public Hearing regarding the same was duly held at 6:30 p.m. on November 17, 2022, at the Supervisors’ Chambers, 74 Ontario Street, Canandaigua, New York in accordance with notice of such hearing, duly posted and published as required by law; and

WHEREAS, In accordance with the process adopted by this Board in Resolution No. 201-99, the Board of Supervisors wishes to endorse the entire six year CIP; and

WHEREAS, The Board of Supervisors wishes to highlight the projects scheduled to be undertaken in the first year of the CIP, known as the Program Budget, to emphasize the integration of the CIP and the annual budget processes by citing the year 2023 projects and listing the funding sources as follows:

Project	Capital Improvement		2023	2023
Number			Project Cost	Tax Levy
	BUILDING AND MAINTENANCE:			
	Courthouse:			

B06-03	Large Interior Painting	Tax	\$20,013	\$20,013
		Other Agency	\$4,988	
B03-04	Heating System Upgrade	Tax	\$384,240	\$384,240
		Other Agency	\$95,760	
B01-23	SAM Grant Design Services	Tax	\$56,035	\$56,035
		Other Agency	\$13,965	
B01-17	Carpet - Judges Chambers, Courtroom	Other Agency	\$75,000	
B02-22	Basement Wall Restoration & Flooring	Tax	\$30,419	\$30,419
		Other Agency	\$7,581	
B03-23	Balustrade Repair	Tax	\$40,025	\$40,025
		Other Agency	\$9,975	
	20 Ontario Street:			
B05-18	Fire Alarm Upgrades	Tax	\$80,000	\$80,000
B06-22	Retaining Wall Brick Removal/Restoration	Tax	\$50,000	\$50,000
B07-22	Public Defenders Office Reception Window	Tax	\$7,000	\$7,000
	Safety Training:			
B09-22	Overhead Door Replacement	Tax	\$6,500	\$6,500
B11-22	Parking Lot Repair	Tax	\$20,000	\$20,000
	DPW Building:			
B06-11	DPW Roof PM	Tax	\$2,000	\$2,000
B02-12	Overhead Door Replacement/Repair	Tax	\$4,000	\$4,000
B13-20	Common/Public Area Updates	Tax	\$18,000	\$18,000
	Arc Ontario :			
B37-17	General Building Repairs	Tax	\$20,000	\$20,000
	3019 County Complex Drive:			
B11-18	Fire Alarm Upgrade	Tax	\$50,000	\$50,000
B09-23	Masonry Repairs	Tax	\$20,000	\$20,000
	83 Seneca:			
B16-17	Exterior Painting	Tax	\$15,000	\$15,000
B18-22	Window Replacement	Tax	\$12,000	\$12,000
	Jail Facility:			
B03-08	General Building Upgrades	Tax	\$30,000	\$30,000
B20-22	Medical Iso Cell Modifications	Tax	\$13,000	\$13,000
B07-12	Replace VCT floors	Tax	\$62,500	\$62,500
		Capital Project	\$70,000	

B09-16	Lock Preventive Maintenance	Tax	\$10,000	\$10,000
B20-18	Interior Painting/Carpeting/General Finish Upgrades	Tax	\$50,000	\$50,000
B04-21	Security Improvements	Tax	\$20,000	\$20,000
B22-22	Exterior Wall Water Proofing to Pods	Tax	\$50,000	\$50,000
B23-22	Scissor Lift Replacement	Tax	\$18,000	\$18,000
	CTC Building:			
B21-14	Parking Lot Sealing/Crack Filling	Tax	\$20,000	\$20,000
		Other Agency	\$20,000	
B11-23	HVAC Improvements	Tax	\$40,000	\$40,000
		Other Agency	\$40,000	
B21-18	In Floor Heat Boiler	Tax	\$6,000	\$6,000
		Other Agency	\$6,000	
B09-19	Roof PM	Tax	\$4,250	\$4,250
		Other Agency	\$4,250	
	Records & Archives:			
B30-22	Humidity Control	Tax	\$25,000	\$25,000
	3059 - Storage Building:			
B27-17	Storage Racks	Tax	\$3,000	\$3,000
	Tower Sites:			
B21-20	Site & Tower Maintenance	Tax	\$15,000	\$15,000
B22-20	UPS Battery Replacement at 18 Tower Sites	Tax	\$47,000	\$47,000
	County-Wide:			
B14-23	HVAC Systems Evaluation & Air Quality Imp	Tax	\$25,000	\$25,000
B11-16	Building Envelope & System Updates	Tax	\$20,000	\$20,000
B30-17	Building Energy Upgrades/Energy Audit/Lighting Upgrades	Tax	\$10,000	\$10,000
B31-17	Masonry Repair	Tax	\$30,000	\$30,000
B32-17	Elevator Improvements/Replacements	Tax	\$300,000	\$300,000
B35-17	Parking Lot Sealing, Marking, Repair, Lighting	Tax	\$30,000	\$30,000
B36-17	General Painting	Tax	\$50,000	\$50,000
B24-18	ADA Compliance/Sidewalk	Tax	\$10,000	\$10,000
B14-19	Flooring Replacement	Tax	\$50,000	\$50,000
B23-20	Conference Room Furniture/Technology	Tax	\$20,000	\$20,000

