

July 30, 2020

The regular meeting of the Ontario County Board of Supervisors was called to order at 6:30 p.m. on ontariocountyny.webex.com with Chairman John Marren presiding.

The Pledge of Allegiance was led by Supervisor Andrew Wickham.

Upon roll call, all Members of the Board were present except for Supervisors Louis Guard, Kristine Singer, and Norman Teed who were declared necessarily absent.

Minutes of the preceding session was approved without being read by motion of Supervisor Jeffery Gallahan, seconded by Supervisor Daniel Marshall; motion carried.

A Public Hearing regarding the tentative budget for Finger Lakes Community College 2020-2021 was called to order at 6:33 pm.

J.R. Dempsey, Vice President of Administration and Finance for Finger Lakes Community College (FLCC) said the tentative budget is essentially based on the assumption that the New York State budget that was appropriated and went into effect April 1st, which included state support for FLCC at a certain level. However, intervening circumstances leads them to believe that it is not the amount that is going to be provided by the state. Nevertheless, they put the budget forward, assuming that the state support is there and is also built on an assumption of further decline in their enrollment. In addition to the formal budget they are presenting, and then to SUNY, if approved; they are working on characterizing, which they call an operating budget, which consider more of the realities that they are currently facing. The state is looking at potentially a 20 % reduction in their funding to FLCC so in addition to the pro forma budget to be approved, they are working on an operating budget that takes into account receiving much less from the state. Mr. Dempsey said the Division of Budget has not yet put forward their budget plan for the fiscal year, so they do not have any official word to exactly how the funding is going to look from the state. They are prepared to make the appropriate adjustments in order to be fiscally responsible as they move to 2021. Mr. Dempsey noted that the proposed budget is a significant decrease from the 2019 budget because they factored in a decrease from the state, it just wasn't a 20% decrease. He said they are presenting a \$4 million reduction.

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

Director of Public Health, Mary Beer reported to date on COVID-19 cases; they currently have fourteen positive individuals they are monitoring on a daily basis, in addition to forty-one mandatory quarantines. In addition, there are over four hundred travelers that are being monitored by the state contact tracers. She said the numbers average two a day and the two hospitals do not have any positive cases. They have had no additional deaths with the death toll remaining at thirty-four; four that were community acquired and the rest from the outbreaks from Elm Manor and Ontario Centers. Ms. Beer noted the age ranges for the positive cases: age less than 18 there were 20 cases, age 18-29 there were 56 cases, age 30-39 there were 51 cases, age 40-49 there were 37 cases, age 50-59 there were 55 cases, age 60-69 there were 55 cases, age 70-79 there were 38 cases, age 80-89 there were 29 cases, and over age 90 there were 10 cases. Ms. Beer said they found out they will be getting an additional \$300,000 from the state to help in the "battle" of COVID as well as they are allowing some of the grants to be charged off of COVID as well.

Chairman Jack Marren noted the concerns that are being brought up in the Control Room on the influx of college students coming back to the area and the need to test them and the concern of having a shortage of test kits to test them.

Ms. Beer confirmed his concern with the number of tests with additional students and how it may impact the length of time to receive the results.

Interim County Administrator Brian Young noted the following:

- Nearly all the individuals that have been out on voluntary lay-off are returning to work the week of August 3rd. He thanked those employees offering to do that and thanked the Unions for allowing this as well.
- The retirement incentive application period expires in two weeks.
- There continues to be a focus on the Census, it has been extended to October 31st.
- Later in the agenda, there is a resolution to rename Court Street behind the courthouse to Susan B. Anthony Lane. It has been supported with the City of Canandaigua and others. The commemoration would be August 18th for the 100th anniversary of the 19th Amendment giving women the right to vote. Later in the year, a National Historic plaque through the efforts of Preston Peirce, will be placed on the sidewalk in front of the courthouse that leads up to the courthouse from Main Street.
- Finger Lakes Visitor's Center has had unique signage to assist with the specifics of their municipality. Mr. Young shared a photo of the content of the packages that the municipalities will receive.
- On behalf of Treasurer Baxter, United Way campaign is under way.

Chairman Marren noted that RTS Ontario is resuming transportation route service. He also stated that there are two federal stimulus bills being proposed; one is the Heroes Act that was championed by Speaker Pelosi, and the Heels Act submitted by Mr. Connell. Chairman Marren believes they both miss the mark. The three main issues are unemployment insurance, stimulus checks, liability coverage. He said what they need most is the federal dollars to go directly to government localities and not to the state.

Chairman Marren also noted childcare is a concern and there will be \$15 billion allocated towards the daycare shortages.

Mr. Brian Young requested privilege of the floor for Mr. John Fladd, resident of Gorham, NY.

Mr. Fladd said he was there because of the article in the paper regarding Court Street name change to Susan B. Anthony Lane. He said Susan B. Anthony was a great woman and should have something more worthwhile like a statue or some sort of monument with a plaque that tells what Susan B. Anthony went through. He reiterated he would like to see something done more in keeping with her character beyond a street name change.

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

- Health and Human Services Committee held on June 29, 2020.
- Planning and Environmental Quality Committee held on June 29, 2020
- Public Works Committee held on June 29, 2020
- Public Safety Committee held on July 1, 2020
- Ways and Means Committee held on July 1, 2020
- Seneca Watershed Intermunicipal Organization Town of Lodi Meeting held on June 30, 2020

Notification of Grant Award to Ontario County under the FY2020 Emergency Management Performance Grant COVID-19 Supplemental program received from Patrick A. Murphy, Commissioner, NYS Homeland Security and Emergency Services.

Notice of Obligational Authority #PY19-7 for LWDA-Ontario/Seneca/Wayne/Yates Counties received from Karen A. Coleman, Deputy Commissioner for Workforce Development and Governor's Office Advisor for Workforce Policy and Innovation.

Consent of the State Comptroller for the increase and improvement of facilities in the Honeoye Lake County Consolidated Sewer District in Ontario County received from Thomas P. DiNapoli, State Comptroller by Elliott Auerbach, Deputy Comptroller, NY's Department of Audit and Control.

Notice of Public Hearing on July 13th regarding Proposed Local Law for the Village of Clifton Springs regarding amending the Village of Clifton Springs Zoning Code received from Lori A. Reals, Clerk/Treasurer, Village of Clifton Springs.

Notice and list of work location and legal entity names of impacted associates to comply with federal and, if applicable, state Worker Adjustment Retraining and notification Act (WARN) requirements received from Eileen Morgan, Chief Human Resources Officer, Delaware North Companies, Inc.

Summer 2020 Edition of NYSAC New received from New York State Association of Counties.

Notice of Property, 10 Chapin Street, Canandaigua granted listing on the State Register of Historic Places and notice of nomination forwarded to the Keeper of the National Register in Washington D.C. received from Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer.

Notice of Public Hearing on July 29th regarding City of Geneva Industrial Development Agency and DCMB Ventures LLC receive from the City of Geneva Industrial Development Agency.

Resolution No. 293-20 entitled "Authorize Re-Appointment to the Finger Lakes Workforce Investment Board" received from Wayne County.

Resolution No. 336-20 entitled "Approval of Administrative Agreement between the Chief Elected Officials and the Finger Lakes Workforce Investment Board" received from Wayne County.

