

REGULAR BOARD MEETING - AUGUST 22, 2024

Regular Meeting Called to Order

The regular meeting of the Ontario County Board of Supervisors was called to order at 06:30 PM at 74 Ontario Street, Canandaigua, NY 14424, with Chairman Todd Campbell presiding.

Pledge of Allegiance:

The Pledge of Allegiance was led by Supervisor Christopher Vastola, Town of Canandice.

Roll Call:

Members Present: Supervisors David Baker, Todd Campbell, John Cowley, Louis Guard, Peter Ingalsbe, James Kennedy, Jack Marren, Daniel Marshall, Daryl Marshall, David Phillips, Dale Stell, Christopher Vastola, Mark Venuti, William Wellman, Andrew Wickham, Frederick Wille, Nancy Yacci. Absent: Supervisor(s) . Necessarily Absent: Supervisor(s) William Namestnik, John Pruett, Jared Simpson, Frederick Stresing.

Approval of Minutes:

Supervisor Mark Venuti motioned to approve the minutes of the preceding session. The motion was seconded by Supervisor James Kennedy. The motion passed.

Public Hearing:

A Public Hearing regarding the Ontario County Parks and Recreation Master Plan was called to order by Chairman Todd Campbell at 6:32 pm.

As no one wished to speak, the Public Hearing was closed at 6:33 pm.

Reports of County Officials:

Chairman Campbell stated the revised final draft report for the landfill will be released on the website, with a press release to follow. The resolution to accept the report should come through the next cycle.

Privilege of the Floor: (Speakers will be limited to three minutes):

Supervisor Lou Guard requested privilege of the floor for Ms. Ann Van Der Meulen, resident of the City of Geneva, regarding landfiling and how Ontario County's landfill has become outdated. She encouraged the board to acknowledge and advance the benefits and opportunities of the circular economy, reduce dependency on disposal, and exile the old-fashioned landfill.

Supervisor Jack Marren requested privilege of the floor for the Village of Victor Mayor Gary Hadden. Mr. Hadden said he would be unable to attend the September 12th meeting for the Public Hearing for the proposed local law for cannabis enforcement. He stated his support of the local law and encouraged the Board to pass the proposed law.

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Communications and Reports on File with the Board Clerk's Office:

- The approved minutes of the Special Public Works Committee and the Special Ways & Means Committee meetings, held on July 11, 2024.
- The approved minutes of the Health & Human Services, the Planning & Environmental Quality, and the Public Works Committee meetings, held on July 22, 2024.
- The approved minutes of the Public Safety, Governmental Operations & Insurance, and the Ways & Means Committee meetings, held on July 24, 2024.
- The approved minutes of the FLCC Ad Hoc Committee meeting held on May 10, 2024.
- The minutes of the Seneca Watershed Intermunicipal Organization (SWIO) meeting held on April 29, 2024.
- Notification and registration forms for upcoming conference dates for the NYS Association of County Coroners and Medical Examiners, received from Scott M. Schmidt, CFSP D-ABMDI, President, NYSACCME.
- A letter of notification regarding Seneca Chief shipwreck, Canandaigua Lake being considered by the NYS Board of Historic Preservation at its next meeting, September 12, 2024, for nomination to the National State Registers of Historic Places, received from R. Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, NYS Parks, Recreation and Historic Preservation.
- A list of certified 2024 State Equalization Rates, received from Jason Ayotte, Real Property Analyst 3, NYS Department of Taxation and Finance
- The 2024 Third Quarter Compliance Committee Report, received from Michele Smith, Compliance Officer, Ontario County.
- Notice of Obligational Authority (NOA) PY24-2 for Local Workforce Development Area-Ontario/Seneca/Wayne/Yates Counties, received from Kerry Douglas-Duffy, Director, Bureaus of Workforce Innovation & Quality, NYS Dept. of Labor.
- The 2024 Summer Newsletter for Ontario County Soil & Water Conservation District.
- Communication request to close the Ontario County landfill to all entities outside of Ontario County, received from Pat Wallace.
- Proposed Local Law No. 10 (Intro.) of 2024 entitled, "A local law Applying the Management Compensation Program to Certain County Officers Appointed for Definite Terms for the Year 2025".

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 recently amended on June 20, 2024 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 2025, subject to the provisions of NYS Municipal Home Rule Law §24(2)(h).

SECTION 2: Salary Adjustments, 2025

The compensation of those county officers appointed for definite terms including the year 2025 is hereby increased above their compensation for 2024 in accordance with the terms and

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schedule of the Management Compensation Plan adopted on December 20, 2001, and annually amended thereafter, most recently on June 20, 2024.

SECTION 3: An incumbent holding a position described in this local law at any time during the period from January 1 of the year 2025, 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.

- Proposed Local Law No. 11 (Intro.) of 2024 entitled, "A local law to Increase the Salaries for the County Clerk for the Years 2025 through 2027".

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

SECTION 1: Legislative Intent

Ontario County Board Resolution #202-2023 set the salary for the Ontario County Clerk for the term of office from 2024 through 2027. This local law authorizes increases in salary for the County Clerk for the remaining years of this term; 2025, 2026, and 2027, subject to the provisions of NYS Municipal Home Rule Law §24(2)(h).

SECTION 2: Ontario County Clerk Salary Adjustment, 2025-2027

The compensation of the County Clerk serving for the definite term for the years 2025, 2026, and 2027 is hereby increased in accordance with the following salary schedule:

YEAR	ANNUAL SALARY
2025	\$92,543.00
2026	\$95,319.00
2027	\$98,179.00

SECTION 3: An incumbent holding a position described in this local law at any time during the period from January 1 of the year 2025, 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.

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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 45 days after its adoption in accordance with the provisions of the Municipal Home Rule Law of the State of New York or January 1, 2025, whichever is later.

- Proposed Local Law No. 12 (Intro.) of 2024 entitled, "A local law to Establish Enforcement Authority for Prohibited Unlicensed Cannabis Activity".

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

SECTION 1: Purpose: The Board of Supervisors intends by this local law to grant authority to the Ontario County Sheriff's Department to conduct regulatory inspections of properties suspected of unlicensed cannabis activities, and to promote the public health, safety and welfare and to promote the public good.

SECTION 2: Cannabis Law Violations

1. Any person who engages in any conduct prohibited by subdivision one or one-a of section one hundred twenty-five of the cannabis law, except to the extent that such subdivisions apply to cultivation, processing, cannabinoid hemp or hemp extract products, or subdivision one or eight of section one hundred thirty-two of the cannabis law, except as to the extent that such subdivisions shall apply to cultivation, shall be subject to a civil penalty of not less than one hundred dollars and not more than ten thousand dollars for each day during which such violation continues, with a maximum penalty of no more than twenty-five thousand dollars with respect to each civil summons, provided that any notice of violation and penalty may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business. Upon default by reason of failure to appear on a designated hearing date or a subsequent date following an adjournment, the penalty shall be ten thousand dollars with respect to each civil summons.