	Total Buildings and Maintenance		\$2,141,500	\$1,793,982
	COUNTY PARKS:			
CP10-03	Septic Service/Water lines - Gannett Hill	Tax	\$25,000	\$25,000
CP25-20	Update Park Master Plan - Gannett Hill	Tax	\$20,000	\$20,000
		Grant	\$20,000	
	Update Park Master Plan - Grimes Glen	Tax	\$20,000	\$20,000
		Grant	\$20,000	
CP22-55	Caretaker House & Garage Renovation-Gannett	Tax	\$15,000	\$15,000
CP01-21	Overlook Rail, Wall, Deck & Shelter Rehab - Gannett Hill	Tax	\$5,000	\$5,000
CP02-21	Wilson Lodge Upgrade - Gannett Hill	Tax	\$20,000	\$20,000
	Watkins Lodge Upgrade - Gannett Hill	Tax	\$15,000	\$15,000
CP04-21	Grimes Glen Sewer Extension to Village - Reserve	Tax	\$30,000	\$30,000
CP26-20	Canandaigua Lake Park Improvements - Ontario Beach	Tax	\$268,204	\$268,204
CP15-03	Cabins/Support Infrastructure - Gannett	Tax	\$40,000	\$40,000
CP16-03	Roadwork & Parking Lot Repaving & Sealing - Gannett & Grimes Glen	Tax	\$30,000	\$30,000
CP01-13	Lakefront/Beach/Lifeguard Station Improvements	Tax	\$5,000	\$5,000
CP01-14	Pavilion Rehab- Roof & Structure -Bathroom	Tax	\$10,000	\$10,000
	Total County Parks		\$543,204	\$503,204
	FINGER LAKES COMMUNITY COLLEGE:			
FLCC-2023	Capital Maintenance	Tax	\$750,000	\$750,000
		State	\$750,000	
FLCC01-23	FLCC Nursing Expansion - Phase II	Tax	\$555,000	\$555,000
		State	\$555,000	
FLCC02-23	Hemlock Hall	Other Agency	\$200,000	
		State	\$200,000	
FLCC04-23	CMAC- Concrete Stair & Sidewalk	Tax	\$20,000	\$20,000
		State	\$20,000	
	Total FLCC		\$3,050,000	\$1,325,000

	FLEET MANAGEMENT:			
FM01-03	Fleet Replacements - Non-Highway	Tax	\$1,370,917	\$1,370,917
		Sewer	\$75,642	
FM02-03	Fleet Replacements - Highway	Tax	\$546,751	\$546,751
		Eq. Rsv	(\$50,000)	
	Total Fleet		\$1,943,310	\$1,917,668
	HIGHWAY SAFETY:			
HS29-20	CR 4 & CR 20 Intersection Improvement	Tax	\$89,975	\$89,975
		Federal	\$3,239,100	
		State	\$269,925	
HS01-21	Material Purchases for Guide Rail Updates	CHIPS	\$50,000	
	Total Highway Safety		\$3,649,000	\$89,975
	BRIDGES:			
BR02-17	Tileyard Road Bridge at Flint Creek	Tax	\$91,050	\$91,050
		Federal	\$1,456,800	
		State	\$273,150	
BR07-03	Advance Design Services	Tax	\$20,000	\$20,000
	Total Bridges		\$1,841,000	\$111,050
	HIGHWAY IMPROVEMENTS:			
HR7-03	Advance Design Services	Tax	\$175,000	\$175,000
R01-17	CR 25 Rehabilitation Phase 1	Tax	\$894,037	\$894,037
		CHIPS	\$2,618,963	
R03-22	CR 22 Preventive Maintenance	Tax	\$705	\$705
		Federal	\$11,280	
		State	\$2,115	
R04-22	CR 8 Preventive Maintenance	Tax	\$6,300	\$6,300
		Federal	\$98,700	
		State	\$18,500	
R35-20	CR 28 Preventive Maintenance	CHIPS	\$380,000	
	Total Highway Improvements		\$4,205,600	\$1,076,042
	HIGHWAY CULVERTS:			
R40-20	Replace & Rehabilitate Culverts - CR 12 Culvert 35 & PM/Rehab of other culverts	CHIPS	\$673,455	
R41-20	Replace & Rehabilitate	Tax	\$1,173,455	\$1,173,455