Resolution No. 338-20 entitled "Authorize Appointment to the Finger Lakes Workforce Investment Board" received from Wayne County.

Resolution No. 151-2020 entitled "Board of Supervisors Approve Reappointment of Finger Lakes Workforce Investment Board Members" received from Seneca County.

Resolution No. 268-20 entitled "Appointment to the Finger Lakes Workforce Investment Board" received from Yates County.

Resolution No. 171-20 entitled "As Amended – Amending Resolution No. 279-11, Adoption of Greene County Administrative Manual" received from Greene County.

Resolution No. 56-2020 entitled “Resolution Authorizing Scheduling of a Public Hearing for a Proposed Local Law” received from Town of Geneva.

Resolution 2020-136 entitled “Authorizing the Development and Implementation of an Early Retirement Incentive” received from Livingston County.

Savings Match Plan for the Employees of the County of Ontario, New York, Basic Financial Statements for Years Ended December 31, 2019 and 2018 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP.

Savings Match Plan for the Employees of the County of Ontario, New York, Communicating Internal Control Related Matters Identified in an Audit for Year Ended December 31, 2019 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP.

Deferred Compensation Plan for the Employees of the County of Ontario, New York, Basic Financial Statements for Years Ended December 31, 2019 and 2018 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP.

Deferred Compensation Plan for the Employees of the County of Ontario, New York, Basic Financial Statements for Year Ended December 31, 2019 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP.

County of Ontario, Canandaigua, New York, New York State Department of Transportation, State Single Audit for Year Ended December 31, 2019 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP.

County of Ontario, Canandaigua, New York, Single Audit Report for Year Ended December 31, 2019 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP

County of Ontario, New York, Communicating Internal Control Related Matters Identified in an Audit for Year Ended December 31, 2019 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP

County of Ontario, New York, Basic Financial Statements for Year Ended December 31, 2019 received from Raymond F.Wager, P.C. Division, Mengel Metzger Barr & Co. LLP

Notice of approval for additional funding under the Opioid National Dislocated Worker Grant received from Karen A. Coleman, Deputy Commissioner for Workforce Development and Governor’s Office Advisor for Workforce Policy and Innovation.

The Clerk presented Local Law No. 4 (Intro.) of the year 2020 entitled “The Ontario County Room Occupancy Tax Law”

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

Section

1. Short Title

2. Statement of Intent
3. Definitions
4. Imposition of Tax
5. Transitional Provisions
6. Exempt Organizations
7. Territorial Limitations
8. Registration
9. Administration and Collection
10. Records to be Kept
11. Returns
12. Payment of Tax
13. Determination of Tax
14. Refunds
15. Reserves
16. Disposition of Revenues
17. Remedies Exclusive
18. Proceedings to Recover Tax
19. General Powers of the Treasurer
20. Administration of Oaths and Compelling Testimony
21. Reference to Tax
22. Penalties and Interest
23. Returns to be Secret
24. Notices and Limitations of Time
25. Separability
26. Limitations of Effect of Local Law
27. Effective Date

Section 1. Short Title

This local law shall be known as the “Ontario County Room Occupancy Tax Law”.

Section 2. Statement of Intent

The intent of this local law shall be to impose a tax on facilities providing lodging on an overnight basis and provide for the collection thereof in order to make funds available for the official tourism promotion agency as designated by the County.

Section 3. Definitions

When used in this local law, the following terms shall mean:

- (a) **County.** Ontario County, New York.
- (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 a 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, 2020, 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, 2020, 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, 2020.

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, 2020. 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, 2020.

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

**RESOLUTION NO. 390-2020
ENDORSEMENT OF APPOINTMENT TO THE
FINGER LAKES WORKFORCE DEVELOPMENT BOARD
AND FINGER LAKES INVESTMENT BOARD, INC.
M. JUNGERMANN**

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) of 2014 is the federal legislation for the public workforce system; and

WHEREAS, The Counties of Ontario, Wayne, Seneca and Yates, through official action of their legislative bodies, and with approval of the Governor of the State of New York, established a Workforce Investment Area in 1999 consisting of the four Counties, and the Finger Lakes Workforce Investment Board in accordance with the Workforce Innovation and Opportunity Act; and

WHEREAS, The members must be endorsed by the respective Boards of Supervisors and/or Legislative Boards; and

WHEREAS, The Finger Lakes Workforce Investment Board currently has one vacancy for an Organization Serving Individuals with Disabilities representative; and

WHEREAS, The Governance and Membership Committee and Executive Director of the Finger Lakes Workforce Investment Board has solicited nominations in accordance with the Law, and said nomination being reviewed and approved by the Health and Human Services Committee; now, therefore, be it

RESOLVED, That this Board of Supervisors does hereby appoint Ms. Michelle Jungermann, Director, Meaningful Activities at Ontario ARC, 3071 County Complex Drive, Canandaigua, New York 14424; and further

RESOLVED, That Ms. Jungermann's term of office shall be effective immediately and shall expire on June 30, 2023; and further

RESOLVED, That the above endorsement is subject to unanimous endorsement of the four Counties as the Finger Lakes Workforce Development Area and approval of the Finger Lakes Workforce Investment Board, Inc. and Finger Lakes Workforce Development Board; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Ms. Jungermann, Yates, Seneca and Wayne Counties, the Finger Lakes Workforce Investment Board, Inc. and the County Clerk.

Adopted.

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

**RESOLUTION NO. 391-2020
AMENDMENT TO CONTRACT WITH
ONTARIO COUNTY SOIL & WATER CONSERVATION DISTRICT**

FOR ADMINISTRATIVE EVENT SERVICES

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

WHEREAS, The Local Solid Waste Management Plan identifies numerous implementation tasks, including encouraging the proper disposal of unique wastes; and

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

WHEREAS, Resolution No. 119-2020 authorized execution of a contract for administrative services for those events with an amount not to exceed Twelve Thousand Dollars (\$12,000.00); and

WHEREAS, A contract for proper disposal of the collected residential tires is necessary; and

WHEREAS, Ontario County Soil & Water Conservation District will contract with an acceptable disposal site for an amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00); and

WHEREAS, The Planning & Environmental Quality Committee has reviewed this resolution and recommends approval of amendment to the contract with Ontario County Soil & Water Conservation District to provide the services described above; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Ontario County Board of Supervisors hereby accepts and approves this amendment to the contract with Ontario County Soil & Water Conservation District in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) for a total contract value of Nineteen Thousand Five Hundred Dollars (\$19,500.00); and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute said amendment to the contract with Ontario County Soil & Water Conservation District, and all other documents necessary to effectuate the purpose of this resolution; 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 Board to Megan Webster of the Ontario County Soil & Water Conservation District at 480 N. Main St., Suite #2, Canandaigua, NY 14424 (megan.webster@ontswcd.com).

Adopted.

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

**RESOLUTION NO. 392-2020
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 4 (INTRO.) 2020**

WHEREAS, There has been presented and introduced at a meeting of this Board held on July 30, 2020 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 August 20, 2020, at 6:30 P.M. at the 3019 County Complex Dr., Room 204, Canandaigua, New York and via WebEx at <https://ontariocountyny.webex.com>; 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.

