



Ontario County
Board of Supervisors

Todd D. Campbell, Chairman
Ontario County Municipal Building
20 Ontario Street
Canandaigua, New York 14424

Andrew Wickham, Vice-Chair
Kristin A. Voss, Clerk
Diane R. Foster, Deputy Clerk

Phone: 585-396-4447
E-Mail: BOS@ontariocountyny.gov

AGENDA
REGULAR BOARD MEETING
June 1, 2023
6:30 PM

Room 218, 2nd Floor
74 Ontario Street, Canandaigua, NY 14424
and Via WebEx <https://ontariocountyny.webex.com>

Access Code **2335 252 6025** Password: **BOS2023**
Alternatively, you can call into the meeting at: **1-408-418-9388**



REGULAR MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE: led by Supervisor Peter Ingalsbe, Town of Farmington

ROLL CALL

APPROVAL OF MINUTES: Minutes of the preceding session shall be approved without being read unless the reading thereof is called for by a Member of the Board.

REPORTS OF COUNTY OFFICIALS:

- Chris DeBolt, County Administrator

PRIVILEGE OF THE FLOOR (*Speakers will be limited to three minutes*):

COMMUNICATIONS and REPORTS ON FILE WITH THE CLERK'S OFFICE:

1. Copies received of minutes of meetings held as follows:
 - Health and Human Services Committee held on May 1, 2023
 - Planning and Environmental Quality Committee held on May 1, 2023
 - Public Works Committee held on May 1, 2023
 - Public Safety Committee held on May 3, 2023
 - Governmental Operations and Insurance Committee held on May 3, 2023
 - Ways and Means Committee held on May 3, 2023
 - Finger Lakes Visitors Connection Board of Directors held on March 2, 2023
2. An email regarding Ontario County Sewer District electronic billing received from Diane Suchanek.

3. Act No. 235-2023 entitled “Calling for Immediate Resignation of New York State Parole Board Members Caryne Demosthenes and Carlton S. Mitchell for Allowing the Release of Edward Kindt from Prison”, received from Cattaraugus County.
4. Act No. 236-2023 entitled “Supporting Senator Borrello’s Legislation Prohibiting Use of Fossil Fuels in Manufacturing of Renewable Energy Equipment”, received from Cattaraugus County.
5. Resolution No. 64 entitled “Resolution in Opposition of the Transportation of Foreign Migrants to Schoharie County”, received from Schoharie County.
6. Resolution No. 2023-16-IC entitled “Opposing Waste Disposal Surcharges and Requesting an Exemption for Planning Units”, received from Inter-County Association of Western New York.
7. Resolution No. 2023-17-IC entitled “Supporting New York State Assembly Bill S885 to Amend the Social Services Law, in Relation to Increasing the Personal Needs Allowance for Residents of Certain Residential Health Care Facilities”, received from Inter-County Association of Western New York.
8. Resolution No. 2023-18-IC entitled “Supporting Senate Bill S885 to Amend the Multiple Residence Law, the Multiple Dwelling Law, and the Tax Law, in Relation to Short-Term Residential Rental of Private Dwellings in Certain Municipalities”, received from Inter-County Association of Western New York.
9. Acknowledgement of receipt of the order of the Board of Supervisors of Ontario County regarding the increase and improvement of the Honeoye Lake County Consolidated Sewer District, received from Laura M. Crisafulli, Assistant Counsel, NYS Office of the State Comptroller.
10. A letter regarding Ontario County Treasurer, Gary Baxter, as Administrator to Estates, received from Rita J. Gurewitch.
11. Notice of Obligational Authority (NOA) #PY22-5 for Local Workforce Development Area- Ontario/Seneca/Waynes/Yates Counties approving the transfer of \$70,000 from Dislocated Worker to Adult funds, received from Russell Oliver, Director, Division of Employment and Workforce Solutions, NYS Dept. of Labor.
12. April 2022 Happy Tails, Ontario County Human Society Director’s Report, received from William Martin, Director.
13. List of Certified 2023 State Equalization Rates, received from Brian F. Moon, Real Property Analyst 2, Office of Real Property Tax Services, NYS Department of Taxation and Finance.

REPORTS OF SPECIAL COMMITTEES:

REPORTS OF STANDING COMMITTEES:

RESOLUTIONS:

14. Extension of Local Government Records Management Improvement Fund Grant Deadline
Governmental Operations & Insurance
15. Adoption of Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, as Amended
Governmental Operations & Insurance

16. Adoption of Ontario County Lactation Accommodation Policy
Governmental Operations & Insurance
17. Resolution Expressing Concern with the Unplanned Relocation of Asylum Seekers from New York City to Ontario County
Governmental Operations & Insurance
18. Authorization to Contract with Blooming Health for Remote Communication
Health & Human Services
19. Authorization for Contract with Finger Lakes Workforce Investment Board, Inc. for WIOA Title I Adult, Dislocated Worker and Youth Programs
Health & Human Services
20. Authorizing Contract with Town of Canadice for Manpower – 2023 Honeoye Lake Aquatic Vegetation Management
Planning & Environmental Quality
21. Resolution to Declare Lead Agency Status for 2023-2024 NYS Snowmobile Grant Application
Planning & Environmental Quality
22. Authorization to Extend the Contract with the Town of Richmond to Prepare a Town Comprehensive Plan
Planning & Environmental Quality
23. Appointment of Kevin Stahl to Ontario County Planning Board
Planning & Environmental Quality
24. Resolution to Declare Lead Agency Status and Establish a Public Hearing for the 2022 Annual Inclusion of Viable Agricultural Land in Ontario County Consolidated Agricultural District One
Planning & Environmental Quality
25. Capital Project No. H066-20 700 MHz Seneca County Hillside Project – Authorization of Budget Amendment and Amendment to NYS DHSES Grant Agreements
Public Safety
26. Capital Project No. H092-22 Emergency Communications Network Core Upgrade – Authorization of Budget Amendment and Amendment to NYS DHSES Grant Agreements
Public Safety
27. Authorizing Contract with NMS Labs for Forensic Laboratory Services
Public Safety
28. Authorization for Ontario County District Attorney to Accept Funding from the New York State Department of Criminal Justice Services for Discovery Reform Funding
Public Safety
29. Acceptance of Bid B23060 for Purchase of Side-Scan Sonar Ontario County Sheriff's Office
Public Safety

30. Transfer of Funds – 2023 County Budget – Office of Sheriff
Public Safety
31. Authorization to Contract for Campbell Commission Community Liaison Consultant
Public Safety
32. Reappointment of Leanne Lapp Public Defender
Public Safety
33. Capital Project No. H033-16 Space Reorganization and Security Enhancement of 3010 County Complex Drive - Contract and Budget Amendment Authorization for Consulting Services for Youth Care Facility Hazardous Materials Remediation
Public Works
34. Capital Project No. H033-16 Space Reorganization and Security Enhancement of 3010 County Complex Drive - Contract and Budget Amendment Authorization for Consulting Services for Preparation of a Project Labor Agreement
Public Works
35. Renew Contract for Energy Management and Procurement
Public Works
36. Authorization to Renew Bid B21021 for On-Demand Contracts for Air Quality Monitoring
Public Works
37. Authorization to Use WEX Bank, Inc. for Fuel Card Services - DPW
Public Works
38. Transfer of Funds – 2023 County Budget – Purchase/Buy-Out of Leased Vehicle # E1508 2018 Chevrolet Colorado
Public Works
39. Authorizing Contract with TD Bank for Banking Services
Ways & Means
40. Fixing Date and Notice for the Public Hearing on Local Law No. 3 (Intro.) of 2023
Ways & Means

UNFINISHED BUSINESS:

ADJOURNMENT:

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
EXTENSION OF LOCAL GOVERNMENT RECORDS MANAGEMENT
IMPROVEMENT FUND GRANT DEADLINE

WHEREAS, The New York State Education Department has awarded Ontario County \$104,300 from the Local Government Records Management Improvement Fund (LGRMIF) (NYS Contract #0580-22-8772, CFDA# N/A; MUNIS Number G21017; 14602217) for the purchase of licenses of OnBase and the digitization of RAIMS records series and to participate with the OC Soil and Water Conservation District as a shared service project (referenced in Resolution 367-2021, 717-2022 and 719-2022); and

WHEREAS, The New York State Education Department has extended the funding period deadline from June 30, 2023 to December 31, 2023; and

WHEREAS, The funding period of the project is July 1, 2022 and now extended to December 31, 2023; now, therefore, be it

