

August 23, 2018

A Public Hearing regarding the installation of a rooftop antenna structure on the 74 Ontario Street building for Emergency Radio Communications – 700 MHz Deployment was held at the Ontario County Safety Training Facility, 2914 County Road 48 in the Town of Hopewell, it was called to order at 6:30 p.m. with Chairman Marren presiding.

As no one wished to speak the Public Hearing was closed at 6:31 pm.

The regular meeting of the Ontario County Board of Supervisors was called to order at 6:31 p.m. at the Ontario County Safety Training Facility, 2914 County Road 48 in the Town of Hopewell, with Chairman Marren presiding.

The Pledge of Allegiance was led by Supervisor Campbell.

Upon roll call, all Members of the Board were present with the exception of Supervisor Gallahan, who was in route and arrived at 6:40 pm and Supervisor Sauers who was declared necessarily absent.

Minutes of the preceding session were approved without being read by motion of Supervisor Singer, seconded by Supervisor Campbell and carried.

Michele Smith, Director of Human Resources reminded the Board as part of the shared services initiative, HR has been offering and will continue to offer training opportunities and to all of the outside jurisdictions as well. Ms. Smith mentioned the following upcoming training opportunities:

- Progressive discipline training limited to supervisors or department heads
- County Finance training with the Excelsior Institute
- Anti-sexual harassment training as part of New York State's new regulations
- Active shooter training September 13th.
- On line opportunities

Brian Young, Deputy County Administrator provided an update of the Septic System Replacement Fund. A program through the efforts of Senator Helming an agreement was entered into with NYS Environmental Facilities Corporation to help replace septic systems around the lakes. When the agreement was first entered into, the original eligibility was for primary residences on the lake. In July it was learned that the definition was to include secondary and seasonal homes in an effort to help preserve the water quality. A resident may receive up to \$10,000 or 50% of the cost of replacing the system.

Fred Lightfoote, Supervisor to the Town of Gorham and Chairman to the Public Works Committee gave an update on 74 Ontario Street: On August 13th, the Board of Elections moved their offices to the County Transportation Center (CTC), 2930 County Road 48. The Office of the Sheriff has moved all of their divisions to the Public Safety Building in Hopewell. The 911 Center and Information Services will remain in their present locations. Asbestos abatement should be complete this week, and it is anticipated that demolition work will begin after Labor Day. Demolition costs have been higher than expected. The project team has done a great job in evaluating the engineering process; with \$900,000 over cost estimates they were able to cut enough to less than \$50,000 over cost estimates. The plan was to start construction in October, but they are now looking into December. The Planning Committee is aware of possible higher construction costs due to the increase of material costs related to the tariffs that have been initiated lately.

The Committee will continue to review the project and update the Board with any relevant information.

Supervisor Singer requested privilege of the floor for Eric Lang from Canadice, NY, regarding Honeoye Lake Weed Harvesting. Eric Lang explained he grew up on Honeoye Lake and moved here in 1976. He has seen changes over the years, mainly negative outcome as far as being able to swim on the lake. He learned how to swim there, where he took swimming lessons at Sandy Bottom Beach. Mr. Lang had two children with him, Michael and Morgan as representatives, noting it is painful for him to see them not be able to have swimming lessons. There would be a lesson or two then the beach would close due to the algae. Mr. Lang presented a petition, written by Julie Swift, stating that harmful algae blooms (HABs) are in abundance in Honeoye Lake and believes the mechanical harvester is contributing to the spread of HABs in Honeoye Lake. The petition explains their reasoning's and believes the harvester is one factor that can be controlled. The petition is requesting the halting of mechanical weed harvesting in Honeoye Lake. Mr. Lang stated they desperately need change. He would like to see something new tried. He believes when the weed harvester was broken down, the water was nice. He noted another parent wrote that she didn't sign up her daughter for swim lessons because after a couple lessons, they would be canceled. Mr. Lang stated that the bottom line, as a first responder, is to think of the children. The last thing he would want to see is someone gets in trouble because they didn't know how to swim because they didn't have swim lessons. Mr. Lang submitted the petition to the Board.

Supervisor Gallahan requested privilege of the floor for Ian Krager regarding Tobacco 21. Ian Krager, an 18 year old resident of Manchester and recent graduate of Red Jacket High School voiced his support of the proposed Tobacco 21 legislation. He stated that cigarette smoking is the most dangerous and deadly addiction legally available to young people his age. He said the scariest part is that most users understand that. He explained that young people do it anyway due to social pressure and accessibility. He stated that most seniors will turn 18 before they graduate, allowing the vast majority to legally purchase tobacco products. He stated that e-cigarette use is a public health crisis. He had class mates go to the lavatory several times during a single class period just to take a hit of their e-cig because their addiction was so strong they couldn't go without it. The most popular nicotine e-cigarette on the market is the juul containing a nicotine equivalent to one pack of cigarettes. Mr. Krager presented a juul to show the size and how it resembles a flash drive and is easily concealable in a class room setting. He stated when one student begins to abuse a substance; his or her friends are automatically pressured into beginning the addiction themselves. No matter how much prevention education that is presented to the minds of our youth, it will never be able to defeat social pressures; however, he believes we can affect accessibility. He said there is an opportunity in Ontario County to eliminate the direct accessibility of all tobacco products for young people under the age of 21. He stated in NYC, raising the age contributed to a 29% decline in smoking among high school students according to the Youth Behavior Risk Survey. He said that there is chance to stop that first student from creating a domino effect of social pressure within the schools. As a young voter, he is imploring the Board to take action to keep the Community safe by raising the age today.

Supervisor Green requested privilege of the floor to thank the County Administrators Office, to the Sheriff, and all County budget folks, Mary Gates and everybody involved in obtaining monies for 911 this year. He noted \$196,000 in grants came in for updating equipment and personnel within the 911 division of the Sheriff's Department.

Supervisor Green, as Chairman of the Public Safety Committee, thanked all the entities within the County and the County Attorney's office for their work in being in the forefront of addressing the issue on "Raise the Age".

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

Copies received of minutes of meetings held as follows:

- a. Governmental Operations and Insurance Committee held on July 6, 2018
- b. Health and Human Services Committee held on July 23, 2018
- c. Planning and Environmental Quality Committee held on July 2, 2018
- d. Planning and Environmental Quality Committee held on July 23, 2018
- e. Public Works Committee held on July 23, 2018
- f. Seneca Watershed Intermunicipal Organization held on July 30, 2018
- g. VAVS/Community Council Committee held on August 1, 2018 received from VA Medical Center / (528A5), Canandaigua, NY.

The Clerk received Resolution No. 279-18 entitled "Authorize Agreement with Finger Lakes Community College" from the Yates County Legislature.

The Clerk received a preliminary Regional Council Budget from David S. Zorn, Executive Director, Genesee/Finger Lakes Regional Planning Council.

The Clerk received an Engineering Report entitled "Honeoye Lake Wastewater Treatment Plant Improvements", dated July 2018 from John Berry, Deputy Commissioner of Ontario County Public Works.

The Clerk received an Engineering Report approval letter from the New York State Department of Conservation dated August 2, 2018 from John Berry, Deputy Commissioner of Ontario County Public Works.

The Clerk received a Notice of Obligational Authority (NOA) PY18-2 for Local Workforce Development Area – Ontario/Seneca/Wayne/Yates Counties from Karen A. Coleman, Deputy Commissioner of Workforce Development, NYS Department of Labor.

The Clerk received a letter regarding the proposed Tobacco 21 Sales Ban from Cheryl Richter, Executive Director, New York State Vapor Association, Inc.

The Clerk received Notifications of Grant Awards (NGAs) for the EISEP, CSE, CSI, WIN, State Transportation, CRC (if applicable), and HIICAP programs which include full allocation for the period April 1, 2018 to March 31, 2019 from Donna DiCarls on behalf of Greg Olsen, Acting Director, New York State Office for the Aging.

The Clerk received a list of Certified 2018 State Equalization Rates for the 2018 assessment rolls from Brian F. Moon, Real Property Analyst 2, New York State Department of Taxation and Finance.

The Clerk received a letter of support for the proposed Local Law regarding Ontario County's tobacco regulations from Kristina Wieneke, Director of Advocacy for the American Lung Association in New York.

The Clerk received Resolution No. 192-18 approving the appointment of Finger Lakes Workforce Investment Board Member from Seneca County Board of Supervisors.

The Clerk received an invitation to the Volunteer Firefighter Summit at Finger Lakes Community College on September 20, 2018 from Senator Pam Helming.

The Clerk received a letter of acknowledgement for the Resolution of Sympathy for Trooper Nicholas F. Clark from Captain George M. DelNagro, NYSP Zone 3 Commander, New York State Police.

The Clerk received a Notice of Public Hearing regarding the adoption of a Local Law of the Town of Richmond for the year 2018 entitled "A Local Law to Amend the Zoning Law of the Town of Richmond to Adopt Regulations Pertaining to Solar Energy Systems" from Linda A Grace, Town Clerk , Town of Richmond.

The Clerk received Local Law No. 6 of the year 2018 "A Local Law to Amend the Zoning Law of the Town of Richmond to Adopt Regulations Pertaining to Solar Energy Systems" from Town of Richmond.

The Clerk received an electronic letter regarding Tobacco 21 Legislation from Christine Murney, American Cancer Society Cancer Action Network.

The Clerk received an electronic letter regarding Tobacco 21 Legislation from Deborah Saxe, American Cancer Society Cancer Action Network.

The Clerk received a Notice of Obligational Authority (NOA) updating the funding that is used by the Local Workforce Development Area (LWDA) from Karen A. Coleman, Deputy Commissioner for Workforce Development, New York State Department of Labor.

The Clerk received an electronic letter regarding raising the smoking age to 21 from Sarah Martyn, Licensed Master Social Worker, OPWDD.

Supervisor Marshall requested under the waiver of the rules to bring up the laid over proposal of Local Law 5 (Intro) of 2018 to Raise the Legal Age of Sale of Tobacco Products in Ontario County to 21 Years of Age.

Supervisor Baker remarked as a point of order; at the last meeting Chairman Marren was not there; it was offered at that time, that anyone on the Board would have the option to speak if they chose to. None of the Board members were able to speak so he asked Chairman Marren to allow the questions/responses for the Board members only.

Supervisor Teed explained he has done a lot of research and has had a lot of mixed feelings. He agrees with the Ian Krager, but does not think that this is a legislation issue but an education issue. He stated if a young man or young woman can join the military at 18 and risk his life for this country or if a child can have an abortion and the parents don't know about it; he thinks this is an issue where we are taking rights away. He said he doesn't smoke or drink, but he sees the government stepping in and interfering with people's lives more and more every day. He is very concerned, noting if you are sixteen you can drive and you can get married. He commended Supervisor Willie for his comments at the previous Board meeting and the good job that has been done in the

school education system. He believes peer pressure has been there since God created Adam and Eve. He said that children and young people have to learn how to deal with that pressure; noting you have it all of your life, whether you are here, at work or anywhere; major decisions happen all your life. He stated there are a lot of reasons for the proposed law, but believes our law enforcement has more important things to do than to worry about a store selling a pack of cigarettes. He stated he will be voting no for the reason that people need to take ownership for their own decisions.