2. This section may be enforced by the Ontario County Office of Sheriff.

3. Violations of this section may be adjudicated in a proceeding before the Ontario County Supreme Court. Any decision of such office imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment which may be entered by such office in the appropriate court of competent jurisdiction or any other place provided for the entry of civil judgments within the state and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered which exceeds the sum of twenty-five thousand dollars.

4. The Ontario County Office of Sheriff may move to amend any judgment to designate a

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judgment debtor by the correct legal name in accordance with the applicable procedures set forth in the New York State Civil Practice Law and Rules.

5. Prior to a hearing, a respondent shall furnish to the Ontario County Office of Sheriff, within five days after a demand, or sooner if practicable where the hearing is scheduled less than five days from the date of demand, a verified statement setting forth the information specified in subdivision five of section seventeen of the cannabis law.

6. As used in this local law, the following terms shall have the following meanings: "unlicensed activity" shall refer only to unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in an indirect retail sale; "indirect retail sale" shall have the meaning provided for in subdivision forty-six-a of section three of the cannabis law, except that it shall not include cannabinoid hemp or hemp extract product.

SECTION 3: Authority to Conduct Regulatory Inspections

1. For the purposes of civil administrative enforcement of the provisions of this local law the Ontario County Office of Sheriff may conduct regulatory inspections of any place of business where cannabis is sold or offered to be sold, where no registration, license, or permit has been issued pursuant to the Cannabis Law, in accordance with the procedures set forth in Section 3 this act.

2. For the purpose of detecting violations in accordance with the regulatory scheme set forth in Section 3 this Act, the Ontario County Office of Sheriff shall inspect each place of business listed on the inspection roster compiled pursuant to paragraph 3 of this subdivision such that each place of business included on such roster, or a discrete geographic zone of such roster, is inspected at least annually, or on a more frequent periodic basis deemed appropriate by the Ontario County Office of Sheriff, provided that:

(a) the Ontario County Office of Sheriff is not required to conduct an inspection of a place of business during a period in which such place of business is either closed or sealed;

(b) the Ontario County Office of Sheriff may prioritize inspections of places of business included on the inspection roster that the Ontario County Office of Sheriff reasonably believes pose an imminent threat to public health, safety, and welfare, or if Ontario County Office of Sheriff reasonably believes that conduct in violation of Section 1 of this act has continued after an initial investigation. In determining whether conduct poses an imminent threat to public health, safety, and welfare, the Ontario County Office of Sheriff shall consider the totality of the factors set forth in subdivision 4 of section 138-b of the Cannabis Law, provided that any factor specified in such subdivision 4 shall be sufficient on its own to determine an imminent threat.; and

(c) in furtherance of the efficient use of enforcement resources, the Ontario County Office of Sheriff may inspect any place of business included on the inspection roster that is within a reasonable vicinity of a place of business otherwise scheduled for inspection.

3. The Ontario County Office of Sheriff shall create an inspection roster, which may be subdivided based on two or more discrete geographic zones, and include on such roster each place of business at which the Ontario County Office of Sheriff reasonably believes cannabis is sold or offered to be sold, provided that no place of business shall be included on such roster for which a registration, license, or permit has been issued pursuant to the Cannabis Law or that is

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otherwise listed in the directory maintained by the New York State Office of Cannabis Management pursuant to subdivision 13 of section 11 of the Cannabis Law. Such reasonable belief may be established based on:

(a) observations of places of business by law enforcement officers or another agency representatives; complaints received in accordance with a procedure developed by Ontario County Office of Sheriff, provided such complaints are subsequently substantiated by the Ontario County Office of Sheriff; or

(c) signage, statements and advertisements associated with a place of business.

4. Records of each inspection shall be maintained by the Ontario County Office of Sheriff.

5. Inspections authorized by this section shall only occur during the operating hours of a place of business.

6. Inspections may be conducted pursuant to this section in both the public and non-public portions of a place of business.

7. The provisions of this section shall neither be interpreted to limit any law enforcement officer from conducting law enforcement activity, including but not limited to issuing summonses pursuant to subdivision 11 of this section or orders pursuant to Section 3 of this local law, with respect to the portion of place of business that is open to the public nor be interpreted to limit any enforcement activity authorized under law when illegal activity is observed or occurs during an inspection conducted pursuant to this subdivision. The provisions of this section shall not be interpreted to limit any agency's authority to conduct inspections for any purpose where such inspections are authorized pursuant to a provision of law or rule other than subdivision 1 section 3 of this local law.

8. The Ontario County Office of Sheriff shall consider all relevant available information in determining whether to remove a place of business from the inspection roster developed pursuant to this subdivision.

9. The penalty schedule applicable to violations of Section 1 of this local law shall be as follows:

Citation	Violation Description	Violation Penalty	Violation Default Penalty
Local Law 12 § 3	Any violation of subdivision a of § 7-551 by a place of business	\$10,000	\$10,000
Local Law 12 § 3	Any violation of subdivision a of § 7-551 by an individual owner of a place of business	\$10,000	\$10,000

10. Each day in which the conduct described in the schedule above occurs or continues to occur shall constitute a distinct violation and be subject to penalty pursuant to such schedule.

11. Penalties imposed pursuant to each civil summons issued pursuant to this section shall be in addition to, and shall not be offset or modified by, any fines or penalties imposed pursuant to any other provision of law or rule, penalties imposed pursuant to other civil summonses issued

pursuant to this section or any other remedies sought by Ontario County. Notwithstanding any other provision of this subdivision, where the Ontario County Office of Sheriff issues multiple violations of section 1 of this local law to a person or place of business pursuant to this section for conduct occurring over multiple days and such violations are issued pursuant to a single civil summons, the cumulative penalties that may be imposed pursuant to such civil summons shall not exceed \$25,000.

12. In each instance in which the Ontario County Office of Sheriff seizes cannabis or other related items, as appropriate, found in the possession of a person engaged in a violation of section 1 of this local law, the Ontario County Office of Sheriff shall:

- a. serve a list of cannabis and other related items seized at such place of business and a tracking number associated with such items in the same manner as an order issued pursuant to subdivision 13 of this local law, provided that the Ontario County Office of Sheriff is not required to post any such list or such tracking number at such place of business, and only such tracking number is required to be included in any mailing made pursuant to this paragraph; and
- b. store such cannabis and other related items in a secure location pursuant to a cataloging system determined by Ontario County Office of Sheriff.

13. No later than 20 business days after issuance of the earliest notice issued pursuant to subparagraph a of subsection 12 of this section, an individual may petition in writing to the address or electronic address included on such list or mailing, as applicable, for the return of the cannabis or other related items seized and may provide reasons that such cannabis or other related items were neither offered for sale in violation subsection 1 of Section 1 of this local law nor used as instrumentalities in furtherance of a violation of such subsection.

14. No later than 20 business days after issuance of an order to cease prohibited conduct pursuant to paragraph a of subsection 2 of Section 3 of this local law, an individual may petition in writing to the address or email address included on such order challenging such order.

15. The Ontario County Office of Sheriff shall respond in writing rejecting or accepting any petition made pursuant to either subsections 13 or 14 of this Section no later than 10 business days of receipt of such petition. Any order to cease prohibited conduct pursuant to paragraph a of subsection 2 of Section 3 of this local law shall remain in effect and all cannabis and other related items seized shall be retained during the period preceding such response.

