

June 22, 2023

The regular meeting of the Ontario County Board of Supervisors was called to order at 6:30 p.m. at 74 Ontario Street, Canandaigua, NY 14424, with Chairman Todd Campbell presiding.

The Pledge of Allegiance was led by Supervisor Fred Wille, Town of East Bloomfield.

Upon roll call, members of the Board were present with Supervisor Andrew Wickham declared necessarily absent.

Minutes of the preceding session that were provided on the table with an addition requested by Supervisor Daryl Marshall was approved by motion of Supervisor Dan Marshall seconded by Supervisor Mark Venuti; motion carried.

A Public Hearing to consider the requests for inclusion of farmland in the Ontario County Consolidated Agricultural District One during the 2022 annual enrollment period and the recommendations of the Ontario County Agriculture Enhancement Board concerning of said parcels and any potential environmental impacts associated with this action was called to order at 6:33 pm by Chairman Todd Campbell.

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

A Public Hearing regarding Local Law 3 (Intro.) of 2023 entitled "A Local Law Pursuant to Chapter 97-2011 of the Laws of the State of New York and Section 3-c of the General Municipal Law Overriding Tax Levy Limit for Fiscal Year 2024" was called to order at 6:34 pm by Chairman Todd Campbell.

Supervisor Jared Simpson implored the Ways and Means Committee and the Budget Officer to evaluate the tax rate that we have in the county, considering many municipalities have gone through a full evaluation process this year. It would put an undue burden on those municipalities that have gone through that process if the tax rate of \$6.31 is not adjusted accordingly.

As no one else wished to speak, the Public Hearing was closed at 6:36 pm.

Under Reports of Standing Committees, Supervisor Rich Russell introduced Tracey Dello Stritto from The Partnership for Ontario County. He explained Ms. Dello Stritto, along with her companions, will be giving a brief presentation regarding the pop up food pantries that appear at various locations in the county.

Ms. Dello Stritto explained in 2020 when Foodlink and United Way looked for ways to safely distribute food to families, several non-profits, churches, school districts and countless volunteers stepped up and have continued to fill this role.

Ms. Dello Stritto introduced Karen Guidarelli who has been with the Victor-Farmington food pantry, but currently works for The Partnership for Ontario County as the Community Support Center Program Coordinator.

Ms. Guidarelli reviewed the totals for the county on the most vulnerable population that are served for food pantries and pop up food distributions. She said that seniors and children have gone up since 2020. She said seniors do not come until they are in a real crisis. Ms. Karen encouraged the board when they are working with seniors or families with young children to encourage them to come to these pop-up pantries.

Ms. Dello Stritto introduced Chris Lavin, Executive Director of the Boys and Girls Club of Geneva.

Mr. Lavin said that the food program has been a paradigm change, this is Canandaigua and Geneva working together, sharing resources. He said this is not just about food, they have been researching the causes of an insecurity and get more knowledgeable on how to deal with the needs. They also provide to Penn Yan when the food is there and they are also the largest supplier from the Boys and Girls Club to Wayne County.

Ms. Dello Stritto shared the locations such as Marcus Whitman and Geneva and other locations. She said Food link has confirmed there is still a need. She thanked the Board for the opportunity to share and for listening.

Under Privilege of the Floor, Chairman Campbell granted privilege of the floor to the following:

- Supervisor David Baker for Jacob Welch regarding the issue of housing in Ontario County. Supervisor Baker said with regrets that Jacob Welch was not able to join them this evening.
- Supervisor Lou Guard for Dr. Larry Campbell regarding immigrants.
- Supervisor Jared Simpson for Kathy Rayburn regarding empathy or lack thereof for people fleeing hardship.
- Supervisor Daryl Marshall for Steve Barnhoorn regarding the matter of Ontario County declaring a State of Emergency on the influx of migrants.
- Supervisor Simpson for Adeline Rudolph regarding Government transparency.
- Supervisor Jared Simpson for Susan Shaw regarding immigrants.
- Supervisor Rich Russell for Cindy Wade regarding asylum seekers.
- Supervisor David Baker for Maria Bucci regarding asylum seekers.

The following Communications and reports are on file with the Board Clerk's office:

Copies received of minutes of meetings held as follows:

- Health and Human Services Committee held on May 22, 2023
- Planning and Environmental Quality Committee held on May 22, 2023
- Public Works Committee held on May 22, 2023
- Governmental Operations and Insurance Committee held on May 22, 2023
- Ways and Means Committee held on May 3, 2023

Two emails regarding immigrants from NYC coming to the county, received from Susan Shaw, resident of Canandaigua.

An email regarding the housing of migrants in the area, received from Casey Benham.

Act No. 257-2023 entitled "Supporting Essential Caregivers Act to Protect Humane Visitation Policies at Long-Term Care Facilities", received from Cattaraugus County.

Act No. 258-2023 entitled "Supporting H.R. 2600 to Ensure Equitable Treatment of Political Subdivisions Contributing to State Expenditures Under the Medicaid program Provided by the Affordable Care Act Enhanced Federal Medicaid Assistance Percentage", received from Cattaraugus County.

Enactment Number: 225-23 entitled "Resolution Opposing the Adoption of New York Senate Bill S6286 Which would Eliminate Probation Administrative Fees", received from Sullivan County.

An email in response to the June 1, 2023 Board of Supervisors discussion of the "Asylum Seekers", received from Al Liberio, resident of Ontario County.

List of Certified 2023 State Equalization Rates, received from Brian F. Moon, Real Property Analyst 2, Office of Real Property Tax Services, NYS Department of Taxation and Finance.

An email regarding Chinese immigrants at the Southern border, received from Al Liberio.

The Clerk presented Local Law No. 3 (Intro.) of 2023 entitled "A Local Law Pursuant to Chapter 97-2011 of the Laws of the State of New York and Section 3-c of the General Municipal Law Overriding Tax Levy Limit for Fiscal Year 2024".

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

SECTION 1: Overriding Tax Levy Limit for 2024.

- (b) County Treasurer. The Ontario County Treasurer, or such other fiscal officer(s) of Ontario County.
- (c) County Legislature. The legislature of the County of Ontario.
- (d) Hotel or Motel. Any facility providing lodging on an overnight basis, and shall include those facilities designated and commonly known as “bed and breakfast” and “tourist” facilities.
- (e) Occupancy. The use or possession, or the right to the use or possession of any room in a hotel or motel.
- (f) Occupant. A person who, for a charge or any consideration uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right, license, agreement, or otherwise.
- (g) Operator. Any person operating a hotel or motel in Ontario County including but not limited to the owner, proprietor, lessee, sub-lessee, mortgagee in possession, licensee, or any other person otherwise operating such hotel or motel.
- (h) Permanent Resident. Any person occupying any room or rooms in a hotel or motel for at least 30 consecutive days.
- (i) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (j) Rent. The charge and/or consideration received for occupancy valued in money, whether received in money, or otherwise.
- (k) Return. Any return filed or required to be filed as herein provided.
- (l) Room. Any room or rooms of any kind in any part or portion of hotel or motel, which is available for rented or otherwise let out for the lodging of guests.
- (m) State. The State of New York.

Section 4. Imposition of Tax

Effective September 1, 2023, there is hereby imposed and there shall be paid a tax of three percent (3%) of the per diem rental rate upon the rent for each room or rooms in a hotel or motel located within the County, except that such tax shall not be applicable to a permanent resident of a hotel or motel, or to a facility having three (3) rentable units or less.

Section 5. Transitional Provisions

The tax imposed by this local law shall be paid upon any occupancy on or after September 1, 2023, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly or other term basis, the rent shall be subject

to the tax imposed by this local law to the extent that it covers any period on or after September 1, 2023.

Section 6. Exempt Organizations

Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

- (a) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the State;
- (b) The United States of America, insofar as it is immune from taxation;
- (c) Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

Section 7. Territorial Limitations

The tax imposed by this local law shall apply only within the territorial limits of Ontario County.

Section 8. Registration

Within ten (10) days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three (3) days after such commencement or opening, every operator shall file with the Treasurer a registration application in a form prescribed by the Treasurer.

Section 9. Administration and Collection

- (a) The tax imposed by this local law shall be administered and collected by the Treasurer, or other fiscal officers of Ontario County, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise may be provided by such local law.
- (b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator or to the person entitled to be paid the rent or charge for the hotel or motel occupied for and on account of the County, and the operator or person entitled to be paid the rent or charge shall be liable for the collection and payment of the tax.
- (c) The operator or any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and that such operator or person entitled to be paid the rent or charge shall have the same right in respect to collecting the tax from the occupant, or in respect to non-payment of the tax by the occupant, as if the tax were a part of the rent or charge and payable at the same time as the rent or charge; provided, however, that the Treasurer or other fiscal officers, employees or agents specified in this local law,

shall be joined as a party in any action or proceeding brought to collect the tax by the operator or by the person entitled to be paid the rent or charge.

- (d) The Treasurer may, whenever deemed necessary for the proper enforcement of this local law, provide that the occupant shall file returns and pay directly to the Treasurer, the tax herein imposed.
- (e) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to subdivision (d) of this section, an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant.
- (f) Where an occupant claims exemption from the tax under the provisions of section six of this local law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary, the operator may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under section six of this local law.

Section 10. Records to be Kept

Every operator shall keep records of every occupancy and of all rent paid, charged and due thereon and of the tax payable thereon, in such form as the Treasurer may require. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or the Treasurer's duly authorized agents or employees, and shall be preserved for a period of not less than three (3) years, except that the Treasurer may consent in writing to their destruction within that period or may in writing require that such records be kept and maintained for a specified period in excess of three (3) years.

Section 11. Returns

- (a) Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending February 28, May 31, August 31 and November 30 of each year on or after September 1, 2023. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as may be specified. If the Treasurer deems it necessary in order to insure the payment of the tax imposed by this local law, the Treasurer may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as may be specified.
- (b) The forms of returns shall be prescribed by the Treasurer and shall contain such information as may be deemed for the proper administration of this local law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.
- (c) If the return required by this local law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such return or of a corrected return.

Section 12. Payment of Tax

- (a) Upon the time of filing a return of occupancy and of rents, each operator shall pay to the Treasurer the taxes imposed by this local law upon the rents required to be included in such return, as well as other monies collected by the operator acting or purporting to act under the provisions of this local law.
- (b) Where the Treasurer, in his discretion, deems it necessary to protect revenues to be obtained under this local law, the Treasurer may require any operator obligated to collect the tax imposed by this local law to file with the Treasurer's office a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator.
- (c) In the event the Treasurer determines that an operator is to file such bond, notice shall be given by the Treasurer to such operator to that effect specifying the amount of the bond required.
- (d) The operator shall file such bond within five (5) days after the issuance of such notice, unless within five (5), days the operator shall serve upon and deliver to the Treasurer a written request for a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Any determination by the Treasurer upon such hearing shall be final and shall be complied with by the operator within fifteen (15) days after the giving of notices thereof.
- (e) In lieu of such bond, securities approved by the Treasurer or cash in such amount as may be prescribed, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice of the depositor apply them to any tax and interest and penalties due, and for that purpose the securities may be sold by the Treasurer at public or private sale without notice to the depositor thereof.

Section 13. Determination of Tax

If a return required by this local law is not filed, or if a return is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of such notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of its own motion shall re-determine the same. After such hearing, the Treasurer shall give notice of the determination made to the person against whom the tax is assessed. Any final determination of the amount of any tax payable hereunder, shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within thirty (30) days after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the Civil Practice Law and Rules shall not be instituted unless:

- (a) The amount of tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law or regulation shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme court shall approve to the effect that if such proceeding be dismissed or the tax

confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding; or

- (b) At the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interests, and penalties stated in such determination plus the costs and charges which may accrue against such petitioner in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interests or penalties as a condition precedent to the application.

Section 14. Refunds

- (a) In the manner provided in this section, the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one year of payment thereof. Whenever a refund is made by the Treasurer, the reason therefor shall be stated in writing. Such application may be made by the occupant, operator, or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one year of the payment by the occupant to the operator, but no actual refund of money shall be paid to such operator until it is first established to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that the Treasurer has repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.
- (b) Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within thirty (30) days after the giving of the notice of such denial, that final determination of the tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 15. Reserves

In cases where the occupant or operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for a refund, the Treasurer shall set aside sufficient monies to meet any decision adverse to the County.

Section 16. Disposition of Revenues

All revenues resulting from the imposition of the tax under this local law shall be paid into the Treasury of Ontario County and shall be credited to and deposited in the general fund of the County and shall be available thereafter for the promotion of tourism and tourist attractions in Ontario County and that not more than five percent (5%) of such revenue shall be used for the cost of administering such tax. Such promotion may be carried out by an appropriate organization or organizations as designated by the Ontario County Board of Supervisors.

Section 17. Remedies Exclusive

The remedies provided by sections thirteen (13) and fourteen (14) of this local law shall be the exclusive remedies available to any person for the review of the tax liability imposed by this local law; and no determination or proposed determination of tax or determination

on any application for refund or credit shall be enjoined, contested or reviewed by any action or proceeding, except by a proceeding under article seventy-eight of the Civil Practice Law and Rules provided, however, that a taxpayer may proceed by declaratory judgment if suit is instituted within thirty (30) days after a deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs pursuant to section thirteen (13) of this local law.