Supervisor Baker joins Supervisor Teed in voting against the proposed local law. Supervisor Baker appreciated Ian Krager's comments, noting an excellent job and well-spoken defending his position. He applauded Director Beer for putting this issue before the Board. Supervisor Baker explained his choice by stating that he believes it to be a state issue and not a county issue. Going from county to county continues to allow for piece meal approaches in how we deal with legislation, folks can travel over borders and purchase what they wish. Supervisor Baker joins with Supervisor Teed in the question, how far do we go? He stated that we know sodas are bad for us, we know that we have an obese nation; do we start banning sugary sodas? The question is at what point do we start and at what point do we stop? He also agrees that this is an education issue. There are too many other ways at eighteen where they are allowed to act as an adult whether they are sentenced to jail, vote, and serve in the military. If this is something the state feels it needs to be dealt with then make it a statewide issue not just a county issue.

Supervisor Vedora stated that smoking is bad for you, he smoked, he quit and reiterated smoking is bad. However, he agrees with Supervisor Teed and Baker. Eighteen, nineteen and twenty year olds are considered adults, not only can they join the military, they can vote. He stated eighteen year olds are tried as an adult. He recalled a statement from the last Board meeting that the brain is not fully developed until the age of 21. He noted if that is the case, why are the eighteen year olds tried as adults, why do we let them make a decision to join the military? He echoed that they are allowed to get married at eighteen, nineteen and twenty; they can hold down almost any job in the country. He stated the biggest issue to him is why do we allow the young people to quit school at 16? Why does not Ontario County take the lead in that? He stated, to stop smoking, you have to convince the smokers not to smoke. He said education is the way to do that. Start educating when they are little. He stated if you are going to treat the 18-20 year olds as an adult, let them make their own decisions, if you are not going to treat them as adults, then do it across the board. Supervisor Vedora said he plans on voting no.

Supervisor Marshall explained that he was made the Chairman of the Health and Human Services Committee and did not get the job because he was educated in public health. He said we need to rely upon the people we use in this county for our staff. He said that Mary Beer from Public Health knows way more than he possibly would want to. She has come to the Board and demonstrated rather passionately that she thinks the right thing to do is for the Board to approve the change. He said it would be remiss of him as far as chairman of the committee to ignore what is recommended. He stated he will be voting yes.

Supervisor Bendzlowicz concurred with Supervisor Teed, Baker and Vedora, but also pointed out that if there is a state that has over regulation and over legislation, it is New York. He said this is another example of government over reach for something that should be a state issue. If you are going to do it, then do it statewide. Piece meal by county by county is not going to stop people from going out of the county at eighteen, nineteen or twenty to get those tobacco products and certainly has no effect on Native

American sales. He recalled the power point from the last Board meeting and noting the statement that cigarettes used by young people could lead to a greater chance of them using marijuana or the probability may be higher. That same night, he heard on the news, the State Health Commissioner looking to legalize marijuana. Supervisor Bendzlowicz said that is a little bit of legislative hypocrisy where we are asked to raise the age to prevent something like possibly the use of marijuana, yet our own state agency is looking to legalize it. He said he has an issue with that. He said the legal majority at eighteen can make a decision for themselves. He said it is definitely a state issue and not a county issue.

Supervisor Green stated he is siding with Supervisor Marshall and voting for it. He said they have many incredible people such as Mary Beer in public health who is passionate about this stance. He noted the emails that he had received being overwhelmingly in favor of the proposed law. He said there are over 300 counties in this country that have approved it. He would like to think that Ontario County could be the leader in starting a movement in this state. He commended Ian Krager on his presentation. He said he is involved with the Youth Bureau in the County and we need to support that.

Supervisor Lightfoote said this has been a hard thing to come to grips with. He stated he agrees with so many things that have been mentioned. A few things keep nagging at him; one is peer pressure as a valid point. He said when you consider those who smoke and will still have access, they still pressure their peers. He questions whether education would solve this problem noting there has been plenty of education regarding health issues in regards to smoking. He gave an example with the use of illegal drugs; there may have been peer pressure; however, those people were still able to get ahold of the illegal drug, it didn't matter that it was illegal. He has spoken to many people regarding this issue and most had responded that it wouldn't matter, if they were going to smoke, they were going to do it regardless of peer pressure. He questions by raising the age if it would address the issue sufficiently, when you pair that with more change in legislation and everything associated with it, what then. Behavior has to be changed. He thinks there is more to it than education. He said that his wife has been an ICU nurse for almost 40 years. She has seen the very worst at what this causes. Her mother passed away from lung cancer. She told him she didn't know what she would do in his position. He thought it was a very extreme case of her trying to look beyond the immediate issue and see everything else that is attached to it. Looking at it legislatively, looking at different precedencies we've already set, some at this table, some at the state level and some at the federal level. He stated he is still undecided on which way to vote.

Supervisor Willie said how the Board feels about this legislation. He is very passionate about it with his background in public education. He has spoken at committee and at the Board meetings twice. He has had conversations off line with the Chairman and other Board members. He said he would like to talk about a couple of other things he hasn't mentioned before; if we are concerned about regulation, being a fellow educator, noting the Superintendent from Naples, the Principal from Canandaigua and the Science teacher from Red Jacket and the recent grad from Red Jacket, they've all experienced incredibly difficult regulations from the State of New York. In public education, regulation is very centralized, very little gets done in terms of regulation by county or by region. He explained the Commissioner of the Board of Regents, when they meet every three weeks; they pass a lot of state laws that eventually get implemented in the 700 school districts across the state. They are very accustomed to burdensome, ridiculous,

absurd, and irrelevant education that interferes with great teaching and student/teacher relationships. He said with this issue, he understands as a political body you think about it in terms of the government, stay off my back, and let us make decisions locally about what is good for us in our particular area. If it is something that is a state wide concern, let the Governor and the legislature take care of it and then we will abide by it. This is not what we have in front of us; we are Ontario County, we are not Monroe, we are not Thompkins, Westchester, Long Island. We are Ontario County, 150,000 strong. He said 72% of this county has spoken and said that we need to raise the age. If we are a representative government, he implores his peers to think a little differently and set ourselves apart. He said this is not perfect, it will not prevent all the diseases associated with tobacco consumption, but will it set us apart and make a statement about who we are that is a little bit different than other counties that have not agreed with this kind of concept. As the vote is taken tonight, think about this graduate of Red Jacket, noting we have kids all over the NYS that would come and speak just as eloquently, thoughtfully and passionately about this. He said he just dropped his daughter off at college and took a picture of a sign that was all over campus stating *“as of August 1st, 2018 we are proud to announce we are now a tobacco free campus”*. So this would include approximately 7,000 students plus faculty and staff and a major employer going tobacco free. This was a specific single university that had the courage to make this legislation. He encouraged the board to think about what the university did and do this in Ontario County.

Supervisor Gallahan said you cannot legislate behavior. He stands with Ian, as a kid in a crowd, have I ever smoked, not yet. He said he did not smoke, he said he is 59 years old and has never taken a puff of cigarette in his life by his choice. He said we need crusaders like Ian Krager in our communities that are going to tell people how bad smoking is for them. He said his own parents died from cancer, he has aunts and uncles on his mother's side who have all died from cancer. It runs in his family and scares him, he never met his grandmother and grandfather; they were already gone from cancer. Noting when he was a kid at 14 when peers made fun of him, it didn't bother him because he knew he could make his own decision. He said they need people like Ian and himself telling people how bad smoking is for them and what happens to them when they smoke. Supervisor Gallahan gave an example how he got a friend to quit smoking, just by making a deal if he did and being true to his word. He also believes you can reverse peer pressure back the other way and it needs to be done. He will not be supporting the proposed legislation because of the big brother effect and he does not believe Tobacco 21 should be done at the county level, but at the state level.

Supervisor Campbell stated he does not particularly like the idea of waiting for NYS to do something and for us to taken action but that he does agree it should be a state based initiative. That does not mean he is comfortable with not moving forward. As someone who is involved with youth on many different levels, theory they all respond to him and say they know they shouldn't be doing it. He agrees with Supervisor Gallahan that peer pressure can both ways. He said we have heard from Ian Krager and from Supervisor Gallahan and know that peer pressure is a two way street. He thinks education is an important aspect to this. His request would be that if this is voted a “no” vote that the County through the committees figures out a way to show their support to public health; suggesting signage or some other way to inform young people to think before they consider smoking at least until they are 21.

Supervisor Venuti stated he also has gone back and forth but said he will be supporting it. There is no redeeming value to tobacco. The producers of those products

sell a substance to addict the people who use it so they have lifelong customers with a product that will make them sick and eventually kill them. He also agrees you can't stop it; if you say we are going to outlaw tobacco, which would be the same mistake as prohibition of alcohol; it would create a black market. So you can't say you can't do it; but the second part for him is will it have an effect? He noted the presentation a few weeks ago with studies that had an effect as well as other studies noting no effect. He is convinced by what he has seen that it does have an effect. It may reduce smokers by a few percentage points. If this makes it difficult for 50 or even 20 kids in Ontario County to smoke, that's enough. He said we are not putting a terrible burden on everyone, if it is going to stop or prevent a certain percentage, which is real numbers of people that might otherwise get sick and die, he said he has to vote for it.

Supervisor Russell noted at the public hearing, local education officials were heard from to ask the Board to provide them with another tool so that they could help educate their students. Health care professionals were heard from the local areas to ask for another tool to help them get the word out that smoking at a young age is not something that can be tolerated because it does affect a young person's brain much differently than an older person. The County health officer, Mary Beer, asked for another tool to help her educate the public on the dangers of starting to smoke. Representatives from near health care associations of the world ask to give them another tool to help education Ontario County that smoking at a young age is dangerous. He said the Board is at a crossroads. If they vote the proposal down, they will be helping perpetuate young people to start smoking; in essence saying to them that it is ok when you're eighteen to start smoking. If they vote yes, then it will be giving all the people just mentioned another tool to help educate young people on the dangers of starting to smoke early. He said this is why he will be voting yes.

Supervisor Baker reminded the Board, in the interest of full disclosure, there were people here from the industry, at the public hearing, asking the Board not to support the legislation and the reason they gave for that business. He stated that he was a past smoker; a filthy habit that has gotten outrageously expensive. He said perhaps that is the more appropriate way to go, keep taxing the living daylight out of it. As a past smoker, he finally got smart and quit. He said if someone wants an item, they're still going to get it, he said there are children in the primary school with access to marijuana, there are children in the elementary schools with access to heroin, he doesn't understand, they are illegal products and they are not supposed to be able to get that anywhere, but they still have access to it, they can still get it at any age. He said, we talk about enforcement, there is an enforcement mechanism for the sale of alcohol; it works through the local agencies and through the police departments, they do undercover buys. But he said there is also a law on the books that says there is no smoking on County property. It is not enforced and is violated on a daily basis. County employees violate it on a daily basis. He said just look by the Court House, look outside, and see who is having a smoke on County property, it's going to be a County employee not following the law. He stated that 25 years old is what we were told when the brain is fully developed. He questioned why is it being asked to make the law to 21 and not 25? He said it was stated that 72% of the population is in agreement with the proposed law. Supervisor Baker clarified that it was 72% who were surveyed are in agreement. He did not see the survey questions and does not know how they were written and said that anybody in the survey industry can tell you that how you write the questions may develop your answers. He doesn't know who that survey was given to but he hopes there is data behind the 72% that is in support of it. The last point he made is that maybe what they should be looking at is taxing the daylight

out of it. That it's not just someone who is 18 or 21 but it would help everybody. He doesn't know if this can be done, but perhaps this is something the Ways and Means Committee could take a look at. He thinks there will be greater success in stopping smoking if you jack the tax rate on it for everyone and then you would start to see a decrease in smoking beyond just the ages of 18 to 21.