RESOLVED, That the County will continue with the project and fulfill the necessary steps to complete it within the new time frame; and further

RESOLVED, That the contract deadline with Kirtas, Inc., 749 Phillips Road, Victor, NY 14564, originally approved on Resolution 719-2022 be extended from June 30, 2023 to December 31, 2023; and

RESOLVED, That the contract deadline with NYSID, 11 Columbia Circle Drive, Albany, NY 12203 originally approved on Resolution 717-2022 be extended from June 30, 2023 to December 31, 2023; and

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

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Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
ADOPTION OF ONTARIO COUNTY NON-DISCRIMINATION AND
SEXUAL HARASSMENT PREVENTION IN THE WORKPLACE POLICY,
AS AMENDED

WHEREAS, Ontario County wishes to promote a productive work environment, and to prohibit conduct that disrupts or interferes with another's work performance or creates an intimidating, offensive, or hostile work environment due to discrimination based on protected status or sexual harassment; and

WHEREAS, Pursuant to Resolution Number 874-2015 this Board of Supervisors adopted the Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, which was amended by and Resolutions 632-2018 and 312-2020; and

WHEREAS, The New York State Department of Labor has finalized updates to its Sexual Harassment model policy template, which all employers must comply with and adopt; and

WHEREAS, Upon review by the Director of Human Resources and the County Attorney's Office, it was determined that modifications to the Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy were necessary to ensure compliance with the new requirement; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee of the Ontario County Board of Supervisors have reviewed the amended Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy with incorporated modifications and recommends its adoption; now, therefore, be it

RESOLVED, That this Board does hereby approve the Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, as amended and attached hereto and filed with the Clerk of the Board; and be it further

RESOLVED, That the Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, as amended, filed herewith, is adopted and shall be effective on the date of this adoption; and be it further

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

Ontario County Policies and Procedures

Non-Discrimination and Sexual Harassment Prevention in the Workplace

Adopted October 25, 2018

Amended May 28, 2020

Amended June 1, 2023

Policy Statement – It is the policy of Ontario County to promote and maintain a productive work environment free from discrimination and sexual harassment. Ontario County prohibits conduct that disrupts or interferes with another’s work performance, or that creates an intimidating, offensive, or hostile work environment due to discrimination or sexual harassment based on protected status. In keeping with this goal, Ontario County is committed to educate employees in the recognition and prevention of workplace discrimination and sexual harassment. The County will not tolerate any form of discrimination or sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such conduct in the workplace. Further, improper conduct may violate the County’s policy, even if it does not rise to the level of illegal discrimination or harassment.

After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with their supervisor or with Human Resources. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and sexual harassment, without any risk of retaliation against an employee who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, subcontractors, vendors, consultants, or anyone employed by them or providing a service in our workplace and persons conducting business with Ontario County (collectively referred to covered individuals), regardless of immigration status.

Prohibited Activity –

- Any conduct that discriminates against, denigrates or shows hostility or aversion toward a person on the basis of gender, gender identity, sex, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information, genetic predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. Such conduct may also violate the law.
- Offensive or derogatory comments based on any other protected status either directly or indirectly to another person.
- Offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail, text messages, social media postings, or graffiti) that relates or refers to a protected status. These are examples of harassment that are prohibited forms of discrimination under state and federal employment law and are also considered misconduct subject to disciplinary action by the County. These examples are not intended to be a comprehensive list and do not limit the County's ability to take disciplinary action in other instances for inappropriate conduct.
- Retaliatory action or conduct, as defined in this Policy, against an employee or covered individual who reports, provides information, or participates in an investigation related to a claim of discrimination or sexual harassment is prohibited.

Supervisory Responsibility – Department heads and supervisory personnel are responsible for maintaining a work environment that is free from discrimination and sexual harassment and have a responsibility to prevent sexual harassment and discrimination. In order to assure compliance with this policy, department heads and supervisors are **required** to promptly report to the Director of Human Resources any complaint of discrimination or sexual harassment that they receive, or any discrimination or harassment that they observe, suspect, or of which they become aware. Department heads and supervisors should not be passive and wait for an employee to make a claim of discrimination and/or harassment. If they observe such behavior, they **must** act.

Department heads and supervisors may be subject to disciplinary action, up to and including termination, for failing to report suspected discrimination or sexual harassment, or knowingly

permitting such conduct to continue in the workplace. Department heads and supervisors will also be subject to discipline for engaging in any retaliation against a person who makes a complaint of discrimination or sexual harassment, or who assists, participates, or testifies in any investigation or proceeding related to such complaint.

Department heads and supervisors may also be held to be personally liable for damages on a successful claim of sexual harassment or discrimination for failing to take appropriate action to prevent any improper conduct from continuing.

While Department heads and supervisors have a responsibility to report harassment and discrimination, they must be mindful of the impact that discrimination/harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Department heads and supervisors must accommodate the needs of individuals who have experienced harassment or discrimination to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Definition of Sexual Harassment – Sexual harassment is a form of gender-based discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender-based discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they

were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

- Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences.
- Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of Ontario County's policy.
- The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is verbal or physical conduct of a sexual nature when:

- Acceptance of such unwelcome conduct is made, either explicitly or implicitly, a term of condition of an individual's employment; OR
- Submission to or rejection of such unwelcome conduct by an individual is used as the basis for employment decisions, such as shift assignments, granting of overtime or leave usage, promotion, transfer, or termination, affecting such individual; OR
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. The

impacted person does not need to be the intended target of the sexual harassment

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive from the standpoint of a reasonable victim with the same protected characteristics, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Who can be the Target of Sexual Harassment? Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be anyone in the workplace, including a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can Sexual Harassment Occur? Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, virtual meeting platforms, messaging apps, and social media usage by employees may, in certain circumstances, constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Types of Sexual Harassment – The following describes two types of sexual harassment, which are prohibited.

- Quid pro quo harassment. Sexual harassment that occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.
- Behaviors that contribute to a hostile work environment include. These prohibited behaviors include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit

derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.

The above list is just a sample of unlawful sexual behaviors and should not be considered exhaustive. Even if it does not appear on this list, if an individual believes they have experienced or witnessed sexual harassment they should report it.

Examples of Sexual Harassment

- Unwanted sexual comments, advances, or propositions, such as:
 - “Quid pro quo” threats or promises, by a supervisor in an attempt to trade job benefits for sexual favors (e.g. loss of job or promise of job, promotion, or other employment benefit).
 - Repeated requests for dates or romantic gestures, including gift-giving.
 - Subtle or obvious pressure for unwelcome sexual activity.
 - Any sexual advance that is unwelcome or any demand for sexual favors.
- Physical acts of a sexual nature, such as:
 - Unwanted physical contact, of any kind that may be perceived to be sexual in nature, such as touching, patting, poking, kissing, pinching, hugging, grabbing, intentionally brushing against another employee's body.
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy. (Law enforcement should be contacted to pursue criminal charges)
- Sexually oriented comments, noises, remarks, questions or comments about a person's sexuality or sexual experience, sexually explicit derogatory statements, or sexually disparaging remarks or gestures that are unwelcome and offensive or objectionable to the recipient, which interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
 - Verbal harassment of a sexual nature related to an employee's sex, gender identity,

or gender expression, including sexual innuendoes, slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.

- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or sexually suggestive written, recorded or electronically transmitted material publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually explicit, demeaning, obscene or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace or with co-workers;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's protected status, such as:
 - Interfering with, damaging, or destroying a person's workstation, tools, equipment, or otherwise interfering with their ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or derogatory/offensive name-calling
 - Intentional misuse of an individual's preferred pronouns;
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Excluding parents/caregivers out of meetings.

Definition of Discrimination – Any conduct that discriminates against, denigrates or shows hostility or aversion toward a person on the basis of gender, gender identity, sex, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information, genetic predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected status.

Examples of Discrimination – The following describes some types of behavior that Ontario County considers discrimination and which are prohibited. This list is just a sample and should not be considered exhaustive. Even if it does not appear on this list, if an individual believes they have experienced or witnessed discrimination they should report it:

- Hostile actions taken against an individual because of that individual’s protected status, such as:
 - Interfering with, damaging, or destroying a person’s workstation, tools, equipment, or otherwise interfering with their ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, or derogatory/offensive name-calling
 - Intentional misuse of an individual’s preferred pronouns;
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women’s attire;
 - Excluding parents/caregivers out of meetings.
- Discriminatory displays or written, recorded or electronically transmitted material publications anywhere in the workplace that present a negative connotation or depiction of a protected class, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are derogatory or demeaning. This includes displays on workplace computers or cell phones and sharing such displays while in the workplace or with co-workers;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one’s home during a virtual meeting.
- Verbal harassment based on protected status, including negative comments, slurs, derogatory, insulting or lewd comments or sounds, discriminatory jokes, and/or threats.