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

**RESOLUTION NO. 393-2020
RE-APPOINTMENTS TO THE
ONTARIO COUNTY FIRE ADVISORY BOARD
RICHARD FROST AND GERALD HERMAN**

WHEREAS, The terms of two members of the Ontario County Fire Advisory Board will expire on June 30, 2020, with said members willing to serve another term; now, therefore, be it

RESOLVED, That the following individuals be reappointed to the Ontario County Fire Advisory Board for a term of three years, commencing on July 1, 2020, and expiring on June 30, 2023:

Richard Frost 4446 County Road 33	Gerald Herman 4188 Short Road
--------------------------------------	----------------------------------

Honeoye, NY 14472	Stanley, NY 14561
-------------------	-------------------

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of the Board of Supervisors, to the Emergency Management Office, to the Ontario County Clerk, and each appointee named.

**RESOLUTION NO. 394-2020
AUTHORIZATION TO EXTEND GRANT FUNDING FOR
FY17 STATE HOMELAND SECURITY PROGRAM
(SHSP FY17 ~ CFDA # 97.067)
OFFICE OF EMERGENCY MANAGEMENT**

WHEREAS, Pursuant to Resolution No. 532-2017, this Board of Supervisors authorized Ontario County to accept an award of \$149,956 from New York State Division of Homeland Security and Emergency Services (DHSES), the FY17 State Homeland Security Program (SHSP) (DHSES Project # SH-17-1045-E00, Contract # T972270; MUNIS G17030; CFDA# 97.067) for the purpose of recruiting and retaining emergency responders; and

WHEREAS, The Ontario County Office of Emergency Management, in agreement with the New York State Department of Homeland Security and Emergency Services, would like to request that the grant be further extended until June 30, 2021; and

WHEREAS, It is advantageous for Ontario County to extend this grant to fully utilize this grant, with no county match requirement; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this request at their respective July 22nd, 2020 meetings and recommend the grant extension; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby approves extending the agreement with the New York State Department of Homeland Security and Emergency Services that will expire on August 31, 2020, for a term starting September 1, 2020 through June 30, 2021 at no required County cost; and further

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

RESOLVED, that the County Administrator be, and hereby is, authorized and empowered to execute the extension of the FY17 State Homeland Security Program Grant Agreement with the New York State Department of Homeland Security and

Emergency Services, 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 effect the intent of this resolution; and further

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

**RESOLUTION NO. 395-2020
RENEWAL ACCEPTANCE OF QUOTE Q18069
FOR THE PURCHASE OF LAUNDRY AND DISHWASHING SUPPLIES
FOR THE ONTARIO COUNTY JAIL**

WHEREAS, Resolution No. 617-2018 accepted the quote (Q18069) for the purchase of laundry and dishwashing supplies for the Ontario County Jail; and

WHEREAS, Hill & Markes, Inc., 1997 State Highway 5S, Amsterdam, NY, 12010 has agreed to renew the quote for twelve months at the current price structure, with the exception that item BWK3406 (#9) will not be considered part of the extension; now, therefore, be it

RESOLVED, The Purchasing Department and the Office of the Sheriff have deemed it to be in the County's best interest to renew this quote with Hill & Marks, Inc.; and further

RESOLVED, That said renewal shall be effective starting on September 15, 2020 through September 14, 2021.

**RESOLUTION NO. 396-2020
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF
YTO CONTRACT WITH BLOOMFIELD CENTRAL SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER SERVICES**

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 potential 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 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 \$115,636; 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 2, 2020 through June 30, 2021, at an hourly billing rate of \$66.73 and an overtime rate of \$100.09 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Bloomfield Central School District.

RESOLUTION NO. 397-2020
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF
TO CONTRACT WITH HONEOYE CENTRAL SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER SERVICES

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 potential 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 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 \$113,427; 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 2, 2020 through June 30, 2021, at an hourly billing rate of \$65.45 and an overtime rate of \$98.18 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Honeoye Central School District.

**RESOLUTION NO. 398-2020
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF
TO CONTRACT WITH MARCUS WHITMAN CENTRAL SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER SERVICES**

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 potential 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 \$40,175; 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 2, 2020 through June 30, 2021, at an hourly billing rate of \$38.63 and an overtime rate of \$57.94 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Marcus Whitman Central School District.

RESOLUTION NO. 399-2020
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF
TO CONTRACT WITH NAPLES CENTRAL SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER SERVICES

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 potential 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 \$39,350; 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 2, 2020 through June 30, 2021, at an hourly billing rate of \$37.84 and an overtime rate of \$56.75 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Naples Central School District.

**RESOLUTION NO. 400-2020
AUTHORIZATION FOR
THE ONTARIO COUNTY SHERIFF TO CONTRACT WITH
PHELPS-CLIFTON SPRINGS (MIDLAKES) CENTRAL SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER SERVICES**

WHEREAS, The Phelps-Clifton Springs Central School District (the "School") located at 1490 State Route 488, Clifton Springs, NY 14432 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 potential 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 \$40,175; 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 2, 2020 through June 30, 2021, at an hourly billing rate of \$38.63 and an overtime rate of \$57.94 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Phelps-Clifton Springs Central School District.

**RESOLUTION NO. 401-2020
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF
TO CONTRACT WITH VICTOR CENTRAL SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER SERVICES**

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 potential 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 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 \$116,523; 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 2, 2020 through June 30,

2021, at an hourly billing rate of \$67.24 and an overtime rate of \$100.86 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Victor Central School District.

**RESOLUTION NO. 402-2020
AUTHORIZATION FOR THE ONTARIO COUNTY SHERIFF
TO CONTRACT WITH WAYNE FINGER LAKES BOCES
SCHOOL RESOURCE OFFICER SERVICES**

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 potential 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 \$40,175; 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 2, 2020 through June 30, 2021, at an hourly billing rate of \$38.63 and an overtime rate of \$57.94 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

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; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of the Board to the Wayne Finger Lakes BOCES.

The foregoing block of ten resolutions was adopted.

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

**RESOLUTION NO. 403-2020
CAPITAL PROJECT NO. H057-19
AUTHORIZATION TO ACCEPT PROPOSAL FROM
AMERING & JOHNSTON
FLCC GENEVA SERVER ROOM
2019 FLCC MAINTENANCE CAPITAL PROJECT**

WHEREAS, Resolution No. 360-2019 established Capital Project No. H057-19 FLCC Maintenance Capital Project in the amount of One Million Two Hundred Seventy-Nine Thousand Dollars (\$1,279,000.00); and

WHEREAS, Said project includes funding for Technology Upgrades at Finger Lakes Community College (FLCC); and

WHEREAS, Resolution No. 536-2019 approved the renewal of bid (B18088) for repair and maintenance of HVAC and plumbing projects with Amering & Johnston, 5121 Route 96, Shortsville, New York, 14548; and

WHEREAS, A proposal was provided from Amering & Johnston dated April 29, 2020 for provision and installation of ductwork, dampers, and actuators associated with the FLCC Geneva Server Room renovations, in the amount of Four Thousand Six Hundred Seventy Dollars and Sixty Nine Cents (\$4,670.69), a copy of which is on file with the Clerk of this Board; and

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

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

RESOLVED, Upon review and approval by the County Attorney, as to form, the Ontario County Board of Supervisors hereby accepts the April 29, 2020 proposal from Amering & Johnston, 5121 Route 96, Shortsville, New York, 14548, and approves a contract with said firm to provide HVAC work associated with the FLCC Geneva Server Room Renovation, in the amount, not to exceed Four Thousand Six Hundred Seventy Dollars and Sixty Nine Cents (\$4,670.69); and further

RESOLVED, That the County Administrator be and hereby is authorized and empowered to execute a contract with said firm for said amount; and further

RESOLVED, That the term of said contract shall commence on July 31, 2020 and terminate on July 30, 2021; and further

RESOLVED, That the cost of said contract shall be paid from line HH H057 19 54521 – HVAC of Capital Project H057-19; and further

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

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Finance Department, the Vice President for Administration and Finance of Finger Lakes Community College, and Amering & Johnston 5121 Route 96, Shortsville, New York, 14548.