Section 18. Proceedings to Recover Tax

- (a) Whenever any operator or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as herein provided, or whenever any occupant shall fail to pay any such tax, penalty or interest, the County Attorney shall, upon the request of the County Treasurer bring or cause to be brought an action to enforce the payment of the same on behalf of Ontario County in any court of the State of New York or of any other state or of the United States.
- (b) Notwithstanding any other provision of this section, if the Treasurer, in its discretion, believes that any such operator, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Treasurer may declare such tax or penalty to be immediately due and payable and may issue a warrant, as provided in this section, immediately.
- (c) As an additional alternate remedy, the Treasurer may issue a warrant, directed to the Ontario County Sheriff or to the Sheriff of any other county commanding said Sheriff to levy upon and sell the real and personal property of the operator, occupant, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to the Treasurer the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by in respect to executions issued against property judgments of a court of record and for services in executing the warrant the Sheriff shall be entitled to the same fees, which may be collected in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred upon by the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.
- (d) Whenever an operator shall make a sale, transfer, or assignment in bulk of any part of the whole of a hotel, motel, or lease, or of such operator's business assets, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the said sale, transfer or assignment, or paying therefor, notify the Treasurer by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that any tax is owed pursuant to this local

law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

- (e) Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by sub-section eighteen (18) (d), of this section or whenever the Treasurer shall inform the purchaser, transferee, or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien of any such taxes theretofore or thereafter determined to be due the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this sub-section, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment determined to be due to the county from the seller, transferor or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

Section 19. General Powers of the Treasurer

In addition to the powers granted to the Treasurer by County Law and this local law, the Treasurer is hereby authorized and empowered:

- (a) To make, adopt and amend rules and regulations, and to issue orders, appropriate to the carrying out of this local law and the purposes thereof.
- (b) To extend for cause shown the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit or waive penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed.
- (c) To request information from the tax commissioner of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commissioner or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding.
- (d) To delegate said functions hereunder to any employee or employees of the County Treasurer.
- (e) To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents.
- (f) To require any operator within the County to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the County Treasurer.
- (g) To assess, determine, revise and readjust the taxes imposed under this local law.

Section 20. Administration of Oaths and Compelling Testimony

- (a) The Treasurer, or the Treasurer's duly designated and authorized employees or agents, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the Treasurer's powers and duties under this local law.

- (b) The Treasurer shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder and of the enforcement of this local law, and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the Treasurer or excused from attendance.
- (c) A justice of the Supreme Court, either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this local law.
- (d) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment.
- (e) The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts or record, except as herein otherwise provided.
- (f) The County Sheriff, the Sheriff's duly appointed deputies, and any officer or employee of the Treasurer designated to serve process under this local law, are hereby authorized and empowered to serve any summons, subpoena, order, notice, document, instrument, or other process to enforce or carry out this local law.

Section 21. Reference to Tax

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms"; except that in any bill, receipt, statement or other evidence of memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

Section 22. Penalties and Interest

- (a) Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this local law shall be subject to a penalty of five percent (5%) of the amount of the tax due. In addition to the aforementioned penalty, interest at the rate of one percent (1%) of such tax for each month of delay, excepting the first month after such return was required to be filed or such tax became due, shall accrue. The Treasurer, if satisfied the delay was excusable, may remit or waive all or any part of the penalty, but not the interest owed. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.
- (b) Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate affidavit, representation, information, testimony, or statement required or authorized by this local law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required pursuant to section thirteen (13) of this local law, failing to file a registration certificate and such data in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully

failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax or any evidence of occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any operator failing to keep the records required by section ten (10) of this local law, shall in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalty herein above imposed.

- (c) The certificate of the Treasurer to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

Section 23. Returns to be Secret

- (a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of the taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Treasurer in an action or proceeding under the provisions of this local law or on behalf of any party to any action or proceeding under this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative or a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.
- (b) Any violation of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or employee of the County such officer or employee shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

Section 24. Notices and Limitations of Time

- (a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a post-paid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it is addressed. Any period of time which is determined according to the provisions of the local law giving of notice shall commence to run from the date of such notice.

- (b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return, provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.
- (c) Where, before the expiration of the period described herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Section 25. Separability

If any provision of this local law or the application thereof to any person or circumstance shall be held invalid, the remainder of this local law and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 26. Limitation of Effect of Local Law

This local law shall remain in full force and effect for a period of three (3) years from the date of enactment by the Board of Supervisors; except nothing shall prohibit or prevent the adoption and enactment of subsequent local laws continuing or imposing the tax authorized hereby after the expiration of this local law.

Section 27. Effective Date

This local law shall take effect September 1, 2023.

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

RESOLUTION NO. 335-2023 APPORTIONMENT OF MORTGAGE TAX OCTOBER 1, 2022 – MARCH 31, 2023

WHEREAS, The amount received by the County Clerk from mortgage taxes for the period October 1, 2022 to March 31, 2023 was \$1,483,174.30 and the County's share to be distributed among the several tax districts in the County amounts to the sum of \$1,481,392.31 including interest earned less County Clerk's expense; now, therefore, be it

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed this resolution and recommends the distribution of these funds to the tax districts below; now, therefore, be it

RESOLVED, That pursuant to Section 261 of the Tax Law, the County Treasurer be, and hereby is, authorized and directed to issue checks for the distribution thereof to the several districts in the County of Ontario entitled thereto, as set forth below:

CITIES, TOWNS, VILLAGES

		Distributed to Villages	Distributed to Cities & Towns
3895	Bristol		\$ 29,414.50
3897	Canadice		\$ 15,294.60
0708	Canandaigua City		\$ 165,411.78
3899	Canandaigua Town		\$ 143,120.92
4081	Bloomfield Village	\$ 3,971.86	
3893	East Bloomfield		\$ 25,474.53
3902	Farmington		\$ 304,662.32
0705	Geneva City		\$ 82,535.72
3904	Geneva Town		\$ 57,289.48
4088	Rushville Village	\$ 351.89	
3906	Gorham		\$ 37,993.35
3908	Hopewell		\$ 30,245.64
4080	Clf Spg T/Man	\$ 5,941.09	
4083	Manchstr T/Man	\$ 5,371.97	
4089	Shortsvil T/Man	\$ 4,645.33	
3910	Manchester Town		\$ 49,256.00
4084	Naples Village	\$ 4,368.18	
3912	Naples Town		\$ 24,340.98
4086	Phelps Village	\$ 4,397.95	
4080	Clf Spg T/Phelps	\$ 1,562.99	
3928	Phelps Town		\$ 45,960.30
3915	Richmond		\$ 21,895.16
3918	Seneca		\$ 28,595.60
3921	South Bristol		\$ 52,745.59
4087	Victor Village	\$ 16,710.81	
3923	Victor Town		\$ 308,671.20
3925	West Bloomfield		\$ 11,162.57
	TOTALS	\$ 47,322.07	\$ 1,434,070.24
	Total Villages/Cities/Towns		\$ 1,481,392.31

Adopted.

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

**RESOLUTION NO. 336-2023
AUTHORIZATION TO PAY FOR DAMAGED LEASED VEHICLE
PAYOUT COSTS TO ENTERPRISE FLEET MANAGEMENT, INC.**

WHEREAS, On November 10, 2022 an Ontario County Department of Social Services vehicle sustained structural and unknown potential further damage, rendering the vehicle unlikely to be safe to drive if repaired; and

WHEREAS, This was a leased vehicle through Enterprise Fleet Management, Inc., and the payout cost of the vehicle is \$22,279.51; 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 June 14, 2023 and recommends to the Board that it is in the best interest of Ontario County to proceed with the payout to Enterprise Fleet Management, Inc. and to pay the costs associated therewith; and

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

RESOLVED, The Board hereby authorizes payment of the amount of \$22,279.51, or such other amount as may be greater or lesser due to the passage of time between the date of this Resolution and date of payment, for purposes of paying out the cost of the damaged vehicle to Enterprise Fleet Management, Inc.; and further

RESOLVED, That the following budget account will be used to allow for the transaction to occur:

BUDGET ACCOUNT	LINE ITEM	AMOUNT
Property Loss and Claims	MS193054430	\$22,279.51

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 seven resolutions as a block and moved for its adoption, seconded by Supervisor Fred Wille:

**RESOLUTION NO. 337-2023
AUTHORIZATION TO AMEND GRANT BOE01-C004375-1110000
TECHNOLOGY INNOVATION AND
ELECTION RESOURCES (TIER) GRANT PROGRAM**

WHEREAS, The Ontario County Board of Elections has the requirement to upgrade software, technology, equipment, and infrastructure to improve connectivity and security; and

WHEREAS, The State of New York has provided a grant (BOE01-C004375-1110000) to reimburse Ontario County for said costs; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 552-2021; and

WHEREAS, The State of New York has added additional funding and extended the period of grant program through January 28, 2024; and

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

for acceptance of said additional NYS funds; and

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of purchasing upgrades to the Board of Elections equipment, software, technology, and election security; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts NYS grant funding for an amount up to \$220,984.67 for the period April 07, 2021 through January 28, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502112 43089	State Aid, Other	Increase \$ 102,008.67
14502112 52051	Equipment Voting Machines	Increase \$ 29,884.05
14502112 54101	Equipment Minor	Increase \$ 72,124.62

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

RESOLVED, That any unencumbered and unspent funds from the prior grant year be carried forward into the current grant year ending January 28, 2024; and further

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

RESOLUTION NO. 338-2023
AUTHORIZATION TO AMEND GRANT BOE01-C004041-1110000
ELECTRONIC POLL BOOKS CAPITAL GRANT PROJECT

WHEREAS, The Ontario County Board of Elections is required by New York State Election Law to conduct Early Voting utilizing electronic poll books; and

WHEREAS, The State of New York has provided a grant (BOE01-C004041-1110000) to reimburse Ontario County for related to the procurement and deployment of electronic poll books including equipment, software, licenses and associated training and support; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant and establishing project number G19031 with Resolution No.’s 553-2019, 720-2019 and 361-2022; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$29,191.00 the for purchases of electronic poll book equipment; and

WHEREAS, The State of New York has extended the period of the grant program through January 28, 2024; and

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

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of purchasing upgrades to the Board of Elections electronic poll book equipment, software, licenses and associated training and support; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts NYS grant funding for an amount up to \$105,726.38 for the period April 12, 2019 through January 28, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
AA1450PL 43089	State Aid, Other	Increase \$ 76,535.38
AA1450PL 54101	Equipment Minor	Increase \$ 76,535.38

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 January 28, 2024; 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. 339-2023

AUTHORIZATION TO AMEND GRANT BOE01-T004600-1110000 ABSENTEE BALLOT PRE-PAID POSTAGE GRANT PROGRAM

WHEREAS, The New York State Legislature passed a resolution authorizing all New York counties to prepay postage for absentee ballot returns on April 9, 2022; and

WHEREAS, The Ontario County Board of Elections has the requirement to provide pre-paid return mail postage for absentee ballots as well as incur additional costs associated with the preparation, handling and processing of absentee ballots; and

WHEREAS, The State of New York has provided a grant (BOE01-T004600-1110000) to reimburse Ontario County for said costs listed above; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 552-2021; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$30,725.71 for costs associated with absentee ballot postage and other associated costs; and

WHEREAS, The State of New York has added additional funding and extended the period of grant program through December 31, 2023; and

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

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of providing pre-paid return postage for absentee ballots and other associated costs; 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 \$62,134.08 for the period April 07, 2021 through December 31, 2023; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502218 43089	State Aid, Other	Increase \$ 31,067.05
14502218 51800	PT Hourly	Increase \$ 10,000.00
14502218 54120	Maint Eqp/Repair	Increase \$ 2,300.00
14502218 54140	Postage	Increase \$ 13,000.00
14502218 54613	Supplies Election	Increase \$ 5,767.05

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 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 Board of Elections.