Chairman Marren thanked the Chairman of the Health and Human Services Committee for his leadership in bringing this to the floor and the Committee members voting unanimously to bring it the floor so that the entire Board could vent this out and have a lively debate. In addition, he gave his respects Supervisor Marshall's decision in support of Mary Beer, Director of Public Health. He commented that this has been learning experience for all, regardless of the member's stance. He stated, like Supervisor Baker, he bought his first pack of cigarettes at 14. He was a smoker for 20 years. Education is much better in the community, in the schools and in the home. He grew up in a non-smoking household and mentioned a few personal experiences with his own children. He agrees that this is a nasty disease and there are challenges, certainly tobacco is one of them, vaping is one of them as well colleagues pointing out opioid addiction, overdoses, suicides and obesity. Chairman Marren said he is a big supporter of education and it is in the best interest to continue to educate, not legislate and for that reason will not support the proposal. He concurs with Supervisor Baker in hopes that our state government will take this up in this next calendar year and look seriously at this. He stated frankly that the state will be taking up the issue of recreational marijuana and hopes they will address the age for both of these at the state level. He said that he would not be surprised that a year from now, they're back here talking about Tobacco 21 and Marijuana 21.

Chairman Marren asked for a roll call vote on Local Law 5 (Intro.) of 2018.

A simple majority roll call vote resulted as follows:

Ayes:	965	Supervisors Marshall, Russell, Willie, Venuti, Guard, Campbell, and Green
Noes:	3,388	Supervisors Hicks, Teed, Ingalsbe, Vedora, Bendzlowicz, Lightfoote, Bateman, Gallahan, Wickham, Marren, Singer, Westbrook, and Baker
Absent:	143	Supervisor Sauers

Local Law 5 (Intro.) of 2018 was defeated as there were not the required 2,249 weighted votes necessary for adoption.

Supervisor Gallahan offered the following block of four resolutions and moved for its adoption, seconded by Supervisor Bendzlowicz:

RESOLUTION NO. 498-2018
BACK FILE SCANNING OF COUNTY DEPARTMENT RECORDS
INCLUDING DEPARTMENT OF SOCIAL SERVICES,
HUMAN RESOURCES AND SHERIFF RECORDS
NEW YORK STATE INDUSTRIES PREFERRED SOURCE PROVIDER AND
NYSID'S ASSOCIATE MEMBER, CONTINUUM SERVICES INC. AND

**ONTARIO COUNTY DEPARTMENT OF RECORDS, ARCHIVES AND
INFORMATION MANAGEMENT SERVICES (RAIMS)**

WHEREAS, The Ontario County Department of Records, Archives and Information Management Services (RAIMS) has been awarded a grant for \$105,055 by the Local Government Records Management Improvement Fund for the period July 1, 2018 through June 30, 2019; and

WHEREAS, The Ontario County Board of Supervisors approved acceptance of the grant by Resolution 425-2018; and

WHEREAS, Of that amount, \$97,620.00 has been awarded to New York State Industries for the Disabled (NYSID), a New York Industries Preferred Source Provider for the scanning of Social Services, Human Resources and Sheriff records; and

WHEREAS, NYSID can meet all of the scanning needs that comply with the State Archives requirement in a cost effective and timely manner, and

WHEREAS, The Governmental Operations and Insurance Committee recommends a contract with NYSID; now, therefore, be it

RESOLVED, Upon review and approval of the County Attorney as to form, that the Ontario County Board of Supervisors does hereby authorize a contract for scanning services for a term of beginning September 1, 2018 and ending June 30, 2019 for an amount not to exceed \$97,260; and further

RESOLVED, That the County Administrator be, and hereby is, authorized to sign the contract; and further

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

RESOLVED, That certified copies of this resolution be sent to NYSID, 11 Columbia Circle, Albany, NY 12203-05156 by the Clerk of this Board.

RESOLUTION NO. 499-2018

**BACK FILE SCANNING OF THE TOWN OF GENEVA'S CODE OF
ENFORCEMENT RECORDS AND THE PURCHASE OF LICENSES OF
ONBASE ELECTRONIC RECORDS MANAGEMENT SYSTEM
NEW YORK STATE INDUSTRIES PREFERRED SOURCE PROVIDER AND
NYSID'S ASSOCIATE MEMBER, CONTINUUM SERVICES, INC. AND
ONTARIO COUNTY DEPARTMENT OF RECORDS, ARCHIVES AND
INFORMATION MANAGEMENT SERVICES (RAIMS)**

WHEREAS, The Ontario County Department of Records, Archives and Information Management Services (RAIMS) has been awarded a grant for \$105,055 by the Local Government Records Management Improvement Fund for the period July 1, 2018 through June 30, 2019; and

WHEREAS, Of that amount \$7,435.00 has been awarded to New York State Industries for the Disabled (NYSID) a New York Industries Preferred Source Provider for the scanning of the Town of Geneva's records and purchase of licenses of OnBase Electronic Records Management System in order to participate in a Shared Service project; and

WHEREAS, NYSID can meet all of the scanning needs that comply with the State Archives requirement in a cost effective and timely manner; and

WHEREAS, The Governmental Operations and Insurance Committee recommends a contract with NYSID for the scanning of records belonging to the Town of Geneva and purchasing of OnBase licenses under this shared service project; now; therefore be it

RESOLVED, Upon review and approval of the County Attorney as to form, that the Ontario County Board of Supervisors does hereby authorize a contract for scanning services of records belong to the Town of Geneva under this shared service project for a term of beginning September 1, 2018 and ending June 30, 2019 and to purchase OnBase licenses for the Town of Geneva for an amount not to exceed \$7,435; and further

RESOLVED, That the County Administrator be, and hereby is, authorized to sign the contract; and further

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

RESOLVED, That certified copies of this resolution be sent to NYSID, 11 Columbia Circle, Albany, NY 12203-05156 by the Clerk of this Board.

**RESOLUTION NO. 500-2018
CHANGE IN LOCATION OF REGULAR BOARD MEETING
FINGER LAKES COMMUNITY COLLEGE, STAGE 14,
TOWN OF HOPEWELL, CANANDAIGUA, NEW YORK
SEPTEMBER 13, 2018**

WHEREAS, Primary voting will be taking place on September 13, 2018, at the Ontario County Safety Training Facility; and

WHEREAS, This is where the temporary Board of Supervisor Chambers are located; and

WHEREAS, Chairman Marren has recommended this Board of Supervisors hold its regular meeting scheduled on September 13, 2018, at Finger Lakes Community College, Stage 14, 3325 Marvin Sands Drive, in the Town of Hopewell; and

WHEREAS, Finger Lakes Community College is handicapped accessible, meets all applicable codes, and will be open to the general public; now, therefore, be it

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

RESOLVED, That the Ontario County Board of Supervisors does hereby amend the Rules and Order of Business to hold the regular board meeting scheduled on September 13, 2018, at the Finger Lakes Community College, Stage 14, 3325 Marvin Sands Drive, Hopewell, New York; and further

RESOLVED, That the date and time of any Public Hearings arising by virtue of this regular meeting be amended to reflect the location; and further

RESOLVED, That the Clerk of this Board shall forward the necessary, proper, and legal notice of the above meeting to all Supervisors, department heads, and designated newspapers.

RESOLUTION NO. 201-2018
AUTHORIZING AGREEMENTS 2019 DOG CONTROL AND
RELATED SERVICES BETWEEN ONTARIO COUNTY AND
PARTICIPATING MUNICIPALITIES

WHEREAS, The County of Ontario (the "County"), by contracting with the Ontario County Humane Society, Inc. ("OCHS"), makes services (the "Services") for County Animal Care Facility occupation, operation and management, dog control officer services and dog control ordinance enforcement available to participating municipalities in the County; and

WHEREAS, The County wishes to continue contracting with cities and towns within the County who desire OCHS dog control ordinance enforcement services in year 2019; and

WHEREAS, The basis to distribute dog control services to municipalities historically has been by enumeration conducted every five (5) years with 2% increases added each following year until the next enumeration; and

WHEREAS, The County wishes to distribute dog control services to municipalities based on active and delinquent dog license counts and eliminate the enumeration and 2% requirement; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors authorizes a contract with municipalities within the County to provide dog control services during calendar year 2019, at the rate of \$15.00 per dog based on methodology approved by the Governmental Operations and Insurance Committee on file with the Clerk of this Board; and further

RESOLVED, That the County Administrator is hereby authorized to execute such agreements, and any other documents necessary to effectuate the purpose of this resolution, with the municipalities for dog control services; and further

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

The foregoing block of four resolutions was adopted.

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

**RESOLUTION NO. 502-2018
APPOINTMENT OF COUNTY ATTORNEY
MRS. HOLLY A. ADAMS**

WHEREAS, The Chairman of the Board has convened a Search Committee to assist in evaluating candidates for the position of County Attorney; and

WHEREAS, The interview process has been concluded by the Search Committee; and

WHEREAS, Based upon their work, the Search Committee recommends that Mrs. Holly A. Adams be appointed as County Attorney; and

WHEREAS, The Governmental Operations and Insurance Committee has unanimously added its endorsement to that of the Search Committee, now, therefore, be it

RESOLVED, That Mrs. Holly A. Adams be appointed as the County Attorney effective September 16, 2018 for the unexpired term of Gary L. Curtiss through December 31, 2019, at a salary of \$127,532 (Band 1 Step 1) annually; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the County Clerk, Finance Department, and Mrs. Holly A. Adams.

Supervisor Gallahan stated, having chaired the GOI three and a half years ago, and having Gary Curtiss nominated and stepping into the position of County Attorney has been rewarding to him, the Committee and this Board and thanked Mr. Curtiss for his years of service and congratulated him on his retirement.

Supervisor Gallahan stated that Holly Adams is confident and assuring; her quality shines through, noting her integrity, work ethic, dedication, and forward thinking. He said it's these qualities, her tenure with the County, her caring for this County and the people in this County that he is very honored to offer this resolution and looks forward to having Holly Adams as our County Attorney for many years.

Supervisor Teed concurred with Supervisor Gallahan noting that he has known Ms. Adam's family since 1971. He said they are a class family and has had personal contact with Ms. Adams and said she is a class act. She has a passion for the job and has a big pair of shoes to fill but is confident she will handle it. He congratulated Ms. Adams.

Adopted.

Holly Adams thanked Chairman Marren, Supervisor Gallahan, Supervisor Teed and everyone present and said she can't say enough on how much she appreciates their support and confidence over the years. She agreed she does have a big pair of shoes to fill. She said that Gary Curtiss is one of those people you don't work for, you work with, and she has appreciated his guidance and support and the laughs they have shared. She stated that he is the poster child for succession planning in the County and she is the beneficiary of that and she will be forever grateful to him. She thanked Mary Krause for her support and confidence in her and her forward thinking over the years. She thanked her office for their support and finally her husband and daughters. She said she looks forward to working with everyone and to continue their relationship.