**RESOLUTION NO. 404-2020
CAPITAL PROJECT NO. H057-19
AUTHORIZATION TO ACCEPT PROPOSAL FROM
KAPLAN-SCHMIDT ELECTRIC, INC
FLCC GENEVA SERVER ROOM
2019 FLCC MAINTENANCE CAPITAL PROJECT**

WHEREAS, Resolution No. 360-2019 established Capital Project No. H057-19 as the 2019 FLCC Maintenance Capital Project in the amount of One Million Two Hundred Seventy-Nine Thousand Dollars (\$1,279,000.00); and

WHEREAS, Said project includes funding for Technology Upgrades at Finger Lakes Community College (FLCC); and

WHEREAS, FLCC received quotes from three vendors for the electric work needed to perform work associated with the Geneva Server Room Renovation, and found Kaplan-Schmidt Electric, Inc., 50 Saginaw Drive, Rochester, New York, 14623 to be the low responsive/responsible bidder; and

WHEREAS, A copy of the quote received from Kaplan-Schmidt Electric, Inc. dated April 29, 2020 for electric work associated with the FLCC Geneva Server Room renovations, in the amount of Thirteen Thousand Three Hundred Eighty-One Dollars (\$13,381.00) is on file with the Clerk of this Board; and

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

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

RESOLVED, Upon review and approval by the County Attorney, as to form, the Ontario County Board of Supervisors hereby accepts the April 29, 2020 proposal from Kaplan-Schmidt Electric, Inc., 50 Saginaw Drive, Rochester, New York, 14623, and approves a contract with said firm to provide electric work associated with the FLCC Geneva Server Room Renovation, in the amount, not to exceed Thirteen Thousand Three Hundred Eighty-One Dollars (\$13,381.00); and further

RESOLVED, That the County Administrator be and hereby is authorized and empowered to execute a contract with said firm for said amount; and further

RESOLVED, That the term of said contract shall commence on July 31, 2020, and terminate on July 30, 2021; and further

RESOLVED, That the cost of said contract shall be paid from line HH H057 19 54493 Electric of Capital Project H057-19; and further

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

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Finance Department and Vice President for Administration and Finance of Finger

Lakes Community College and Kaplan-Schmidt Electric, Inc., 50 Saginaw Drive, Rochester, New York, 14623.

**RESOLUTION NO. 405-2020
CAPITAL PROJECT NO. H057-19
AUTHORIZING CONTRACT WITH FIRSTLIGHT FIBER INC.
FOR CLASSROOM TECHNOLOGY UPGRADES
FOR SYNCHRONOUS CLASSROOMS SYSTEMS
2019 FLCC MAINTENANCE CAPITAL PROJECT**

WHEREAS, Resolution No. 360-2019 established Capital Project No. H057-19 as the 2019 FLCC Maintenance Capital Project in the amount of One Million Two Hundred Seventy-Nine Thousand Dollars (\$1,279,000.00); and

WHEREAS, Due to the COVID-19 public health pandemic Finger Lakes Community College has found it necessary to transition to in-person and on-line synchronous teaching; and

WHEREAS, FLCC has received Quote #FLTQ15981 from First Light Fiber Inc. for thirty (30) Cisco synchronous classroom systems in the amount of Twenty-Six Thousand Four Hundred Dollars (\$26,400.00) per GSA contract pricing, a copy of which is on file with the Clerk of this Board; and

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

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

RESOLVED, That the budget of Capital Project No. H057-19 be, and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HH H057 19 52550	Signal & Communication	\$273,038. 97	- \$ 26,400.00	\$246,638.9 7
HH H057 19 54053	Construction Inspections	\$2,650.00	\$ 0.00	\$2,650.00
HH H057 19 54101	Minor Equipment	\$76,961.0 3	\$ 0.00	\$76,961.03
HH H057 19 54260	Consultation & Professional	\$185,000. 00	\$ 0.00	\$185,000.0 0
HH H057 19 54491	General Construction	\$377,350. 00	\$ 0.00	\$377,350.0 0

HH H057 19 54493	Electric	\$300,000. 00	\$ 0.00	\$300,000.0 0
HH H057 19 54494	Plumbing	\$12,000.0 0	\$ 0.00	\$12,000.00
HH H057 19 54521	HVAC	\$12,000.0 0	\$ 0.00	\$12,000.00
HH H057 19 54602	Equipment Computer Minor	\$ 0.00	\$26,400.00	\$ 26,400.00
HH H057 19 54743	Change Order Contingency	\$35,000.0 0	\$ 0.00	\$35,000.00
HH H057 19 54865	Administration	\$5,000.00	\$ 0.00	\$5,000.00
Revenues:				
HH H057 19 42397	FLCC Revenue - Other	\$50,000.0 0	\$ 0.00	\$50,000.00
HH H057 19 43297	State Aid	\$639,500. 00	\$ 0.00	\$639,500.0 0
HH H057 19 45031	A - Interfund Transfer	\$589,500. 00	\$ 0.00	\$589,500.0 0

and further

RESOLVED, That Upon review and approval by the County Attorney as to form, this Board hereby accepts Quote #FLTQ15981 from First Light Fiber Inc. 7890 Lehigh Crossing, Suite 20, Victor, NY 14564 pursuant to GSA Schedule GS-35F-0349S dated June 11, 2020 for thirty (30) Cisco synchronous classroom systems (video conferencing kits) in the amount of Twenty-Six Thousand Four Hundred Dollars (\$26,400.00), a copy of which is on file with the Clerk of this Board; and further

RESOLVED, That the County Administrator be and hereby is authorized and empowered to execute a contract with said firm for said amount; and further

RESOLVED, That the cost of said contract with First Light Fiber, Inc shall be paid from line HH H057 19 54602; and further

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

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the County Finance Department and Vice President for Administration and Finance of Finger Lakes Community College, and FirstLight Fiber Inc., 7890 Lehigh Crossing, Suite 20, Victor, NY 14564.