RESOLUTION NO. 340-2023
AUTHORIZATION TO AMEND GRANT BOE01-C003234-1110000
HELP AMERICA VOTE ACT (HAVA)
OPERATIONS COSTS (SHOEBOX) GRANT PROJECT

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-C003234-1110000) to reimburse Ontario County for related expenses related to implement, install, store and maintain voting machines required by HAVA; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 260-2012 and subsequent extensions in 2014, 2016, 2019 and 2021; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$66,775.00 for purchases of voting equipment; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2024; and

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

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of purchasing equipment, supplies and support services necessary to remain compliant with HAVA; 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 \$294,649.32 for the period April 1, 2023 through March 31, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
AA1450PL 43089	State Aid, Other	Increase \$ 227,874.32
AA1450PL 52051	Equipment, Voting Machines	Increase \$ 220,000.00
AA1450PL 54120	Maint/Repair Equipment	Increase \$ 7,874.32

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, 2024; 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. 341-2023
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 implement, install, store and maintain voting machines required by HAVA; and

WHEREAS, The Ontario County Board of Supervisors previously accepted this grant with Resolution No. 354-2007 and subsequent extensions through March 31, 2023; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2024; and

WHEREAS, Authorization by the Ontario County Board of Supervisors is required for 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 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, 2023 through March 31, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502308 43089	State Aid, Other	Increase \$ 62,874.00
14502308 54580	Printing	Increase \$ 12,500.00
14502308 54750	Training and Conferences	Increase \$ 15,000.00
14502308 54160	Books/Manuals/Subscriptions	Increase \$ 2,500.00
14502308 54180	Mileage/Day Training	Increase \$ 7,874.00
14502308 51800	PT Hourly	Increase \$ 25,000.00

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, 2024; 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. 342-2023
AUTHORIZATION TO AMEND CONTRACT BOE01-T002674-1110000
NYS VOTING ACCESS FOR PERSONS WITH DISABILITIES POLL SITE
ACCESS IMPROVEMENT GRANT PROGRAM

WHEREAS, The Ontario County Board of Elections is required the Help America Vote Act (HAVA) to improve access to polling places for voters with disabilities; and

WHEREAS, The State of New York has provided a grant (BOE01-T002674-1110000) to reimburse Ontario County for related expenses incurred to improve poll site access for voters with disabilities as required by HAVA; and

WHEREAS, The Ontario County Board of Supervisors originally accepted this grant with Resolution 157-2007 and subsequent extensions through March 31, 2023; and

WHEREAS, The State of New York has previously reimbursed Ontario County \$5,358.69 for costs incurred to improve poll site access; and

WHEREAS, The State of New York has extended the period of grant program through March 31, 2024; and

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

WHEREAS, The Governmental Operations and Insurance and Ways and Means Committees have reviewed and recommends accepting additional grant from NYS Board of Elections for the purpose of improving poll site access for voters with disabilities; 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 \$26,078.31 for the period April 1, 2023 through March 31, 2024; and further

RESOLVED, That the Department of Finance is hereby directed to amend the 2023 Board of Elections Budget as follows:

Account Number	Account Description	Amount
14502307 43089	State Aid, Other	Increase \$ 26,078.31
14502307 54103	Poll Site Expenses	Increase \$ 26,078.31

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 the Finance Department be authorized to make any budgetary and accounting entries to effectuate the intent of the 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, 2024; and further

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

RESOLUTION NO. 343-2023
AMENDMENT TO RESOLUTION 12-2023
RESOLUTION OF APPROVAL – ONTARIO COUNTY HUMANE SOCIETY (1)
CORRECTION OF ERROR – 2023 COUNTY/TOWN TAX ROLL

WHEREAS, There has been an error reported on Resolution No. 12-2023, Approval for Correction of Error which was certified by the Clerk of this Board on January 27, 2023; and

WHEREAS, The Ontario County Humane Society, identified as tax map number 56.00-1-55.111, was granted approval for Correction of Error in the amount of \$3,127.49; and

WHEREAS, The Correction of Error was investigated by former Director of Real Property Tax, Donna LaPlant, where her findings from investigation of the parcel warranted a correction was based on the property being owned by Ontario County Governing Entity and deemed wholly exempt for the 2022 Roll year, pursuant to RPTL §550(7)(a); and

WHEREAS, Amongst further investigation, it was found that Ontario County does not own the Ontario County Humane Society located at State Route 332 in the Town of Canandaigua, and would not be have been eligible as a government entity for wholly exempt purposes; and

WHEREAS, Ontario County Humane Society, could have potentially been deemed eligible as a Non-Profit organization providing approval of tax exemption as such; and

WHEREAS, Ontario County Humane Society has since applied for and has been granted a Not-for-Profit exemption by the Town of Canandaigua Assessor pursuant to RPTL §420-a for the ensuing 2023 roll year; now, therefore, be it

RESOLVED, That the Amendment to Resolution 12-2023 has been reviewed by the Governmental Operations & Insurance Committee; and further

RESOLVED, That copies of this resolution be sent to the Ontario County Humane Society, Town of Canandaigua Assessor, and Ontario County Real Property Tax Services.

The foregoing block of seven resolutions was adopted.

Supervisor Richard Russell offered the following two resolutions as a block and moved for its adoption, seconded by Supervisor Tammie Hicks:

RESOLUTION NO. 344-2023
APPORTIONMENT OF
2024 WORKERS’ COMPENSATION INSURANCE EXPENSE
ONTARIO COUNTY MUTUAL SELF-INSURANCE PLAN

WHEREAS, The Governmental Operations and Insurance Committee overseeing the Ontario County Mutual Self-Insurance Plan, pursuant to the provisions of Article 5 of the Workers’ Compensation Law, has provided the Clerk of this Board an estimated sum of \$2,200,000 to be collected from participating municipal corporations for the administration of the plan from January 1, 2024, to December 31, 2024, inclusive, said sum to be apportioned to each of the participating municipal corporations as hereinafter set forth, and has requested that the amount apportioned to the County shall be included by the Board of Supervisors in the 2024 tax levy; now, therefore, be it

RESOLVED, That the sum of \$521,730 apportioned to Ontario County shall be included in the General Tax Levy and levied against the county and its departments, together with other 2024 taxes levied in connection with the general budget; and further

RESOLVED, That the amounts set forth in the table below shall be charged to the participating municipal corporations as their apportionment of the 2024 Ontario County Mutual Self-Insurance Plan, to wit:

Participating Municipal Corporations and Apportionment of Expense			
Ontario County	\$521,730	Town South Bristol	\$25,097
City of Canandaigua	\$241,689	Town Victor	\$101,659
City Geneva	\$297,618	Town W. Bloomfield	\$15,863
Town Bristol	\$28,388	Village Bloomfield	\$10,868
Town Canadice	\$28,078	Village Clifton Springs	\$26,369
Town Canandaigua	\$147,906	Village Manchester	\$12,868
Town E. Bloomfield	\$28,880	Village Naples	\$10,164
Town Farmington	\$120,954	Village Phelps	\$23,456
Town Geneva	\$48,599	Village Rushville	\$5,826
Town Gorham	\$50,814	Village Shortsville	\$8,402
Town Hopewell	\$44,081	Village Victor	\$31,256
Town Manchester	\$39,736	Fishers Fire District (Paid Only)	\$52,902
Town Naples	\$22,377	Victor Fire District (Paid Only)	\$865
Town Phelps	\$46,627	Finger Lakes Community College	\$116,004
Town Richmond	\$42,528	Soil & Water	\$13,489
Town Seneca	\$34,906	TOTAL	\$2,200,000

and further

RESOLVED, That certified copies of this resolution shall also be sent by the Clerk of this Board to the Ontario county Department of Finance, the Ontario County Director of Human Resources, and all of the above listed plan participants whose 2024 assessment amount is established herein; and further

RESOLVED, That the Ontario County Finance Department shall appropriately bill each municipality for its amount due to be paid within 30 days of each municipality's respective fiscal year.

RESOLUTION NO. 345-2023
ONTARIO COUNTY WORKPLACE CONDUCT STANDARDS

WHEREAS, Ontario County understands that all of its employees are critical to help the County achieve its vision and mission; and

WHEREAS, A culture and work environment that is tolerant and respectful of all employees is essential for employees to work together; and

WHEREAS, Ontario County intends to promote a productive work environment by declaring the minimum expectations for employee workplace conduct in order to attract and retain a diverse and talented work force and foster a respectful work culture among employees; now, therefore, be it

RESOLVED, That this Board does hereby approve the attached "Ontario County Workplace Conduct Standards", which is also filed with the Clerk of the Board; and further

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

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

RESOLVED, That the Director of Human Resources shall ensure the standards are provided to all employees.

Ontario County Workplace Conduct Standards

Date: 06/22/2023

Approved by Resolution: Res. No. 345-2023

Objective:

This document is intended to provide a general guide of appropriate behavior that is expected of all Ontario County employees. In all instances employees are held accountable for their own conduct and shall not shift the burden of responsibility to another for their own behavior.

Application:

The policy is applicable to all employees in all departments, although each department may supplement this policy with conduct standards specific to their own department. Failure to comply with this policy may result in discipline up to and including termination.

Professional Conduct:

This policy is not intended to be an all-inclusive guide to professional workplace conduct and may not anticipate all the various situations in which an employee may become involved. Additionally, some professional behaviors are identified separately in already existing county policies, such as the Non-Discrimination and Sexual Harassment Prevention Policy, the Workplace Violence Prevention Policy, and the Drug-Free Workplace Policy. Failure of a behavior to be specifically listed in this policy is not

permission for any employee to act in a manner which may negatively reflect on any department or Ontario County.

BE RESPECTFUL

In all interactions employees shall be respectful to co-workers, supervisors/subordinates, clients, customers, visitors, guests, and any other person with whom they interact. This respect shall be shown in the tone, volume, and words used by employees in communicating with others. Employees shall not yell or scream at another person, nor direct any profanity or derogatory language, whether verbal or in writing, towards another employee or person.

BE COURTEOUS

In all interactions, employees shall be courteous to co-workers, supervisors/subordinates, clients, customers, visitors, guests, and any other person with whom they interact. Employees are expected to exercise patience and good judgment in all communications. Employees shall not use derogatory words or name-calling when communicating about, or with, another person. Employees should be mindful that strong scents and music can be distracting at work. A Department Head may ask an employee to reduce or stop the use of cologne, perfume, air diffusers/fresheners, music, or sound machines.

COOPERATION

All employees shall foster a high degree of cooperation within their work unit and shall help complete tasks to the extent they are able. Behavior that undermines a cooperative work environment or is otherwise unproductive is not permissible.

GOSSIP

All employees shall refrain from participating in the receipt or spreading of details of a personal, sensational, or intimate nature about a fellow Ontario County employee. The spreading of gossip or groundless rumors are prohibited regardless of the manner of dissemination (i.e. verbal or written including email, text messages, instant messages).

SPACE, PROPERTY AND EQUIPMENT

Every Ontario County employee is responsible for the care and use of the Ontario County workspace, property, and equipment assigned to them by each department, as well as equipment/property that is shared among employees. No co-worker should enter the workspace or use or take equipment or property assigned to another employee, or within the employee's workspace without the employee's express permission, unless directed to do so by a supervisor.

COMPLIANCE WITH ORDERS/DIRECTIVES

Every employee is expected to comply with any lawful order or directive of a supervisor or department head whether given verbally or in writing. Failure to do so will be considered insubordination.

REPORTING FOR WORK

Employees are expected to be present at work for the duration of their shift/workday, unless otherwise excused by a supervisor. Department Heads have discretion to approve or deny leave when advance notice is not given. An unexcused or unapproved absence may result in the denial of the use of paid leave for the time taken (time will be taken unpaid if not worked). Employees with repeated unexcused absences or absences that lack proper notice/pre-authorization may be subject to discipline.

WHILE AT WORK

Employees are expected to conduct themselves in a professional manner while at work or representing Ontario County. They are expected to perform their duties and tasks in an

effective, timely and efficient way. Loitering, sleeping, conducting personal business, or otherwise shirking work responsibilities, while at work are prohibited.

FALSE REPORTS

No employee shall knowingly make or submit any internal or official document, report, record, or communication, containing any false, inaccurate, or improper information.

PERSONAL APPEARANCE

Employees are expected to be mindful of their own appearance and professionalism. Employees shall be mindful not to appear in such a way that would create any negative public perception. All attire should be neat, clean, and appropriate for each work setting. Clothing that is perceived as provocative or inflammatory by the Department Head will not be tolerated.

CONFIDENTIALITY

Any employee who receives confidential information, including a person's personal protected information, is prohibited from disclosure of such information unless otherwise permitted by law. Such information should not be discussed or disseminated to any other co-worker or County employee unless permission is explicitly given by the person who such information pertains to, or disclosure is necessary for the provision of County services.

The foregoing block of two resolutions was adopted.

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

RESOLUTION NO. 346-2023 REAPPOINTMENT TO FINGER LAKES COMMUNITY COLLEGE BOARD OF TRUSTEES – RICHARD S. RUSSELL

WHEREAS, The term of Richard S. Russell on the Board of Trustees of the Finger Lakes Community College expires on June 30, 2023; and

WHEREAS, Mr. Richard S. Russell has indicated his interest in being reappointed to the Board of Trustees; and

WHEREAS, The Governmental Operations and Insurance Committee and this Board of Supervisors endorses the reappointment of Mr. Richard S. Russell as a member of the Board of Trustees; now, therefore, be it

RESOLVED, That Mr. Richard S. Russell, 121 Holiday Harbour, Canandaigua, New York 14424, be, and he hereby is, reappointed to the Board of Trustees of the Finger Lakes Community College for a term to begin July 1, 2023, and to expire June 30, 2030; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Associate Chancellor for Community Colleges of the State University of New York, Finger Lakes Community College President Dr. Robert Nye, Ontario County Clerk, and Mr. Russell.

Adopted.