Reporting of Discrimination and Sexual Harassment – Ontario County cannot prevent or remedy discrimination or sexual harassment unless it knows about it. Everyone must work toward preventing discrimination and sexual harassment, but leadership matters. **Department heads and Supervisors have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination.** Employees or other covered individuals who believe they have been subject to discrimination or sexual harassment, or who witnessed or became aware of such conduct, are encouraged to report such incidents to their supervisor, department head, or the Human Resources Department, as soon as possible after the occurrence. Reports may be made verbally, however, employees are strongly encouraged to submit a written complaint using the attached Discrimination and Sexual Harassment Complaint Form (hereinafter “Complaint Form”), although use of this complaint form is not required. Employees who are reporting discrimination or sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

If the employee’s department head is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the department head, the report should be made directly to the Director of Human Resources. If the employee does not feel comfortable addressing the matter with the department head or Director of Human Resources, the report can be made to the County Administrator or to the anonymous compliance hotline.

Employees who believe they have been discriminated against or harassed and would like to obtain guidance on the process of filing a complaint, should contact their immediate supervisor, their department head, the Director of Human Resources, or the County Administrator. Employees who work during off-hours are encouraged to contact their supervisor, their department head, the Director of Human Resources, or the County Administrator at home if these individuals do not work during the employee’s shift.

Employees or covered individuals who believe they have been a victim of discrimination or sexual harassment may also seek assistance in other available forums, as explained below in the section on *Legal Protections and External Remedies*.

Bystander Intervention - Any employee witnessing harassment or discrimination as a bystander is encouraged to report it. A department head or supervisor that is a bystander to harassment or discrimination is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individuals involved and distract them from the harassing behavior;

2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;

3. A bystander can record or take notes on the harassment incident to benefit a future investigation;

4. A bystander might check-in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and

5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment or discrimination in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A department head or supervisor that is a bystander to harassment is **required** to report it.

Complaints and Investigations

Confidentiality – All complaints of discrimination and sexual harassment will be promptly and thoroughly investigated in a manner that is as impartial and confidential as possible. To the extent possible, no information concerning a complaint will be released by the County to third parties or to anyone within the County employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Investigation of Complaint

- Any complaints received, whether reported in verbal or written form, will be investigated promptly and thoroughly, and investigations will be completed as soon as possible.
- Upon receipt of a complaint, the County will determine the appropriate individual(s) to conduct the investigation, and will take any interim preventative actions, as appropriate.
- The investigation will normally include interviewing the parties involved and any named or apparent witnesses, as well as the collection and review of any relevant documentation.
- All parties involved, including the complainant(s), witnesses, and those accused of alleged discrimination or sexual harassment, will be accorded due process as described herein, to protect their rights to a fair and impartial investigation.
- The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred.
- All employees are required to cooperate in an investigation, if so directed.
- The content and disposition of the investigation shall be recorded in a written report maintained in a secure and confidential file in the Department of Human Resources.
- The reporting employee and the individual about whom the complaint is made shall receive a prompt notification that the investigation has been completed and any corrective actions have been identified in the written document.
- The individual(s) who reported the complaint, if known, will also be notified of the right to file a complaint or charge externally as outlined in the below *Legal Protections and External Remedies* section.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees' rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination and sexual harassment laws, as described below in more detail in the *Legal Protections and External Remedies* section.

Disciplinary Action – Discriminatory conduct, sexual harassment, and retaliation are forms of employee misconduct. Any employee or official who is found to have violated this policy will be subject to disciplinary action, up to and including termination of employment, as provided by County operating procedures, applicable statutes including Public Officers Law and Civil Service Law, or the disciplinary procedures contained in a collective bargaining agreement. Any covered individual who violates this policy will be subject to remedial action, to the extent that the County is empowered to take such action.

Prohibition Against Retaliation – Retaliation against any employee or covered individual who, in good faith, brings a written or verbal complaint of discrimination or sexual harassment, or who assists, participates, or testifies in any investigation or proceeding related to such complaint, regardless of whether or not the alleged harassment rises to the level of a violation of this policy or the law, is unlawful and strictly prohibited.

No one should fear reporting sexual harassment or discrimination if they believe it has occurred, or fear participating in an investigation. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a department head, supervisor, or the Director of Human Resources. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on *Legal Protections and External Remedies*.

The County will not tolerate or permit adverse treatment of employees because they report discrimination or sexual harassment or provide information related to such complaints. Violations of this prohibition may result in disciplinary action up to and including dismissal from employment.

Definition of Retaliation – Retaliation is any action by an employer or supervisor that punishes or has a negative employment impact on an individual upon learning of a harassment claim, that

seeks to discourage an employee or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward, or participate in an investigation. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files without lawful request;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, and state law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices

were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

False Accusations – An employee who knowingly makes a false accusation against another individual as to allegations of discrimination or sexual harassment as set forth in this policy will be subject to disciplinary action up to and including dismissal from employment in accordance with applicable disciplinary provisions, laws rules or regulations. Disciplinary action resulting from an employee’s intentional submission of a false complaint does not constitute retaliation under this policy.

Legal Protections And External Remedies – Discrimination and sexual harassment are not only prohibited by Ontario County but are also prohibited by state, federal, and, where applicable, local law. Aside from the Ontario County’s internal process, employees and covered individuals may also choose to pursue legal remedies with the following governmental entities:

New York State Division of Human Rights (DHR) – The New York State Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State with regard to discrimination and sexual harassment, and protects employees, and covered individuals, regardless of immigration status. A complaint alleging violation of the HRL may be filed with either DHR or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. For other types of discrimination, victims must file complaints within one year of other discriminatory acts. Complaining internally to Ontario County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination or sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the discrimination or harassment, or redress the damage caused, including monetary damages, attorney's fees and civil fines.

DHR's contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458; (718) 741-8400; www.dhr.ny.gov.

Contact DHR at www.dhr.ny.gov/complaint for more information about filing a complaint, to obtain a downloadable complaint form, or to obtain contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone

The United States Equal Employment Opportunity Commission (EEOC) – The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e *et seq.*). An individual can file a complaint, at no cost, with the EEOC anytime within 300 days from the discrimination or harassment. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination or harassment is found to have occurred.

An employee alleging discrimination or harassment at work may file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed a complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections – Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department – If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. You may wish to contact the local police department.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
ADOPTION OF ONTARIO COUNTY LACTATION ACCOMMODATION POLICY

WHEREAS, By Resolution 879-2016 the Board of Supervisors adopted a policy in compliance with NYS Labor Law section 206-c and section 7 of the Fair Labor Standards Act, titled “Breaks for Nursing Mothers to Express Breast Milk”; and

WHEREAS, There have been recent amendments to NYS Labor Law section 206-c that take effect on June 7, 2023, which requires similar amendments to the Ontario County Policy; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee of the Ontario County Board of Supervisors have reviewed the amended “Breaks for Nursing Mothers to Express Breast Milk Policy”, to be retitled the “Ontario County Lactation Accommodation Policy” and recommends its adoption, as amended; now, therefore, be it

RESOLVED, That this Board does hereby approve the Ontario County Lactation Accommodation Policy, as amended and attached hereto and filed with the Clerk of the Board; and be it further

RESOLVED, That the Ontario County Lactation Accommodation Policy, as amended, filed herewith, is adopted and shall be effective on the date of this adoption; and be it further

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

Ontario County

LACTATION ACCOMMODATION POLICY

Adopted December 22, 2016

Amended June 1, 2023

Purpose - Ontario County has established the following policy in compliance with NYS Labor Law Section 206-c and Section 7 of the Fair Labor Standards Act, which protects the rights of nursing mothers in the workplace. Ontario County provides a supportive environment where employees may express breast milk during work hours. Employees who choose to express breast milk in the workplace will not be discriminated against in any way.

Break Time – Employees, who are nursing mothers, shall be allowed to use a reasonable unpaid break period (generally between twenty to thirty minutes), in addition to their meal and rest breaks, to express milk for a nursing child for up to three years following childbirth. (The employee may elect to have this unpaid break time run concurrently with a regularly scheduled paid break or meal period.) For time beyond their usual break times, employees may use personal leave or may make-up the time as agreed upon with their supervisor.