Supervisor Marshall offered the following block of three resolutions and moved for its adoption, seconded by Supervisor Teed:

RESOLUTION NO. 503-2018
AUTHORIZATION TO RENEW CONTRACT
PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM GRANT
(CONTRACT #1579-12)
PUBLIC HEALTH 2018-2019

WHEREAS, Resolution No. 557-2017 authorized a contract with Health Research Incorporated (HRI) to accept monies from the New York State Department of Health (NYSDOH) for purposes of upgrading local public health's preparedness for and response to bioterrorism and other public health threats; and

WHEREAS, The Ontario County Public Health Department has been awarded an allocation of \$89,578 for budget year one of the contract (July 1, 2018 – June 30, 2019); and

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

WHEREAS, The Public Health Director and the Health and Human Services Committee recognize and approve the need for such planning; now, therefore, be it

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approve the agreement with Health Research, Inc., Riverview Center, 150 Broadway, Suite 560, Menands, NY 12204, for the period of July 1, 2018 – June 30, 2019 for which future funding has not yet been allocated; and

RESOLVED, That the position of Registered Nurse, created by Resolution No. 439-2002 and further supported by this year's grant shall be abolished at such a time as the grant funding expires.

RESOLUTION NO. 504-2018
AMENDMENT TO RESOLUTION NO's. 468-2017 and 647-2017

RATE INCREASE FOR PRESCHOOL RELATED SERVICES PROVIDED TO CHILDREN ENROLLED IN THE ONTARIO COUNTY PUBLIC HEALTH – CHILDREN WITH SPECIAL NEEDS PROGRAM

WHEREAS, Resolution No's. 468-2017 and 647-2017 authorized agreements and payments for the period January 1, 2018, through December 31, 2019; and

WHEREAS, It is necessary to increase the related service rates for the below providers:

Res. No.468-2017	Snyder, Allyson	Res. No. 647-2017	Lehman, Theresa
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and

WHEREAS, The increased rates will be effective as of July 1, 2018 for these existing contracts; and

WHEREAS, The rate of pay is \$35.00/ 30 minutes per group service and \$60.00/ 30 minutes for individual service; and

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

RESOLVED, That upon the review and approval of the County Attorney as to form, the Board of Supervisors hereby approves the amended contracts with the providers for a term of July 1, 2018 through December 31, 2019; and further

RESOLVED, The rate of pay is now \$35.00/30 minutes per group service and \$60.00/30 for individual service; and further

RESOLVED, That the County Administrator be, and she hereby is, authorized and empowered to execute the amended agreement with the providers.

**RESOLUTION NO. 505-2018
RE-APPOINTMENT –
FINGER LAKES WORKFORCE DEVELOPMENT BOARD AND
THE FINGER LAKES WORKFORCE INVESTMENT BOARD, INC.**

WHEREAS, Mr. Joseph Pellerite was re-appointed to the Finger Lakes Workforce Development Board and the Finger Lakes Works Investment Board to for a three year term of July 1, 2018 to June 30, 2021; and

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

RESOLVED, That this Board of Supervisors does hereby approve the re-appointment of Mr. Joseph Pellerite of O'Connell Electric, 830 Phillips Road, Victor, NY 14564 for a three year term of July 1, 2018 to June 30, 2021; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Mr. Pellerite, the Finger Lakes Workforce Investment Board, Inc. and the County Clerk.

The foregoing block of three resolutions was adopted.

Supervisor Singer offered the following resolution and moved for its adoption, seconded by Supervisor Bateman:

**RESOLUTION NO. 506-2018
REVOLVING LOAN FUND –
FUNDING AUTHORIZATION AND BUDGET TRANSFER
F. F. THOMPSON HOSPITAL**

WHEREAS, The County of Ontario has received up to \$7,081,438.19 in grant funds from the United States of America, acting by and through the U.S. Department of Housing and Urban Development (“HUD”), pursuant to Small Cities Single Purpose Community Development Block Grants (“CDBG”) Projects #B-83-DH-36-0090, #B-85-DH-36-0076, #B-87-36-0070, #B-89-DH-36-0037, #B-90-DH-36-0008, #B-95-DH-36-0086, #B-96-DH-36-0248, #B-97-DH-36-0331, #B-97-DH-36-0332, #B-98-DH-36-0333 and #B-99-36-DH-0266, and acting by and through the New York State Housing Trust Fund Corporation as represented by the New York State Office of Community Renewal (“OCR”) pursuant to Projects #850ED78-00, #850ED225-01, #850ED425-02, #850ED445-02, #850ME47-05 and #850ED672-10 (the “HUD” funds), which the County, solely in its capacity as an administrator of trust monies, desires to use for special economic development activities as permitted by the Laws of New York and applicable federal statutes and regulations; and

WHEREAS, The Ontario County Economic Development Corporation (“OCEDC”), with offices located at 20 Ontario Street, Suite 106B, Canandaigua, New York 14424, was created on January 11, 2010 as a not-for-profit corporation to provide various economic development services within Ontario County including, but not limited to, the use of CDBG monies to fund economic development loans and grants where appropriate to assist businesses that will provide economic benefits to Ontario County and its residents pursuant to and in compliance with the HUD Regulations; and

WHEREAS, Pursuant to Resolution No. 56-2010, Ontario County approved a contract for OCEDC to carry out such business assistance by making loans and grants, and accomplishing associated program delivery and administrative requirements of the CDBG program under HUD’s regulations; and

WHEREAS, The OCEDC Board of Directors has reviewed and approved a three (3) year deferred payment loan in the amount of twenty-two thousand three hundred and ninety dollars (\$22,390.00), with terms acceptable to OCEDC and to F. F. Thompson Hospital at 350 Parrish St., Canandaigua, NY 14424, (“The Company”) for workforce development as part of a \$913,030 project designed to train 1,072 employees; and

WHEREAS, It is anticipated that ninety (90) clerical support jobs will be trained by The Company, of which at least 51% will be made available to or filled by low to moderate income persons; and

WHEREAS, \$22,390 will come from Ontario County's Revolving Loan Fund, and

WHEREAS, The County reviewer has reviewed the eligibility of this funding request pursuant to HUD Regulations, Public Benefit Standards and National Objectives and recommends approval of this funding request; and

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

RESOLVED, That the Board of Supervisors does hereby authorize this funding request for an amount not to exceed twenty-two thousand three hundred ninety dollars (\$22,390); and further

RESOLVED, That the following budget transfer for the 2017 budget is hereby approved:

CR 0599 B 0000	Appropriated Fund Balance	+ 22,390
CR 8668 E 4733	Grants to OCEDC	+ 22,390

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

RESOLVED, That copies of this resolution be sent by the Clerk of the Board of Supervisors to the Ontario County Economic Development Corporation.

Supervisor Baker stated he could not think of a greater example for corporate welfare than this one. He explained the purpose behind the Revolving Loan Funds, behind Economic Development and behind all of those programs is to attract new business and to retain existing businesses that are going to be leaving. He stated that U of R is the largest employer in Monroe County; they are the largest employer in this area, noting the U of R is not going to leave Ontario County; Thompson Hospital is not going to close their doors because we would not give them \$22,000 toward their almost \$1,000,000 training program. He said they will proceed, they will train their employees, and they don't need to do it with a handout. This money needs to be reserved for those types of businesses that really need it. What makes it worse for him is that it is given, it is not a loan; it is a gift as long as they meet the very narrow parameters. He said it is interesting when projects have to reach certain numbers to move ahead and they hit those numbers "spot on". He said 51% of employees that would be taught with this training money have to be considered low to moderate income in order for this to qualify. He noted 51% is exactly the number Thompson Hospital says they have.

Supervisor Lightfoote clarified that this funding came through the OCEDC. He said this money will be paid back.

Supervisor Baker replied that the contract says it is a forgivable loan as long as they meet the parameters.

Supervisor Lightfoote looked to his colleagues for guidance and Supervisor Marshall said that he believes Supervisor Baker is correct; that if the guidelines are met then it is a forgiven loan. Supervisor Lightfoote thanked him for the clarification; he did not realize it was a forgivable loan.

Supervisor Singer noted there was a lengthy discussion at the Planning & Environmental Quality Committee meeting regarding this. The outcome was that not only did the remainder of the CDBG funds need to be used up before it was gone, but it was more of a PR offering to a large local employer, granted it is part of U of R, but bottom line, this is locally for FF Thompson to keep cooperative efforts with the training and employment. She explained there is a time line on these funds. The Committee felt it was a nominal amount to keep and bolster the relationship with one of the larger employers in the County.

Supervisor Campbell asked how many of the 91 clerical jobs would at FF Thompson and in Ontario County, with Supervisor Singer stating all of them. She explained the training is to change over the system at FF Thompson so that it is the same system with Strong Memorial Hospital so that they can share the information from tests that go back and forth between the two hospitals.

Supervisor Hicks stated as a former patient of both hospitals, she really appreciates the training and said it will help a lot of people.

Supervisor Baker stated he has no doubt training is necessary, but he believes that supporting giving money out as a PR event to large employers to keep good relations is a bad reason for the loan.

Supervisor Marshall reiterated that it does read as a deferred payment loan with

Due to the question on whether this is a repayment loan or a gift after the three years, on motion of Supervisor Baker, Resolution 506-2018 was laid over under the rules.

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

**RESOLUTION NO. 507-2018
REQUESTING STATE ACTION TO RELIEVE
RECYCLING MANDATES IN A TIME OF CRISIS**

WHEREAS, The County of Ontario operates a solid waste landfill through a lease with Casella Waste Management and is required to comply with numerous and complicated regulations imposed by New York State Laws that police their operations, including a significant set of rules pertaining to recycled materials; and

WHEREAS, Recycled materials have become a world-wide commodity in which China, the largest buyer of recycled materials in the world, has recently enacted a number of policies that effectively restrict the amounts and kinds of recycled exports from the United States to China; and

WHEREAS, These restrictive policies are causing the cost of disposal of recycled materials to increase exponentially to unsustainable levels under existing circumstances; and

WHEREAS, The world-wide commodity situation for recycled materials is unlikely to change in the short-term; and

WHEREAS, Raising fees and other costs associated with recycling often has detrimental environmental effects such as “dumping” on both private and public lands; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors formally requests New York State, the Governor and any relevant executive departments to re-evaluate current laws, policies and administrative interpretations in order to relieve the added and growing cost of processing and disposal of recycled materials; and further

RESOLVED, That the appropriate State agencies and officials consider alternative use of certain recycled materials, such as but not limited to using glass in road aggregate; and further

RESOLVED, That this Board of Supervisors directs the Clerk to the Board to send certified copies of this resolution to all relevant Federal, State, and Local Elected Officials, NYSAC, and Inter-County of Western New York.

Supervisor Singer gave a background on what is happening with the recycling market, with Casella and how it falls back on some of the Towns. The recycling market has bottomed out with China closing its doors to a lot of our recycling materials. It is creating a twofold issue not only the expense for the processing companies to try to get rid of this in the landfills or wherever; the solid waste management plan is to try to reduce what is going into our landfills. This has become a crisis. There will be stakeholders meeting in Albany with Carla Jordan representing the County Planning Department. They will be lobbying to get relief for the recycling market.