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

**RESOLUTION NO. 347-2023
RESOLUTION IN OPPOSITION TO
THE PROPOSED SITING OF A CASINO IN ROCHESTER
PURSUANT TO NEW GAMING COMPACT BETWEEN
THE STATE OF NEW YORK AND THE SENECA NATION**

WHEREAS, At the close of the 2023 New York State Legislative Session, a bill was introduced (S.7579/A.7771) to approve a newly proposed 20-year amendment and extension of the gaming compact between the Seneca Nation and New York State; and

WHEREAS, Through various media reports and engagement with our State representatives, it has become known that this proposed gaming compact contains a provision that allows for the siting of a new casino in the City of Rochester; and

WHEREAS, Ontario County has been the home to Finger Lakes Gaming and Racetrack (FLGR) since 1962; and

WHEREAS, FLGR is a major employer in Ontario County as well as a key component of our community; and

WHEREAS, The siting of a new casino in the City of Rochester is likely to cause direct and irreparable harm to the operations of FLGR and the Ontario County community; and

WHEREAS, There was no communication between New York State and local communities who would be negatively impacted by the proposed gaming compact; and

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

RESOLVED, That Ontario County hereby opposes the proposal to site a new casino in Rochester as a condition of the new gaming compact between New York State and the Seneca Nation; and be it further

RESOLVED, That certified copies of this resolution be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Pam Helming, Assembly Jeff Gallahan, Assemblywoman Marjorie Byrnes, Assembly Committee on Racing and Wagering Chairman Gary Pretlow, Senate Racing, Gaming and Wagering Chairman Joseph Addabbo, New York State Gaming Commission Chairman Brian O'Dwyer.

Adopted.

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

RESOLUTION NO. 348-2023
AUTHORIZATION TO ACCEPT PUBLIC HEALTH
EMERGENCY PREPAREDNESS PROGRAM GRANT 2023-2024

WHEREAS, Ontario County has been awarded a contract with Health Research Incorporated (HRI) to accept monies from New York State Department of Health (NYSDOH) (HRI Contract # 15-0686-11) for the purpose of upgrading local public health's preparedness, response to bioterrorism and other public health threats; and

WHEREAS, Ontario County Public Health has been awarded an allocation of \$88,733 for a one-year contract extending from July 1, 2023 through June 30, 2024; and

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

WHEREAS, The Director of Public Health, the Health and Human Services along with the Ways and Means Committees have reviewed this resolution and recommend acceptance of this grant contract; 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 the Health Research, Inc., Riverview Center, 150 Broadway, Ste. 280, Menands, New York 12204-2893 in the amount of \$88,733 for a term of July 1, 2023 through June 30th, 2024; and further

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

RESOLVED, That the County Administrator be and hereby is authorized and empowered to execute 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 hereby authorized to make any and all budgetary and accounting entries to affect the intent of this resolution.

RESOLUTION NO. 349-2023
AUTHORIZATION TO CONTRACT WITH
S2AY RURAL HEALTH NETWORK, INC. - 2023

WHEREAS, Ontario County Public Health Department is desirous to obtain services from the S2AY Rural Health Network, Inc. for purposes of sharing in the cost of carrying out the work plan of the S2AY Rural Health Network, which includes the counties of Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates; and

WHEREAS, The Public Health Director, County Administrator, and the Health and Human Services Committee recommend the participation of the Public Health Department in this network; and

WHEREAS, The funding for this contract is established in the amount of \$18,375 and has been budgeted in the 2023 budget; 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 S2AY Rural Health Network, Inc. for the period of January 1, 2023 through December 31, 2023 at a cost not to exceed \$18,375; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute this contract with S2AY Rural Health Network, Inc. and all other documents necessary to effectuate the purposes of this resolution.

The foregoing block of two resolutions was adopted.

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

**RESOLUTION NO. 350-2023
APPOINTMENT OF BESSIE TYRRELL AS ALTERNATE MEMBER OF
THE ONTARIO COUNTY PLANNING BOARD**

WHEREAS, Bessie Tyrrell has served as the Town of South Bristol representative to the Ontario County Planning Board since November 11, 2020; and

WHEREAS, Ms. Tyrrell has resigned as an Ontario County Planning Board representative of the Town of South Bristol due to a move to the Village of Naples; and

WHEREAS, Ontario County Planning Director Thomas P. Harvey has recommended Ms. Tyrrell's appointment as an alternate member of the Ontario County Planning Board; and

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

RESOLVED, That as of June 22, 2023 the following individual is appointed as an alternate member of the Ontario County Planning Board able to vote if a member Board has a conflict of interest:

Name	Representing	Term Expires
Bessie Tyrrell	At Large Alternate Member	June 21, 2028

and further

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

Adopted.

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

**RESOLUTION NO. 351-2023
RE-APPOINTMENT OF MICHAEL WOODRUFF TO
THE ONTARIO COUNTY PLANNING BOARD**

WHEREAS, On May 31, 2018 the Ontario County Board of Supervisors appointed Michael Woodruff to a 5-year term on the Ontario County Planning Board; and

WHEREAS, The East Bloomfield Town Board now recommends Mr. Woodruff for re-appointment to a second 5-year term; and

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

RESOLVED, That as of June 22, 2023 the following individual is re- appointed as a member of the Ontario County Planning Board:

Name	Representing	Term Expires
Michael Woodruff	Town of East Bloomfield	June 21, 2028

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board, to the County Clerk, to the Town of East Bloomfield, and to Michael Woodruff.

Adopted.

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

**RESOLUTION NO. 352-2023
AUTHORIZING CONTRACT WITH H2O PARTNERS
FOR UPDATING OF ONTARIO COUNTY MULTI-JURISDICTIONAL
ALL HAZARD MITIGATION PLAN**

WHEREAS, Resolution No. 179-2023 accepted a grant from the New York State Division of Homeland Security and Emergency Service (DHSES) for the preparation of an update of the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, The existence of an approved updated All Hazard Mitigation Plan is required to maintain eligibility for both state and federal disaster relief; and

WHEREAS, The Purchasing Department advertised a Request for Qualifications for preparing an Update to the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan prepared by the Planning Department dated April 20, 2023, to which four firms submitted their qualifications; and

WHEREAS, Based on a review by the Director of Planning, Senior Planner Linda Phillips, and the GIS Coordinator, the top two ranked firms were interviewed and submitted detailed proposals; and

WHEREAS, Said County staff recommend acceptance of the proposal from H2O Partners, 260 Addie Roy Road, Suite 150, Austin, Texas 78746 for a sum not to exceed One Hundred Seven Thousand Seven Hundred Seventy Dollars (\$107,770.00) as more fully described in their proposal dated May 25, 2023, a copy of which is on file with the Clerk of this Board; and

WHEREAS, Sufficient funds exist to fund this contract in the Planning Department Budget line 80202305 54260 Consultation & Professional; and

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

RESOLVED, That subject to review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts the May 25, 2023 proposal from H2O Partners to prepare an update to the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan and authorizes and empowers the County Administrator to execute a contract with said firm for said services for a sum not to exceed One Hundred Seven Thousand Seven Hundred Seventy Dollars (\$107,770.00); and further

RESOLVED, That the term of said contract shall commence on June 22, 2023 and terminate on December 31, 2024; and further

RESOLVED, That said contract be paid from line 80202305 54260 Consultation & Professional in the Planning Department Budget; and further

RESOLVED, That the Planning Department is hereby authorized and directed to work with said consultant and each of the 26 municipalities within Ontario County that wish to participate in the updating of their All Hazard Mitigation Plan; and further

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

RESOLVED, That this resolution take effect immediately.

**RESOLUTION NO. 353-2023
FINDING OF NO SIGNIFICANT IMPACT PURSUANT TO
THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR
INCLUSION OF VIABLE AGRICULTURAL LAND IN
ONTARIO COUNTY CONSOLIDATED AGRICULTURAL DISTRICT
NUMBER ONE PURSUANT TO
THE 2022 ANNUAL AGRICULTURAL ENROLLMENT PERIOD**

WHEREAS, In accordance with Article 25 AA §303-b. of the New York State (NYS) Agriculture and Markets Law, this Board of Supervisors established by Resolution No. 294-2004 an annual thirty (30) day period within which a landowner may submit to the Board of Supervisors a request for inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, An Annual Agricultural District Inclusion Period was advertised as per legal notification requirements, and, held between November 1, 2022 and November 30, 2022; and

WHEREAS, The Ontario County Planning Department has drafted a Short Environmental Assessment Form (SEAF) as prescribed by NYS Department of Agriculture and Markets; and

WHEREAS, A public hearing was duly advertised and held before this Board on June 1, 2023; and

WHEREAS, The Ontario County Board of Supervisors has reviewed said Short Environmental Assessment Form, the Draft 2022 Annual Agricultural District Enrollment Report: Proposed Inclusion of Viable Lands to Ontario County Consolidated Agricultural District One, the comments received at said public hearing, the recommendations of the Ontario County Agricultural Enhancement Board, and the Planning and Environmental Quality Committee, and such other documents and information this board found it necessary or appropriate to adequately review the proposed action; now, therefore, be it

RESOLVED, That this Board hereby determines that, based on the information and analysis reference above, the proposed action to include the following parcels as viable agricultural land, as define Article 25 AA §303-b. of the New York State (NYS) Agriculture and Markets Law, in Ontario County Consolidated Agricultural District One will not result in any significant adverse environmental impact:

Municipality	Owner	Tax Map No.	Acres	Property Address
T. Canadice	Kurta, Eric S.	162.00-1-34.110	45	9739 Coykendall Hill Road
T. Canadice	Kurta, Eric S.	162.00-1-22.000	1	9740 Coykendall Hill Road
T. Gorham	Shuryn, Susan M.	127.15-1-65.000	41	4586 Wild Rose Lane
T. S. Bristol	Bison View Vineyards, LLC	168.00-1-46.220	21	6080 Hicks Road
		Total Acres	108	

and further

RESOLVED, That the Chairman of this Board is hereby authorized and empowered to complete and sign Part 3. Determination of Significance of the Short Environmental Assessment Form stating that based on the information and analysis above and any supporting documentation that the proposed action will not result in any significant adverse environmental impact; and further

RESOLVED, That the Clerk of this Board send certified copies of this resolution and the Environmental Assessment Form to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Clerks for the Towns of Canadice, Gorham, and South Bristol.

RESOLUTION NO. 354-2023
APPROVAL OF THE INCLUSION OF VIABLE AGRICULTURAL LAND IN
ONTARIO COUNTY CONSOLIDATED
AGRICULTURAL DISTRICT NUMBER ONE DURING
THE 2022 ANNUAL AGRICULTURAL DISTRICT ENROLLMENT PERIOD

WHEREAS, In accordance with Article 25 AA §303-b. of the New York State Agriculture and Markets Law, this Board of Supervisors established by Resolution No.

294-2004 an annual thirty (30) day period within which a land owner may submit to the Board of Supervisors a request for inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, The Annual Agricultural District Inclusion Period was advertised as per legal notification requirements and held between November 1, 2022 and November 30, 2022; and

WHEREAS, The following parcels have been proposed for inclusion by their owners as follows:

Municipality	Owner	Tax Map No.	Acres	Property Address
T. Canadice	Kurta, Eric S.	162.00-1-34.110	45	9739 Coykendall Hill Road
T. Canadice	Kurta, Eric S.	162.00-1-22.000	1	9740 Coykendall Hill Road
T. Gorham	Shuryn, Susan M.	127.15-1-65.000	41	4586 Wild Rose Lane
T. S. Bristol	Bison View Vineyards, LLC	168.00-1-46.220	21	6080 Hicks Road
		Total Acres	108	

and

WHEREAS, The Planning and Environmental Quality Committee of this Board has reviewed all information included in the Draft 2022 Annual Agricultural District Enrollment Report: Proposed Inclusion of Viable Lands to Ontario County Consolidated Agricultural District One, the Short Environmental Assessment Form, the recommendations of the Agricultural Enhancement Board, and staff regarding the inclusion of said parcels; and

WHEREAS, The Planning and Environmental Quality Committee recommends inclusion of said parcel as described in the map on file with the Clerk of this Board; and

WHEREAS, This Board held a Public Hearing on June 1, 2023 for the purpose of hearing comments on the agricultural viability of said parcels for inclusion into Ontario County Consolidated Agricultural District One; and

WHEREAS, Pursuant to Resolution No. 353-2023 this Board had determined that this proposed inclusion will not have any significant adverse environmental impacts and therefore an Environmental Impact Statement is not required; now, therefore, be it

RESOLVED, That based on consideration of the recommendation of the Ontario County Agricultural Enhancement Board, the Planning and Environmental Quality Committee, the input provided at said public hearing and the finding of no significant environmental impacts, this Board finds that the following parcels meets the criteria set forth in Article 25 AA §303-b. of the New York State Agriculture and Markets Law and approves the inclusion of said parcels to said agricultural district:

Municipality	Owner	Tax Map No.	Acres	Property Address
T. Canadice	Kurta, Eric S.	162.00-1-34.110	45	9739 Coykendall Hill Road

T. Canadice	Kurta, Eric S.	162.00-1-22.000	1	9740 Coykendall Hill Road
T. Gorham	Shuryn, Susan M.	127.15-1-65.000	41	4586 Wild Rose Lane
T. S. Bristol	Bison View Vineyards, LLC	168.00-1-46.220	21	6080 Hicks Road
		Total Acres	108	

and further

RESOLVED, That the recertification date of said parcels shall be the same as the recertification date of Ontario County Consolidated Agricultural District One; and further

RESOLVED, That the Director of Planning is hereby directed to forward all transcripts, documents, any other information and a certified copy of this resolution to the Commissioner of the New York State Department of Agriculture and Markets for its review and certification pursuant to the New York State Agriculture and Markets Law; and further

RESOLVED, That the Clerk of this Board send certified copies of this resolution to all landowners who proposed land for inclusion in said agricultural district and to the Clerks of the Towns of Canadice, Gorham, and South Bristol.