RESOLUTION NO. 406-2020

CAPITAL PROJECT NO. H068-20
AUTHORIZE PROFESSIONAL CONSULTATION SERVICES CONTRACT
PLAN ARCHITECTURAL STUDIO, P.C.
FLCC NURSING EXPANSION CAPITAL PROJECT

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

WHEREAS, Plan Architectural Studio, P.C. was hired by Finger Lakes Community College to develop the concept plan and preliminary programing for the FLCC Nursing Expansion Project; and

WHEREAS, PLAN Architectural Studio, P.C. has submitted a proposal to provide professional design consultant services from schematic design through construction for an amount not to exceed Five Hundred Forty-Three Thousand Dollars (\$543,000.00) as contained in their proposal dated July 10, 2020, a copy of which is on file with the Clerk of this Board; and

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

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

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH06820 54053	Construction Tests/Inspections	\$10,000.0 0	\$ 0.00	\$10,000.00
HHH06820 54260	Consultation & Professional	\$525,000. 00	\$ 0.00	\$525,000.0 0
HHH06820 54444	Financing of Debt	\$50,000.0 0	\$ 0.00	\$50,000.00
HHH06820 54495	Architectural/ Engineering	\$0.00	\$523,000.00 ⁺	\$ 523,000.00
HHH06820 54498	Asbestos and Related Testing	\$10,000.0 0	\$ 0.00	\$10,000.00
HHH06820 54731	Contingency	\$900,000. 00	\$523,000.00 ⁻	\$377,000.0 0
HHH06820 54865	Administration	\$5,000.00	\$ 0.00	\$5,000.00
Revenues:				
HHH06820 42705	Gifts and Donations	\$750,000. 00	\$ 0.00	\$750,000.0 0
HHH06820 43297	State Aid	\$750,000. 00	\$ 0.00	\$750,000.0 0

and further

RESOLVED, That upon approval of the County Attorney as to form, this Board hereby accepts the proposal of Plan Architectural Studio, P.C. dated July 10, 2020, to provide professional consultant services in regard to the FLCC Nursing Expansion Capital Project in an amount not to exceed Five Hundred Forty-Three Thousand Dollars (\$543,000.00); and further

RESOLVED, That the County Administrator is hereby authorized and empowered to execute a contract with Plan Architectural Studio, P.C. for said amount; and further

RESOLVED, That the term of said contract shall commence on July 31, 2020, and terminate on June 30, 2022; and further

RESOLVED, That the cost of said contract shall be paid from line HH H068 20 54495 – Architectural/Engineering - from Capital Project H068-20; and further

RESOLVED, That the Department of Finance is directed to make all necessary budget and accounting entries to effect the intent of this resolution for a total project budget of One MillionFive-Hundred Thousand Dollars (\$1,500,000.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department, the Vice President for Administration and Finance of Finger Lakes Community College and Plan Architectural Studio, P.C., 250 South Avenue, Suite 100, Rochester, New York, 14604.

RESOLUTION NO. 407-2020
CAPITAL PROJECT NO. H068-20
AUTHORIZE PROFESSIONAL CONSULTATION SERVICES CONTRACT
LECHASE CONSTRUCTION SERVICES LLC
FLCC NURSING EXPANSION CAPITAL PROJECT

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

WHEREAS, LeChase Construction Services, LLC was hired by Finger Lakes Community College to provide construction estimates during the concept plan development for the FLCC Nursing Expansion Project; and

WHEREAS, LeChase Construction Services, LLC has submitted a proposal to provide Construction Management consultant services from schematic design through post-construction for an amount not to exceed Five Hundred Four Thousand Seven Hundred Fifteen Dollars (\$504,715.00) as contained in their proposal dated July 13, 2020, a copy of which is on file with the Clerk of this Board; and

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

RESOLVED, That upon approval of the County Attorney as to form, this Board hereby accepts the proposal of LeChase Construction Services, LLC. dated July 13, 2020, to provide Construction Management consultant services in regard to the FLCC Nursing Expansion Capital Project in an amount not to exceed Five Hundred Four Thousand Seven Hundred Fifteen Dollars (\$504,715.00); and further

RESOLVED, That the County Administrator is hereby authorized and empowered to execute a contract with LeChase Construction Services, LLC for said amount; and further

RESOLVED, That the term of said contract shall commence on July 31, 2020, and terminate on December 31, 2022; and further

RESOLVED, That the cost of said contract shall be paid from line HH H068 20 54260 – Consultation & Professional - from Capital Project H068-20; and further

RESOLVED, That the Department of Finance is directed to make all necessary budget and accounting entries to effect the intent of this resolution for a total project budget of One MillionFive-Hundred Thousand Dollars (\$1,500,000.00); and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Finance Department, the Vice President for Administration and Finance of Finger Lakes Community College, and LeChase Construction Services, LLC, 205 Indigo Creek., Rochester, NY 14626.

The foregoing block of five resolutions was adopted.

Supervisor Frederick Lightfoote offered the following seven resolutions as a block and moved for its adoption, seconded by Supervisor Theodore Bateman:

RESOLUTION NO. 408-2020
CAPITAL PROJECT NO. H044-17
BRIDGE PREVENTIVE MAINTENANCE PROJECT (GROUP 2) – 2020
ACCEPT SUPPLEMENTAL AGREEMENT #2
TO NEW YORK STATE REVENUE CONTRACT

WHEREAS, Resolution No. 398-2017 created Capital Project No. 09-2017, Bridge Preventive Maintenance Project (Group 2) – 2020, now known as Capital Project No. H044-17, and accepted the New York State Revenue contract for said project; and

WHEREAS, Resolution No. 682-2018 accepted Supplemental Agreement #1 which provided additional funding for the design engineering phase of the project; and

WHEREAS, This project for preventive maintenance on various bridges; Dryer Road over Great Brook, Marbletown Road over Canandaigua Outlet, Mill Street over Flint Creek, and County Road 4 over Flint Creek in the Towns of Victor, Phelps, Seneca and the Village of Phelps (BIN 3318090, 3318180, 3318190, and 3318670) P.I.N. 4ON0.01 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such projects to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, Supplemental Agreement #2 adds funding for the construction phase of the project; and

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

RESOLVED, That the Ontario County Board of Supervisors hereby accepts the Supplemental Agreement #2 for Capital Project No. H044-17, Bridge Preventive Maintenance Projects (Group 2) – 2020, P.I.N. 4ON0.01; and further

RESOLVED, That the Capital Project budget be, and hereby is, amended as follows:

Appropriations:		Budget:	Change	Revised Budget:
HHH04417 54731	Contingency	\$41,175.35	- \$15,736.00	\$25,439.35
Revenue:				
HHH04417 44597	Federal Aid	\$756,960.00	- \$15,736.00	\$741,224.00

and further

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

RESOLVED, That the Department of Finance is authorized to make the necessary accounting and budget entries to effect the intent of this Resolution for a total project budget of \$994,364; and further

RESOLVED, That in the event the full Federal and non-Federal share costs of the Project exceed the amount appropriated above, the Board of Supervisors shall convene as soon as possible to appropriate said excess amount upon notification by the New York State Department of Transportation; and further

RESOLVED, That the County Administrator be, and hereby is, authorized to execute all necessary Agreements and certifications on behalf of the Board of Supervisors with the New York State Department of Transportation in connection with the

advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and further

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

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

**RESOLUTION NO. 409-2020
AUTHORIZATION TO RENEW BID B19064
FOR ON-DEMAND ROOF REPAIRS**

WHEREAS, Resolution No. 537-2019 awarded bid (B19064) for on-demand roof repairs to Elmer W. Davis, Grove Roofing Services, Inc., and Harvey Strassner Contracting; and

WHEREAS, Elmer W. Davis and Harvey Strassner Contracting have agreed to renew their bids at the current price structure indicated in the bid; and

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

RESOLVED, That the Ontario County Board of Supervisors hereby authorizes the renewal of Bid (B19064) for on-demand roof repairs to Elmer W. Davis (Primary Vendor) and Harvey Strassner Contracting (Secondary Vendor) for a renewal period effective September 26, 2020 through September 25, 2021; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Elmer W. Davis, 1217 Clifford Avenue, Rochester, NY, 14621 and Harvey Strassner Contracting, 3035 Ridgeway Avenue, Rochester, NY 14606.