	Culverts - CR 8 Culverts & PM/Rehab of other culverts			
		CHIPS	\$326,545	
	Total Highway Culverts		\$2,173,455	\$1,173,455
	SEWER DISTRICTS			
	Canandaigua Lake Sewer District:			
S04-05	Engineering Future Years Projects	Sewer	\$200,000	
S01-06	Sewer Investigations & Repairs	Sewer	\$25,000	
S01-14	SCADA System Installation	Sewer	\$2,000,000	
S2-21	Pump Station Roof Replacements	Sewer	\$25,000	
S3-21	Pump Station Generator Improvements	Sewer	\$100,000	
	Honeoye Lake Sewer District:			
S11-05	Engineering Future Years Projects	Sewer	\$60,000	
S15-04	Sewer Investigations and Repairs	Sewer	\$50,000	
S01-23	Pump Station/Generator Upgrades	Sewer	\$100,000	
	Total Sewer Districts		\$2,560,000	\$0
	MAJOR CONSTRUCTION & RENOVATION:			
CR02-07	Building 3010 Renovation	Reserve	\$10,245,000	
CR01-23	Courthouse Roof & Dome Repair/Replacement	Reserve	\$400,250	
		Other Agency	\$99,750	
CR03-22	ADA Compliance Renovations	Tax	\$100,000	\$100,000
HMP1-04	Hopewell Master Plan Improvements	Tax	\$200,000	\$200,000
CR01-14	Burn Building	Tax	\$90,000	\$90,000
CR02-19	County Wide Equipment Cold Storage			
	Sheriff Storage Building & Yard	Tax	\$225,000	\$225,000
	Total Major Construction & Renovation		\$11,360,000	\$615,000
	MAJOR EQUIPMENT SYSTEMS:			
EQ08-04	Aerial/Digital Imaging (Rsv Contribution)	Tax	\$70,000	\$70,000

EQ01-23	IS-Surveillance Camera Replacements	Tax	\$75,000	\$75,000
EQ02-23	IS- Electronic Content Management	Reserve	\$311,567	
EQ05-21	Major Equipment Replacement - Jail	Tax	\$23,000	\$23,000
EQ03-23	RAIMS-Movable Shelving for Archival Vault	Tax	\$75,000	\$75,000
EQ04-23	BOE-Poll Pad Software & Hardware	Grant	\$171,438	
EQ05-23	Treasurer & Real Property - Software Update	Tax	\$65,000	\$65,000
EQ02-21	Body Cameras & Tasers (5 Yr Lease)	Tax	\$122,318	\$122,318
EQ06-20	911-Telephone System Update (Reserve)	Tax	\$430,000	\$430,000
EQ04-19	Radio Network Equipment - Update of Core Operating System Platform	Tax	\$1,080,000	\$1,080,000
		Grant	\$1,100,000	
EQ07-17	Radio Control Consoles	Tax	\$215,000	\$215,000
EQ05-20	GPS Replacements at Tower Sites	Grant	\$120,000	
	Total Major Equipment Systems		\$3,858,323	\$2,155,318
	GRAND TOTAL		\$37,325,392	\$10,760,693

WHEREAS, The writing and adoption of the CIP does not in itself create an environmental impact and does not constitute the final approval to proceed with the specific projects listed herein; and the Board of Supervisors will direct that, prior to projects receiving funding and prior to the start of any construction, they shall be subject to review under the State Environmental Quality Review Act; now, therefore, be it

RESOLVED, That this Capital Improvement Plan 2023 – 2028 is hereby approved by this Board of Supervisors; and further

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

Adopted.