The foregoing block of three resolutions was adopted.

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

**RESOLUTION NO. 355-2023
AUTHORIZATION TO CONTRACT WITH MSW CONSULTANTS
FOR LANDFILL CONSULTANT SERVICES**

WHEREAS, The Board of Supervisors is in a contract with Casella Waste Management, LLC. for landfill operations through 2028; and

WHEREAS, The Board of Supervisors desires to thoroughly examine all possible next steps for Ontario County waste management beyond 2028; and

WHEREAS, The Board of Supervisors solicited proposals via RFP (R23052) for a qualified consultant, or team of consultants, to provide insight and guidance through economic impact analysis, an evaluation of economic and environmental impacts of alternatives to current landfill operations, considerations of post-closure details, and the impact of state and federal legislation, to inform the Board of Supervisors in the creation of an economically sustainable and comprehensive waste diversion and management program; and

WHEREAS, Following a thorough review of the three proposals received, it is recommended to award the contract to MSW Consultants, 11875 High Tech Ave, Suite 150, Orlando, FL, 32817, a total project cost not to exceed \$190,000 using the landfill reserve funds; and

WHEREAS, The Planning and Environmental Quality Committee and the Ways and Means Committee recommend adoption of this resolution; now, therefore, be it

RESOLVED, The County Administrator is hereby authorized to sign the contract with MSW Consultants upon review and approval of the County Attorney as to form and any other documents necessary to effectuate the purpose of this resolution; and further

RESOLVED, That the term of said contract shall commence on June 23, 2023 and end on March 24, 2024; and further

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

RESOLVED, That the following appropriation of reserve and budget transfer be authorized:

Line Item	Title	Budget Change
AA 30511 BQ800	Appropriated Reserve - Landfill	+ \$190,000
AA 1010 54260	Consultation and Professional	+ \$190,000

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

Adopted.

Supervisor David Phillips offered the following resolution and moved for its adoption, seconded by Supervisor John Pruett:

**RESOLUTION NO. 356-2023
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 4 (INTRO.) OF 2023**

WHEREAS, There has been presented and introduced at a meeting of this Board held on June 22, 2023 a proposed local law entitled "The Ontario County Room Occupancy Tax Law"; now, therefore, be it

RESOLVED, That a public hearing shall be held on July 13, 2023, at 6:30 P.M. at the 74 Ontario Street, Canandaigua, New York; and be it further

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

Adopted.

Brief discussion took place regarding the occupancy tax and the involvement of state legislation.

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

**RESOLUTION NO. 357-2023
CLOSING OF CAPITAL PROJECT NO. H047-18
74 ONTARIO STREET 700 MHZ PROJECT**

WHEREAS, Resolution No. 250-2018 created Capital Project No. H047-18 (formerly CP No. 2-2018) as the 74 Ontario Street 700 MHz Project to 1) improve coverage and coordination with local and state agencies by further building out the County's communications network, and 2) providing and upgrading necessary emergency communications equipment; and

WHEREAS, Said Project was budgeted and funded to an authorized amount of \$682,338.00 by the New York State Division of Homeland Security and Emergency Services (DSHES) FY 2017 State Interoperable Communications (SIC) Formula Grant (Project SI17-1012-D00, Contract No. WM17198218); and

WHEREAS, All of the designated and approved projects within the 2017 SIC Grant work plan and Capital Project No. H047-18 have been completed; and

WHEREAS, All expenditures attributable to Capital Project No. H047-18 have been made, with a cash balance of \$1,013.52 remaining at this date; and

WHEREAS, All State Aid requested for said Project has been received, and Contract No. WM17198218 has been closed by DHSES; and

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

RESOLVED, That the cash balance and any additional interest earnings remaining in Capital Project No. H047-18 be transferred by the Department of Finance to the General Fund; and further

RESOLVED, That Capital Project No. H047-18 is hereby closed; and further

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

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

Adopted.

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

**RESOLUTION NO. 358-2023
CONTRACT AMENDMENT AND EXTENSION WITH
ROBERT W. ZIMMERMAN, ESQ. FOR MENTORING SERVICES**

WHEREAS, This Board of Supervisors, by Resolution 340-2022 and Resolution 570-2022, entered into an Agreement with Robert W. Zimmerman, Esq. for mentoring services specific to the preservation of issues for appeals, which are paid from a grant from the NYS Office of Indigent Legal Services, Quality Improvement Grant; and

WHEREAS, The NYS Office of Indigent Legal Services has authorized an increased in the hourly rate to be paid for mentoring services effective April 1, 2023; and

WHEREAS, Robert W. Zimmerman, Esq. has agreed to provide said services at the increased rate of \$200.00 per hour not to exceed \$50,000, on the terms and conditions contained in the contract, a copy of which is on file with the Clerk of this Board; and

WHEREAS, The Conflict Defender's Office and Robert W. Zimmerman, Esq. are desirous of extending said contract to December 31, 2023; and

WHEREAS, The Public Safety Committee has reviewed and approves this contract; 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 Robert W. Zimmerman, Esq. at the increased rate of \$200.00 per hour, at a cost not to exceed \$50,000.00, to be paid with said grant funds; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Agreement with Robert W. Zimmerman, Esq. and all other documents necessary to effectuate the purposes of this resolution; and further

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

**RESOLUTION NO. 359-2023
CONTRACT AMENDMENT WITH
CARA A. WALDMAN, ESQ. FOR MENTORING SERVICES**

WHEREAS, This Board of Supervisors, by Resolution 306-2021 and Resolution 498-2022, entered into an Agreement with Cara A. Waldman, Esq. for mentoring services specific to the preservation of issues for appeals, which are paid from a grant from the NYS Office of Indigent Legal Services, Quality Improvement Grant; and

WHEREAS, The NYS Office of Indigent Legal Services has authorized an increased in the hourly rate to be paid for mentoring services effective April 1, 2023; and

WHEREAS, CARA A. WALDMAN, ESQ. has agreed to provide said services at the increased rate of \$200.00 per hour not to exceed \$65,000, for the contract period ending December 31, 2023, on the terms and conditions contained in the contract, a copy of which is on file with the Clerk of this Board; and

WHEREAS, The Public Safety Committee has reviewed and approves this contract; 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 CARA A. WALDMAN, ESQ. at the increased rate of \$200.00 per hour, at a cost not to exceed \$65,000.00, to be paid with said grant funds; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Agreement with CARA A. WALDMAN, ESQ., and all other documents necessary to effectuate the purposes of this resolution; and further

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

The foregoing block of two resolutions was adopted.

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

**RESOLUTION NO. 360-2023
RESCINDING RESOLUTION NO. 741-2022
SUPERVISION AND TREATMENT SERVICES
FOR JUVENILES PROGRAM (STSJP)
GLOVE HOUSE, INC.
PROBATION DEPARTMENT 2022-2023**

WHEREAS, Resolution No. 741-2022 established a contract between Ontario County and Glove House, Inc. to provide therapeutic respite housing for Ontario County youth as part of the STSJP funding; and

WHEREAS, Glove House, Inc. has failed to approve the contract after several request from the Probation Department; and

WHEREAS, Glove House, Inc. has not offered any therapeutic respite services to Ontario County youth; now, therefore, be it

RESOLVED, That Resolution No. 741-2022 is hereby rescinded; and further

RESOLVED, A copy of this rescinded resolution will be sent to Glove House, Inc.

**RESOLUTION NO. 361-2023
TRANSFER OF FUNDS - 2023 COUNTY BUDGET
OFFICE OF SHERIFF**

WHEREAS, Transfers to the Equipment Replacement Reserve Account for the purposes of funding several communications projects inadvertently closed to Fund Balance; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed and approved the following transfer to appropriately fund the Equipment Replacement Reserve; now, therefore, be it

RESOLVED, That the following transfer be made:

Transfer to Reserve:	ACCOUNT	REVENUES	EXPENSE
EQ07-17	AA302099 59023		\$767,500.00
EQ03-19	AA302099 59023		\$600,000.00
EQ06-20	AA302099 59023		\$540,000.00
EQ06-21	AA302099 59023		\$715,000.00
Appropriated Fund Balance	AA 30599	\$2,622,500.00	

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

**RESOLUTION NO. 362-2023
RENEWAL OF CONTRACT FOR
PURCHASE OF PRESCRIPTION DRUGS AND PHARMACEUTICALS
ONTARIO COUNTY JAIL - DIAMOND DRUGS, INC. (R21005)**

WHEREAS, The Purchasing Department issued a Request for Proposal (R21005) for the purchase of Prescription Drugs and Pharmaceuticals at the Ontario County Jail, which was awarded on Resolution No. 303-2021; and

WHEREAS, The County spends approximately \$300,000 annually on prescription drugs and pharmaceuticals; and

WHEREAS, Said award was awarded to Diamond Drugs, Inc., 645 Kolter Drive, Indiana, PA 15701 for the purchase of prescription drugs and pharmaceuticals; and

WHEREAS, The award offered the option of two (2) twelve (12) month renewals, this being the second and final renewal; and

WHEREAS, Diamond Drugs, Inc. has agreed to renew the existing contract at the current pricing structure, pursuant to the award (R21005), for an additional twelve months starting on July 1, 2023, through June 30, 2024; and

WHEREAS, The Public Safety Committee approves the contract renewal to Diamond Drugs, Inc.; now, therefore, be it

RESOLVED, That the Board of Supervisors authorize this contract renewal be made to Diamond Drugs, Inc., 645 Kolter Drive, Indiana, PA 15701 at a 23% discount off "average wholesale price" for brand name drugs and a 94.5% discount of "average wholesale price" for generic brand drugs; and further

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

**RESOLUTION NO. 363-2023
AUTHORIZATION TO ACCEPT DONATION OF
RUBBER AND PADDED MATS
FOR SHERIFF'S OFFICE DEFENSIVE TACTICS TRAINING**

WHEREAS, The Phelps Community Center with an office address of 8 Banta Street, Phelps, NY 14532 would like to donate used rubber and padded floor mats to the Ontario County Sheriff's Office for use with defensive tactics training; and

WHEREAS, These items consist of eighty-six (86) forty (40) inch by forty (40) inch interlocking rubber tiles and seven (7) forty-nine (49) inch by sixteen (16) inch rolled padded mats; and

WHEREAS, The mats will served as added ground padding for protection from injury of Deputies when conducting defensive tactics training; and

WHEREAS, If not donated, these items were being disposed of by the Phelps Community Center but an estimated value of the items would be less than \$500; and

WHEREAS, The Sheriff desires to accept said donation to enhance the safety and injury prevention of Deputies during defensive tactics training; and

WHEREAS, The Public Safety Committee recommends that the Sheriff be authorized to accept the donation of the rubber and padded mats; now, therefore, be it,

RESOLVED, That the Sheriff be authorized and empowered by the Board of Supervisors to accept said donation from the Phelps Community Center; and further

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

The foregoing block of four resolutions was adopted.

Supervisor Robert Green offered the following eight resolutions as a block and moved for its adoption, seconded by Supervisor William Namestnik:

**RESOLUTION NO. 364-2023
INTERMUNICIPAL COOPERATION AGREEMENT FOR
ENHANCED COURT SECURITY SERVICES WITH
THE TOWN OF MANCHESTER - 2023**

WHEREAS, The Town of Manchester 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 Manchester; 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 Manchester for the provision of enhanced court security services in that jurisdiction on an as-needed basis not to exceed \$5,000 for the term of July 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 Manchester 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 Manchester and all other documents necessary to effectuate the purposes of this resolution.