**RESOLUTION NO. 410-2020
AUTHORIZATION TO RENEW BID B18086
FOR MAINTENANCE AND REPAIR OF OVERHEAD DOORS
AT VARIOUS COUNTY BUILDINGS**

WHEREAS, Resolution No. 555-2018 awarded bid (B18086) to Alliance Door and Hardware, Inc. for the Maintenance and Repair of Overhead Doors in various county buildings; and

WHEREAS, Resolution No. 435-2019 renewed said bid for the period September 6, 2019 through September 5, 2020; and

WHEREAS, Alliance Door and Hardware, Inc. has agreed to a 12-month renewal at the current price structure; and

WHEREAS, The Purchasing Department recommends the bid renewal; and

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

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the renewal of bid (B18086) with Alliance Door and Hardware, Inc., 55 Alliance Drive, Rochester, New York 14623, per the tabulation sheets for a 1-year period starting September 6, 2020 through to September 5, 2021; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to Alliance Door and Hardware, Inc.

**RESOLUTION NO. 411-2020
AUTHORIZATION TO REJECT BID B20037
212 SALTONSTALL MASONRY REPAIR PROJECT**

WHEREAS, The Ontario County Purchasing Department issued bid (B20037) for the masonry repair project at 212 Saltonstall; and

WHEREAS, Only one bid was received for these items and the bid amount was over the budget allotted for this project, Public Works believes it is in the best interest of the County to reject this bid, revise the scope and specifications, and issue a new bid; now, therefore, be it

RESOLVED, That bid (B20037) for the 212 Saltonstall Masonry Repair Project from Testa Construction, Inc., 12 Industrial Park Circle, Rochester, New York 14624 be rejected; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to Testa Construction at rtesta@testaconstructionco.com.

**RESOLUTION NO. 412-2020
AUTHORIZATION TO REJECT BIDS FOR
PURCHASE OF ELECTRICAL SUPPLIES (B20035)**

WHEREAS, The Ontario County Purchasing Department issued bid (B20035) for the purchase of electrical supplies; and

WHEREAS, Upon review of the two bids received, when compared to pricing from previous bids received, it was noted that all items were significantly higher in price; and

WHEREAS, The pricing offered by these bids will exceed budgeted amounts; and

WHEREAS, Public Works believes it is in the best interest of the County to reject these bids and issue a new bid; now, therefore, be it

RESOLVED, That all bids received per bid (B20035) for the Purchase of Electrical Supplies be rejected; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to First Choice Electric Supply, Inc., 319 West Union Street, Newark, NY 14513, and CooperFriedman Electric Supply Co. Inc., dba Cooper Electric, 1 Matrix Drive, Monroe, NJ, 08831.

**RESOLUTION NO. 413-2020
AWARD BID B20038 ROUNDABOUT LANDSCAPE MAINTENANCE**

WHEREAS, Since 2012, Ontario County has constructed four (4) roundabouts in the towns of Canandaigua, Farmington, Hopewell, and Phelps; and

WHEREAS, All of the roundabouts have landscape features that require frequent maintenance; and

WHEREAS, Professional landscape maintenance is required to maintain and protect the County’s investment in landscape features at each roundabout; and

WHEREAS, Department of Public Works staff developed a material and services specification for the maintenance of the landscape features at each roundabout; and

WHEREAS, Bid for the purchase of said materials and services for the Department of Public Works has been duly advertised and received by the Purchasing Department; and

WHEREAS, Copy of the bid tabulation sheet has been filed with the Clerk of this Board and the Public Works Committee has reviewed said bid tabulation and recommends acceptance of the bid; now, therefore, be it

RESOLVED, That bid be awarded to the following responsive, responsible bidder:

B20038	
ROUNDABOUT LANDSCAPE	Lakeview Lawn and Landscape, Inc.
MAINTENANCE	4477 County Road 1

	Canandaigua, New York 14424
--	-----------------------------

and further

RESOLVED, That the Ontario County Board of Supervisors hereby accepts said bid and authorizes one year contract for the period beginning July 31, 2020, through July 31, 2021; and further

RESOLVED, That in the case where multiple vendors are awarded an item, the lowest responsive/responsible bidder for that item shall be given the opportunity to supply the same; and further

RESOLVED, That should the lowest responsible/responsive bidder not be able to supply the item needed in accordance with project requirements and/or logistics, the second lowest bidder shall be given similar consideration, and the procedure shall be followed for each successive awardee until the item can be furnished in accordance with the project requirements; and further

RESOLVED, That certified copy of this resolution be sent by the Clerk of this Board to the above listed successful bidder.

**RESOLUTION NO. 414-2020
AUTHORIZATION TO RENEW BID B19052 FOR THE PURCHASE OF
LAW ENFORCEMENT CAR PARTS AND ACCESSORIES**

WHEREAS, Resolution No. 436-2019 awarded bid (B19052) 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 B19052 with the following vendors:

<u>Vendor</u>	<u>Items</u>
---------------	--------------

Comprosec Corp.	8201 Main Street Suite 14 Buffalo, NY 14221
Finger Lakes Communications	305 Clark Street Auburn, NY 13021
Pursuit Emergency Vehicles A Division of Mobile Fleet	10 Commerce Drive Hauppauge, NY 11788
Island Tech Services, LLC	980 S 3rd Street Ronkonkokma, NY 11779
Upstate Wholesale Supply, Inc. DBA Brite Computers	7647 Main Street Fishers Victor, NY 14564
General Sales Administration, Inc. t/a Major Police Supply	47 N. Dell Avenue Kenvil, NJ 07847
Sagamore Lights	190 Adams Avenue Hauppauge, NY 11788
Adamson Industries Corp.	45 Research Drive Haverhill, MA 01832

and further

RESOLVED, Said renewal will be per the bid tabulation sheets on file with the Board and will be effective from August 6, 2020 through August 5, 2021; and further

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

The foregoing block of seven resolutions was adopted.

Supervisor Baker asked how far overbid was Resolution No. 411-2020 and what the implications of having to wait. Supervisor Lightfoote responded that is was approximately \$60K over and are looking at different options with Commissioner Wright. Purchasing Director Deb Geirman added they are looking at what can be done with County staff and revamping the specifications and hope to have bids go out this fall for work to be done in the spring.