Chairman Marren noted that China has said no, but they have made investments with a couple of facilities. He asked if this was the trend going forward. Carla Jordan explained specifically that it is the paper commodities. There is an issue with contamination standard where previously it was 2%, now China has made the standard ½% which is something that cannot be obtained. Casella has told them that the largest paper mill in China has realized that China may not change their mind, so they are making domestic investments in paper mills specifically in the New England area. It will take an estimated 1-2 year time frame to get them up in running. In the meantime, the surplus of material has caused existing paper mills to be more particular and so it has caused a ripple effect.

Supervisor Singer also said they are having issues with glass and plastic, noting the biggest problem is with the DEC. Carla Jordan explained that this is what the resolution is for; asking for inner agency cooperation, specifically as it pertains to glass and looking for other uses other than the traditional glass made into bottles, for the state to assist in being supportive and innovative with endeavors such as glass vault.

Chairman Marren noted that it is disappointing that within a thirty mile radius with three landfills there would be someone in the glass industry would set up house here with all the resources available.

Supervisor Russell stated as long as the National government is trying to create jobs, there should be no recycling crisis. Supervisor Russel said he will be voting no. He said the jobs should be here and we should be recycling the products ourselves.

Adopted, with Supervisor Russell voting no.

Supervisor Singer offered the following resolution and moved for its adoption, seconded by Supervisor Hicks:

RESOLUTION NO. 508-2018
ONTARIO COUNTY AGRICULTURE ENHANCEMENT BOARD
APPOINTMENT OF BENJAMIN LOWE

WHEREAS, Benjamin Lowe, the owner and operator at Meadowview Tree Farm and Nursery, LLC. located in the Town of Bristol, was appointed to serve the balance of the vacant four year term that ends December 31, 2018 pursuant to Resolution No. 393-2018; and

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

RESOLVED, That this Board of Supervisors does hereby approve the appointment of Benjamin Lowe, 9678 Lawrence Hill Rd., Springwater NY to serve the balance of the vacant four year term that ends December 31, 2018; and further

RESOLVED, That certified copies of this resolution be sent to the aforementioned person and the Clerk of this Board.

Adopted.

Supervisor Green offered the following block of five resolutions and moved for their adoption, seconded by Supervisor Bendzlowicz:

RESOLUTION NO. 509-2018
AUTHORIZATION TO ACCEPT 2018-2019 AID TO PROSECUTION GRANT
FROM NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, Ontario County has been awarded \$48,615 from the State of New York Division of Criminal Justice Services to support enhanced prosecution of violent and serious felony offenders by maintaining increased levels of experienced prosecution personnel; and

WHEREAS, it is advantageous for Ontario County to accept these funds to ensure thorough case processing and effective representation in Ontario County through the Ontario County District Attorney's Office over a one (1) year period with no county match requirement; and

WHEREAS, the grant period is from October 1, 2018 through September 30, 2019; and

WHEREAS, acceptance of the grant will partially fund one Assistant District Attorney and Secretary in the District Attorney's Office; and

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

RESOLVED, that the County Administrator is authorized to sign contract documents with the State of New York Division of Criminal Justice Services; and be it further

RESOLVED, that the Clerk of this Board shall send a certified copies of this resolution to the District Attorney's Office, and be it further

RESOLVED, that the Clerk of this Board shall send a certified copies of this resolution to the Finance Department.

**RESOLUTION NO. 510-2018
AUTHORIZATION TO EXTEND GRANT FROM
OFFICE OF INDIGENT LEGAL SERVICES**

WHEREAS, Pursuant to Resolution No. 713-2017, this Board of Supervisors authorized Ontario County to accept an award of \$543,822 from the State of New York Office of Indigent Legal Services for additional funding distributed by the Indigent Legal Services Board, Distribution 5, for a term commencing on January 1, 2015 through December 31, 2017; and

WHEREAS, the Ontario County Public Defender would like to request that the grant be extended until December 31, 2018; and

WHEREAS, it is advantageous for Ontario County to extend this grant to improve the quality of indigent defense services in Ontario County through the Ontario County Public Defender's Office with no county match requirement; and

WHEREAS, The Public Safety Committee has reviewed this request and recommends the grant extension; now, therefore, be it

RESOLVED, That the Indigent Legal Services Grant (C000732) that will expire on December 31, 2017 be extended for twelve months starting January 1, 2018 through December 31, 2018; 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 the County Administrator is authorized to sign contract documents with the New York State Office of Indigent Legal Services; and further

RESOLVED, That certified copies of this resolution be sent to the Public Defender's Office.

**RESOLUTION NO. 511-2018
AUTHORIZATION TO ACCEPT
TREATMENT DRUG COURTS GRANT FROM
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION**

WHEREAS, The United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (“SAMHSA”) has awarded Ontario County a one-year contract to enhance the existing capabilities of the Finger Lakes Treatment Court substance use disorder (“SUD”) treatment services to adult defendants/offenders with SUD diagnoses, with the potential to extend the contract for an additional four years; and

WHEREAS, Ontario County has been awarded \$ 367,023 from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for this purpose; and

WHEREAS, it is advantageous for Ontario County to accept these SAMHSA Treatment Drug Court to enhance the existing capabilities of the Finger Lakes Treatment Court substance use disorder (“SUD”) treatment services to adult defendants/offenders with SUD diagnoses over a one-year period with no county match requirement, and with the potential for up to five years of funding totaling over \$1.8 Million dollars; and

WHEREAS, this grant will be used to contract with service providers for services and no new County positions will be generated by its acceptance; and

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

RESOLVED, that upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby accept the grant award from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration; and further

RESOLVED, That the County Administrator or her designee is authorized and directed to sign all necessary documents which may be required to accept this grant award; and further

RESOLVED, That the following budget is hereby approved for 2018, with unused portions flowing into future years:

<i>To:</i>		<i>Revenue</i>	<i>Appropriation</i>
A 1172 0185 R 4089	Federal Aid, Other	\$367,023	
A 1172 0185 E 4530	Agency Contracts		\$ 367,023

; 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 for 2018, and 2019; and further

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

**RESOLUTION NO. 512-2018
AUTHORIZATION TO ACCEPT DONATION
OFFICE OF SHERIFF**

WHEREAS, Ontario County Office of Sheriff has received a contribution in recognition of past and continued support for the Lake Breeze Residence Staff and Youth in Canandaigua, New York; and

WHEREAS, The Public Safety and Ways and Means Committees have reviewed this request and recommend the Ontario County Office of Sheriff be given authorization to accept to this contribution; now, therefore, be it

RESOLVED, That the County of Ontario be, and hereby is, authorized to accept the contribution from Lake Breeze Residence Staff and Youth in the amount of \$1,000; 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 certified copies of this resolution be sent to Lake Breeze's corporate headquarters at Pathways, Inc., c/o Edward Lukomski, 33 Denison Parkway West, Corning, New York 14830.

**RESOLUTION NO. 513-2018
AWARD OF CONTRACT FOR
INMATE PHONE SERVICE AT THE ONTARIO COUNTY JAIL**

WHEREAS, The Purchasing Department issued a Request for Proposals (R18053) for inmate phone service at the Jail; and

WHEREAS, The County currently contracts with Securus Technologies, Inc. and receives a 70% commission on this service with a connection charge of \$1.75 per call and cost of \$0.16 per minute; and

WHEREAS, Three proposals were received and have been reviewed by the evaluation team, the team members agree it is in the County's best interest to award to Securus Technologies, Inc. which offers the best commission rate of 65%, one simplified calling rate for all calls at \$.021 per minute with no connection charge, additional services include video visitation (Televisits), Correctional Tablets, (AIS) Automated Information Services to handle incoming calls at the Jail, Law Library application and the interface with the

commissary software to allow inmates to use their commissary account to pay for phone calls; and

WHEREAS, The proposals have been reviewed with the Public Safety Committee and recommend the award be made to Securus Technologies, Inc.; now, therefore, be it

RESOLVED, that upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves an agreement with Securus Technologies, Inc. and that the County Administrator is authorized to sign said agreement; and further

RESOLVED, That the award of this contract for inmate phone service be made to Securus Technologies, Inc., 4000 International Parkway, Carrollton, Texas 75007 and said award shall be in effect for sixty (60) months beginning October 26, 2018 through October 27, 2023 and may be renewed for up to one (1) additional five (5) year period if mutually agreeable by both parties and by resolution of the Ontario County Board of Supervisors; and further

RESOLVED, That certified copies of this resolution be sent to Securus Technologies, Inc., by the Clerk of this Board.

Supervisor Baker, on Resolution 511-2018, wanted to thank everyone involved in getting this grant that is \$367,023, but if successful over a five year period, will be a total of \$1.9 million. He thinks everyone should be recognized, not just the folks at the top of the pile, noting all those involved and personally thanking them as a Supervisor.

The foregoing block of five resolutions was adopted.

Supervisor Green offered the following resolution and moved for its adoption, seconded by Supervisor Bendzlowicz:

RESOLUTION NO. 514-2018
RESOLUTION IN RECOGNITION OF SHERIFFS' WEEK

WHEREAS, The Office of Sheriff has been an integral part of the criminal justice system in New York State and in Ontario County throughout our history, having been established in the State's first constitution in 1777 and having been continued in every succeeding constitution, and having been one of the original constitutional offices of our County; and

WHEREAS, Despite changes in its function, status and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

WHEREAS, The Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and

WHEREAS, The Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of “Keeper of the Peace,” and extend into many facets of public service, including maintaining the county jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and

WHEREAS, As a constitutionally empowered entity directly responsible to the People, the Office of Sheriff remains responsive and accountable to the public it serves; and

WHEREAS, It is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby proclaim September 16-22, 2018 as Sheriffs’ Week in Ontario County and further,

RESOLVED, that a certified copy of this resolution be sent by the Clerk of this Board to the Office of Sheriff.

Supervisor Green briefly noted that NYS had its first Constitution in 1777. The Office of the Sheriff was recognized back that year and has been part of the State Constitution ever since. This County has moved forward for years and decades to make it the professional level that it is here today and is recognized statewide the work that has been done in the Sheriff’s Office. Supervisor Green said, as a former member of the Sheriff’s Office and as the Chairman of the Public Safety Committee, he wanted to thank every member of the Sheriff’s Department, whether Civil, Road, Communications, CID, Marine, Rec, all the divisions; thank you for the professional job done.

Adopted.