The County will provide this unpaid break at least once every three hours if requested by the employee. The County will allow the employee to make up time not worked as a result of the unpaid break either before or after the employee's work shift (during the County's normal hours of operation).

Break periods may be taken under this policy during the employee's basic work schedule, as well as during any overtime or additional hours worked.

Location and Privacy - Each Department of the County, upon the request of an employee who chooses to express breast milk, shall designate a room or location other than a restroom or toilet stall, close to the employee's work space, or other location in close proximity to work so that nursing mother can express breastmilk or breastfeed in private. Once designated by the Employer, notice shall be given to all other employees at the work site of the designation and signage shall be used to clearly state when the room is in use for such purpose. The private, designated location must be sanitary, contain at a minimum a chair and a small table or other flat surface, be well-lit at all times and have a lock or a sign for when the location is in use to ensure privacy. The location must also have an electrical outlet. The designated location should be located near a sink with running water, if possible, so that employees can wash their hands and rinse out breast pump parts. Employees may also breastfeed or express breast milk in their own private offices or in other comfortable locations agreed upon with their supervisor. Employees can store their breast milk in the department's refrigerator, if one is available for purposes of storing expressed milk. An employee who makes use of her rights under this policy will be notified as to the location which has been designated for this purpose. Any concerns regarding the

particulars of the designated location should be brought to the attention of the Department of Human Resources.

Notification – Before an employee returns from parental leave, the Department of Human Resources will resend this Policy to the employee and request information from the employee regarding the need for a reasonable accommodation to express breastmilk at work. An employee wishing to avail herself of this unpaid break is required to give the County advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the County an opportunity to establish a location and to schedule leave time for multiple employees, if needed. The Human Resources Department will respond to the employee's request for a lactation accommodation no later than five business days from receipt of the employee's request.

Non-Discrimination - Ontario County shall not threaten, penalize, or in any other manner discriminate or retaliate in any way against an employee who chooses to express breast milk in the workplace. Any actions on the part of any employee that would create a work environment that is hostile to the right of nursing mothers to take leave for the purpose of expressing breast milk is strictly prohibited.

PROPOSED

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
RESOLUTION EXPRESSING CONCERN WITH THE UNPLANNED RELOCATION
OF ASYLUM SEEKERS FROM NEW YORK CITY TO ONTARIO COUNTY

WHEREAS, In the past twelve (12) months, New York City has taken in over 70,000 legal asylum seekers. According to United States Department of Homeland Security, an asylum seeker is a person outside his or her country of nationality, already present in the United States or seeking admission at a port of entry, who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion; and

WHEREAS, It is estimated that New York City is currently housing nearly 44,000 of these individuals which is placing a significant strain on the City and its ability to adequately provide housing and other services to these individuals and families; and

WHEREAS, In recent weeks, New York City and the State of New York have begun transporting asylum seekers to counties outside of New York City, in some cases without any direct communication or coordination with the counties receiving these individuals; and

WHEREAS, Ontario County is currently experiencing a shortage of housing for its residents as well as its homeless population which is causing hardship to its communities and placing unsustainable strains on its Department of Social Services and their partners; and

WHEREAS, The relocation of asylum seekers from New York City to Ontario County would exacerbate this already existing housing shortage and place additional strains on the communities of Ontario County as well as its Department of Social Services and their partners; and

WHEREAS, Based on the information available at this time, it is unclear if the health and vaccination status of these individuals is being accurately obtained prior to their relocation outside of New York City and if adequate steps are being taken to provide critical vaccinations to these individuals prior to their departure from New York City; and

WHEREAS, To date, there has not been adequate or clear communication between New York City, New York State and the various counties as to the plan and intent of the efforts to relocate asylum seekers outside of New York City; and

WHEREAS, Smaller, more rural counties such as Ontario County are ill-equipped to handle an influx of asylum seekers needing housing, medical and other services that are not readily available from the County or from existing non-profit partners in this area; and

WHEREAS, It has been stated that the fiscal obligation to pay for the housing and care of these individuals remains with New York City even after they are relocated to other areas within the state, there is uncertainty and ambiguity on how long this obligation remains in place and if that obligation remains if an asylum seeker walks away from shelter for even one night and then returns to either the local Department of Social Services or to the original shelter; and

WHEREAS, Ontario County does not have the financial resources necessary to provide for the housing and adequate care of these individuals if the financial obligation of New York City expires or is terminated in some other fashion in the future; and

WHEREAS, It would be unfair to the residents of Ontario County as well as the asylum seekers themselves to relocate individuals from New York City to Ontario County without detailed and robust communication and planning between New York City, New York State and Ontario County long before these individuals were ever to arrive in Ontario County; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby expresses their opposition to the relocation of asylum seekers from New York City to Ontario County without assurances from both the City of New York and the State of New York that detailed, significant planning will occur between County officials and the State and City prior to the relocation of any individuals from New York City; and further

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

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION TO CONTRACT WITH BLOOMING HEALTH
FOR REMOTE COMMUNICATION SERVICES

WHEREAS, The Office for the Aging desires to contract with Blooming Health, Inc., having an office at 501 W. 123rd Street, Apt. 5D, New York, NY 10027 to provide remote communication and engagement service for older adults; and

WHEREAS, The purpose of the contract is to allow the Office for the Aging to improve engagement and communication with older adults and caregivers via text messages, voice calls and emails; and

WHEREAS, Blooming Health will provide automated check-ins, program reminders, mass broadcast announcements and surveys; and

WHEREAS, The Office for the Aging will use allocated American Rescue Plan Act funds (ARPA) for this contract; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors does hereby authorize a contract between the Office for the Aging and Blooming Health, Inc. for the period July 1, 2023 to June 30, 2024 at a cost not to exceed \$11,880; and further

RESOLVED, That the County Administrator or designee is hereby authorized to sign said contract.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION FOR CONTRACT WITH THE
FINGER LAKES WORKFORCE INVESTMENT BOARD, INC.
FOR WIOA TITLE I ADULT, DISLOCATED WORKER AND YOUTH PROGRAMS

WHEREAS, The Finger Lakes Workforce Investment Board, Inc. has been awarded funds to provide workforce development activities under the Workforce Innovation and Opportunity Act (WIOA) Program; and

WHEREAS, The Ontario County Department of Social Services is desirous of contracting with the Finger Lakes Workforce Investment Board, Inc. as it has been successful in operating workforce development programs for adults, dislocated workers and youth participants; and

WHEREAS, The Department of Social Services, Workforce Development Unit is a partner of the One Stop Operator Consortium that oversees the Career Centers and provides programs and services for the universal population of adults, dislocated workers, public assistance applicants and recipients and youth; now, therefore, be it

RESOLVED, That upon review and approval of the County Attorney as to form, this Board of Supervisors approves these contracts with the Finger Lakes Workforce Investment Board, Inc. and Grant Recipient for the WIOA Title I Adult and Dislocated Worker in the amount of \$143,044, and Youth programs in the amount of \$95,933 for the period of July 1, 2023 – June 30, 2024; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and directed to execute said contracts on behalf of the Board of Supervisors; and further

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZING CONTRACT WITH
TOWN OF CANADICE FOR MANPOWER
2023 HONEOYE LAKE AQUATIC VEGETATION MANAGEMENT

WHEREAS, The Towns of Canadice and Richmond and County of Ontario have for many years operated the Honeoye Lake Aquatic Vegetation Management Program (AVMP) to manage nuisance aquatic vegetation that negatively impacts navigation and recreational uses during the summer months pursuant to Resolution No. 275-2012; and

WHEREAS, Resolution Numbers 61-2021 and 145-2022 authorized Contracts C311775-2021 and C311775-2122 with Oswego County Soil and Water Conservation District, respectively, for transfer of New York State FLOWPA funding to Ontario County in the amount of \$89,200 for each contract; and

WHEREAS, Said funding is provided by the New York State Department of Environmental Conservation (DEC) to the Finger Lakes - Lake Ontario Watershed Protection Alliance (FLOWPA) for pass through to Ontario County for implementation of projects based upon a work plan and budget submitted by Ontario County Planning Department and approved by DEC; and

WHEREAS, The Honeoye Lake Aquatic Vegetation Management Program is a DEC-approved FLOWPA project for funding support for seasonal labor and equipment costs; and

