



CONFERENCE SESSION

August 26, 2015

4:10 p.m. Paul Fulcomer – Director of Veterans Administration
2014 Annual Report Review

4:20 p.m. Joe Cardone –Orleans County District Attorney
Proposed Pawn Shop Law

AGENDA

LEGISLATURE MEETING

August 26, 2015
4:30 p.m.



Call to Order
Pledge to the Flag and Invocation - Veteran David Kusmiersczak
Roll Call
Presentation of Communications
Treasurer's Report
Open Discussion – Legislators/Public Comment on Resolutions
Presentation of Resolutions:

271. Authorizing Highway Department to Purchase a New Hydraulic Angle Broom and Bracket (Miller)
272. Authorizing Payments from Capital Project Infrastructure Projects Account (Miller)
273. Approving Agreement between Orleans County and UGI Energy (Miller)
274. Authorizing Office for the Aging to Purchase Lifeline Units (Miller)
275. Authorizing Filling Position in the Office for the Aging (Miller)
276. Approving Agreements with the Department of Social Services and Various Agencies (Miller)
277. Authorizing Filling of Vacancies in the Department of Social Services (Miller)
278. Approving Agreement between Mental Health and Mental Health Association in Genesee County (Allport)
279. Amending Resolution No. 468-1214 between Mental Health and the ARC of Orleans County (Allport)
280. Authorizing Setting Up New Monies in the Mental Health Department Budget (Allport)
281. Approving Agreements between the Health Department and Various Agencies (Allport)
282. Appointing Director of Planning and Development (DeFilippis)
283. Approving E-Waste Collection and Recycling Agreement with Sunnking, Inc. (DeFilippis)
284. Authorizing Transfer of Funds into the Planning and Development Budget (DeFilippis)
285. Authorizing Transfer of Funds in and Purchase from the Planning and Development Budget (DeFilippis)
286. Amending Resolution NO. 430-1213 concerning Agreement between Orleans County and Toshiba Business Solutions (Johnson)
287. Authorizing Purchase and Approving Business Agreement with LA Dell Marketing LP (Johnson)
288. Approving Modifications to the Employee Handbook (Johnson)

- 289. Amending Resolution No. 164 of the Year 1967 in Relation to Orleans County Sales and Compensating Use Taxes, Increasing the Rate of Taxes on Sales and Uses of Tangible Personal Property and on Certain Services, and on Occupancy of Hotel Rooms and Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York (Johnson)
- 290. Approving Agreements between Sheriff's Office and Various Agencies (DeRoller)
- 291. Approving Agreement between Sheriff's Office and NYS Unified Court System (DeRoller)
- 292. Authorizing the Sheriff to Accept a Marine Park Vessel from the New York State Office of Parks, Recreation and Historic Preservation (DeRoller)
- 293. Approving Agreement with Sheriff's Office and New York Department of Criminal Justice Services Sheriff's Office (DeRoller)
- 294. Approving Agreement Extension between Sheriff's Office and NYS Division of Criminal Justice Services (DeRoller)
- 295. Authorizing Treasurer to Set Up Money in the Sheriff's Budget (DeRoller)
- 296. Authorizing an Inspection of Non-Gas-Fired Fire Training tower at the Emergency Management Training Facility (Johnson)
- 297. Authorizing Payment of Claims against the County (Allport)

Old Business

Public Comment – 3 minutes

Adjournment

RESOLUTIONS:

RESOLUTION NO. 271-815

AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE A NEW HYDRAULIC ANGLE BROOM AND BRACKET

RESOLVED, that this Legislature authorizes the Highway Department to purchase (1) SWL BA30 Hydraulic Angle Broom and Bracket from Southworth-Milton, Inc, PO Box 3851 Boston MA 02241-3851 for a total of \$13,345.70 to be purchased off the National Joint Powers Alliance Bid Number #060311 CAT; to be paid from account #DM5130.270. County cost \$.00

Moved, Miller; second

RESOLUTION NO. 272-815

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.250, Capital Project – Infrastructure Project – Bridge Replacement Program:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$592.36	Barton & Loguidice, D.P.C	Engineering Services - East Scott Road Bridge Replacement Invoice #78437

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$258.80	Chemung Supply Corp.	Drainage pipe – Inv #7647292
\$5,441.13	Barre Stone Products	Crush and Run – Inv #4133
\$1,712.00	Kistner Concrete	Catch Basins – Inv. #125575
191,349.00	GUDABRI, Inc	Installation – 50% Progress – Inv #727-5680

Moved, Miller; second,

RESOLUTION NO. 273 -815

APPROVING AGREEMENTS BETWEEN ORLEANS COUNTY AND UGI ENERGY SERVICES, INC.