RESOLUTION NO. 365-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH BLOOMFIELD CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023-2024 SCHOOL YEAR

WHEREAS, The Bloomfield Central School District (the “School”) located at 45 Maple Ave., Bloomfield, NY 14469 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide a School Resource Officer to the School; and

WHEREAS, The School and The County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$130,614; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate of \$75.37 and an overtime rate of \$113.05 in providing the School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

RESOLUTION NO. 366-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH HONEOYE CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023-2024 SCHOOL YEAR

WHEREAS, The Honeoye Central School District (the “School”) located at 8528 Main Street, Honeoye, NY 14427 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide a School Resource Officer to the School; and

WHEREAS, The School and The County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$130,614; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate of \$75.37 and an overtime rate of \$113.05 in providing the School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

RESOLUTION NO. 367-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH MANCHESTER-SHORTSVILLE CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023 – 2024 SCHOOL YEAR

WHEREAS, The Manchester-Shortsville Central School District (the “School”) located at 1506 State Route 21, Shortsville, New York 14548 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to

provide a School Resource Officer to the School; and

WHEREAS, The School and The County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$130,614; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate of \$75.37 and an overtime rate of \$113.05 in providing the School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

RESOLUTION NO. 368-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH MARCUS WHITMAN CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023 – 2024 SCHOOL YEAR

WHEREAS, The Marcus Whitman Central School District (the “School”) located at 4100 Baldwin Road, Rushville, NY 14544 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide a School Resource Officer to the School; and

WHEREAS, The School and the County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$130,614; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate

of \$75.37 and an overtime rate of \$113.05 in providing the full time School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

RESOLUTION NO. 369-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO
CONTRACT WITH NAPLES CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023-2024 SCHOOL YEAR

WHEREAS, The Naples Central School District (the “School”) located at 136 North Main Street, Naples, NY 14512 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide a School Resource Officer to the School; and

WHEREAS, The School and The County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$130,614; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate of \$75.37 and an overtime rate of \$113.05 in providing the part time School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

RESOLUTION NO. 370-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH PHELPS-CLIFTON SPRINGS CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023 – 2024 SCHOOL YEAR

WHEREAS, The Phelps-Clifton Springs Central School District (the “School”) located at 1490 State Route 488, Clifton Springs, NY 14432 desires the services of two (2) School Resource Officers in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide two (2) School Resource Officers to the School; and

WHEREAS, The School and the County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer and 1,040 hours for a part time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officers for ten (10) months of service estimated at \$176,558; and

WHEREAS, Overtime incurred by the School Resource Officers for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officers; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with two (2) School Resource Officers; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of two (2) School Resource Officers from September 1, 2023 through June 30, 2024, at the hourly billing rate of \$75.37 and overtime rate of \$113.05 in providing the full time School Resource Officer and the hourly bill rate of \$44.18 and overtime rate of \$66.27 in providing the part time School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

RESOLUTION NO. 371-2023
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH VICTOR CENTRAL SCHOOL DISTRICT FOR
SCHOOL RESOURCE OFFICER SERVICES 2023 – 2024 SCHOOL YEAR

WHEREAS, The Victor Central School District (the “School”) located at 953 High Street, Victor, NY 14564 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide a School Resource Officer to the School; and

WHEREAS, The School and The County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,733 hours for a full time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$130.614; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate of \$75.37 and an overtime rate of \$113.05 in providing the School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

**AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF TO CONTRACT
WITH WAYNE FINGER LAKES BOCES FOR
SCHOOL RESOURCE OFFICER SERVICES 2023-2024 SCHOOL YEAR**

WHEREAS, The Wayne Finger Lakes BOCES (the “School”) located at 131 Drumlin Court, Eisenhower Building, Newark, NY 14513 desires the services of a School Resource Officer in an attempt to deter criminal behavior through positive interactions with students during school hours; and

WHEREAS, The County of Ontario (the “County”), through the Sheriff’s Office, desires to provide a School Resource Officer to the School; and

WHEREAS, The School and The County recognize the outstanding benefits of the School Resource Officer Program to the citizens of the School; and

WHEREAS, The School has requested to contract for 1,040 hours for a part time School Resource Officer; and

WHEREAS, The County has determined an hourly billing rate to charge the School for the actual hours worked by the School Resource Officer for ten (10) months of service estimated at \$45,944; and

WHEREAS, Overtime incurred by the School Resource Officer for School related activities will be charged to the School over and above the hourly billing rate; and

WHEREAS, The School agrees that it will pay the hourly billing rate and applicable overtime to the County for the School Resource Officer; and

WHEREAS, The Public Safety Committee has reviewed and recommends to the Board of Supervisors approval of the agreement to provide the School with a School Resource Officer; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Sheriff’s Office is authorized and empowered to enter into a contract with the School for the provision of a School Resource Officer from September 1, 2023 through June 30, 2024, at an hourly billing rate

of \$44.18 and an overtime rate of \$66.27 in providing the part time School Resource Officer; and further

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

RESOLVED, That the Board of Supervisors hereby authorizes and empowers the Sheriff and the County Administrator to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

The foregoing block of eight resolutions was adopted.

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

**RESOLUTION NO. 373-2023
CAPITAL PROJECT NO. H083-22
AUTHORIZE A CONTRACT AMENDMENT WITH FERGUSON ELECTRIC
AND BUDGET TRANSFER FOR CHANGE ORDER #1
2022 FLCC MAINTENANCE CAPITAL PROJECT**

WHEREAS, Resolution No. 296-2022 created Capital Project No. H083-22 as the 2022 FLCC Maintenance Capital Project in the amount of One Million Dollars (\$1,000,000.00); and

WHEREAS, Resolution No. 342-2022 authorized a contract with Ferguson Electric to replace electrical equipment for the amount of Nine Hundred Sixty-Six Thousand Three Hundred Seventy-Five Dollars (\$966,375.00); and

WHEREAS, Ferguson Electric submitted a change order proposal dated May 25, 2023, to provide three (3) sets of 350 MCM copper cable to feed two chillers located in the mechanical room for a cost of Six Thousand Three Hundred Ninety-Four Dollars and Seventy-One Cents (\$6,394.71), a copy of which is on file with the Clerk of this Board; and

WHEREAS, Sufficient funds exist in the budget of the 2022 FLCC Maintenance Capital Project; and

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

RESOLVED, That the budget of Capital Project No. H083-22 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH08322 54491	General Construction	\$43,188.7 2	\$0.00	\$43,188.7 2
HHH08322 54493	Electric Work	\$435,107. 75	+\$6,394. 71	\$441,502. 46
HHH08322 54495	Architectural & Engineering	\$25,000.0 0	\$0.00	\$25,000.0 0
HHH08322 54498	Asbestos & Related Testing	\$5,000.00	\$0.00	\$5,000.00
HHH08322 54521	HVAC	\$450,673. 53	\$0.00	\$450,673. 53
HHH08322 54743	Change Order Contingency	\$36,030.0 0	- \$6,394.7 1	\$29,635.2 9
HHH08322 54865	Administration	\$5,000.00	\$0.00	\$5,000.00
Revenues:				
HHH08322 43297	State Aid	\$500,000. 00	\$0.00	\$500,000. 00
HHH08322 45031	General Fund - Interfund Revenue	\$500,000. 00	\$0.00	\$500,000. 00

and further

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors hereby accepts the proposal from Ferguson Electric for three (3) sets of 350 MCM copper cable at a cost not to exceed Six Thousand Three Hundred Ninety Four Dollars and Seventy One Cents (\$6,394.71) and hereby authorizes and empowers the County Administrator to execute a contract amendment with said firm increasing the total of said contract to Nine Hundred Seventy Two Thousand Seven Hundred Sixty Nine Dollars and Seventy One Cents (\$972,769.71); and further

RESOLVED, That the cost of said contract amendment shall be paid from budget line HHH08322 54493 – Electric Work of Capital Project No. H083-22; 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 for a total project budget of One Million Dollars (\$1,000,000.00); and further

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

**RESOLUTION NO. 374-2023
AUTHORIZATION TO CONTRACT WITH
THE FLCC FOUNDATION, INC. FOR FUNDING LOCAL SHARE
FLCC ACADEMICS RENOVATION PROJECT**

WHEREAS, Resolution No. 712-2022 approved the 2023-2028 Ontario County Capital Improvement Plan (CIP) which included the FLCC Hemlock Hall Project FLCC02-23 to be funded 50% by SUNY and 50% locally through funding from the FLCC Foundation, Inc.; and

WHEREAS, The FLCC Foundation, Inc. has agreed to provide up to One Hundred Thousand Dollars (\$100,000.00) in funding for said Project; and

WHEREAS, State funding for said project refers to it as the “FLCC Academics Renovation Project,”; and

WHEREAS, A draft contract between the County and the FLCC Foundation is on file with the Clerk of this Board; and

WHEREAS, The Public Works and Ways and Means Committees recommend approval of said contract with the FLCC Foundation, Inc.; now, therefore, be it

RESOLVED, That the proposed contract between the FLCC Foundation, Inc., and the County of Ontario wherein the FLCC Foundation, Inc. shall provide up to One Hundred Thousand Dollars (\$100,000.00) of funding as the local share of the cost of the FLCC Academics Renovation Project incurred by the County, is hereby approved; and further

RESOLVED, That the County Administrator be and hereby is authorized and empowered to execute said contract with the Foundation, subject to the review and approval of such contract by the County Attorney as to form; and further

RESOLVED, That the term of said contract shall commence on June 23, 2023, and terminate on December 31, 2024; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Finance Department, the Executive Director of the FLCC Foundation, Inc., 3325 Marvin Sands Drive, Canandaigua, NY 14424, and the Vice President of Administration and Finance at Finger Lakes Community College.

**RESOLUTION NO. 375-2023
ESTABLISH CAPITAL PROJECT NO. H096-23
AS THE FLCC ACADEMICS RENOVATION CAPITAL PROJECT**

WHEREAS, Resolution No. 712-2022 approved the 2023-2028 Ontario County Capital Improvement Plan (CIP); and

WHEREAS, Said CIP contained the FLCC Hemlock Hall Project (FLCC02-23) at \$400,000 in 2023 to be funded 50% by State funding through the State University of New York (SUNY funding) and 50% from a contract with the FLCC Foundation, Inc.; and

WHEREAS, Said Project has been re-evaluated and is expected to cost no more than \$200,000; and

WHEREAS, Said Project is referred to in the NYS 2023-24 New York State Budget as the FLCC Academics Renovation Project and has been assigned SUNY Project C11109; and

WHEREAS, Resolution No. 374-2023 approved a contract with the FLCC Foundation, Inc. wherein the FLCC Foundation, Inc. shall provide up to One Hundred Thousand Dollars (\$100,000.00) of funding as the local share of the cost of the FLCC Academics Renovation Capital Project incurred by the County; and

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

RESOLVED, That the Ontario County Board of Supervisors hereby establishes Capital Project No. H096-23 entitled FLCC Academics Renovation Capital Project; and further

RESOLVED, That the budget for Capital Project No. H096-23 be, and hereby is, established as follows:

Line	Description	Amount
Appropriations:		
HHH09623 52100	Furniture & Furnishings	\$15,000.00
HHH09623 54491	General Construction	\$85,000.00
HHH09623 54493	Electric Work	\$10,000.00

HHH09623 54521	HVAC	\$90,000.00
Revenue:		
HHH09623 42397	FLCC Revenue	\$100,000.00
HHH09623 43297	State Aid	\$100,000.00

and further

RESOLVED, That the Public Works Committee is hereby designated to oversee this Capital Project; and further

RESOLVED, That the FLCC Director of Facilities and Grounds shall serve as the Administrative Project Manager for this project; and further

RESOLVED, That the County Planning Department will remain responsible as liaison to FLCC for the implementation of this project, for retaining all relevant capital project files, and for entering all contracts and payment requests into the County’s Financial Management System; and further

RESOLVED, That the Department of Finance is directed to make cash advances to this project while awaiting reimbursement from the FLCC Foundation, Inc, and SUNY; and further

RESOLVED, That in the event that the anticipated state aid is denied by SUNY then FLCC shall be responsible for replacing the State funding and will reimburse the County for any advanced funds; 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 for a total project budget of Two Hundred Thousand Dollars (\$200,000.00); and further

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

RESOLUTION NO. 376-2023
CAPITAL PROJECT NO. H080-21
AWARD OF CONTRACT FOR MATERIAL TESTING SERVICES
RELATED TO CONSTRUCTION –
FLCC NURSING EXPANSION PHASE II CAPITAL PROJECT

WHEREAS, Resolution No. 582-2021 established Capital Project No. H080-21 as the FLCC Nursing Expansion Phase II Capital Project; and

WHEREAS, Resolution No. 290-2023 awarded bids and authorized contracts for construction of said FLCC Nursing Expansion Phase II; and

WHEREAS, Resolution No. 292-2023 hired LeChase Construction Services LLC (LeChase) to provide construction management services for said project; and

WHEREAS, Material testing services are required during construction to ensure various materials and work are performed in accordance with the bid documents prepared by PLAN and LeChase; and

WHEREAS, LeChase provided an estimate of the quantities and types of material testing services required during construction and obtained quotes from three qualified vendors to provide said material testing services; and

WHEREAS, Copies of the quotes obtained are on file with the Clerk of this Board; and

WHEREAS, The Director of Planning recommends award to the vendor proposing the lowest overall quote, and recommends award of a contract of Twelve Thousand Dollars (\$12,000) as quantities of testing and related material testing services that will need to be provided may vary from the estimate prepared by LeChase as the details of the actual construction schedule develop; and