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

**RESOLUTION NO. 515-2018
CAPITAL PROJECT NO. 3-2013 AWARD OF BID B18083
TO JUPITER ENVIRONMENTAL SERVICES, INC. FOR
EARLY DEMOLITION WORK
74 ONTARIO STREET RENOVATION – PHASE II**

WHEREAS, Resolution No. 297-2013 established Capital Project No. 3-2013, 74 Ontario Street Renovation – Phase II for the purposes of completing architectural and engineering design, interior renovations, and core mechanicals replacement for sections of the 74 Ontario Street building (hereinafter Project); and

WHEREAS, Resolution Nos. 218-2017, 572-2017 and 615-2017 authorized the execution of a contract and contract amendments with QPK Design, LLP (hereinafter Architect), 450 South Salina Street, Syracuse, NY 13201 to provide professional design

services required to complete design, construction and bid documents and bidding for said Project; and

WHEREAS, Resolution No. 444-2018 authorized a third contract amendment with the Architect to provide additional services needed for an early demolition bid package, allowing the project to begin up to three months earlier while renovation documents are completed; and

WHEREAS, Resolutions Nos. 294-2017 and 614-2017 authorized a contract and contract amendment, respectively, with The Pike Company, One Circle Street, Rochester, NY 14607 for professional construction management services related to said Project, including constructability analysis, cost estimating, bidding and bid award; and

WHEREAS, Ontario County Purchasing Released Bid B18083 on July 17, 2018 for demolition work to be performed in advance of renovation of 74 Ontario Street; and

WHEREAS, County Planning and Public Works staff and the Construction Manager reviewed bid responses for Bid B18083 and recommend award to the low responsive bidder, Jupiter Environmental Services, Inc. in the amount of Six Hundred Eighty Two Thousand Eight Hundred Dollars (\$682,800.00) per the bid tabulation sheet on file with the Clerk of the Board; and

WHEREAS, There is sufficient funding in budget line HBR 1646 E 4491 General Construction for aforesaid demolition work; and

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

RESOLVED, That bid from Jupiter Environmental Services, Inc. for Bid B18083 is hereby accepted in the amount of Six Hundred Eighty Two Thousand Eight Hundred Dollars (\$682,800.00); and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby authorizes and empowers the County Administrator to execute a Contract with Jupiter Environmental Services, Inc. for a total contract amount of Six Hundred Eighty Two Thousand Eight Hundred Dollars (\$682,800.00); and further

RESOLVED, That the term of said contract shall commence on September 1, 2018 and terminate on March 1, 2019; and further

RESOLVED, That the Commissioner of Public Works is hereby designated as the Project Manager for this Contract on behalf of this Board of Supervisors; and further

RESOLVED, That the following Change Order approval process is hereby approved for the contract with Jupiter Environmental Services, Inc.:

1. The Commissioner of Public Works is hereby authorized and empowered to approve and sign individual Change Orders up to Seven Thousand Five Hundred Dollars (\$7,500.00) in value provided that the total amount of all Change Orders so authorized does not exceed the funds allocated and available in Line HBR 1646 E 4743, Change Order Contingency, and

2. Change Orders of more than Seven Thousand Five Hundred Dollars (\$7,500.00) in value shall also require approval and signature of the Chairman of the County’s Public Works Committee, and

3. A complete report of all Change Orders approved for construction contracts awarded shall be presented by the Commissioner of Public Works at the next regularly scheduled meeting of the Public Works Committee after such each Change Order is approved, and such report shall include an accounting of the remaining funds available in line HBR 1646 E 4743, Change Order Contingency; and

4. The Commissioner of Public Works shall promptly file fully executed originals of each Change Order with the Contractor, the County Finance Department, and the Clerk of the Board of Supervisors who shall place each Change Order in the contract file associated with the resolution awarding the involved construction contract; and

5. The Department of Finance is hereby authorized to transfer funds from line HBR 1646 E 4743, Change Order Contingency to the appropriate expense line of Capital Project 03-2013 as necessary to fund each Change Order as it is approved; 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 Ten Million Four Hundred Thousand Dollars (\$10,400,000.00); and further

RESOLVED, That copies of this resolution be sent by the Clerk of the Board to the Department of Finance, and Mr. Zeljko Repic, Jupiter Environmental Services, Inc., 26 Person Place, Rochester, NY, 14606.

Adopted.

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

**RESOLUTION NO. 516-2018
CAPITAL PROJECT NO. 1-2015
AUTHORIZING BUDGET TRANSFER AND CONTRACT AMENDMENT
WITH TYLIN INTERNATIONAL
BUILDING EXTERIOR SIGNAGE HONORS HOUSE
2015 FLCC CAPITAL MAINTENANCE PROJECT**

WHEREAS, Resolution No. 153-2015 established Capital Project No. 1-2015 FLCC Capital Maintenance Project in the amount of Two Million Seven Hundred Fifty

Thousand Dollars (\$2,750,000.00), and said project includes funding for site improvements at FLCC; and

WHEREAS, Resolution No. 722-2017 awarded a contract from TYLin International (TYLIN) to provide professional services for the development of construction documents for a sign to be located at the Honors House at Finger Lakes Community College (FLCC) Main Campus in the amount of Nine Thousand Nine Hundred Dollars (\$9,900.00); and

WHEREAS, What started out to be a modification to past designs to include a video screen has resulted in additional design revisions as well as an extended approval period and additional meetings with the Town of Hopewell, all not included in the original design scope; and

WHEREAS, TYLIN has submitted a proposal to cover these additional expenses in the Final Design and the Civil Design & Town Submission Categories of their original proposal for an amount not to exceed Five Thousand Two Hundred Dollars (\$5,200.00); and

WHEREAS, The Public Works Committee and FLCC staff recommend acceptance of this proposal from TYLIN to provide the above mentioned services, a copy of which is included as Schedule "A" of the proposed contract amendment on file with the Clerk of this Board; and

WHEREAS, Sufficient funds exist in the 2015 FLCC Maintenance Capital Project to fund this contract; and

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

RESOLVED, That the budget for Capital Project 1-2015 be and hereby is, amended as follows:

Line	Description	Current Budget	Change	Revised Budget
HBZ 2485 E 2100	Furniture & Furnishings	\$51,721.48	\$0.00	\$51,721.48
HBZ 2485 E 4038	Moving Expense	\$2,240.00	\$0.00	\$2,240.00
TO:				
HBZ 2485 E 4260	Consultation & Professional	\$419,298.55	+2,517.96	\$421,816.5 1
HBZ 2485 E 4491	General Construction	\$1,192,250.47	\$0.00	\$1,192,250. 47
HBZ 2485 E 4492	HVAC	\$734,462.18	\$0.00	\$734,462.1 8
HBZ 2485 E 4493	Electric	\$279,974.22	\$0.00	\$279,974.2 2
HBZ 2485 E 4494	Plumbing	\$48,281.78	\$0.00	\$48,281.78
HBZ 2485 E	Asbestos & Related	\$12,281.00		\$12,281.00

4498	resting		\$0.00	
FROM:				
HBZ 2485 E	Change Order		-	\$2,210.76
4743	Contingency	\$4,728.72	\$2,517.96	
HBZ 2485 E	Administrative	\$4,761.60	\$0.00	\$4,761.60
4865				
HBZ 2485 R	Community College	\$75,000.00	\$0.00	\$75,000.00
2240				
HBZ 2485 R	State Aid	\$1,375,000.00	\$0.00	\$1,375,000.00
3287				
HBZ 2485 R	General Fund-	\$1,300,000.00	\$0.00	\$1,300,000.00
5036	Interfund Transfer			

; and further

RESOLVED, That the Ontario County Board of Supervisors hereby accepts the proposal of TYLIN dated July 27, 2018 to cover additional expenses in the Final Design and the Civil Design & Town Submission Categories of their original proposal for the development of construction documents for a sign to be located at the Honors House at Finger Lakes Community College (FLCC) Main Campus for an amount not to exceed Five Thousand Two Hundred Dollars (\$5,200.00), bringing the total contract amount to Fifteen Thousand One Hundred Dollars (\$15,100.00); and further

RESOLVED, Upon review and approval by the County Attorney as to form, the County Administrator be, and hereby is, authorized and empowered to execute a contract amendment with TYLIN for said amount; and further

RESOLVED, That the cost of said contract shall be paid from line HBZ 2485 E 4260 – Consultation & Professional of Capital Project 1-2015; and further

RESOLVED, That the Department of Finance is authorized to make the necessary budgetary and accounting entries to effect the intent of this resolution for a total capital project budget of Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00); and further

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

Supervisor Bateman stated he has been against the \$100,000 sign and followed up with the Code Enforcement Officer on the history of the sig’s beginnings. He provided an email confirming they were coming in with their eyes wide open with the sign design, whether ignorance or arrogance, they bid it incorrectly and does not know why the County has to “eat the \$5,200.

Adopted, with Supervisor Bateman and Supervisor Teed voting no.

Supervisor Lightfoote offered the following block of fourteen resolutions and moved for their adoption, seconded by Supervisor Teed:

RESOLUTION NO. 517-2018

**CLOSING OF CAPITAL PROJECT NO. 03-2007
REPLACE NORTH WAYNE STREET BRIDGE**

WHEREAS, Resolution No. 554-2007 established Capital Project No. 03-2007, Replacement of North Wayne Street Bridge; and

WHEREAS, Capital Project No. 03-2007, a federally aided project, was budgeted and funded to an authorized amount of \$2,404,826 and final project costs were \$1,910,954.54; and

WHEREAS, All expenditures attributable to Capital Project No. 3-2007 have now been made, leaving \$90,073.74 of the County's contribution left in the project; and

WHEREAS, The Public Works and Ways and Means Committees have reviewed this resolution and recommend closing Capital Project No. 03-2007; now, therefore, be it

RESOLVED, That Capital Project No. 03-2007 is hereby closed; and further

RESOLVED, That the cash balance and any additional interest earnings remaining in Capital Project No. 03-2007 be transferred by the Department of Finance to the Highway Fund Fund Balance; and further

RESOLVED, That the Department of Finance is authorized to make all necessary accounting entries to effect the transfer of funds and the closing of Capital Project No. 03-2007; and further

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

**RESOLUTION NO. 518-2018
CLOSING OF CAPITAL PROJECT NO. 04-2007
REPLACEMENT OF DEUEL ROAD BRIDGE OVER DEUEL GULLY**

WHEREAS, Resolution No. 555-2007 established Capital Project No. 04-2007, Replacement of Deuel Road Bridge Over Deuel Road Gully; and

WHEREAS, Capital Project No. 04-2007, a federally aided project, was budgeted and funded to an authorized amount of \$1,343,407 and final project costs were \$1,206,192.17; and

WHEREAS, All expenditures attributable to Capital Project No. 4-2007 have now been made, leaving \$19,722.98 of the County's contribution left in the project; and

WHEREAS, The Public Works and Ways and Means Committees have reviewed this resolution and recommend closing Capital Project No. 04-2007; now, therefore, be it

RESOLVED, That Capital Project No. 04-2007 is hereby closed; and further

RESOLVED, That the cash balance and any additional interest earnings remaining in Capital Project No. 04-2007 be transferred by the Department of Finance to the Highway Fund Fund Balance; and further

RESOLVED, That the Department of Finance is authorized to make all necessary accounting entries to effect the transfer of funds and the closing of Capital Project No. 04-2007; and further

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

**RESOLUTION NO. 519-2018
AUTHORIZATION TO EXECUTE RENEWAL OF LICENSE AGREEMENT
WITH THE CITY OF CANANDAIGUA FOR TEMPORARY
USE OF COUNTY PROPERTY
DEPARTMENT OF PUBLIC WORKS – BUILDINGS AND GROUNDS**

WHEREAS, Resolution No. 548-2017 authorized the execution of a license agreement renewal with the City of Canandaigua, NY for use of County Property; and

WHEREAS, The City has requested a one year extension of this license agreement; and

WHEREAS, The County has determined that it continues to have such space available and can be provided on the terms and conditions contained in the revised License Agreement which is on file with the Clerk of this Board, for a term beginning September 4, 2018 and ending on September 3, 2019, at a cost of \$ 1.00; and

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

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof, subject to the review and approval of the Office of the County Attorney as to form; and further