16. The Ontario County Office of Sheriff may destroy any seized cannabis or other related items 20 business days after:

- a. issuance of the earliest notice pursuant to subparagraph a of subdivision 12 of this Section, if no individual makes a petition within such time; or,
- b. issuance of a notice pursuant to subsection 15 of this section rejecting in whole or in part, as applicable, a petition made pursuant to paragraph 1 of this subdivision.

17. This section shall only apply to seizures made pursuant to this local law and shall not apply to a seizure made pursuant to any other provision of law, including but not limited to the seizure of tobacco, electronic cigarettes, or any item that is a controlled substance pursuant to state law.

18. Any response by the Ontario County Office of Sheriff pursuant to subsection 15 of this Section and any notice of a determination with respect to continuation of an order to seal pursuant to subsection 2(b) of Section 3 of this Local Law shall be mailed to the address provided by the petitioner or respondent, as applicable, or if no such address is provided, to the

address provided pursuant to subsection 7 of Section 3 of this local law.

SECTION 4: Procedures for Regulatory Inspections and Issuance of Building Seal Orders

1. The Ontario County Office of Sheriff shall have the authority to conduct regulatory inspections of any place of business, including a vehicle used for such business, where cannabis, cannabis product, or any products marketed or labeled as such, are sold, or offered to be sold, where no registration, license, or permit has been issued pursuant to the cannabis law. For the purposes of this subdivision, "place of business" shall not include a residence or other real property not otherwise held out as open to the public or otherwise being utilized in a business or commercial manner or any private vehicle on or about the same such property, unless probable cause exists to believe that such residence, real property, or vehicle are being used in such business or commercial manner for the activity described herein. Any such regulatory inspection shall:

- a. only occur during the operating hours of a place of business;
- b. be conducted for purposes of civil administrative enforcement with respect to premises lacking applicable registrations, licenses or permits issued pursuant to the cannabis law, and in furtherance of the purposes of such law, provided that nothing herein shall limit any enforcement action under law when illegal activity is observed or occurs during such inspection; and
- c. be in accordance with procedures sufficient to ensure that any regulatory inspections are conducted in a reasonable manner, and that such procedures are administrative in nature, designed to detect administrative violations, in furtherance of the regulatory scheme established pursuant to this section, and designed to guarantee certainty and regularity of application.

2. The Ontario County Office of Sheriff shall have the authority to:

- a. Order any person who is engaged in conduct prohibited by Section 1 of this local law to cease such prohibited conduct, provided that any such order to cease may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business;
- b. Issue and execute an order to seal a building or premises where any person is engaged in conduct prohibited Section 1 of this local law and which either poses an imminent threat as described in subdivision four of section one hundred thirty-eight-b of the cannabis law or satisfies the conditions set forth in subdivision five of such section with respect to continuation of unlicensed activity upon a subsequent inspection. Such order to seal shall be served in the same manner as section one hundred thirty-eight-b of the cannabis law. Such order to seal shall be referenced in the civil summons issued pursuant to Section 1 of this local law. When such an order and civil summons have been issued, the Ontario County Office of Sheriff shall have the same powers, authorities, and responsibilities as provided to the office of cannabis management pursuant to applicable provisions of section one hundred thirty-eight-b of the cannabis law not inconsistent with this chapter, provided that the return date of such civil summons, specifying the hearing date applicable to the civil summons and the sealing order, shall be within five business days of the issuance of such summons and order, or a later date requested by the respondent in accordance with the applicable rules of the Ontario County Supreme Court. The hearing officer of the Ontario County Supreme Court shall make a determination on such civil summons, which shall be deemed a final decision and shall also make a recommendation to the office of Ontario County Office of Sheriff with respect to whether such order to seal was properly issued in accordance with the provisions of this section. The Ontario County Office of Sheriff shall thereafter make a determination with respect to continuation of such order to seal upon review of such recommendation. Such recommendation of the Ontario County Supreme Court and the determination of the office of Ontario County Office of Sheriff shall be rendered within four

business days of the conclusion of such hearing; and

c. Seize and destroy, consistent with applicable law, any cannabis, cannabis product, or any product marketed or labeled as such, found in the possession of a person engaged in the conduct described in paragraph one of this subdivision in their place of business, including a vehicle used for such business, where an order as set forth in such paragraph one has been issued, providing the person is the business that is conducting the unlicensed activity or an individual owner of the business, and maintain documentation of the chain of custody of such seized products, and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may properly be destroyed by Ontario County.

3. Mutilation or removal of a posted order, posted notice, or secure padlock that is enforced or in place pursuant to this section shall be punishable in the manner specified by subdivision eight of section one hundred thirty-eight-b of the cannabis law.

4. The provisions of this section shall not apply to any premises or entity that is listed in the directory maintained by the office of cannabis management pursuant to subdivision thirteen of section eleven of the cannabis law. Further, the Ontario County Office of Sheriff, or such agency's designee shall serve as the liaison to the office of cannabis management to ensure that updates to such directory are immediately incorporated into the local inspection process, and shall coordinate with such office on efforts to inspect unlicensed businesses and related enforcement efforts. The Ontario County Office of Sheriff or another designee shall:

a. send bi-weekly reports to the office of cannabis management, in the manner and format prescribed by such office, detailing recent enforcement efforts undertaken pursuant to this section, including the number and location of inspections conducted, notices of violation issued, and orders to seal issued and executed, and the amount and nature of any cannabis, cannabis products, or products marketed or labeled as such that were seized pursuant to this section;

b. serve as the primary contact for the office of cannabis management in connection with the training program of such office and the sharing of materials made available to the Ontario County Office of Sheriff with respect to inspection and enforcement pursuant to this section and other applicable law; and

c. file with the office of cannabis management any regulations and procedures developed or adopted relating to the implementation of this section and Section 1 of this local law, as well as any subsequent local laws implementing section one hundred thirty-one of the cannabis law.

d. The Ontario County Office of Sheriff may seek to enforce such order by seeking injunctive relief, including through an action pursuant to section sixteen-a of the cannabis law.

5. Notwithstanding any inconsistent provision of law, Ontario County Office of Sheriff may designate personnel of other agencies of Ontario County to implement powers granted to such office pursuant to this local law if such office determines that additional resources are necessary for the effective implementation of such powers, provided that no such designation pursuant to this subdivision shall confer peace or police officer status on any such designated personnel who do not otherwise have such status.

6. The Ontario County Office of Sheriff shall establish a system for receiving complaints of unlicensed activity by any business within Ontario County.

7. Any orders issued pursuant to this section shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for

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the owner of the business at any address provided by the person to whom such order was delivered pursuant to this subdivision.

SECTION 5: Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

SECTION 6: Effective Date

This local law shall take effect the latter of ten days after its filing with the New York State Office of Cannabis Management, or upon its filing in the Office of the Secretary of State.

Reports Of Special Committees:

Chairman Campbell thanked the Board for the creation of the threat assessment team and how it has had a positive impact, identifying and providing care for individuals in need.