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

RESOLVED, That the budget of Capital Project No. H080-21 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH08021 52100	Furniture & Furnishings	\$200,000.00	\$0.00	\$200,000.00
HHH08021 52300	Equipment, Computer	\$80,000.00	\$0.00	\$80,000.00
HHH08021 54053	Construction Inspections	\$0.00	\$15,000.00 ⁺	\$15,000.00
HHH08021 54260	Consultation & Professional	\$287,260.00	\$0.00	\$287,260.00
HHH08021 54491	General Construction	\$1,237,000.00	\$0.00	\$1,237,000.00
HHH08021 54493	Electric	\$142,952.09	\$0.00	\$142,952.09
HHH08021 54494	Plumbing	\$93,700.00	\$0.00	\$93,700.00
HHH08021 54495	Architectural/Engineering	\$165,500.00	\$0.00	\$165,500.00
HHH08021 54521	HVAC	\$154,374.00	\$0.00	\$154,374.00
HHH08021 54731	Contingency	\$166,213.91	\$15,000.00 ⁻	\$151,213.91
HHH08021 54743	Change Order Contingency	\$82,000.00	\$0.00	\$82,000.00
HHH08021 54865	Administration	\$1,000.00	\$0.00	\$1,000.00
Revenues:				
HHH08021 43297	State Aid	\$2,055,000.00	\$0.00	\$2,055,000.00

HHH08021 45031	A - Interfund Transfer	\$555,000.00	\$0.00	\$555,000.0 0
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and further

RESOLVED, That the quote from Atlantic Testing Laboratories, 3495 Winton Place, Building B-Suite 4A, Rochester, NY 14623, dated April 20, 2023, is hereby accepted; and further

RESOLVED, That subject to review and approval of the County Attorney as to form, the Board of Supervisors hereby authorizes and empowers the County Administrator to execute a contract with Atlantic Testing Laboratories for material testing services, with the total contract price to be Twelve Thousand Dollars (\$12,000.00) with the number and type of material testing services determined by LeChase in the field under the supervision of the Director of Planning with such services to be billed at the rates provided in the vendor's proposal; and further

RESOLVED, That the term of said contract shall commence on June 22, 2023 and terminate on January 31, 2024; and further

RESOLVED, That the cost of said contract with Atlantic Testing Laboratories be paid from budget line HHH08021 54053 – Construction Inspections of Capital Project No. H080-21; 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 Million Six Hundred Ten Thousand Dollars (\$2,610,000.00); and further

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

The foregoing block of four resolutions was adopted.

Supervisor Frederick Lightfoote offered the following six resolutions as a block and moved for its adoption, seconded by Supervisor Christopher Vastola:

RESOLUTION NO. 377-2023
3010 COUNTY COMPLEX DRIVE & MENTAL HEALTH
HARDCOPY RECORDS SCANNING CONTRACT WITH SECURESCAN

WHEREAS, Resolution No. 375-2016 established Capital Project No. 02-2016 “Space Reorganization and Security Enhancement of Ontario County Human Services Building Project”, now known as Capital Project No. H033-16, which involves a comprehensive building wide interior renovation of 3010 County Complex Dr.; and

WHEREAS, In support of that project, the County wishes to scan a large number of hardcopy records to achieve the operational efficiencies of a fully developed electronic

record management system and minimize the amount of renovated space dedicated to record storage (the Project); and

WHEREAS, Staff has solicited proposals from three vendors qualified to assist with this effort; and

WHEREAS, Staff is recommending the County enter into an agreement with SecureScan located at 1060 Broadway, Albany, NY 12204, (the Consultant) to provide record scanning services; and

WHEREAS, The Consultant has provided a proposal dated 5/2/23 with supplemental information from 5/16/23 attached thereto, to provide record scanning services for an amount not to exceed Seventy-Six Thousand, Seven Hundred Twenty-Five dollars (\$76,725.00) (the Proposal); and

WHEREAS, There are sufficient funds allocated expressly for this purpose in the Information Services Department budget line AA168099 54621; and

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

RESOLVED, That, subject to approval as to form by the County Attorney, the Board hereby authorizes execution of a contract with the Consultant for services as described in the Proposal for an amount not to exceed \$76,725.00; and further

RESOLVED, The term of the contract will begin on 6/23/23 and end on 6/23/24; and

RESOLVED, That if an additional six month, no cost time extension of the Contract 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 County Administrator be, and hereby is, authorized and empowered to execute the Contract and all other documents necessary to effect the intent of this resolution; and further

RESOLVED, The cost of the Contract shall be paid from the Information Services Department budget line AA168099 54621; 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 a certified copy of this resolution be sent by the Clerk of this to Board to the Ontario County Finance Department.

**RESOLUTION NO. 378-2023
AUTHORIZATION TO RENEW BID B21056 FOR
THE INSPECTION, MAINTENANCE, AND REPAIR OF
COUNTY-OWNED RADIO TOWERS**

WHEREAS, Resolution No. 424-2021 awarded a contract to Patriot Towers, Inc. for the inspection maintenance, and repair of County-owned radio towers with the Clerk of this Board; and

WHEREAS, Resolution No. 387-2022 renewed said bid to August 21, 2023; and

WHEREAS, Patriot Towers, Inc. has agreed to renew for an additional twelve (12) months with an allowable increase in pricing of 2.5%; and

WHEREAS, The Public Works Department wishes to renew the contract with Patriot Towers, Inc. for a one-year period; and

WHEREAS, The 2023 Capital Improvement Plan includes funding for site and tower maintenance (Project # B21-20); and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby authorizes renewing Bid B21056 for the inspection, maintenance, and repair of County-owned radio towers with Patriot Towers, Inc., 870 Scottsville-Chili Road, Scottsville, NY 14564 with an allowable increase in pricing of 2.5%; and further

RESOLVED, That the bid renewal shall commence on August 22, 2023 and expire on August 21, 2024; and further

RESOLVED, That the Commissioner of Public Works is authorized to approve recommended and needed maintenance and repair to County-owned radio towers up to the budgeted amount in the current year's CIP; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Agreement with Patriot Towers 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 Patriot Towers via email to jack@patriottowers.com.

**RESOLUTION NO. 379-2023
AUTHORIZATION TO AWARD A CONTRACT TO MASTERMIND LLC
FOR DESIGN OF NO PASSING ZONE STUDY AND LOGS
ON THE COUNTY HIGHWAY NETWORK**

WHEREAS, The County has identified the need to redesign the no passing zones on the County highway network for compliance with applicable highway and safety standards and to create data logs consistent with current GIS technology; and

WHEREAS, The 2023 Capital Improvement Plan includes funding in the budget for Advance Design Services (Project # HR7-03); and

WHEREAS, Mastermind LLC developed the County's current no passing logs and has a thorough understanding of the highway network, based on the last two previous designs completed in 1995 and 2012; and

WHEREAS, The Engineering Department has solicited a proposal from Mastermind LLC for professional design services for redesigning the no passing zones; and

WHEREAS, Mastermind LLC has provided a proposal for the redesigning of the no passing zones and creation of new digital logs in GIS format for a cost not to exceed \$55,175.00; 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 Board of Supervisors hereby approves a contract with Mastermind LLC, 6530 Dublin Road Delaware, Ohio, 43015 for the reengineering of the no passing zones on the County Highway network for a cost not to exceed \$55,175.00; and further

RESOLVED, That the contracts shall commence on June 23, 2023 and will expire on December 31, 2023; and further

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

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Agreement with Mastermind LLC 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 Mastermind LLC.

**RESOLUTION NO. 380-2023
CANANDAIGUA LAKE COUNTY SEWER DISTRICT
COUNTY ROAD 10 RELIEF SEWER
PURCHASE OF EASEMENTS**

WHEREAS, The Canandaigua Lake County Sewer District ("District") has identified a section of sanitary sewer along County Road 10 which is at or near its capacity; and

WHEREAS, The District has reviewed options to improve sewer capacity along the County Road 10 corridor in the towns of Canandaigua and Hopewell by constructing a relief sewer; and

WHEREAS, The proposed relief sewer would connect the sanitary sewer along County Road 10 to an existing sanitary sewer behind the Widewaters Roseland Center

Plaza; and

WHEREAS, The District would need to acquire additional easements to construct the proposed relief sewer; and

WHEREAS, The District, having investigated the matter of acquiring additional easements necessary for the County Road 10 Relief Sewer, recommends purchasing easements as follows:

Parcel No(s).	Tax Account Number	Est. Amount
E-1	98.08-1-7.100	\$7,000.00
E-2	98.00-1-46.100	\$800.00

and

WHEREAS, Estimated easement cost for said project is \$7,800.00; and

WHEREAS, During final negotiations with property owners it may be necessary to compensate for unforeseen conditions and administrative remedies thus requiring an easement purchase contingency; and

WHEREAS, It may be necessary to conduct title searches and abstract updates for these easements; and

WHEREAS, Pursuant to Resolution No. 549-2021, this Board authorized a contract with Crossroads Land Office to conduct title searches and abstract updates as directed by the County Attorney; and

WHEREAS, The Department of Public Works has established a cost estimate of \$250.00 to complete title searches and abstract updates for said parcels; and

WHEREAS, Estimated budget for said easements is \$10,050.00 which includes a contingency of \$2,000; and

WHEREAS, Sufficient funds exist within the operating budget of the District to purchase the additional easements; and

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

RESOLVED, That the Ontario County Board of Supervisors, on the recommendation of the Public Works Committee, hereby approves the purchase of the aforesaid easements and the amounts hereinbefore set for an amount not to exceed \$10,050.00; 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 the purposes of the original purchase, subject to review and approval by the Office of the County Attorney; and further

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

**AUTHORIZATION TO RENEW BID B22050 FOR THE PURCHASE OF
LAW ENFORCEMENT CAR PARTS AND ACCESSORIES**

WHEREAS, Resolution No. 385-2022 awarded bid B22050 for the purchase of law enforcement car parts and accessories; and

WHEREAS, All vendors awarded have agreed to a 12-month renewal at the current price structure and Public Works Department recommends renewing; and

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

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the renewal of bid B22050 to the following vendors:

Vendor	Items
East Coast Emergency Lighting, Inc.	200 Meco Drive Millstone Township, NJ 08535
Island Tech Services, LLC	980 S 2nd Street Ronkonkoma, NY 11779
General Sales Administration, Inc. t/a Major Police Supply	47 N. Dell Avenue Kenvil, NJ 07847
Sagamore Lights, Inc.	190 Adams Avenue Hauppauge, NY 11788
Adamson Industries Corp.	45 Research Drive Haverhill, MA 01832

and

RESOLVED, That said renewal will be per the bid tabulation sheets on file with the Board and will be effective beginning on August 22, 2023 and ending on August 21, 2024; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to all vendors referenced above.

**RESOLUTION NO. 382-2023
AMENDING THE ACCEPTANCE OF
PORTRAITS BY ONTARIO COUNTY POLICY**

WHEREAS, Resolution No. 308 of 1984 established the acceptance of portraits by Ontario County; and

WHEREAS, The policy requires that subjects of future portraits shall be limited to a person(s) deceased at least 10 years to “test” the lasting quality of their memory; and

WHEREAS, The families of retired Ontario County Judges often wish to donate portraits for display in the Ontario County Courthouse, and in some instances would like to do so during the individual’s lifetime; and

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

RESOLVED, The Board of Supervisors hereby amends Resolution No. 308 of 1984 by removing the posthumous requirement and allowing for the acceptance of portraits five years post retirement. Should the individual return to the judiciary the portrait would be temporarily removed. The existing policy would stand for non-judicial portrait donations.

RESOLVED, That this resolution shall take effect immediately.

The foregoing block of six resolutions was adopted.

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

**RESOLUTION NO. 383-2023
FIXING DATE OF PUBLIC HEARING ON TENTATIVE BUDGET
FINGER LAKES COMMUNITY COLLEGE-2023-2024**

BE IT RESOLVED, That a Public Hearing on the Tentative Budget for the Finger Lakes Community College for the year 2023-2024 will be held on July 13, 2023, at 6:30 pm at 74 Ontario St. Board of Supervisors Room, Canandaigua, New York 14424.

Adopted.

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

**RESOLUTION NO. 384-2023
APPOINTMENT OF ACTING DIRECTOR OF
REAL PROPERTY TAX SERVICES
ROBIN L. JOHNSON**

WHEREAS, There is a current vacancy in the position of Director of Real Property Tax Services; and

WHEREAS, The Board of Supervisors has convened a Search Committee to evaluate candidates to fill this position; and

WHEREAS, The needs and operations of the department require a Director to be in place while the search is being conducted; and

WHEREAS, Ms. Robin L. Johnson had faithfully served Ontario County for 29 years before her retirement and 18 of those years was as the Director of Real Property Tax Services; and

WHEREAS, Ms. Robin L. Johnson has agreed to serve as Acting Director of Real Property Tax Services, in a limited capacity; and

WHEREAS, The County Administrator and the Director of Human Resources recommends to the Board of Supervisors, the appointment of Ms. Johnson as Acting Director of Real Property Tax Services for half-time hours; now, therefore, be it

RESOLVED, That, Ms. Robin L. Johnson is hereby appointed as Acting Director of Real Property Tax Services, effective immediately; and further

RESOLVED, That Ms. Johnson shall be compensated at a rate of pay of \$47.95 per hour without additional benefits and shall work no more than 20 hours per week; 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.