WHEREAS, The Town of Canadice has agreed to provide seasonal labor services for the AVMP, with the cost of said labor to be reimbursed by Ontario County FLOWPA grant funds; and

WHEREAS, Adequate FLOWPA funding is available in NYS Contracts C311775-2021 (MUNIS # G21004) and C311775-2122 (MUNIS # G2204) to support said seasonal labor for the 2023 AVMP at no cost to Ontario County; and

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

RESOLVED, That upon the review and approval of the County Attorney as to form, the Ontario County Board of Supervisors does hereby approve a contract with the Town of Canadice, 5949 County Road 37, Springwater, New York 14560, for an amount not to exceed \$19,500.00 to provide seasonal labor necessary to carry out the 2022 Honeoye Lake AVMP and authorizes and empowers the County Administrator to execute a contract with said firm for said amount; and further

RESOLVED, That the cost of said contract shall be paid from available funds in SFY2020-2021 and SFY2021-2022 FLOWPA funding in line AAC801 54260 in the Planning Department operating budget; and further

RESOLVED, That the term of said contract shall be May 1, 2023 to November 30, 2023; and further

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

RESOLVED, That a signed, certified copy of this resolution be sent by the Clerk of this Board to Mr. Christopher Vastola, Supervisor, Town of Canadice, 5949 County Road 37, Springwater, New York 14560, email: supervisor@canadice.org.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
RESOLUTION TO DECLARE LEAD AGENCY STATUS FOR 2023-2024 NYS
SNOWMOBILE GRANT APPLICATION

WHEREAS, Ontario County has prepared an application for NYS Office of Parks Recreation and Historic Preservation (NYS OPRHP) 2023-2024 Snowmobile Trails Grant-in-Aid Funds (Application); and

WHEREAS, The New York State Department of Environmental Conservation has identified this as an Unlisted Action under the New York State Environmental Quality Review Act (SEQR) and its implementing regulations found at 6 NYCRR Part 617; and

WHEREAS, A draft Short Environmental Assessment Form (SEAF) Part I has been prepared by the County Planning Department and submitted to this Board by the Planning and Environmental Quality Committee for said action; and

WHEREAS, SEQR allows a coordinated review of projects where more than one agency is involved; now, therefore, be it

RESOLVED, That this Board hereby classifies the 2023-2024 Snowmobile Grant-in-Aid application as an Unlisted Action under SEQR; and further

RESOLVED, That this Board hereby establishes its desire to act as lead agency pursuant to SEQR for the environmental review of this action; and further

RESOLVED, That the Clerk of this Board is hereby authorized and empowered to circulate to all interested and involved agencies the draft SEAF with a letter stating this Board's desire to serve as lead agency pursuant to SEQR for the environmental review of this action and soliciting any comments relevant to a determination of significance or objection to this Board serving as lead agency; and further

RESOLVED, That copies of this resolution and the draft SEAF be sent by the Clerk of this Board to the NYS OPRHP Snowmobile Unit and the NYS Department of Environmental Conservation.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION TO EXTEND THE CONTRACT WITH THE TOWN OF RICHMOND
TO PREPARE TOWN COMPREHENSIVE PLAN

WHEREAS, Resolution No. 35-2022 authorized the County Administrator to execute an Intermunicipal Cooperation Agreement between the County and the Town of Richmond wherein the Ontario County Planning Department will provide professional planning services to the Town of Richmond as outlined in the Agreement Appendix A Scope of Services dated November 22, 2021; and

WHEREAS, The Agreement Appendix A authorized professional service charges of \$8,280 and project related expenses of \$400; and

WHEREAS, The term of the approved Intermunicipal Cooperation Agreement ends June 30, 2023; and

WHEREAS, The scheduling of meetings and need for advisory committee and Town Board consideration of materials has slowed project progression; and

WHEREAS, A copy of the proposed no-cost time extension amendment to the Intermunicipal Cooperation Agreement is on file with the Clerk of this Board; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Ontario County Board of Supervisors does hereby approve a no-cost time extension with the Town of Richmond, the County Administrator be and hereby is authorized and empowered to execute the extension of the Intermunicipal Cooperation Agreement between the County and the Town of Richmond; and further

RESOLVED, That the term of said contract shall be June 30, 2023 to June 30, 2024; and further

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

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

PROPOSED

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
APPOINTMENT OF KEVIN STAHL TO ONTARIO COUNTY PLANNING BOARD

WHEREAS, The South Bristol Town Board recommends Kevin Stahl for appointment to a 5-year term as the Town's representative to the Ontario County Planning Board; and

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

RESOLVED, That as of June 1, 2023 the following individual is appointed as a member of the Ontario County Planning Board:

Name	Representing	Term Expires
Kevin Stahl	Town of South Bristol	May 31, 2028

and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board, to the County Clerk, to the Town of South Bristol, and to Kevin Stahl.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
RESOLUTION TO DECLARE LEAD AGENCY STATUS AND ESTABLISH A PUBLIC HEARING FOR THE 2022 ANNUAL INCLUSION OF VIABLE AGRICULTURAL LAND IN ONTARIO COUNTY CONSOLIDATED AGRICULTURAL DISTRICT ONE

WHEREAS, In accordance with Article 25 AA §303-b. of the New York State Agriculture and Markets Law, this Board of Supervisors established by Resolution No. 294-2004 an annual thirty (30) day period be held November 1-30 within which a landowner may submit to the Board of Supervisors a request for inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, The following parcels have been proposed for inclusion:

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

and

WHEREAS, The New York State Department of Environmental Conservation has identified this as an Unlisted Action under the New York State Environmental Quality Review Act (SEQR) and its implementing regulations found at 6 NYCRR Part 617; and

WHEREAS, A Short Environmental Assessment Form Part 1 has been prepared by the County Planning Department and submitted to this Board by the Planning and Environmental Quality Committee for said action; and

WHEREAS, SEQR allows a coordinated review of projects where more than one agency is involved; and

WHEREAS, Article 25 AA §303-b. of the New York State Agriculture and Markets Law requires a public hearing be held for the purpose of hearing comments on the parcels proposed for inclusion; now, therefore, be it

RESOLVED, That this Board hereby establishes its desire to act as lead agency pursuant to SEQR for the environmental review of the proposed inclusions to Ontario County Consolidated Agricultural District One; and further

RESOLVED, That a public hearing shall be held to hear and consider any and all comments from the public concerning the proposed requests to include lands viable agricultural lands into Consolidated Agricultural District One, the recommendation of the Ontario County Agriculture Enhancement Board, and any potential environmental impacts; and further

RESOLVED, That said hearing was originally scheduled for 6:30 pm on Thursday, June 1, 2023 at 74 Ontario Street, Canandaigua, New York was not noticed in the newspapers; and further

RESOLVED, That said hearing is now scheduled for 6:30 pm on Thursday, June 22, 2023 at 74 Ontario Street, Canandaigua, New York; and further

RESOLVED, That the Clerk of this Board is hereby authorized and empowered to advertise said public hearing in the official newspapers of the County of Ontario; and further

RESOLVED, That the Clerk of this Board is hereby authorized and empowered to circulate to all interested and involved agencies the Part 1 of the Short Environmental Assessment Form with a letter stating this Board's desire to serve as lead agency pursuant to SEQR for the environmental review of this action and soliciting any comments relevant to a determination of significance or objection to this Board serving as lead agency; and further

RESOLVED, That the Clerk of this Board send certified copies of this resolution, the _Draft 2022 Annual Agricultural District Enrollment Report: Proposed Inclusion of Viable Lands to Ontario County Consolidated Agricultural District One and the Short Environmental Assessment Form to the Commissioner of the New York State Department of Environmental Conservation, the Region 8 Office of the Department of Environmental Conservation, the Commissioner of the New York State Department of Agriculture and Markets, and the Clerks for the Towns of Canadice, Gorham, and South Bristol.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
CAPITAL PROJECT NO. H066-20
700 MHz SENECA COUNTY HILLSIDE PROJECT
AUTHORIZATION OF BUDGET AMENDMENT
AND AMENDMENT TO NYS DHSES GRANT AGREEMENTS

WHEREAS, NYS Department of Homeland Security and Emergency Services (DHSES) Statewide Interoperable Communications (SIC) formula grant funding supports multiple Ontario County public emergency communications projects; and