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

RESOLUTION NO. 415-2020
A RESOLUTION RENAMING COURT STREET TO
SUSAN B. ANTHONY LANE

WHEREAS, Susan B. Anthony is considered one of the principal organizers of the American Equal Rights Association; and

WHEREAS, Through her efforts she aided in the abolishment of slavery in the United States; and

WHEREAS, Along with Elizabeth Cady Stanton, she founded the National Women's Suffrage Association and went on to play a pivotal role in advocating for women's rights; and

WHEREAS, She is famously known for the matter of the *United States v. Susan B. Anthony*, wherein she was tried and convicted for voting in the elections of 1872; and

WHEREAS, Said trial was held at what is now known as the Ontario County Courthouse and is the site upon which she delivered "the most famous speech in the history of the agitation for woman suffrage"; and

WHEREAS, It was that trial which made women's suffrage a national issue ultimately leading to the passage of the 19th Amendment on August 18, 1920 which states "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex..."; and

WHEREAS, As 2020 marks the 100th Anniversary of the 19th Amendment it is fitting that Court Street, upon which the Ontario County Courthouse rests, be renamed Susan B. Anthony Lane; now, therefore, be it

RESOLVED, The Ontario County Board of Supervisors recognizes Susan B. Anthony as a champion of the temperance, abolition and suffrage movements, acknowledging her role in shaping history and her bravery for standing for what she believed in during a time when women were considered inferior; and further

RESOLVED, The Ontario County Board of Supervisors pays this tribute of recognition to her by renaming Court Street as Susan B. Anthony Lane.

Adopted.

Supervisor Andrew Wickham stated that Mr. Fladd made a good argument. He wanted to know if there are other options that could be pursued.

Supervisor Rich Russell said that time is off the essence because of the 100th anniversary. He added that he recognizes Mr. Fladd is far more a moving factor in this county. Supervisor Russell said he would pursue finding an even greater way to honor Susan B. Anthony and will take the responsibility on himself to see if there's a group of citizens, private citizens who want to come together and do something even more than the street sign and the historic marker. Supervisor Russell recognized the Canandaigua City Council for their forethought and particularly Councilman Ward 2, Dan Unrath.

Supervisor Catherine Menikots said she is in favor of doing something else as well, but for those who don't know, there is a bust of Susan B. Anthony in the actual courtroom as well as a plaque and a portrait of her hanging in the courtroom.

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

**RESOLUTION NO. 416-2020
DISPOSITION OF REAL PROPERTY ACQUIRED
THROUGH ENFORCEMENT OF DELINQUENT TAXES:
AUCTION DATE AND PLACE**

WHEREAS, The County, as the result of enforcement of 2018 taxes, will acquire parcels which will need to be auctioned (the "Auction Parcels"); and

WHEREAS, Any owners and interested parties of the Auction Parcels failed to redeem them by January 17, 2020; and

WHEREAS, The County obtained a Default Judgment on the Auction Parcels on March 6, 2020; and

WHEREAS, Pursuant to Resolution ("Res.") Number ("No.") 878-2019, this Board of Supervisors set the auction (the "Auction") date for the Auction Parcels for May 20, 2020, at the County's Safety Training Facility; and

WHEREAS, On March 7, 2020, the New York State Governor issued Executive Order 202 declaring a State Disaster Emergency because of COVID-19; and

WHEREAS, On April 17, 2020, this Board of Supervisors postponed the Auction to a future date to be determined; and

WHEREAS, The County Treasurer and Ways and Means Committee recommends having an online auction of the Auction Parcels; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney, the County's contracted auction company shall auction the Auction Parcels online beginning on or about September 30, 2020; and further

RESOLVED, That advertising in the Finger Lakes Times and Daily Messenger and additional advertising shall be at auctioneer's discretion. All advertising for the sale of real property shall be at auctioneer's expense; and further

RESOLVED, That bid terms and information shall be reviewed and approved by the County Attorney's Office; and further

RESOLVED, There will be no minimum bid requirement for any parcel; and further

RESOLVED, The County will pay all delinquent taxes and charges up to and including those appearing on the January 1, 2019 Town and County tax bill. The purchaser will pay all other unpaid taxes and charges, including the 2020 Town and County taxes.

**RESOLUTION NO. 417-2020
DEFERRED COMPENSATION PLAN FUND CHANGES AND**

IMPLEMENTATION OF CARES ACT AND SECURE ACT PROVISIONS

WHEREAS, As a 457 and 401(a) deferred compensation Plan (the Plan) Sponsor, Ontario County has the option from time-to-time to make revisions and adopt certain optional Plan amendments and provisions to their Deferred Compensation Plans; and

WHEREAS, The County 457 and 401(a) deferred compensation plan's fiduciary assure advisor has recommended the County replace the Goldman Sachs High Yield Bond fund (GSHAX) with the Putnam High Yield Bond fund (PHYIX); and

WHEREAS, The federal government passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which included special coronavirus related distributions and plan loan options for retirement plans; and

WHEREAS, Ontario County would like to enable the provisions afforded to County 457 Plan participants in the CARES Act; and

WHEREAS, The federal government passed the Setting Every Community Up for Retirement Act (SECURE Act), which included reforms for retirement plans; and

WHEREAS, Ontario County would like to implement some of the provisions afforded to the County 457 Plan participants in the SECURE Act; and

WHEREAS, Plan Sponsors are authorized to adopt and start administering these provisions immediately and formally adopt amendments to the Plan's model plan document no later than December 31st, 2024; and

WHEREAS, The Deferred Compensation Plan Committee and the Ways and Means Committee have reviewed and approved the above items and recommend their adoption; now therefore let it be

RESOLVED, That effective immediately, the County of Ontario will replace Goldman Sachs High Yield Bond fund (GSHAX) with the Putnam High Yield Bond fund (PHYIX) in its 457 and 401(a) deferred compensation plans; and further be it

RESOLVED, That Ontario County will immediately implement the optional provisions afforded to County 457 Plan participants in the CARES Act including:

- In-service Coronavirus Related Distributions (CRD) for participants who meet the IRS criteria.
- Participants, if qualified, have increase loan maximums until September 27th, 2020.
- Participants may self-certify a CRD or increased loan maximum and initiate these directions over the phone with the County's plan administrator (Mass Mutual).
- Participants, if qualified, may delay loan repayments for the remainder of 2020

- Required Minimum Distributions (RMD) may be suspended for Calendar year 2020; and, further be it

RESOLVED, That Ontario County will immediately implement the optional plan provisions offered in the SECURE Act, including:

- Increase the RMD age to 72 (previously 70 ½)
- Allow in-service withdrawals for participants who are over the age of 59 ½
- Allow in-Service distributions of up to \$5,000 for childbirth or adoption; and further be it

RESOLVED, That Ontario County will formally adopt amendments to the Plan's model plan document no later than December 31st, 2024; and be it further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to the Director of Human Resources as Chairperson of the Deferred Compensation Committee and a certified copy of this resolution be sent to Mr. Christian Sparacino, 457 Plan Service Group, 179 Sully's Trail, Suite 200, Pittsford, NY 14534-4599.