Adopted.

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

RESOLUTION NO. 385-2023
RETITLE PROBATION OFFICER I POSITION TO
PROBATION OFFICER I/PROBATION OFFICER I (SPANISH SPEAKING)

WHEREAS, Mr. Jeff Rougeux, Probation Director, has filed the necessary paperwork with the Director of Human Resources to re-title a vacant Probation Officer I position; and

WHEREAS, Said position has been reclassified as Probation Officer I/Probation Officer I (Spanish Speaking) by Personnel Officer Classification Certification No. 57-2023; and

WHEREAS, The Management Compensation Plan Committee and the Ways and Means Committee recommend the retitle of this position to Probation Officer I/Probation Officer I (Spanish Speaking); now, therefore, be it

RESOLVED, That a vacant position of Probation Officer I be reclassified to Probation Officer I/Probation Officer I (Spanish Speaking), effective upon adoption and is authorized to be filled immediately; and further

RESOLVED, That sufficient funds exist within the Probation Department's budget to cover the cost of this position; and further

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

RESOLUTION NO. 386-2023
SALARY ADJUSTMENT – MATTHEW MCDONALD

WHEREAS, Ms. Patricia Zimmer, Human Resources Consultant, Finger Lakes Community College (FLCC), has recommended the salary adjustment of Mr. Matthew McDonald, Campus Safety Officer, from Grade 10, Step 1 (\$19.29/hr.) to Grade 10, Step 3 (\$23.55/hr.) based on his years of experience; and

WHEREAS, The Ways and Means Committee has reviewed and approved the salary adjustment for Mr. McDonald, effective upon adoption; and

WHEREAS, Sufficient funding exists within the Finger Lakes Community College budget for this salary adjustment; now, therefore, be it

RESOLVED, That the salary for Mr. Matthew McDonald, Campus Safety Officer, be set at Grade 10, Step 3 (\$23.55/hr.) effective upon adoption; and further

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

RESOLUTION NO. 387-2023
SALARY ADJUSTMENT – ANDREW DELYSER

WHEREAS, Ms. Patricia Zimmer, Human Resources Consultant, Finger Lakes Community College (FLCC), has recommended the salary adjustment of Mr. Andrew DeLyser, Campus Safety Officer, Part-Time (Temporary), from Grade 10, Step 1 (\$19.29/hr.) to Grade 10, Step 3 (\$23.55/hr.) based on his years of experience; and

WHEREAS, The Ways and Means Committee has reviewed and approved the salary adjustment for Mr. DeLyser, effective upon adoption; and

WHEREAS, Sufficient funding exists within the Finger Lakes Community College budget for this salary adjustment; now, therefore, be it

RESOLVED, That the salary for Mr. Andrew DeLyser, Campus Safety Officer, Part-Time (Temporary), be set at Grade 10, Step 3 (\$23.55/hr.) effective upon adoption; and further

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

RESOLUTION NO. 388-2023
RENEWAL OF BID FOR
PRINTING OF SPECIFICATIONS & DRAWINGS (R21057)

WHEREAS, The Purchasing Department issued a bid for the printing of drawings for large County projects and advertised for and received sealed proposals for said printing (R21057) which was awarded on resolution 362-2021 which was renewed on resolution 320-2022; and

WHEREAS, This is a demand contract and the County spends less than \$10,000 per year for printing; and

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

WHEREAS, The RFP award allows for the option of two (2) one, twelve (12) month renewal and the vendor Rotolite Elliott Corp., PO Box 97, One Grove Street, Pittsford,

New York 14534, has agreed to a renewal of twelve (12) months at the current bid pricing structure; and

WHEREAS, This will be the final renewal of the RFP; and

WHEREAS, The Ways and Means Committee has reviewed and recommends the renewal of this bid; now, therefore, be it

RESOLVED, That RFP (R21057) for the printing of specifications and drawings be renewed with Rotolite Elliott Corp., for a period of twelve (12) months starting on July 16, 2023 through July 15, 2024 at the current bid pricing; and further

RESOLVED, That a certified copy of this resolution be sent to Rotolite Elliott Corp., selliott@rotoliteelliott.com, by the Clerk of this Board.

The foregoing block of four resolutions was adopted.

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

**RESOLUTION NO. 389-2023
RESOLUTION EXPRESSING CONCERN WITH
THE UNCOORDINATED RELOCATION OF INDIVIDUALS
IN NEED OF EMERGENCY ASSISTANCE
FROM NEW YORK CITY TO ONTARIO COUNTY**

WHEREAS, According to the 2020 Census, Ontario County continues to experience growth in its population; and

WHEREAS, This continued growth, coupled with changes to the real estate market and working and commuting patterns brought on by the recent pandemic have led to a shortage of available housing within Ontario County; and

WHEREAS, In recognition of this, the County has commissioned a comprehensive countywide housing assessment currently being conducted by Urban Partners; and

WHEREAS, The preliminary results of the aforementioned housing assessment indicate that there are too few housing units available within Ontario County and that these housing units are increasing in cost leading to an increasing number of households being financially burdened by their housing costs; and

WHEREAS, The population of individuals seeking emergency housing from the Ontario County Department of Social Services has increased over the past several years, and its ability to find hotel and motel rooms to provide adequate emergency shelter for this population has become increasingly difficult; and

WHEREAS, New York City has experienced an influx of an estimated 72,000 asylum seekers over the course of the past 12 months who are in need of emergency housing and other emergency services; and

WHEREAS, New York City has indicated that they can no longer adequately provide housing and other services to the over 45,000 of these asylum seekers still in their care; and

WHEREAS, New York City has begun relocating some individuals in need of emergency services outside of New York City to other counties within the state; and

WHEREAS, New York State Social Services Law provides that when a local department of social services can no longer adequately provide necessary emergency services within their jurisdiction it is permissible to relocate individuals to other municipalities and that the financial responsibility for the provision of services remains with the original local department of social services; and

WHEREAS, To date, there has been little to no communication or coordination between New York City and any counties that have received relocated individuals in need of emergency services prior to, or after, the arrival of said individuals; and

WHEREAS, In many cases this has caused deleterious outcomes for both the receiving community and the relocated individuals; and

WHEREAS, It is the goal of Ontario County that any such large-scale relocation of individuals in need of emergency services be done in full coordination with the originating department of social services and that adequate planning, preparation and coordination occur to ensure that appropriate accommodations and services are available for the relocated individuals without placing an undue burden on the receiving community or its resources; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby expresses their concerns over the continued relocation of individuals in need of emergency services from New York City to other jurisdictions across the state without adequate planning, communication and coordination with the receiving municipality; and be it further

RESOLVED, That Ontario County hereby formally requests of Governor Hochul that the County be given the right to formally issue its approval to any plan to relocate asylum seekers to Ontario County before any individuals arrive here, and may it be further

RESOLVED, That certified copies of this resolution be sent to Governor Kathy Hochul, Assemblyman Jeff Gallahan, State Senator Pam Helming, US Senator Chuck Schumer, US Senator Kirsten Gillibrand, US Representative Claudia Tenney, New York City Mayor Eric Adams, and the New York State Association of Counties (NYSAC).

A lengthy discussion ensued with the following Supervisors offering their thoughts and remarks: Supervisors Daryl Marshall, Teed, Green, Lightfoote, Baker, Namestnik, Venuti, Kennedy, and Russell.

Supervisor Marren requested a roll call vote when it came time to vote.

Chairman Todd Campbell asked for a roll call vote on Resolution No. 389-2023.

A simple majority roll call vote resulted as follows:

Ayes	2,328	Supervisors Green, Vastola, Russell, Wille, Ingalsbe, Venuti, Kennedy, Pruett, Lightfoote, Phillips, Dan Marshall, and Campbell
Nos	2,112	Supervisors Simpson, Baker, Guard, Namestnik, Hicks, Teed, Daryl Marshall, and Marren
Absent	110	Wickham

Resolution No. 389-2023 was adopted with more than the required 2,276 in weighted votes necessary for adoption.

Supervisor John Marren offered the following resolution and moved for its adoption, seconded by Supervisor Jared Simpson:

**RESOLUTION NO. 390-2023
RESOLUTION OPPOSING THE UNCOORDINATED RELOCATION OF
INDIVIDUALS IN NEED OF EMERGENCY ASSISTANCE
FROM NEW YORK CITY TO ONTARIO COUNTY**

WHEREAS, According to the 2020 Census, Ontario County continues to experience growth in its population; and

WHEREAS, This continued growth, coupled with changes to the real estate market and working and commuting patterns brought on by the recent pandemic have led to a shortage of available housing within Ontario County; and

WHEREAS, In recognition of this, the County has commissioned a comprehensive countywide housing assessment currently being conducted by Urban Partners; and

WHEREAS, The preliminary results of the aforementioned housing assessment indicate that there are too few housing units available within Ontario County and that these housing units are increasing in cost leading to an increasing number of households being financially burdened by their housing costs; and

WHEREAS, The population of individuals seeking emergency housing from the Ontario County Department of Social Services has increased over the past several years, and its ability to find hotel and motel rooms to provide adequate emergency shelter for this population has become increasingly difficult; and

WHEREAS, New York City has experienced an influx of an estimated 72,000 asylum seekers over the course of the past 12 months who are in need of emergency housing and other emergency services; and

WHEREAS, New York City has indicated that they can no longer adequately provide housing and other services to the over 45,000 of asylum seekers still in their care; and

WHEREAS, New York City has begun relocating some individuals in need of emergency services outside of New York City to other counties within the state; and

WHEREAS, New York State Social Services Law provides that when a local department of social services can no longer adequately provide necessary emergency services within their jurisdiction it is permissible to relocate individuals to other municipalities and that the financial responsibility for the provision of these services remains with the original local department of social services; and

WHEREAS, To date, there has been little to no communication or coordination between New York City and any counties that have received relocated individuals in need of emergency services prior to, or after, the arrival of said individuals; and

WHEREAS, In many cases this has caused deleterious outcomes for both the receiving community and the relocated individuals; and

WHEREAS, It is the goal of Ontario County that any such large-scale relocation of individuals in need of emergency services be done in full coordination with the originating department of social services and that adequate planning, preparation and coordination occur to ensure that appropriate accommodations and services are available for the relocated individuals without placing an undue burden on the receiving community or its resources; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors requests Mr. Todd Campbell, Chairman of the Board of Supervisors to declare a state of emergency and issue an emergency order pursuant thereto requiring a formal plan be submitted to Ontario County for approval prior to any other local department of social services arranging for, or causing to be arranged, the housing of more than ten (10) individuals in need of emergency services within Ontario County; and be it further

RESOLVED, The plan to be submitted must address and adequately provide for the following:

- Adequate housing accommodations have been secured for the duration of the anticipated stay that meets all applicable local, state and federal laws, rules and regulations, and shall not displace any individuals in need of emergency services currently under the care of the Ontario County Department of Social Services.
- Sufficient provisions to ensure the safety of the relocated individuals and the community.
- The fiscal burden for the housing and care of relocated individuals will not be borne by Ontario County.
- Assurances that any new services to be provided to relocated individuals by school districts within Ontario County will not be the financial obligation of said school districts.
- Adequate planning and coordination to ensure that the medical needs of the individuals are addressed as well as any public health concerns; and be it further

RESOLVED, That Ontario County continues to call on the Federal Government to work to streamline the process to allow any such relocated persons to obtain the ability to legally work within the United States as expeditiously as possible, and may it be further

RESOLVED, That certified copies of this resolution be sent to Governor Kathy Hochul, Assemblyman Jeff Gallahan, State Senator Pam Helming, US Senator Chuck Schumer, US Senator Kirsten Gillibrand, US Representative Claudia Tenney, New York City Mayor Eric Adams, and the New York State Association of Counties (NYSAC).

An additional lengthy discussion resulted with the following Supervisors offering their thoughts and remarks: Supervisors Simpson, Baker, Daryl Marshall, Green, Phillips, Russell, Vastola, Dan Marshall, Pruett, and Marren.

Supervisor Marren requested a roll call vote when it came time to vote.

Chairman Todd Campbell asked for a roll call vote on Resolution No. 390-2023.

A simple majority roll call vote resulted as follows:

Ayes	2,344	Supervisors Vastola, Simpson, Lightfoote, Namestnik, Phillips, Hicks, Teed, Daryl Marshall, and Marren
Nos	2,096	Supervisors Green, Baker, Russell, Wille, Ingalsbe, Venuti, Kennedy, Guard, Pruett, Dan Marshall, and Campbell
Absent	110	Wickham

Resolution No. 390-2023 was adopted with more than the required 2,276 in weighted votes necessary for adoption.

There was no motion to call up Resolution No. 334-2023 entitled, "Resolution Expressing Concern with the Unplanned Relocation of Asylum Seekers from New York City to Ontario County As Amended". Resolution No. 334-2023 expired on the floor.

On motion of Supervisor Tammie Hicks, seconded by Supervisor Jared Simpson, the meeting was adjourned at 8:46 pm.