WHEREAS, Resolution No. 185-2020 established Capital Project No. H066-20 as the 700 MHz Seneca County Hillside Project and Resolution Numbers 185-2020 and 38-2022 further accepted 2019 and 2020 Statewide Interoperable Communications (SIC) grant awards from NYS Division of Homeland Security and Emergency Services (DHSES) (\$608,404.00 and \$583,921.00, respectively) and authorized transfer of said grant funds to Capital Project No. H066-20 for a total project budget of \$1,192,325.00; and

WHEREAS, The term for both 2019 and 2020 SIC grant awards ends 12/31/2023; and

WHEREAS, To better match Ontario County SIC grant funding to multiple existing project timelines, Ontario County staff requested and DHSES approved work plan amendments to shift 2019 and 2020 SIC grant funding to Capital Project No. H092-22 (Emergency Communications Network Core Upgrade) and 2021-2022 SIC grant funding to Capital Project No. H066-20, the 700 MHz Seneca County Hillside Project, which is anticipated to be completed in 2024; and

WHEREAS, Resolution No. XXX-2023 authorized a budget amendment to Capital Project No. H092-22; and

WHEREAS, The total budgeted amount for Capital Project No. H066-20 shall not change; and

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

RESOLVED, That the budget for Capital Project Number H066-20 is hereby amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Revenue:				
HHH06620 43397	State Aid, Public Safety Projects	\$608,404.00	-\$608,404.00	0
HHH06620 43397 SI20	State Aid, Public Safety Projects	\$583,921.00	-\$583,921.00	0
HHH06620 45031	Interfund Transfers	0	+\$30,543.00	\$30,543.00
HHH06620 43397 SI21	State Aid, Public Safety Projects	0	+\$1,161,782.00	\$1,161,782.00
Revenue Total:				
		\$1,192,325.00	\$0.00	\$1,192,325.00
Appropriations:				
HHH06620 52550	Equipment Signal/Communication	\$568,404.00	-\$568,404.00	0
HHH06620 54260	Consultation and Professional	\$40,000.00	-\$40,000.00	0
HHH06620 52550 SI20	Equipment Signal/Communication	\$528,921.00	-\$528,921.00	0
HHH06620 54260 SI20	Consultation and Professional	\$50,000.00	-\$50,000.00	0
HHH06620 54510 SI20	Permits/Licenses/Fees	\$5,000.00	-\$5,000.00	0
HHH06620 52550 SI21	Equipment Signal/Communication	0	+\$1,097,325.00	\$1,097,325.00
HHH06620 54260 SI21	Consultation and Professional	0	+\$90,000.00	\$90,000.00
HHH06620 54510 SI21	Permits/Licenses/Fees	0	+\$5,000.00	\$5,000.00
Appropriations Total				
		\$1,192,325.00	\$0.00	\$1,192,325.00

and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby accepts the contract amendments with NYS DHSES and empowers the County Administrator or their designee, to execute the contract amendments with NYS DHSES and all other documents necessary to effectuate the purposes of this resolution; and further

RESOLVED, That the County's Department of Finance is authorized to make the necessary budgetary and accounting entries to effectuate the intent of this resolution for Capital Project No. H066-20 with a total project budget of \$1,192,325.00; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Ontario County Department of Finance and a digital copy to Jason T. Nezek, NYS Division of Homeland Security and Emergency Services at Jason.neznek@dhSES.ny.gov.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
CAPITAL PROJECT NO. H092-22
EMERGENCY COMMUNICATIONS NETWORK CORE UPGRADE
AUTHORIZATION OF BUDGET AMENDMENT
AND AMENDMENT TO NYS DHSES GRANT AGREEMENTS

WHEREAS, NYS Department of Homeland Security and Emergency Services (DHSES) Statewide Interoperable Communications (SIC) formula grant funding supports multiple Ontario County public emergency communications projects; and

WHEREAS, Resolution No. 820-2022 established Capital Project No. H092-22 as the Emergency Communications Network Core Upgrade (Core Upgrade) and accepted the 2021-22 DHSES SIC grant award in the amount of \$1,161,782.00 with a term ending 12/31/2024 (NYS Contract No. C197771, MUNIS Project # G2225), and authorized transfer of said grant funds to Capital Project No. H092-22; and

WHEREAS, Resolution No. 244-2023 authorized an agreement with Finger Lakes Communications, Inc. to provide equipment and services in the amount of \$1,743,836.21 for Capital Project No. H092-22 to provide necessary engineering services and equipment scheduled to be completed in 2023; and

WHEREAS, To better match Ontario County SIC grant funding to multiple existing project timelines, Ontario County staff requested and DHSES approved work plan amendments to shift 2019 and 2020 SIC grant funding to Capital Project No. H092-22 (Core Upgrade) and 2021-2022 SIC grant funding to Ontario County's 700 MHz Seneca County Hillside Project (Capital Project No. H066-20); and

WHEREAS, Resolution No. XXX-2023 authorized a budget amendment to Capital Project No. H066-20; and

WHEREAS, The total budgeted amount for Capital Project No. H092-22 shall not change; and

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

RESOLVED, That the budget for Capital Project Number H092-22 is hereby amended as follows:

Line	Description	Current Budget	Change	Revised Budget
Revenue:				
HHH09222 43397	State Aid, Public Safety Projects	\$1,161,782.00	-\$1,161,782.00	0
HHH09222 45031	Interfund Transfers	\$1,018,215.00	-\$30,543.00	\$987,672.00
HHH09222 43397 SI20	State Aid, Public Safety Projects	0	+\$583,921.00	\$583,921.00
HHH09222 43397 SI19	State Aid, Public Safety Projects	0	+\$608,404.00	\$608,404.00
Revenue Total:				
		\$2,179,997.00	\$0.00	\$2,179,997.00
Appropriations:				
HHH09222 52550	Equipment Signal/Communication	\$2,179,997.00	-\$1,192,325.00	\$987,672.00
HHH09222 52550 SI19	Equipment Signal/Communication	0	+\$608,404.00	\$608,404.00
HHH09222 52550 SI20	Equipment Signal/Communication	0	+\$583,921.00	\$583,921.00
Appropriations Total				
		\$2,179,997.00	\$0.00	\$2,179,997.00

and further

RESOLVED, That upon review and approval by the County Attorney as to form, the Board of Supervisors hereby accepts the contract amendments with NYS DHSES and all other documents necessary to effectuate the purposes of this resolution and empowers the County Administrator or their designee, to execute the contract amendments with NYS DHSES; and further

RESOLVED, That the County's Department of Finance is authorized to make the necessary budgetary and accounting entries to effectuate the intent of this resolution for Capital Project No. H092-22 with a total budget of \$2,179,997.00; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Ontario County Department of Finance and a digital copy to Jason T. Neznek, NYS Division of Homeland Security and Emergency Services at Jason.neznek@dhSES.ny.gov.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZING CONTRACT WITH NMS LABS FOR
FORENSIC LABORATORY SERVICES

WHEREAS, There is a need for Forensic Laboratory Services by the District Attorney; and

WHEREAS, A proposal has been received from the NMS Labs for said purposes of obtaining services including but not limited to the Toxicology as well as Forensic Testing of suspected narcotic and other drugs; and

WHEREAS, Sufficient funds exist within the District Attorney's budget for this contract; and

WHEREAS, The District Attorney has reviewed this contract request with the Public Safety Committee which recommends authorization of this contract for the period January 1, 2023 through December 31, 2023; now, therefore, be it

RESOLVED, The County Administrator is hereby authorized to execute the contract for Forensic Laboratory Services with NMS Labs starting on January 1, 2023 and expiring on December 31, 2023, in an amount not to exceed \$235,000.00 for the 2023 calendar year.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION FOR ONTARIO DISTRICT ATTORNEY
TO ACCEPT FUNDING FROM THE
NEW YORK STATE DEPARTMENT OF CRIMINAL JUSTICE SERVICES
FOR DISCOVERY REFORM FUNDING

WHEREAS, The New York State Department of Criminal Justice Services has awarded Ontario County's District Attorney funding in the amount of \$404,131 to offset costs associated with the additional work pertaining to discovery reform as required by prosecutors but not limited to obtaining and providing all discoverable material, issuing of subpoenas for records, reviewing Body Worn Camera footage, jail calls, preparation of necessary documentation verifying due diligence and readiness for trial, and continuing to exercise due diligence to determine further discoverable materials as required by Article 245 of the Criminal Procedure Law of the State of New York as enacted in the New York State budget; and

WHEREAS, It is desirable for the Ontario County District Attorney's Office to accept this funding from the New York State Department of Criminal Justice Services, Alfred E Smith Building, 80 South Swan Street, Albany, New York 12210, for the period April 1, 2022 through March 31, 2023; and

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

RESOLVED, That the Board of Supervisors, hereby accepts the funding awarded to the District Attorney's Office; and further

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

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

To:		Revenue	Appropriation
AA1165 43389	State Aid, Other Public Safety	\$404,131.00	
AA1165 51500	Full Time Salaries		\$257,000.00
AA1165 58010	Employee's Retirement System		\$38,550.00
AA1165 58020	FICA		\$15,934.00
AA1165 58021	Medicare		\$3,726.00
AA1165 58060	Cafeteria Plan Allowance		\$65,781.00
AA1165 58067	Dental Insurance		\$800.00
AA1165 58070	County Contribution 401a		\$5,140.00
AA1165 58075	Health Reimbursement Account		\$7,200.00
AA1165 54750	Travel & Conference		\$10,000.00
TOTAL:		+\$404,131.00	+\$404,131.00

and further

RESOLVED, That a copy of this resolution be emailed by the Clerk of this Board to the Ontario County District Attorney's Office.