**RESOLUTION NO. 418-2020
CREATION OF PUMP STATION AND SEWER LINE MAINTAINER POSITION
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Mr. William Wright, Commissioner of Public Works Department has filed a New Position Duties Statement for a position he would like to create; and

WHEREAS, Said position has been classified by the Director of Human Resources as a Pump Station and Sewer Line Maintainer by Personnel Officer Classification Certification No. 23-2020; and

WHEREAS, Mr. Wright would like to create this position and abolish a vacant position of Motor Equipment Operator II; and

WHEREAS, Sufficient funding exists within the Department of Public Works budget for this position change; and

WHEREAS, The Management Compensation Plan Committee and the Ways and Means Committee recommend the abolishment of a vacant Motor Equipment Operator II position and the creation of a Pump Station and Sewer Line Maintainer position, effective upon adoption; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby authorize the abolishment of a vacant position of Motor Equipment Operator II (02557/#13) (Grade

HH3), and the creation of a position of Pump Station and Sewer Line Maintainer (01183/#6) (Grade A11), effective upon adoption.

The foregoing block of three resolutions was adopted.

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

**RESOLUTION NO. 419-2020
ADOPTION OF FINGER LAKES COMMUNITY COLLEGE
OPERATING BUDGET FOR THE FISCAL YEAR
BEGINNING SEPTEMBER 1, 2020**

WHEREAS, The Tentative Operating Budget for the Finger Lakes Community College, for the fiscal year beginning September 1, 2020, has been duly presented to this Board; and

WHEREAS, A Public Hearing on the Tentative Operating Budget was duly advertised and, in accordance with the advertisement, was duly held on July 30, 2020; now, therefore, be it

RESOLVED, That said Tentative Operating Budget in the amount of \$41,613,578.00 be, and hereby is, adopted as the Operating Budget of the Finger Lakes Community College for the fiscal year beginning September 1, 2020; and further

RESOLVED, That the appropriation by the County of Ontario in support of the Finger Lakes Community College will be set at \$3,704,228 .00; and further

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

**RESOLUTION NO. 420-2020
APPROPRIATION RESOLUTION FOR THE CONDUCT OF
FINGER LAKES COMMUNITY COLLEGE FOR
THE FISCAL YEAR BEGINNING SEPTEMBER 1, 2020**

WHEREAS, The Board of Supervisors on July 30, 2020, adopted an Operating Budget for the Finger Lakes Community College for its fiscal year beginning September 1, 2020; and

WHEREAS, Section 6304 of the Education Law provides that after this budget for a community college has been adopted, the Board of Supervisors shall provide for the raising of taxes required by such budget without any decrease in the amounts, in the

same manner, and at the same time prescribed by law for the annual levy of taxes by the County; now, therefore, be it

RESOLVED, That the amount of \$3,704,228.00 for the Operating Budget be levied and assessed upon the property of the County liable therefore, in the same manner, and at the same time prescribed by law for the annual levy of taxes by the County for the Finger Lakes Community College Operating Budget for 2020-21 in the amount of \$41,613,578.00; and further

RESOLVED, That a certified copy of this resolution be sent by the Clerk of this Board to the Vice President of Administration & Finance of Finger Lakes Community College.

The foregoing block of two resolutions was adopted.

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

**RESOLUTION NO. 421-2020
CONTRACT AMENDMENT
MENGEL, METZGER, BARR, & CO. LLP**

WHEREAS, Ontario County currently has a contract with Mengel, Metzger, Barr, & Co. LLP, (MMB) 100 Chestnut St., Suite 1200, Rochester, NY 14604 for Audit of the Financial Records of Ontario County for 2017, 2018 and 2019 for \$47,500, \$48,500 and \$49,500 respectively; and

WHEREAS, Ontario County has received a request from MMB for an additional \$10,000 payment for audit of the 2019 financials due to the extra time and review necessary specifically related to the change in Ontario County's financial system; and

WHEREAS, The Department of Finance anticipated additional costs related to this transition in the amount of \$5,000 in the 2020 budget; and

WHEREAS, The Department of Finance has additional savings in its budget due to cancellation of many trainings during 2020 to accommodate the remaining \$5,000; and

WHEREAS, The Department of Finance has reviewed the request from MMB and has determined it to be fair and reasonable; and

WHEREAS, The Ways and Means Committee has reviewed and approves the amendment; now, therefore, be it

RESOLVED, That the County Administrator shall be authorized to sign the Amendment agreement subject to the review and approval of the County Attorney's Office; and further

RESOLVED, That a certified copy of this resolution be sent to Mengel, Metzger, Barr, & Co. LLP, by the Clerk of this Board.

RESOLUTION NO. 422-2020
RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
ONTARIO INCREASING TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF
HOTEL ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO
ARTICLE 29 OF THE TAX LAW OF
THE STATE OF NEW YORK – AS AMENDED

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

SECTION 1. Section 4-A of Resolution No. 166 of 1967, adopted by the Board of Supervisors of the County of Ontario on May 26, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes. Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there are hereby imposed and there shall be paid an additional one-eighth of one percent rate of such sales and compensating use taxes, for the period beginning September 1, 2006, and ending November 30, 2023, and an additional three-eighths of one percent rate of such taxes, for the period September 1, 2009, through November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraphs (c) and (d) of subdivision (1) of section 11 of Resolution No. 166 of 1967, adopted by the Board of Supervisors of the County of Ontario on May 26, 1967, imposing sales and compensating use taxes, as amended, are amended to read as follows:

(c) With respect to the additional tax of one-eighth of one percent imposed for the period beginning September 1, 2006, and ending November 30, 2023, in respect to the use of property used by the purchaser in this county prior to September 1, 2006.

(d) With respect to the additional tax of three-eighths of one percent imposed for the period beginning September 1, 2009, and ending November 30, 2023, in respect to the use of property used by the purchaser in this county prior to September 1, 2009.

SECTION 3. Subdivision (d) of section 14 of Resolution No. 166 of 1967, adopted by the Board of Supervisors of the County of Ontario on May 26, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(d) Net collections from the additional three-eighths of one percent rate imposed for the period beginning September 1, 2009, and ending November 30, 2023, pursuant to the authority of section 1210 of the New York Tax Law, shall be set aside for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of section 1262(c) or section 1262-r of the New York Tax Law.

SECTION 4. This enactment shall take effect December 1, 2020.

The foregoing block of two resolutions was adopted.

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

**RESOLUTION NO. 423-2020
REAPPOINTMENT OF DEBRA S. GIERMAN
PURCHASING DIRECTOR**

WHEREAS, Ms. Debra S. Gierman's appointment as Purchasing Director expires on August 22, 2020; and

WHEREAS, The Interim County Administrator has completed the performance review process for the Purchasing Director and recommends reappointment; and

WHEREAS, The Ways and Means Committee supports the Interim County Administrator's recommendation and recommends reappointment of Ms. Debra S. Gierman to the Board of Supervisors effective August 23, 2020, through August 22, 2023; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby reappoints Ms. Debra S. Gierman to the position of Purchasing Director for a term of three years to commence on August 23, 2020; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, and Ms. Debra S. Gierman.

Adopted.

Supervisor David Baker shared the accomplishments and expertise and is privileged to recommend Debra Gierman for another three-year appointment.

Supervisor Robert Green spoke on behalf of the town and gave his heartfelt thankyou for her help with the small towns.

On motion of Supervisor Jeffery Gallahan, seconded by Supervisor Todd Campbell, the meeting was adjourned at 7:21 PM.