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

**RESOLUTION NO. 520-2018
AUTHORIZE NO-COST TIME EXTENSION
SWBR ARCHITECTURE, ENGINEERING &
LANDSCAPE ARCHITECTURE, PC
PROFESSIONAL SERVICES RELATED TO
DESIGN AND CONSTRUCTION OF A NEW ROOFING SYSTEM FOR
3071 COUNTY COMPLEX DRIVE, THE ONTARIO ARC
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution No. 511-2017 authorized a contract with SWBR Architects for professional services related to design and construction of a new roofing system for 3071 County Complex Drive, the Ontario ARC; and

WHEREAS, Said contract will expire on August 24, 2018 and additional time is needed to complete the work; and

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

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby approves a no-cost time extension agreement with SWBR Architects, Engineering & Landscape Architecture, P.C., 387 East Main Street, Rochester, NY 14604 for professional services related to design and construction of a new roofing system for 3071 County Complex Drive, The Ontario ARC, through December 31, 2018; and further

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

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

**RESOLUTION NO. 521-2018
ACCEPT CHANGE ORDER 1
PAINTING EXTERIOR WINDOW FRAMES
ONTARIO COUNTY JAIL**

WHEREAS, Resolution No. 449-2018 awarded Bid 18062 for Painting Exterior Window Frames at the Ontario County Jail to Patrick J. Cary, Inc. for a cost of \$19,740; and

WHEREAS, A portion of the windows required an additional fourth coat of paint; and

WHEREAS, Patrick J. Cary, Inc. has provided Change Order 1 to cover the additional coat of paint at a cost of \$1,360; and

WHEREAS, Sufficient funds exist in the B&G CIP (A 1620 9999 E 4031) to fund this change order; and

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

RESOLVED, That Change Order 1 in the amount of \$1,360 is accepted; and further

RESOLVED, That an additional \$3,000 is available to fund any additional contingencies that may arise during the completion of the painting; and further

RESOLVED, That the Commissioner of Public Works is authorized to approve change orders up to the \$3,000 allowance.

**RESOLUTION NO. 522-2018
SETTING OF CONTRACT PROVISIONS FOR
REMOVAL OF SNOW AND ICE FROM COUNTY ROADWAYS WITHIN
CERTAIN ONTARIO COUNTY TOWNS
DEPARTMENT OF PUBLIC WORKS - BUREAU OF HIGHWAYS**

WHEREAS, Resolution No. 544-2017 established contract provisions with various towns for removing snow and ice from county roads for the 2017/2018 season; and

WHEREAS, The County has proposed new contract terms for the 2018/2019 season for the 15 towns offering to provide snow/ice services which will include a one year contract with an increase in the base contract rate from \$5,600 per mile to \$5,700 per mile, a 1.7% increase; and

WHEREAS, The County has worked with the town supervisors and town highway superintendents to develop and evaluate a formula that can be applied to each town's snow and ice removal costs from 2012 through 2016 (five years) to provide a cost per mile based on town expenditures; and

WHEREAS, The results of the five year analysis of snow and ice removal costs for each town has been completed; and

WHEREAS, The annual average five-year Town cost for snow/ice control on County roads is \$4,206.80 per centerline mile with 9 of 15 towns exceeding the average but only 1 town exceeding the yearly reimbursement rates offered by the County; and

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

RESOLVED, That upon review and approval of the County Attorney, as to form, the Ontario County Board of Supervisors hereby authorizes a contract with each town providing snow and ice control services on County roadways within their town boundaries at a rate of \$5,700 per mile; and further

RESOLVED, That the County Administrator is hereby authorized and directed to sign these contracts; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Towns having agreements.

**RESOLUTION NO. 523-2018
ACCEPTANCE OF BID FOR THE PURCHASE OF
LAW ENFORCEMENT CAR PARTS AND ACCESSORIES
DEPARTMENT OF PUBLIC WORKS – FLEET MANAGEMENT**

WHEREAS, The Purchasing Department advertised for and received, per tabulation sheets on file with the Clerk of the Board, bid (B18078) for the purchase of law enforcement car parts and accessories; and

WHEREAS, After discussion, it has been determined that it is in the County's best interest to award this bid to the following vendors:

<u>Vendor</u>	<u>Items</u>
Comprosec Corp.	8201 Main Street, Suite 14 Buffalo, NY 14221
Empire Emergency Apparatus	3995 Lockport Road Niagara Falls, NY 14305
East Coast Emergency Lighting Inc.	200 Mecco Drive Mill Stone TWP, NJ 08535
Pursuit Emergency Vehicles	10 Commerce Drive Hauppauge, NY 11788
General Sales Administration Inc. DBA Major Policy Supply	47 North Dell Avenue Kenvil, NJ 07847
Adamson Industries Corp.	45 Research Drive Haverhill, MA 01832

and

RESOLVED, On the recommendation of the Public Works Committee, the Ontario County Board of Supervisors hereby awards bid to the above vendors; and further

RESOLVED, That said award shall be effective beginning on August 5, 2018 and ending on August 4, 2019; and further

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

RESOLUTION NO. 524-2018
AUTHORIZATION TO ACCEPT QUOTE (Q18076)
FOR FIRE EXTINGUISHER SERVICES
DEPARTMENT OF PUBLIC WORKS – BUILDINGS AND GROUNDS

WHEREAS, Ontario County is in need of servicing its fire extinguishers; and

WHEREAS, Ontario County solicited quotes (Q18076) for said services; and

WHEREAS, Dival Safety, 1721 Niagara Street, Buffalo, NY, 14207 has been determined to be the low responsive, responsible quoter; and

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

RESOLVED, The Ontario County Board of Supervisors hereby authorizes the acceptance of this quote from Dival Safety to be effective for a one year period starting September 19, 2018 and ending on September 18, 2019 per the attached tab sheets on file with the Clerk of this Board; and further

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

**RESOLUTION NO. 525-2018
AUTHORIZATION TO RENEW CONTRACT FOR THE INSPECTION,
MAINTENANCE AND REPAIR OF RADIO TOWERS
DEPARTMENT OF PUBLIC WORKS-BUILDINGS AND GROUNDS**

WHEREAS, Ontario County Public Works Department solicited proposals (R17042) for the annual maintenance and repair of eleven County owned radio towers serving this county; and

WHEREAS, Patriot Towers of Scottsville, NY responded to the request for proposal and was awarded said service contract; and

WHEREAS, The Public Works Department wishes to renew said agreement for a one year period, with two (2) one-year renewals remaining; and

WHEREAS, The 2018 Capital Improvement Plan includes \$15,750 for these services (CIP Project #EQ07-17); and

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

RESOLVED, That upon review and approval by the County Attorney as to form, the Ontario County Board of Supervisors hereby authorizes a contract renewal for the inspection, maintenance and repair of its radio towers with Patriot Towers, 870 Scottsville-Chili Road, Scottsville, NY 14546; and further

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

RESOLVED, The contract period shall be for one year from date of approval by the Board of Supervisors, with the option for two (2) one-year renewals; and further

RESOLVED, The Commissioner of Public Works is authorized to approve recommended and needed maintenance and repair to the Radio Towers up to the budgeted amount in the 2018 CIP with notification to the Public Works Committee Chairperson; and further

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

RESOLUTION NO. 526-2018
RESOLUTION TO APPROVE SPECIAL USE APPLICATION
FOR FACILITY USE AT ONTARIO COUNTY GANNETT HILL PARK
BY ALEXA HARDING FOR A GROC FUNDRAISER BIKE EVENT
DEPARTMENT OF PUBLIC WORKS

WHEREAS, Alexa Harding, has made a Special Use Application for a GROC Fundraiser “Burning Bike” event at Ontario County Gannett Hill Park on September 8, 2018; and

WHEREAS, The Greater Rochester Offroad Club (GROC), which works closely with the Park Ave Bike Shop owners and management, and partners with Ontario County Parks in the construction and maintenance of its trail networks, is a beneficiary of the weekend funds received during the event; and

WHEREAS, Under Section twenty eight (B) of the Park Law, the Commissioner of Public Works proposed regulations to issue Special Use Permits for certain activities that involve commercial type activities, like the one proposed by Alexa Harding; and

WHEREAS, These regulations were reviewed by the Public Works and Government Operations Committee and approved by the Board of Supervisors by Resolution No. 556-2017; and

WHEREAS, A Special Use Application by Alexa Harding was received and reviewed by the Commissioner of Public Works and is recommended to the Public Works Committee and Board of Supervisors that its permit be approved; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby approves the application by Alexa Harding, 748 Melville Street, Rochester, NY 14609 to hold the “Burning Bike” event at Ontario County Gannett Hill Park upon final review and approval by the County Attorney’s Office; and further

RESOLVED, That copies of this resolution be sent by the Clerk of this Board to Alexa Harding and Commissioner of Public Works.

RESOLUTION NO. 527-2018
AUTHORIZING A NO-COST TIME EXTENSION
GHD CONSULTING SERVICES, INC.
HONEOYE LAKE WASTEWATER TREATMENT PLANT IMPROVEMENTS
DEPARTMENT OF PUBLIC WORKS
HONEOYE LAKE COUNTY CONSOLIDATED SEWER DISTRICT

WHEREAS, Resolution No. 339-2017 authorized an agreement with GHD Consulting Services, Inc. (GHD) for the preparation of an engineering report in

connection with the Honeoye Lake Wastewater Treatment Plant Improvements Project (the project); and

WHEREAS, Resolution No. 73-2018 authorized an amendment agreement with GHD for additional services in connection with the preparation of said engineering report and extended the term of the agreement to May 31, 2018; and

WHEREAS, Resolution No. 185-2018 authorized an amendment agreement with GHD for preliminary design phase services; and

WHEREAS, Resolution 320-2018 authorized a no-cost extension agreement with GHD to August 31, 2018; and

WHEREAS, The County and GHD desire to extend the term of the agreement to December 31, 2018; and

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

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby approves a no-cost time extension with GHD Consulting Services, Inc., One Remington Park Drive, Cazenovia, New York 13035 to December 31, 2018; and further

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

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to GHD Consulting Services Inc.

**RESOLUTION NO. 528-2018
AUTHORIZING PAYMENT FOR PURCHASE OF EASEMENT
CANANDAIGUA LAKE COUNTY SEWER DISTRICT
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, The Canandaigua Lake County Sewer District needs to acquire a permanent sewer easement (“Permanent Easement”) over land owned by William Welch at 3464 Sandy Beach Drive in the Town of Canandaigua, Tax Map No. 98.15-1-21.2 (the “Property”); and

WHEREAS, The Department of Public Works has caused a map and appraisal of the Permanent Easement to be made; and

WHEREAS, The said William Welch, owner of the Property, has agreed to execute and deliver the Permanent Easement; and

WHEREAS, It is now necessary to provide for payment of the purchase price; and

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

RESOLVED, That upon review and approval of the Permanent Easement by the County Attorney, the Ontario County Board of Supervisors hereby authorizes payment to William Welch in the amount of \$850.00 for the purchase of the Permanent Easement; and further

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

**RESOLUTION NO. 529-2018
AUTHORIZATION TO SIGN SEWER EASEMENT
ENCROACHMENT LICENSE**

WHEREAS, In 1977 the Canandaigua Lake County Sewer District (“Sewer District”) was granted a sewer easement on real property now owned by Catherine H. Bentley, located at 4469 State Route 364 in the Town of Gorham; and

WHEREAS, The property owner constructed an addition that encroaches on the easement; and WHEREAS, The Sewer District has determined that the encroachment does not appear to significantly impede the district’s right to construct, reconstruct, operate, maintain and improve sewer line as set forth in the 1977 easement; and

WHEREAS, If for any reason it becomes necessary to construct, reconstruct, repair, maintain or improve the sewer within the easement area, the Sewer District reserves the right to remove the encroachment without notice; and

WHEREAS, The Public Works Committee recommends approval of the encroachment agreement/license filed herewith; now, therefore, be it

RESOLVED, That William Wright, Commissioner of Public Works, is authorized to sign the Easement Encroachment License; and further

RESOLVED, That the Clerk of this Board send certified copies of this resolution to the Commissioner of Public Works and the County Attorney.