PROPOSED

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
ACCEPTANCE OF BID B23060
FOR PURCHASE OF SIDE-SCAN SONAR
ONTARIO COUNTY SHERIFF'S OFFICE

WHEREAS, The Purchasing Department advertised for and received, per the tabulation sheet on file with the Clerk of the Board, bids for the purchase of a Side-Scan Sonar (B23060) for the Ontario County Sheriff's Office; and

WHEREAS, The apparent overall low responsive/responsible bidder is Electronic Sales of New England, LLC. with offices at 33 Main St. Unit B, Old Saybrook, CT 06475, for the price of \$58,911.00 for the Side-Scan Sonar System and \$5,500 for on-site training of the system totaling \$64,411; and

WHEREAS, The majority of the funds for this bid are being derived from the New York State Department of Homeland Security and Emergency Services FY21 and FY22 grants which have specifically allocated a combined amount of \$59,748 for a side-scan sonar system; and

WHEREAS, There is sufficient funding within the operational budget of the Sheriff's Office to cover the remaining balancing for the quoted training on the side-scan sonar system not covered by the total grant balance; and

WHEREAS, The Public Safety Committee and the Ways and Means Committee recommend that this bid be accepted; now, therefore, be it,

RESOLVED, That the Board of Supervisors authorize bid (B23060) be awarded to the above listed vendor at the above listed price; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Ontario County Sheriff and to Electronic Sales of New England, LLC.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

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

WHEREAS, Certain Public Safety Equipment is no longer functioning at peak performance; and
WHEREAS, The Public Safety Committee has reviewed and discussed the replacement of this necessary equipment and the Ways and Means Committee has reviewed and approved the following transfer to fund the equipment; now, therefore, be it

RESOLVED, That the following transfer be made:

	ACCOUNT	REVENUES	EXPENSE
Contingency	AA1340 54731		\$(45,000.00)
Technical Equipment	AA3110 52800	\$45,000.00	

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION TO CONTRACT FOR
CAMPBELL COMMISSION COMMUNITY LIAISON CONSULTANT

WHEREAS, The Board of Supervisors established the Campbell Commission to reduce the population of the Ontario County Jail through creative and innovative initiatives born from interdepartmental collaboration; and

WHEREAS, The Campbell Commission became the Ontario County entity charged with completing the County's Police Reform and Reimagining Initiative in 2021 and the County's Domestic Terrorism Prevention Plan in 2022; and

WHEREAS, In preparing these documents, the Campbell Commission identified a need for a dedicated resource to act as a liaison, or coordinator, to interface with and serve as a link between the community, various service providers, and policy makers; and

WHEREAS, The Campbell Commission launched a Community Needs Assessment Survey in August 2022 that had over 500 responses; and

WHEREAS, The Campbell Commission solicited proposals via RFP (R23048) for a qualified consultant, or Community Liaison, to work with stakeholders to better understand the landscape of service provision, needs of clients, and the results of the community needs assessment, with the purpose of identifying systemic and/or programmatic gaps in services; and

WHEREAS, Following a thorough review of the two proposals received, it is recommended to award the contract to The Partnership for Ontario County, 5297 Parkside Drive, Suite 307, Canandaigua, NY 14424, a total project cost not to exceed \$311,920 using the Opioid Settlement funds; and

WHEREAS, The Public Safety Committee recommend adoption of this resolution; now, therefore, be it

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

RESOLVED, That the term of said contract shall commence on June 1, 2023 and end on May 31, 2025; and further

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

RESOLVED, That the following budget transfer be authorized:

Line Item	Title	Budget Change
AA1340OP 42770	Unclassified Revenues – Opioid Funds	+ 311,920
AA1340OP 54260	Consultation and Professional	+ 311,920

and further

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

PROPOSED

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
REAPPOINTMENT OF LEANNE LAPP
PUBLIC DEFENDER

WHEREAS, Ms. Leanne Lapp's term of appointment as Public Defender expires on June 2, 2023; and

WHEREAS, The County Administrator has completed the performance review process with Ms. Lapp and recommends reappointment; and

WHEREAS, The Public Safety Committee supports the County Administrator's recommendation; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby reappoints Ms. Leanne Lapp to the position of Public Defender for a term of four years to commence June 3, 2023; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Acting County Clerk and Ms. Lapp.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
CAPITAL PROJECT NO. H033-16
SPACE REORGANIZATION AND SECURITY ENHANCEMENT OF
3010 COUNTY COMPLEX DRIVE
CONTRACT AND BUDGET AMENDMENT AUTHORIZATION
CONSULTING SERVICES FOR YOUTH CARE FACILITY
HAZARDOUS MATERIALS REMEDIATION

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

WHEREAS, As part of that project, office space will be needed to house a limited number of County employees off site during the renovation; and

WHEREAS, To provide that space, staff is proposing minimal renovation of the former Youth Care Facility located at 3093 County Complex Dr; and

WHEREAS, Before actual construction begins, a qualified consultant is needed to provide supplemental testing, development of a remediation plan, and other services necessary to safely remove hazardous materials; and

WHEREAS, Lozier Environmental Consulting, Inc located at 2011 East Main St, Rochester, NY 14609 (the Consultant) has provided a revised proposal dated 5/11/23 for said services for an amount not to exceed \$10,000 (the Proposal), using the pricing provided per Ontario County Resolution No. 432-2022, On-Demand Contracts for Air Quality Monitoring, a copy of BID B21021 is on file with the Clerk of this Board; and

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

RESOLVED, That the following budget amendment is approved:

Line	Description	Current Budget	Change	Revised Budget
Appropriations:				
HHH03316 54260	Consultation & Professional	\$1,107,227.00	+\$10,000.00	\$1,117,227.00
HHH03316 54495	Architectural & Engineering	\$1,564,208.00	0	\$1,564,208.00
HHH03316 54731	Contingency	\$3,879,565.00	-\$10,000.00	\$3,869,565.00
HHH03316 54865	Administration	\$4,000.00	0	\$4,000.00
Revenue:				
HHH03316 54031	Interfund Transfer	\$6,555,000.00	0	\$6,555,000.00

and further

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

RESOLVED, That the term of the Contract shall begin on 6/2/23 and end on 12/31/23; and further

RESOLVED, That if one, six month no cost time extension of the Contract is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the Public Works Committee; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Contract and all other documents necessary to effect the intent of this resolution; and further

RESOLVED, That the cost of the Contract be paid from budget line HHH03316 54260, Consultation and Professional, of Capital Project No. H033-16; and further

RESOLVED, That the Department of Finance is directed to make all necessary budgetary and accounting entries to effect the intent of this resolution for a total project budget of \$6,555,000.00; and further

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
CAPITAL PROJECT NO. H033-16
SPACE REORGANIZATION AND SECURITY ENHANCEMENT OF
3010 COUNTY COMPLEX DRIVE
CONTRACT AND BUDGET AMENDMENT AUTHORIZATION
CONSULTING SERVICES FOR PREPARATION OF A
PROJECT LABOR AGREEMENT

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

WHEREAS, As part of that project, Resolution No. 207-2022 authorized a contract with Seeler Engineering of 401 Penbrooke Dr, Suite 401, Penfield, NY 14526 (the Consultant), to perform an analysis to assess the potential benefits of executing a Project Labor Agreement (PLA) that would reduce costs, ensure availability of skilled labor, keep the project on schedule, and realize other operational efficiencies; and