Reports Of Standing Committees:

Supervisor David Baker reminded the Board that the Budget review is scheduled for September 19th in the Committee Room.

Resolutions:

Governmental Operations & Insurance Committee

Supervisor Peter Ingalsbe offered the following six resolutions as a block and moved for its adoption, seconded by Supervisor James Kennedy:

**RESOLUTION NO. 470-2024
AUTHORIZATION TO AMEND GRANT
BOE01-C002558-1110000
HELP AMERICA VOTE ACT (HAVA)
VOTER EDUCATION & POLL WORKER TRAINING GRANT PROGRAM**

WHEREAS, The Ontario County Board of Elections is required by New York State Election Law to conduct elections in accordance with the Help America Vote Act (HAVA); and

WHEREAS, The State of New York has provided a grant (BOE01-C002558-1110000) to reimburse Ontario County for related expenses related to developing and implementing county-based poll worker training and voter education programs as required under HAVA; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 354-2007 and subsequent extensions through March 31, 2024; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2025; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for

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acceptance of said grant extension; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting the extension from NYS Board of Elections (NYS BOE) for the purpose of conducting voter education and poll worker training; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts this grant funding from the NYS Board of Elections, 40 North Pearl Street, Suite 5, Albany, NY 12207 for an amount up to \$62,874.00 for the period April 1, 2024 through March 31, 2025; and further

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

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending March 31, 2025; and further

RESOLVED, That the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the resolution; and further

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

RESOLUTION NO. 471-2024 RESOLUTION AUTHORIZING NCACOMP, INC. AS BROKER OF RECORD ON EXCESS WORKERS' COMPENSATION INSURANCE POLICY AND AMEND 2024-2026 CONTRACT WITH NCACOMP, INC.

WHEREAS, Resolution No.530-2023 authorized Ontario County to contract with NCAComp, Inc. for 2024 through 2026 to perform third-party administration services for the County's self-insured workers' compensation plan; and

WHEREAS, NCA Comp, Inc. is licensed to serve as the broker of record on the County's excess workers' comp insurance policy, which generates a commission payable to the broker; and

WHEREAS, The Government Operations and Insurance Committee and the Ways and Means Committee have reviewed and recommend the County name NCAComp, Inc. as the broker of record on the County's excess workers' comp insurance policy and amend the existing agreement with NCA Comp, Inc. to reduce their annual administrative fee for 2025 and 2026 by \$11,000 per year for the provision of administration services for the County's self-insured workers' compensation plan; now, therefore, be it

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby approves an amendment to the contract with NCAComp, Inc. located at 14 Lafayette Square, Suite 700, Buffalo, New York, 14203, effective January 1, 2025 through December 31, 2026 to provide third-party administration services for the County's

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self-insured workers' compensation plan for an administrative fee of \$80,302 in 2025 and \$83,954 in 2026; 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.

RESOLUTION NO. 472-2024 RESOLUTION AMENDING THE BILLING ERRORS AND OVERPAYMENTS POLICY

WHEREAS, Resolution No.683-2023 adopted several regulatory compliance policies for the Ontario County Compliance Program; and

WHEREAS, To assist in maintaining an effective Compliance Program, the Policy and Procedure for the Development, Approval and Maintenance of Policies requires annual review of all compliance policies by the Regulatory Compliance Committee; and

WHEREAS, At its most recent meeting, the Regulatory Compliance Committee reviewed the Billing Errors and Overpayments Policy and has recommended changes to that policy to more accurately reflect the process and responsibilities for reporting overpayments; and

WHEREAS, The Billing Errors and Overpayments Policy, as amended by the Regulatory Compliance Committee was presented to the Governmental Operations and Insurance Committee for consideration; now, therefore, be it

RESOLVED, That this Board of Supervisors hereby adopts the Billing Errors and Overpayments Policy, as amended; and further

RESOLVED, That copies of this resolution be transmitted by the Clerk of this Board to the Human Resources Director for appropriate dissemination.

RESOLUTION NO. 473-2024 RESOLUTION OF APPROVAL - COUNTY OF ONTARIO CORRECTION OF ERROR - 2022 COUNTY/TOWN TAX ROLL

WHEREAS, An application for corrected tax roll for the 2022 County/Town tax roll has been received by the Real Property Tax Director in accordance with RPTL §554; and

WHEREAS, The property owner is The People of the State of NY DEC who own the properties located at Dugway Rd. and 6423 Dugway Rd., in the town of Bristol. The tax map identification numbers are 152.00-1-38.110 and 152.00-1-38.130; and

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

WHEREAS, The State of NY DEC purchased the property May 7, 2021, but the property was not placed into the Wholly Exempt Tax Roll for the 2021 assessment roll which affected the 2022 County/Town tax bills; and

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WHEREAS, The Real Property Tax Director has recommended approval of the applications for correction of error; now, therefore, be it

RESOLVED, That the report of findings has been reviewed by the Governmental Operations & Insurance Committee, and agree with the recommendation of the Director; and further

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

RESOLVED, That the 2022 County/Town tax bills shall be corrected for a corrected amount of \$0; and further

RESOLVED, That copies of this resolution be sent to the Ontario County Treasurer, Naples Central School, and the Bristol Town Tax Collector.

RESOLUTION NO. 474-2024 AUTHORIZATION TO ACCEPT LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT GRANT FUNDING FOR RAIMS

WHEREAS, The New York State Education Department approved project number 0580-25-0815 for the digitization of the historical records found in the County Clerk's office; and

WHEREAS, The funding source for this project is the Local Government Records Management Improvement Fund (LGRMIF) in the amount of \$56,355; and

WHEREAS, The funding period of the project is September 9, 2024 through June 30, 2025; and

WHEREAS, The County will receive an initial 50% of the grant amount and another 40% as needed and the final 10% after the final report is submitted and approved by the state; and

WHEREAS, This grant will be assigned grant number 14602424; and

WHEREAS, The Government Operations and Insurance Committee recommend adoption of this resolution to accept the grant; now, therefore, be it

RESOLVED, Upon review and approval of the County Attorney as to form, that the Ontario County Board of Supervisors authorized the Ontario County Records Center to accept this funding for this grant year September 9, 2024-June 30, 2025, with a possibility of a 6 month extension; and further

RESOLVED, That the 2024 Record and Archives budget be amended by the Finance Department to reflect acceptance of these grant monies; and further

RESOLVED, That the following budget transfer is hereby approved:

Account	Account Number	Revenue Amount	Expense Amount
14602424 43060	State Aid	+ 56,355	
14602424 54260	Agency Contracts		+ 56,205
14602424 54730	Misc. Expense		+150

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and further

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

RESOLVED, That any unspent grant funds relating to this grant be carried forward to the future budget years; and further

RESOLVED, That the County Administrator or his designee is authorized to sign the contract agreement with the State Education Department; and further

RESOLVED, That a certified copy of this resolution be emailed to RAIMS by the Clerk of this Board

RESOLUTION NO. 475-2024 AWARD OF CONTRACT TO HARRIS BEACH PLLC TO PROVIDE LEGAL ASSISTANCE TO ONTARIO COUNTY FOR TAX FORECLOSURE LITIGATION

WHEREAS, Ontario County has identified a need for the assistance of outside legal counsel in matters involving issues specific to litigation for real property tax foreclosure; and

WHEREAS, Those issues center around the return of surplus money obtained through the foreclosure process; and

WHEREAS, Harris Beach PLLC is representing approximately 14 other counties in this class action lawsuit; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees recommend adoption of this resolution; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney, the Board of Supervisors hereby approves the contract with Harris Beach PLLC, at a total amount not to exceed \$50,000, for legal services, including but not limited to, the case of *Gworek et al. v Chautauqua County et al.*; and further

RESOLVED, That the County Finance Department is authorized and directed to make the necessary budgetary and account entries from the contingency fund to effect the intent of this resolution; and further

RESOLVED, That certified copies of this resolution be sent to Harris Beach PLLC.