**RESOLUTION NO. 530-2018
AUTHORIZING SUBMISSION OF NYS WATER INFRASTRUCTURE
IMPROVEMENT ACT GRANT APPLICATION
DEPARTMENT OF PUBLIC WORKS
HONEOYE LAKE COUNTY CONSOLIDATED SEWER DISTRICT**

WHEREAS, The Ontario County Capital Improvement Plan 2018 - 2023 proposes the undertaking of improvements to the Honeoye Lake Wastewater Treatment Plant, hereafter referred to as “the Project”; and

WHEREAS, An engineering report has been duly prepared, submitted, and approved for the Project; and

WHEREAS, The estimated total project cost including construction, engineering, electrical work, and all other costs is \$6,680,000 and is detailed below with the proposed funding sources for this project

Description	Estimate
New Influent Pump Construction	\$100,000
Equalization Tank Modifications	\$210,000
Hydraulic Improvements	\$250,000
RBC Replacements	\$1,000,000
New Filter Building construction	\$1,600,000
UV Disinfection system construction	\$ 580,000
Mobilization/Demob (5%)	\$190,000
Site/Civil (5%)	\$190,000
Electrical Work	\$530,000
Contingency (20%)	\$920,000
Engineering/ Administrative (20%)	\$1,110,000
Total Project Costs	\$6,680,000
Funding	
WQIP Round 15 requested Grant funding	\$ 4,342,500
Ontario County Sewer District Capital Fund to match requested Round 15 WQIP funding	\$ 1,447,500
WIIA Act (2018) requested Grant funding	\$ 222,500
Ontario County Sewer District Capital Fund to match requested WIIA Act funding	\$ 667,500

and

WHEREAS, The Ontario County Board of Supervisors hereby requests financial assistance from the State of New York through the Water Infrastructure Improvement Act (WIIA) Grant Program; and

WHEREAS, If awarded, the Water Infrastructure Improvement Act program will provide up to 25% of project costs not otherwise covered by other grant program funds and their required local match; and

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

RESOLVED, That upon review and approval by the Ontario County Attorney as to form the County Administrator is hereby authorized and directed to apply for a grant from the New York State Environmental Facilities Corporation Water Infrastructure Improvement Act Grant Program for the maximum eligible grant amount; and further

RESOLVED, That the County Administrator is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to Senator Rich Funke; Assemblyman Brian M. Kolb; the President and CEO of the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997; the Commissioner of the New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12203-1010; and the Regional Director of the Finger Lakes Regional Economic Development Council, 400 Andrews Street, Suite 300, Rochester, New York 14604.

The foregoing block of fourteen resolutions was adopted.

Supervisor Baker offered the following block of six resolutions and moved for their adoption, seconded by Supervisor Wickham:

**RESOLUTION NO. 531-2018
AUTHORIZATION FOR ASSIGNMENT OF CONTRACT WITH HB
SOLUTIONS, LLC FOR AFFORDABLE CARE ACT REPORTING SERVICES
TO PARAGON CONSULTING, LLC.**

WHEREAS, Resolution No. 649-2016 authorized a contract with HB Solutions, LLC for Affordable Care Act reporting as required by the Internal Revenue Service for calendar years 2017 and 2018; and

WHEREAS, HB Solutions, LLC by letter dated January 10, 2018 has requested to assign all of its rights, duties, and obligations under the Agreement for compliance services associated with the 2018 calendar year to Paragon Compliance, LLC.; and

WHEREAS, Paragon Compliance, LLC has agreed to comply with all of HB Solutions duties and obligations and work cooperatively with HB Solutions for a seamless transition of information; and

WHEREAS, The Ways and Means Committee has reviewed and recommends the Board consent to an assignment from HB Solutions, LLC to Paragon Compliance, LLC subject to the same terms and conditions set forth in the Agreement with HB Solutions; now, therefore, be it

RESOLVED, That the Board of Supervisors does hereby authorize the Assignment to Paragon Compliance, LLC to provide the aforementioned services, effective January 1, 2017, and expiring December 31, 2018, except as an extension is required to fulfill the 2018 calendar year Affordable Care Act reporting requirements in 2019; and further

RESOLVED, That upon approval of the County Attorney's Office, the County Administrator shall be authorized to sign any documents necessary to effectuate the Assignment.

RESOLUTION NO. 532-2018
ASSIGNMENT AND ASSUMPTION AGREEMENT
RAYMOND F. WAGER, CPA, P.C. / MENGEL, METZGER, BARR, & CO. LLP

WHEREAS, Ontario County currently has a contract with Raymond F. Wager, CPA, P.C, Resolution No. 669-2017, for Audit of the Financial Records of Ontario County for 2017, 2018 and 2019; and

WHEREAS, Ontario County has received notification that Raymond F. Wager, CPA, P.C, has merged with Mengel, Metzger, Barr, & Co. LLP; and

WHEREAS, The County Attorney's office has prepared the appropriate Assignment and Assumption Agreement documents necessary to assign the contract to Mengel, Metzger, Barr, & Co. LLP; and

WHEREAS, both Raymond F. Wager, CPA, P.C., 100 Chestnut St., Suite, 1200, Rochester, NY 14604, and Mengel, Metzger, Barr, & Co. LLP, 100 Chestnut St., Suite 1200, Rochester, NY 14604, have signed said agreements; and

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

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

RESOLVED, That certified copies of this resolution be sent to Raymond F. Wager, CPA, P.C., and Mengel, Metzger, Barr, & Co. LLP, by the Clerk of this Board.

RESOLUTION NO. 533-2018
CREATION OF POSITION – PROBATION OFFICER (DBL)
DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Mr. Jeffrey Rougeux, Probation Director, has filed a New Position Duties Statement with the Director of Human Resources for a position he would like to create during the disability of a Probation Officer in the Probation Department; and

WHEREAS, Said position has been classified as Probation Officer (DBL) by Personnel Officer Classification Certification No. 64-2018; and

WHEREAS, The County Administrator and the Ways and Means Committee recommend the creation of this position; now, therefore, be it

RESOLVED, That the position of Probation Officer (DBL) (01047/#22) be created effective upon adoption for a period not to exceed 90 days; and further

RESOLVED, That sufficient funding exists within the Probation Department for this position.

**RESOLUTION NO. 534-2018
CREATION OF A DOCUMENT SPECIALIST POSITION
ABOLISHMENT OF A CLERK POSITION
RECORDS AND ARCHIVES**

WHEREAS, Ms. Rosemary Switzer, Records Management Officer, has filed a New Position Duties Statement for a position she would like to create; and

WHEREAS, Said position has been classified as Document Specialist by Personnel Officer Classification Certification No. 69-2018; and

WHEREAS, Ms. Switzer would like to create a position of Document Specialist (Grade A05), and abolish a vacant position of Clerk (Grade A02); and

WHEREAS, Sufficient funding exists within the Record and Archive's Department Budget for these position changes; and

WHEREAS, The County Administrator and the Ways and Means Committee recommend the creation of a Document Specialist position and the abolishment of a vacant Clerk position; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby authorize the creation of an Document Specialist (01799/#4) position, effective upon adoption; and further

RESOLVED, That a vacant position of Clerk (01001/#6) be abolished.

**RESOLUTION NO. 535-2018
CREATION OF POSITIONS – COUNTY POLICE OFFICER
OFFICE OF SHERIFF**

WHEREAS, Sheriff Philip C. Povero, has filed a New Position Duties Statement with the Department of Human Resources to create one position to act as School Resource Officer for Wayne-Finger Lakes BOCES and one position to act as School Resource Officer for Honeoye School District beginning in September 2018; and

WHEREAS, The positions have been classified as County Police Officer according to POCC #67-2018; and

WHEREAS, Sufficient funding exists within the Office for Sheriff Budget for these position changes; and

WHEREAS, The County Administrator, Public Safety Committee, and the Ways and Means Committee have reviewed and recommend the creation of two County Police Officer positions; now, therefore, be it

RESOLVED, That the Board of Supervisors does hereby create two positions of County Police Officer (01272/# 61 & 62), effective upon adoption, subject to the Honeoye School District and Wayne-Finger Lakes BOCES entering into a contract with the County for participation in the School Resource Officer Program; and further

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

RESOLVED, That the creation of these positions is subject to each school district continuing to participate in the County's School Resource Officer Program and each position shall be abolished at such time as funding from a school district is no longer available.

RESOLUTION NO. 536-2018
RE-TITLE OF POSITION
OFFICE SPECIALIST I / OFFICE SPECIALIST I (SPANISH SPEAKING)
PUBLIC DEFENDER

WHEREAS, Resolution No. 210-2015 created a position of Office Specialist I (Spanish Speaking) for the Public Defender's Office; and

WHEREAS, said position is funded under the Hurrell-Harring settlement grant; and

WHEREAS, The Director of Human Resources has re-titled the position of Office Specialist I (Spanish Speaking) (Grade A03) to Office Specialist I / Office Specialist I (Spanish Speaking) (Grade A03) by Personnel Officer Classification Certification No. 66-2018; and

WHEREAS, This title change will allow the Public Defender the flexibility to appoint an Office Specialist I or an Office Specialist I (Spanish Speaking) based on office need and the availability of an eligible Office Specialist I (Spanish Speaking) candidate; and

WHEREAS, The County Administrator and the Ways and Means Committees recommend the re-title of an Office Specialist I (Spanish Speaking) to Office Specialist I / Office Specialist I (Spanish Speaking) position; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors does hereby authorize the re-title a position of Office Specialist I (Spanish Speaking) (01747/#1) to Office Specialist I / Office Specialist I (Spanish Speaking) (01999/#2), effective upon adoption; and further

RESOLVED, The position will continue to be funded by the Counsel at First Appearance Grant (Res No. 548-2013) and Distribution #3 Grant and have a sunset clause consistent with the life of the grants and the position will automatically expire after the funds have been eliminated.

The foregoing block of six resolutions was adopted.

Chairman Marren announced that there is a retirement event for Gary Curtiss on September 13th from 2:00-5:00 pm at the Municipal Building, 20 Ontario Street in the 2nd floor conference room 200.

Chairman Marren reminded the Board that the next Board meeting is the same day, September 13th at Stage 14 at Finger Lakes Community College. He also announced there will be a group picture taken at 5:45 and to arrive early. He requested the gentleman to wear ties.

Chairman Marren thanked all who expressed sympathy with the passing of his mother.

On motion of Supervisor Teed, seconded by Supervisor Venuti, the meeting was adjourned at 8:04 p.m.