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

**RESOLUTION NO. 713-2022
ADOPTION OF COUNTY BUDGET FOR YEAR 2023**

WHEREAS, The Tentative County Budget for the year 2023 has been duly presented to this Board of Supervisors by the Budget Officer, and a duly advertised Public Hearing has been had thereon; and

WHEREAS, This Board of Supervisors has requested specific changes to the Tentative County Budget originally proposed by the Budget Officer; now, therefore, be it

RESOLVED, That the Tentative Budget be amended by the following:

Department	Account Number	Account Name	Amount
Probation	AA3140 51950	Position Changes	+ 22,245.00
Probation	AA3140 41589	Oth. Public Safety Depart. Inc.	+ 5,000.00
Public Safety Communications	AA3020 51950	Position Changes	+ 1,769.00
Office of Sheriff	AA3110 42260	Public Safety Services - Oth. Govt.	+ 80,032.00
Office of Sheriff	AA3110 51950	Position Changes	+ 8,560.00
Office of Sheriff	AA3110 51955	Budgetary Adjustments	+ 558,663.00
Office of Sheriff - CIP	AA311099 52200	Equipment Automotive -	+ 39,000.00
Jail	AA3150 51955	Budgetary Adjustments	+ 86,167.00
Jail	AA3150 51950	Position Changes	+ 14,266.00
Correctional Healthcare	AAC302 51950	Position Changes	+ 9,879.00
District Attorney	AA1165 51950	Position Changes	+ 82,227.00
Public Defender	AA1170 51950	Position Changes	+ 19,784.00
Board of Supervisors	AA1010 51950	Position Changes	+ 73,719.00
Mental Health Clinic	AAC400 51950	Position Changes	+ 27,412.00
Assess. On County Property	AA1950 54080	Taxes/Assessments	+ 5,000.00
Team Agencies	AAC101 54880	Ontario County Tourism	+ 225,000.00
Budget	AA1340 59023	Transfer to Reserve	- 225,000.00
Net Impact to General Fund Appropriated Fund Balance			+ 863,659.00

and further

RESOLVED, That Fund Balance be appropriated to cover the increase in the budget as itemized above bringing the total General Fund Appropriated Fund Balance for the 2023 budget to \$6,583,659; and further

RESOLVED, That pursuant to Section 360 of the County Law, the Amended Tentative Budget be, and it hereby is, adopted as the budget of Ontario County for the year 2023.

RESOLUTION NO. 714-2022
APPROPRIATION TO CONDUCT COUNTY GOVERNMENT
FISCAL YEAR 2023

WHEREAS, This Board of Supervisors on November 17, 2022, adopted a budget for the fiscal year 2023; now, therefore, be it

RESOLVED, That the amount of the appropriation to be covered by property tax \$74,114,234, be levied and assessed upon the property of the county liable therefore for the fiscal year beginning January 1, 2023.

The foregoing block of two resolutions was adopted.

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

RESOLUTION NO. 715-2022
TRANSFER OF FUNDS - 2022 COUNTY BUDGET
UNIFIED COURT AND SOCIAL SERVICES

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:

2022 Budget	EXPENSES	REVENUES	NET DIFFERENC E
Unified Court			
Full Time Hourly	AA3150 51700		50,000.00
Full Time Hourly	AAC301 51700		100,000.00
Full Time Hourly	AA1162 51700		(150,000.00)
Full Time Hourly	AA1162 51700		125,000.00
Part Time Hourly	AA1162 51800		(35,000.00)
Longevity	AA1162 51923		4,500.00
Shift Differential	AA1162 51926		15.00
Employees Retirement System	AA1162 58010		(5,766.00)
Employees Retirement System	AA1162 58011		30,000.00
FICA	AA1162 58020		15,500.00
Medicare	AA1162 58021		3,500.00
Cafeteria Plan Allowance	AA1162 58060		(25,000.00)
401a County Contribution	AA1162 58070		800.00

Health Reimbursement Account	AA1162 58075		4,386.00
Unified Court Revenue		AA1162 43089	117,935.00
Department of Social Services			
Supplies Computer Related	AAF200 54620 F0130		(11,000.00)
Equipment	AAF010 52050 F0160		2,850.00
Equipment	AAF070 52050 F0160		2,850.00
Equipment	AAF040 52050 F0160		5,300.00

and further

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.

Chairman Jack Marren called up the laid over Resolution No. 617-2022 entitled "Resolutions of Recognition and Appreciation – Glen Wilkes"

Supervisor Andrew Wickham offered the following resolution and moved for its adoption, seconded by Supervisor David Phillips on October 27, 2022.