The foregoing block of six resolutions passed. Yes; 17, No; 0; Abstained; 0

Health & Human Services Committee

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

**RESOLUTION NO. 476-2024
2023 INTERMUNICIPAL AGREEMENT WITH
MONROE COUNTY FOR
MEDICOLEGAL DEATH INVESTIGATIVE AND
FORENSIC PATHOLOGY SERVICES**

WHEREAS, Resolution No. 613-2022 authorized a contract with the Monroe County Office of the Medical Examiner for the purpose of medicolegal death investigative and forensic pathology services for Ontario County; and

WHEREAS, The Monroe County Office of the Medical Examiner proposes a one-year contract to continue services; and

WHEREAS, The Public Health Director, Coroners, District Attorney, and the Health and Human Services Committee recognize the need for this service; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves a contract with the Monroe County Office of the Medical Examiner for a term of 12 months beginning January 1, 2023 through December 31, 2023 at a cost of \$26,100 for 13 full autopsy examinations, based on a rate of \$1,725 per full autopsy for which OME Toxicology Lab is not used, and for 3 Blood/Description type autopsies (also referred to as “Blood/Description exam”), based on a rate of \$1,225 per Blood/Description exam for which OME Toxicology Lab is not used. Any additional cases requiring a full autopsy beyond the initial 13 full autopsy examinations and 3 Blood/Description type autopsies per year will be accepted at a rate specified in the agreement and per the Public Health – Medical Examiner 2023 Fees and Charges schedule; and further

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

Passed. Yes; 17, No; 0, Abstained; 0

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

**RESOLUTION NO. 477-2024
AUTHORIZATION TO CONTRACT WITH BROOKE MCADAM
FOR PRE-SCHOOL RELATED SERVICES**

WHEREAS, The Ontario County Public Health Department, Children with Special Needs Program desires to contract with Brooke McAdam, 4 Rothbury Circle, Victor, NY 14564 to provide pre-school related services; and

WHEREAS, Brooke McAdam has agreed to provide pre-school related services; and

WHEREAS, The provider will be paid according to a mandated State rate schedule as specified in “Schedule A” of the contract; and

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

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

RESOLVED, That upon the review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the contract with Brooke McAdam; and further

RESOLVED, That the contract shall cover the period of August 19, 2024 through December 31, 2025 at a rate not to exceed as noted on Schedule A; and further

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

RESOLUTION NO. 478-2024 AUTHORIZATION TO CONTRACT WITH NIKOLE OLSON FOR PRE-SCHOOL RELATED SERVICES

WHEREAS, The Ontario County Public Health Department, Children with Special Needs Program desires to contract with Nikole Olson, 1735 Elmwood Circle, Farmington, NY 14425 to provide pre-school related services; and

WHEREAS, Nikole Olson has agreed to provide pre-school related services; and

WHEREAS, The provider will be paid according to a mandated State rate schedule as specified in "Schedule A" of the contract; and

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

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

RESOLVED, That upon the review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the contract with Nikole Olson; and further

RESOLVED, That the contract shall cover the period of September 1, 2024 through December 31, 2025 at a rate not to exceed as noted on Schedule A; and further

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

RESOLUTION NO. 479-2024 AUTHORIZATION TO CONTRACT WITH CHRISTA DEVRIES FOR PRE-SCHOOL RELATED SERVICES

WHEREAS, The Ontario County Public Health Department, Children with Special Needs Program desires to contract with Christa DeVries, 700 Northbrook Way, Webster, NY 14580 to provide pre-school related services; and

WHEREAS, Christa DeVries has agreed to provide pre-school related services; and

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WHEREAS, The provider will be paid according to a mandated State rate schedule as specified in “Schedule A” of the contract; and

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

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

RESOLVED, That upon the review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the contract with Christa DeVries; and further

RESOLVED, That the contract shall cover the period of September 1, 2024 through December 31, 2025 at a rate not to exceed as noted on Schedule A; and further

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

The foregoing block of three resolutions passed. Yes; 17, No; 0; Abstained; 0

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

RESOLUTION NO. 480-2024
AUTHORIZATION TO CONTRACT WITH
INDEPENDENT LIVING FOR SENIORS, INC
DBA ELDERONE AN AFFILIATE OF ROCHESTER REGIONAL HEALTH
TO PROVIDE MEALS FOR OLDER ADULTS

WHEREAS, Independent Living for Seniors, Inc d/b/a ElderONE, an affiliate of Rochester Regional Health, 490 East Ridge Road, Rochester, NY 14621 is the Administrator of a Managed Long-Term Care plan (MLTC) operating in Ontario County; and

WHEREAS, Independent Living for Seniors, Inc d/b/a ElderONE, an affiliate of Rochester Regional Health desires to renew its contract to purchase home delivered meals, hot or frozen, from the Office for the Aging; and

WHEREAS, The Office for the Aging wishes to provide meals to ElderONE’s MLTC clients at a fee of \$10.87 per hot or \$9.29 per frozen home delivered meal; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between Independent Living for Seniors, Inc d/b/a ElderONE, an affiliate of Rochester Regional Health and Ontario County Office for the Aging for an initial term of one year commencing May 1, 2024 with an automatic renewal annually unless either party gives the other at least sixty days prior written notice of its intent not to renew the agreement; and further

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RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the agreement with Independent Living for Seniors, Inc d/b/a ElderONE, an affiliate of Rochester Regional Health and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to Independent Living for Seniors, Inc d/b/a ElderONE, an affiliate of Rochester Regional Health.

Passed. Yes; 17, No; 0, Abstained; 0

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

RESOLUTION NO. 481-2024 AUTHORIZATION FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE FOR THE AGING AND AIM INDEPENDENT LIVING CENTER

WHEREAS, The County desires to enter into a Memorandum of Understanding with AIM Independent Living Center (AIM), 271 East First Street, Corning, NY 14830, for the purpose of fulfilling state requirements for New York Connects expansion and enhancement program as its role as the No Wrong Door (NWD); and

WHEREAS, The AIM representative will work in partnership with the Office for the Aging New York Connects team through program support with on-site presence, off-site visits, seamless coordination and assessment, and adherence to approved protocols governing the New York Connects workflow paths; and

WHEREAS, This agreement will result in additional services for people of all ages, most importantly those with developmental disabilities by unifying efforts to streamline a consumers experience and improve New York Connects; and

WHEREAS, There is no associated cost with this agreement; and

WHEREAS, The term of this agreement shall be September 1, 2024 through May 31, 2027; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby authorize the County Administrator to sign said agreement on behalf of the County and to enter into an agreement with AIM Independent Living; and further

RESOLVED, That certified copies of this resolution and agreement be sent to the Clerk of this Board, AIM Independent Living Center.