WHEREAS, Pursuant to authorization established by resolution No. 207-2022, the Public Works Committee has voted to extend term of that contract by 6 months so that it will expire on 10/1/23; and

WHEREAS, Staff is recommending further to amend that contract to allow the Consultant to assist with preparation of the PLA; and

WHEREAS, The Consultant has provided a proposal dated 7/11/22 for said services for an amount not to exceed \$4,600.00 (the Proposal); and

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

RESOLVED, That the following budget amendment is approved:

Line	Description	Current Budget	Change	Revised Budget
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Appropriations:				
HHH03316 54260	Consultation & Professional	\$1,117,227.00	+\$4,600.00	\$1,121,827.00
HHH03316 54495	Architectural & Engineering	\$1,564,208.00	0	\$1,564,208.00
HHH03316 54731	Contingency	\$3,869,565.00	-\$4,600.00	\$3,864,965.00
HHH03316 54865	Administration	\$4,000.00	0	\$4,000.00
Revenue:				
HHH03316 54031	Interfund Transfer	\$6,555,000.00	0	\$6,555,000.00

and further

RESOLVED, That, subject to approval as to form by the County Attorney, the Board hereby authorizes execution of a contract with the Consultant for services as described in the Proposal for an amount not to exceed \$4,600.00; and further

RESOLVED, That if an additional six month no cost time extension of the Contract is necessary, the Board of Supervisors hereby approves such extension subject to review and approval by the Public Works Committee; and further

RESOLVED, That the County Administrator be, and hereby is, authorized and empowered to execute the Contract and all other documents necessary to effect the intent of this resolution; and further

RESOLVED, That the cost of the Contract be paid from budget line HHH03316 54260, Consultation and Professional, of Capital Project No. H033-16; and further

RESOLVED, That the Department of Finance is directed to make all necessary budgetary and accounting entries to effect the intent of this resolution for a total project budget of \$6,555,000.00; and further

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
RENEW CONTRACT FOR
ENERGY MANAGEMENT AND PROCUREMENT

WHEREAS, Resolution No. 317-2021 awarded a contract to EGS Advanced Energy Solutions, Inc. for the active management and advice in its procurement of energy resources for Ontario County and Finger Lakes Community College (FLCC), with the option of three one-year renewals; and

WHEREAS, Resolution No. 312-2022 renewed the contract to EGS Advanced Energy Solutions, Inc. for a one-year period; and

WHEREAS, The Public Works Department wishes to renew the contract with EGS Advanced Energy Solutions, Inc. for a second, one-year period; and

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

RESOLVED, That upon review and approval of the County Attorney as to form, the Board of Supervisors hereby authorizes a contract renewal for energy management and procurement related services for electricity and natural gas for Ontario County and FLCC and their facilities with EGS Advanced Energy Solutions, Inc., for a one-year term; and further

RESOLVED, That the contract shall commence on June 24, 2023, and expire on June 23, 2024; and further

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 of this resolution, subject to review and approval by 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 EGS Advanced Energy Solutions, Inc., care of Jeffrey Sapirman at email address jeffrey@egs-aes.com.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION TO RENEW BID B21021
FOR ON-DEMAND CONTRACTS FOR AIR QUALITY MONITORING

WHEREAS, On-demand contracts for air quality monitoring services are needed for projects that include asbestos abatement operations; and

WHEREAS, Resolution No. 276-2021 awarded bid B21021 for on-demand air quality monitoring services; and

WHEREAS, Resolution No. 432-2022 renewed said bid to June 4, 2023; and

WHEREAS, The following firms agree to renew their on-demand contract for air quality monitoring services for an additional one-year period at the same pricing structure; and

WHEREAS, O'Rourke Inc. was not responsive to the renewal request and therefore will not be renewed; and

WHEREAS, The contract allows all municipal and not-for-profit organizations authorized under the General Municipal Laws of the State of New York ("GML") to utilize said services in accordance with the latest amendments to GML Sections 100 through 104 and at the discretion of the vendor; now, therefore, be it

RESOLVED, That the Ontario County Board of Supervisors hereby authorizes the renewal of Bid (B21021) for air quality monitoring services with the following firms starting June 5, 2023 through June 4, 2024:

Air Quality Monitoring	Paradigm Environmental Services	179 Lake Ave Rochester, NY 14608
	Lozier Environmental	2011 East Main Street Rochester, NY 14609
	Energy & Environmental, LLC	6443 Ridings Road, Suite 134 Syracuse, NY 13206

and further

RESOLVED, The Commissioner of Public Works, upon notice to the Public Works Committee, is hereby authorized to establish the scope of work and fees with selected firms from this list and order the services be provided up to a fee limit of \$10,000 for a particular project; and further

RESOLVED, Under an emergency situation or for time critical events, the Commissioner of Public Works may order such services to begin and to immediately notify the County Administrator and Chairman of the Public Works Committee that a situation has arisen where contract for these services must begin immediately; and further

RESOLVED, That certified copies of this resolution be sent by the Clerk of this Board to the Air Quality Monitoring Firms approved herein.

PROPOSED

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZATION TO USE WEX BANK, INC. FOR
FUEL CARD SERVICES

WHEREAS, Resolution No. 205-2019 authorized using the New York State Contract vendor Wex Bank, Inc. for fuel card services according to New York State Contract Number PS67946; and

WHEREAS, Resolution No. 325-2021 extended said authorization to June 21, 2023 based on state contract, PS67946, extension to the same date; and

WHEREAS, Said state contract, PS67946, has been extended yet again June 21, 2024; and

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

RESOLVED, The Ontario County Board of Supervisors hereby approves continuing to use the New York State Contract vendor, Wex Bank, Inc., for fuel card services per New York State Contract Number PS67946, Group 79008, Award 23062 to June 21, 2024.

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
TRANSFER OF FUNDS – 2023 COUNTY BUDGET
PURCHASE/BUYOUT OF LEASED VEHICLE FLEET # E1508
2018 CHEVROLET COLORADO

WHEREAS, Leased fleet #E1508, 2018 Chevrolet Colorado, is scheduled for replacement in 2023; and

WHEREAS, Given the vehicle's low mileage along with the increase in cost of the replacement lease, staff is recommending purchasing #E1508 rather than replace it with a new leased vehicle; and

WHEREAS, The estimated cost to purchase/buyout #E1508 is \$2,819.74 (Reduced book value of \$2,424.74 + Lease Termination Fee of \$395.00); and

WHEREAS, The Public Works and Ways and Means Committee have reviewed and approved the following transfer to fund said purchase/buyout of #E1508; now, therefore, be it

RESOLVED, That the following budget transfer be made:

	Account	Revenues	Expense
Automotive Equipment	AA1620 52200		+\$2,819.74
Lease Agreements	AA162099 54332		-\$2,819.74

and further

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
AUTHORIZING CONTRACT WITH TD BANK
FOR BANKING SERVICES

WHEREAS, Ontario County determined a need to issue a Request for Proposals for Banking Services (R23027); and

WHEREAS, These services include a variety of banking, investment, security and software services related to the management, protection, and investment of County funds as well as assistance with guidance and recommendations on industry best practices; and

WHEREAS, Ontario County has, through a team including members of the Finance, Treasurer, and County Administrator Departments, reviewed the eight (8) proposals received and has determined that it is in the best interest of Ontario County to transition the majority of its banking services to TD Bank, headquartered in Cherry Hill, New Jersey; and

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

RESOLVED, That upon review and approval by the County Attorney, the Board of Supervisors hereby approves the agreements necessary for transitioning banking services to TD Bank, headquartered at 1701 Route 70 East, Cherry Hill, New Jersey 08034; and further

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

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor _____ offered the following resolution and moved its adoption:

RESOLUTION NO.
FIXING DATE AND NOTICE FOR THE PUBLIC HEARING ON
LOCAL LAW NO. 3 (INTRO.) OF 2023

WHEREAS, There has been introduced at a meeting of this Board held on June 1, 2023 a proposed local law entitled “A Local Law Pursuant to Chapter 97-2011 of the Laws of the State of New York and Section 3-c of the General Municipal Law Overriding Tax Levy Limit for Fiscal Year 2024”; now, therefore, be it

RESOLVED, That a public hearing shall be held on June 22, 2023, at 6:30 p.m. at the Board of Supervisors’ Meeting Room, 74 Ontario Street, Canandaigua, New York; and further

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