**RESOLUTION NO. 617-2022
RESOLUTION OF RECOGNITION AND APPRECIATION
GLEN WILKES**

WHEREAS, Resolution No. 99-1966 created the Ontario County Planning Board to perform key roles in the continuing planning, development, and management of important agricultural and natural resources of Ontario County; and

WHEREAS, Pursuant to Resolution No. 519-1983 Mr. Wilkes served faithfully for 39 years as a member of the Ontario County Planning Board; and

WHEREAS, Mr. Wilkes's service as a member of the Ontario County Planning Board has been voluntary and without remuneration; and

WHEREAS, The Ontario County Planning Board and the Town of Phelps continue to rely on dedicated citizen volunteers like Mr. Wilkes to help make decisions regarding Ontario County Planning policy and community development; now, therefore, be it

RESOLVED, That this Board does hereby recognize the experience, dedication, and years of exemplary work rendered by Mr. Wilkes as a member of the County Planning Board

and to the County; and further

RESOLVED, That Ontario County Board of Supervisors does hereby extend its sincere thanks and appreciation to Mr. Wilkes for his years of service; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the County Planning Board, the Town of Phelps, and to Glen Wilkes.

Adopted.

Mr. Harvey recognized Mr. Wilkes along with Supervisor Teed commenting on Mr. Wilkes and the work he has done and his dedication for the last 39 years.

Mr. Wilkes thanked the Supervisors for their support and specifically Supervisor Teed.

Chairman Jack Marren called up Resolution No. 623-2022 entitled "Opposing the Transfer of Approximately 261 Acres of Land by the Genesee Valley Conservancy to the New York State Department of Conservation".

Supervisor Andrew Wickham offered the following resolution and moved for its adoption, seconded by Supervisor Christopher Vastola on October 27, 2022.

**RESOLUTION NO. 623-2022
OPPOSING THE TRANSFER OF APPROXIMATELY 261 ACRES OF LAND BY
THE GENESEE VALLEY CONSERVANCY TO THE
NEW YORK STATE DEPARTMENT OF CONSERVATION**

WHEREAS, Ontario County was made aware that The Genesee Valley Conservancy has contacted the Town of Richmond regarding the conservation of the natural habitat and open spaces of 5 parcels consisting of approximately 261 acres along Allens Hill Rd in the Town of Richmond; and

WHEREAS, The Genesee Valley Conservancy acknowledged this land could be conserved through the transfer of title, of the property ultimately removing the property from the tax rolls, or through a conservation easement with the landowner retaining ownership; and

WHEREAS, At the September 13, 2022, Richmond Town Board meeting, the Genesee Valley Conservancy presented to the Richmond Town Board their plan to acquire the said 5 parcels through a real estate purchase contract; and

WHEREAS, The plan after the transfer to the Conservancy, of the said parcels would result in transferring ownership to the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, Ultimately the 5 parcels would be removed from the tax rolls of the Town of Richmond, thus putting the additional tax burden on the residents of the Town of Richmond, the residents of the County of Ontario and the Honeoye Central School District; and

WHEREAS, The Town Board of the Town of Richmond realizes the importance of conserving the natural resources of the community; and

WHEREAS, These natural resources can be conserved through a Conservation Easement thus reducing the financial impact on their small community; and

WHEREAS, The NYSDEC currently owns 755 acres in the Honeoye Creek Wildlife Management Area exempt from property taxes; and

WHEREAS, The Town Board of the Town of Richmond does NOT support the transfer of these parcels with the intent of removing them from the tax rolls of the Town of Richmond; and

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

RESOLVED, That the Ontario County Board of Supervisors supports the Town of Richmond in opposition of the land transfer to the New York State Department of Environmental Conservation; and further

RESOLVED, That the Ontario County Board of Supervisors urges the Genesee Valley Conservancy conserve these 5 parcels of land through a conservation easement and not through a transfer the land to the NYSDEC; and further

RESOLVED, That transfer of these parcels of land to the NYSDEC will place an additional tax burden on the residents of the Town of Richmond; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board of Supervisors to the Town of Richmond and the Genesee Valley Conservancy.

Adopted.

Ayes: 3,088 Supervisors Robert Green, Christopher Vastola, Jared Simpson, Frederick Wille, Peter Ingalsbe, James Petropoulos, William Namestnik, Tamara Hicks, Norman Teed, Daryl Marshall, Daniel Marshall, John Marren, and Todd Campbell.

Noes: 911 Supervisors Mark Venuti, Richard Russell, James Kennedy, David Baker, and Andrew Wickham.

Absent: 551 Supervisors Frederick Lightfoote and David Phillips

Resolution No. 623-2022 was adopted with more than the required 2,276 in weighted votes necessary for adoption.

There was a lengthy discussion regarding Resolution No. 623-2022 before the vote.

On motion of Supervisor Tamara Hicks, seconded by Supervisor Daryl Marshall, the meeting was adjourned at 7:29 pm.

Approved