Passed. Yes; 17, No; 0, Abstained; 0

Public Safety Committee

Supervisor Nancy Yacci offered the following three resolutions as a block and moved for its adoption, seconded by Supervisor Dale Stell:

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RESOLUTION NO. 482-2024
AUTHORIZATION FOR THE ONTARIO COUNTY PROBATION DEPARTMENT
TO ACCEPT FUNDING FROM THE NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES FOR CERTIFIED PRETRIAL SERVICES

WHEREAS, The New York State Division of Criminal Justice Services has awarded Ontario County's Probation Department a grant in the amount of \$200,355 to offset costs associated with the provision of certified pretrial services including but not limited to screening, assessments, supervision, and reporting as enacted in the New York State budget; and

WHEREAS, It is desirable for the Ontario County Probation Department to accept this grant from the New York Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12228, for the period April 1, 2025 through March 31, 2026; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this resolution at their recent meetings, and recommend that the full Board of Supervisors resolve to accept this NYS Division of Criminal Justice Services grant; now, therefore, be it

RESOLVED, That the Board of Supervisors, hereby accepts the funding awarded to the Probation Department; and further

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

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

To:		Revenue	Appropriation
31402425 43389	State Aid, Other Public Safety	\$200,355	
31402425 51700	Full Time Hourly		\$119,049
31402425 51923	Longevity		\$825
31402425 54131	Cell Phone		\$48
31402425 58010	NYS Employees Retirement		\$21,814
31402425 58020	FICA		\$7,379
31402425 58021	Medicare		\$1,726
31402425 58060	Cafeteria Plan		\$43,749
31402425 58067	Dental Insurance		\$631
31402425 58070	401A County Contribution		\$2,380
31402425 58075	Health Reimbursement Account		\$2,754
TOTAL		+\$200,355	+\$200,355

and further

RESOLVED, That a copy of this resolution be sent by the Clerk of this Board to the Ontario County Office of Probation.

RESOLUTION NO. 483-2024
AUTHORIZATION FOR INTERMUNICIPAL COOPERATIVE AGREEMENT
WITH SCHUYLER COUNTY

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TO PROVIDE LAW ENFORCEMENT SERVICES

WHEREAS, GML Section 209 et. seq. authorizes the use of out of county deputies (sending jurisdiction) in support of the Schuyler County Sheriff's Office (receiving jurisdiction) under duly authorized and declared emergency circumstances (special detail); and

WHEREAS, Article 5 of the GML permits municipalities to enter cooperative agreements for the provision of various services and activities; and

WHEREAS, The Fair Labor Standards Act (29 USC Section 207) provides that public safety employees on voluntary special detail assignment to a separate and independent employer are exempt from the aggregate hours provisions which would otherwise apply; and

WHEREAS, NYS AG Op #98-53 (informal) reviewed and approved the use of intermunicipal agreements under the circumstances contemplated herein; and

WHEREAS, The resources for the Schuyler County Sheriff's Office are inadequate to address the events at the Watkins Glen International; and

WHEREAS, The Schuyler County Sheriff has declared an emergency circumstance (special detail) on 09/11/2024; and

WHEREAS, Pursuant to Resolution 424-2019 County of Ontario entered into an intermunicipal cooperative agreement with Schuyler County Sheriff's Office to provide additional law enforcement assistance during these events from August 1, 2019 through July 31, 2023; and

WHEREAS, The Public Safety Committee of the Ontario County Board of Supervisors recommends renewing 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 the Intermunicipal Agreement with Schuyler County for use of deputies during declared emergencies is extended for an additional five years for a term of August 1, 2024 through July 31, 2029; and further

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

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Schuyler County Sheriff's Office, 106 Tenth Street, Unit 2, Watkins Glen, New York 14891.

RESOLUTION NO. 484-2024 FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON LOCAL LAW NO. 12 (INTRO.) OF 2024

WHEREAS, There has been introduced at a meeting of this Board held on August 22, 2024 a proposed local law entitled "A Local Law to Establish Enforcement Authority for Prohibited Unlicensed Cannabis Activity"; now, therefore, be it

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RESOLVED, That a public hearing shall be held on September 12, 2024, at 6:30 p.m. at the Board of Supervisors' Meeting Room, 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 three resolutions passed. Yes; 17, No; 0; Abstained; 0

Public Works Committee

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

RESOLUTION NO. 485-2024 AWARD OF CONTRACT TO SWBR FOR WORK AT 3071 COUNTY COMPLEX DRIVE

WHEREAS, The County's lease agreement with Ontario ARC includes provisions where the County is responsible to maintain the exterior walls and roof of the building; and

WHEREAS, SWBR of Rochester, NY, had previously completed a study of the roofing systems and has demonstrated a thorough understanding of the requested services necessary to provide further design of a new roof; and

WHEREAS, Resolution No. 511-2017 authorized SWBR for the initial design of the West roof area; and

WHEREAS, The Commissioner of Public Works solicited a proposal from SWBR for the design of the remainder of the roof system and work related to keep the building watertight; and

WHEREAS, The County's Capital Improvement Plan includes a budget of \$155,000 (Project B10-11) for the new roof system, related work and its design; and

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

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves a contract with SWBR, 387 East Main Street, Rochester, NY 14604, for professional services related to the continued design of this new roof system installation for a fee of \$23,200.00 which includes a \$2,000.00 contingency; and further

RESOLVED, That the contract shall commence on August 1st, 2024, and will expire on January 1st, 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 an extension subject to review and approval by the Public Works Committee; and further

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RESOLVED, That the Commissioner of Public Works is authorized to make any necessary adjustments and to initiate change-orders to complete the proposed work, within the limits of the contract contingency, and to report such use of the contract contingency to the Public Works Committee and Finance Department; and further

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

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the SWBR care of Randal R. Sickler at email address rsickler@swbr.com.

Passed. Yes; 17, No; 0, Abstained; 0

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

RESOLUTION NO. 486-2024
AUTHORIZED USE OF ON-DEMAND CONSTRUCTION SERVICES
TO PIKE CONSTRUCTION SERVICES FOR SERVICES
RELATED TO REPLACING THE ROOFTOP UNIT PLATFORM
AT THE ONTARIO COUNTY SOCIAL SERVICES GENEVA OFFICE
83 SENECA STREET

WHEREAS, The County has identified the need to replace the rooftop unit platform at the Ontario County Social Services Geneva Office, 83 Seneca Street; and

WHEREAS, The 2024 Capital Improvement Plan includes funding for replacing the rooftop unit platform at the Ontario County Social Services Geneva Office, 24 PW 09; and

WHEREAS, Ontario County Public Works completed the design of the replacement rooftop unit platform; and

WHEREAS, Pike Construction Services was awarded bid B21086 per Resolution No. 554-2023, and has provided frequent and competent construction services for the County; and

WHEREAS, Ontario County Public Works solicited a proposal from Pike Construction Services for the installation of the replacement platform; and

WHEREAS, Pike Construction Services has provided a proposal for these services for a not-to-exceed fee of \$47,327.00; and

WHEREAS, The total cost is estimated to be \$52,327.00 which includes a contingency of \$5,000.00; 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 Pike Construction Services, of 1 Circle Street, Rochester, New York, 14607, at a cost not to exceed \$47,327.00; and further

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RESOLVED, That the contract will commence on September 1st, 2024, and will expire on April 1st, 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 an extension subject to review and approval by the Public Works Committee; and further;

RESOLVED, That the Commissioner of Public Works is authorized to make any necessary adjustments and to initiate change-orders to complete the proposed work, within the limits of the contract contingency, and to report such use of the contract contingency to the Public Works Committee and the Finance Department; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Agreement with Pike Construction Services 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 a certified copy of this resolution be sent by the Clerk of this Board to the Pike Construction Services care of Daniel Sinnott at email address, sinnnd@pikeco.com.

Passed. Yes; 17, No; 0, Abstained; 0

The following resolution after unanimous consent was pulled from the agenda at the request of Supervisor Christopher Vastola on advice from the County Attorney's Office.

ACCEPTANCE OF AGREEMENT – RENTAL OF WORK UNIFORMS

WHEREAS, The Ontario County Highway Garage and Vehicle Maintenance has a need for rental of work uniforms for the mechanics; and

WHEREAS, Unifirst Corp offers rental of uniforms under Sourcewell Contract 040920-UFC for Uniforms and Related Products and Services; and

WHEREAS, Unifirst Corp requires signature of a Customer Service Agreement; and

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

RESOLVED, That said Agreement shall be effective for a period of thirty-six (36) months from the date of the signed agreement; and further

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the acceptance of the Agreement from Unifirst Corporation, 2085 Brighton Henrietta Townline Road, Rochester, NY 14623 for rental of work uniforms; and further

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

Supervisor Christopher Vastola offered the following three resolutions as a block and moved for its adoption, seconded by Supervisor William Wellman:

**RESOLUTION NO. 487-2024
AGREEMENT TO PROVIDE UTILITY EASEMENT
TO NEW YORK STATE ELECTRIC & GAS
FROM CANANDAIGUA LAKE COUNTY SEWER DISTRICT**

WHEREAS, New York State Electric & Gas (“NYSEG”) needs to secure utility service across lands owned by Canandaigua Lake County Sewer District (the “DISTRICT”); and

WHEREAS, NYSEG has established an easement area crossing district property that meets the utilities needs and does not interfere with any operation, as depicted in the attached easement map EXHIBIT “A” (Proposed Utility Easement); and

WHEREAS, The District has communicated to NYSEG a need for future gas service for operation of a new generator at this property which can be serviced with the installed line; 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 Board of Supervisors on behalf of the District, hereby approves granting the NYSEG Easement; and further

RESOLVED, That the Commissioner of Public Works be, and hereby is, authorized to act on behalf of the District, to execute any and all documents necessary or appropriate to effectuate the purposes of this resolution.

**RESOLUTION NO. 488-2024
AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR
CANANDAIGUA LAKE COUNTY SEWER DISTRICT
EAST SIDE I & I IMPROVEMENT PROJECT
NYS ENVIRONMENTAL FACILITIES CORPORATION
ENGINEERING PLANNING GRANT PROJECT NO. 131658**

WHEREAS, The NYS Environmental Facilities Corporation (EFC) has awarded Ontario County an Engineering Planning Grant for East Side I & I Improvement Project for the Canandaigua Lake County Sewer District (the “Project”) to receive up to \$50,000 in funding; and

WHEREAS, Resolution No. 294-2024 authorized the County Administrator to execute grant agreement and other documents as necessary to bring about the Project; and

WHEREAS, Resolution No. 295-2024 authorized and appropriated local match funds for the Project; and

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WHEREAS, The Department of Public Works received six (6) qualification-based proposals for professional services associated with Project from interested engineering firms; and

WHEREAS, A selection committee was established by the Department of Public Works to review said proposals; and

WHEREAS, GHD Consulting Services, Inc., 5788 Widewaters Parkway, Syracuse, New York 13214, having demonstrated a thorough understanding of the Project, most relevant experience, staff expertise, and providing an acceptable proposal, was determined to be the firm best qualified to perform this work; and

WHEREAS, GHD Consulting Services, Inc., cost proposal for the project is \$158,900; and

WHEREAS, This Project is estimated to cost \$174,790 which includes a 10% contingency of \$15,890; and

WHEREAS, The Department of Public Works have reviewed and approved the project scope and the corresponding price proposal; and

WHEREAS, There is sufficient funding available in the Canandaigua Lake Sewer Equipment Replacement Reserve for the required county contribution; and

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

RESOLVED, That the following budget transfer is hereby approved:

Account	Description	Amount
G1 30511 BR802	Appropriated Reserve	\$124,790.00
G18110 54260	Consultation and Professional	\$174,790.00
G18110 43902	State Aid, Planning Grant	\$50,000.00

RESOLVED, That any unused funds related to this project will be returned to the Canandaigua Lake Sewer Equipment Replacement Reserve; and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby approves an agreement with GHD Consulting Services, Inc., for professional services associated with Project for a cost not to exceed \$158,900.00 said contract will expire December 31, 2025; and further

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

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

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

RESOLVED, That the Commissioner of Public Works, be and hereby is, authorized and empowered to execute any and all documents necessary or appropriate to effectuate adjustments or change orders to the original contract within the limits agreed to in this resolution, subject to review and approval by the Office of the County Attorney; and further

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

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board of Supervisors to the Department of Finance, GHD Consulting Services, Inc., 5788 Widewaters Parkway, Syracuse, New York 13214, and the President & CEO and General Counsel of the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.

RESOLUTION NO. 489-2024 TERMINATE CONTRACT AMENDMENT AGREEMENT FOR RENOVATIONS TO PUMP STATIONS 5E-7E AND AWARD CONTRACT AGREEMENT TO ARCADIS OF NEW YORK, INC. FOR PUMP STATION EVALUATION REPORT FOR CANANDAIGUA LAKE COUNTY SEWER DISTRICT

WHEREAS, Resolution No. 380-2022 authorized a list of pre-qualified firms to provide Wastewater Engineering Services for the advancement of projects in the Canandaigua Lake County Sewer District and Honeoye Lake County Consolidated Sewer District; and

WHEREAS, At the September 26, 2022, Public Works Committee meeting Canandaigua Lake County Sewer District ("District") staff was granted approval to assign the Pump Stations 5E-7E Renovations and establish scope of services & fees for said project; and

WHEREAS, At the October 17, 2022, Public Works Committee meeting District staff recommended execution of a contract with Arcadis of New York, Inc. (Arcadis), 100 Chestnut Street, Suite 1020, Rochester, NY 14604 for preliminary design phase for Project, for a cost not to exceed \$94,779, and the Public Works Committee approved said contract; and

WHEREAS, Resolution No. 242-2024 authorized the execution of an amended agreement with Arcadis for detailed design and bid phase services related to project at a cost not to exceed \$180,941 for a total amended contract price not to exceed \$275,720; and

WHEREAS, District staff has determined that the anticipated cost of advancing the proposed Pump Stations 5E-7E Renovations is more than the District can support without grant funds; and

WHEREAS, District staff has consulted with Arcadis and determined that a more comprehensive study of the District's pump stations should put the District in the best position to compete and ultimately receive grant funds; and

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WHEREAS, District and Arcadis mutually agree to terminate the contract (2022-0925-A) authorized by Resolution No. 242-2024; and

WHEREAS, Arcadis has prepared a scope of services and fee proposal for preparation of pump station evaluation report for all pump stations 30-years and older in the District; and

WHEREAS, The District staff have reviewed and approved the project scope and the corresponding price proposal; and

WHEREAS, There are sufficient funds available in the G1811099 54260 budget to cover said contract for preparation of pump station evaluation report; and

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

RESOLVED, To terminate contract (2022-0925-A) authorized by Resolution No. 242-2024, based on mutual agreement between District and Arcadis; and further

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves an agreement with Arcadis, at a cost not to exceed \$76,784, said contract will expire December 31, 2025; and further

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

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the agreement with Arcadis of New York, Inc., and all other documents necessary to effectuate the purpose of this resolution.

The foregoing block of three resolutions passed. Yes; 17, No; 0; Abstained; 0

Ways & Means Committee

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

RESOLUTION NO. 490-2024 RESOLUTION CREATING SUPERVISING SOCIAL WORKER (CRIMINAL JUSTICE) POSITION

WHEREAS, Ms. Leanne Lapp, Public Defender, has filed the necessary paperwork to create a supervisory position; and

WHEREAS, The Director of Human Resources has classified the position of Supervising Social Worker (Criminal Justice) by Personnel Officer Classification Certification No.57-2024; and

WHEREAS, The Management Compensation Plan Committee and the Ways and Means Committee have reviewed and recommend the creation of a Supervising Social Worker (Criminal Justice) position; and

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WHEREAS, The Public Defender's Office has been awarded funds from the Office of Indigent Legal Services Distribution which allows for sufficient funds in the Public Defender's Office budget for this position; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby authorize the creation of a Supervising Social Worker (Criminal Justice) position classified by POCC No.54-2024, effective upon adoption; and further

RESOLVED, That pursuant to Memorandum of Agreement No. 3-2024 with the CSEA, the title of "Supervising Social Worker (Criminal Justice)" shall be excluded from the bargaining unit; and further

RESOLVED, That the title of Supervising Social Worker (Criminal Justice) shall be allocated to Band 10 in the 2024 Management Compensation Plan and in Band M11 in the 2025 Management Compensation Plan and said schedules shall be amended to reflect that allocation; and further

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

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

RESOLUTION NO. 491-2024 RESOLUTION APPROVING OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COUNTY OF ONTARIO AND THE CSEA UNIT, AUGUST 25, 2024 THROUGH DECEMBER 31, 2026

WHEREAS, Ontario County and the Ontario County Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Local 835, Ontario County Unit 7850, (CSEA) have reached a Tentative Agreement on terms and conditions of employment for the period August 25, 2024 through and including December 31, 2026; and

WHEREAS, The original Tentative Agreement stating these terms and conditions has been ratified by CSEA, and is on file with the Clerk of this Board; and

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

RESOLVED, That the Chairperson of the Board of Supervisors is hereby authorized and directed to execute a collective bargaining agreement, incorporating the terms and conditions of employment set forth in the Tentative Agreement; and be it further

RESOLVED, That the Clerk shall provide a copy of this resolution to Sharon Decker as President of this CSEA, the County Administrator, the County Attorney and the Director of Human Resources.

The foregoing block of two resolutions passed. Yes; 17, No; 0; Abstained; 0

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

RESOLUTION NO. 492-2024 RESOLUTION FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON LOCAL LAW NO. 10 (INTRO.) OF 2024

WHEREAS, There has been introduced at a meeting of this Board held on August 22, 2024, a proposed local law entitled “A Local Law Applying the Management Compensation Program to Certain County Officers Appointed for Definite Terms for the Year 2025”; now, therefore, be it

RESOLVED, That a public hearing shall be held on September 12, 2024, 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. 493-2024 RESOLUTION FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON LOCAL LAW NO. 11 (INTRO.) OF 2024

WHEREAS, There has been introduced at a meeting of this Board held on August 22, 2024, a proposed local law entitled “A Local Law to Increase the Salary for the Ontario County Clerk for the Years 2025 through 2027”; now, therefore, be it

RESOLVED, That a public hearing shall be held on September 12, 2024, 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 passed. Yes; 17, No; 0; Abstained; 0

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

RESOLUTION NO. 494-2024 AUTHORIZATION TO PARTICIPATE IN COOPERATIVE BIDS COORDINATED BY WAYNE FINGER LAKES BOCES

WHEREAS, Wayne-Finger Lakes BOCES located at 131 Drumlin Court, Newark, New York, 14513, has submitted a proposed “General Resolution” for Ontario County participation in cooperative bids; and

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WHEREAS, The Ontario County Purchasing Department deems it to be in the best interest of the taxpayers of Ontario County to participate in the cooperative bids coordinated by Wayne Finger Lakes BOCES; now, therefore, be it

RESOLVED, That the Purchasing Director be, and hereby is, authorized and directed to sign the “General Resolution”

RESOLUTION NO. 495-2024 AMENDMENT TO AND ADOPTION OF THE ONTARIO COUNTY CASH MANAGEMENT AND INVESTMENT POLICY

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

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

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

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

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

RESOLUTION NO. 496-2024 AUTHORIZE CONTRACT WITH KEYBANK FOR BANKING SERVICES

WHEREAS, Resolution No. 332-2023 authorized the agreements necessary to transition County banking services to TD Bank, headquartered in Cherry Hill, New Jersey; and

WHEREAS, Implementation with TD Bank is not progressing as desired; and

WHEREAS, KeyBank's proposal was one of (8) received and reviewed in response to the County's Request for Proposal (R23027); and

WHEREAS, KeyBank was the second choice at the time of said proposal review; and

WHEREAS, Finance staff recommends working with KeyBank to supplement County banking needs; and

WHEREAS, The Ways and Means Committee has reviewed and recommends authorization of this resolution as presented; now, therefore, be it

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RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves the agreements necessary for transitioning banking services to Keybank, 66 S. Pearl St., 7th Floor, Albany, NY 12207; and further

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

The foregoing block of three resolutions passed. Yes; 17, No; 0; Abstained; 0

Unfinished Business:

Adjournment:

On a motion of Supervisor Christopher Vastola, seconded by Supervisor John Cowley, the Board Of Supervisors meeting was adjourned at 06:51 PM.