RESOLVED, that this Legislature does hereby approve agreements between Orleans County and UGI Energy Services, Inc, 1100 Berkshire Blvd, Suite 205, Wyomissing, PA 19610 for the purchases of natural gas supplies for all Orleans County Buildings: COB, MH, Highway Garage, Highway Dept. and Jail at the discounted fixed city gate quote of \$2.983 per DTH effective November 1, 2015, through October 31, 2016. New rate is a budgetary savings of \$11,326.96 for all buildings over previous contract. Ref# 00019801-1-KO39A/00019806-1-KO36W, confirmation agreement.

Moved, Miller; second,

RESOLUTION NO. 274-815

AUTHORIZING OFFICE FOR THE AGING TO PURCHASE LIFELINE UNITS

RESOLVED, that this Legislature authorizes the Orleans County Office for the Aging to purchase ten (10) 7000C emergency response system units from our current provider Philips Lifeline, 111 Lawrence Street, Framingham, MA 01701 at a discounted price of \$593 for each unit for a total of \$5,930. County cost \$0.

Moved, Miller; second,

RESOLUTION NO. 275-815

AUTHORIZING FILLING POSITION IN THE OFFICE FOR THE AGING

RESOLVED, that this Legislature authorizes the filling of a vacant part-time clerk position (6772.26) in the Office for the Aging at Grade 7 of the CSEA Salary Schedule effective August 27, 2015.

Moved, Miller; second,

RESOLUTION NO. 276-815

APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby approve the following renewal agreements between the Orleans County Department of Social Services and the following agency:

Hillside Children’s Center, Rochester, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000.

County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Snell Farm Children's Center, Bath, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

L. Woerner Inc. dba HCR, Rochester, NY for the provision of certified nursing assessments and nursing supervision for DSS Medicaid Personal Care Aide clients; to be effective September 1, 2015 through August 31, 2016.

Job Development Agency, Albion, NY for the provision of employment orientation, assessments, plans and services to Public Assistance clients; to be effective January 1, 2015 through December 31, 2015 at a cost of \$292,721. County cost is \$90,744.

Kids Peace National Center for Kids in Crisis, Schnecksville, PA for the provision of therapeutic foster care services; to be effective July 1, 2015 through June 30, 2016 at rates established by the New York State Office of Children and Family Services. Reimbursement will vary by child's eligibility for State and Federal funding.

Orleans County Attorney, Medina, NY for the provision of 2 part-time attorneys assigned to Social Services; to be effective January 1, 2015 through December 31, 2015 at a cost of \$88,770. County cost is \$29,294.

Moved, Miller; second,

RESOLUTION NO. 277-815

AUTHORIZING FILLING OF VACANCIES IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that due to a transfer to another department, this Legislature does hereby authorize the filling of a vacant full-time Senior Account Clerk Typist position (6010.0131) in the Department of Social Services at Grade 10 of the CSEA salary schedule effective August 10, 2015; and be it

FURTHER RESOLVED, as a result of a resignation, that this Legislature does hereby authorize the filling of a vacant full-time Social Welfare Examiner position (6010.0249) at the Department of Social Services at Grade 13 of the CSEA Salary schedule effective August 27, 2015.

Moved Miller; second,

RESOLUTION NO. 278-815

APPROVING AGREEMENT BETWEEN MENTAL HEALTH AND MENTAL HEALTH ASSOCIATION IN GENESEE COUNTY

RESOLVED, that this Legislature approves an agreement between Mental Health and Mental Health Association in Genesee County, 25 Liberty Street, Batavia, NY 14020 providing mental health support services and Drop-In Center for residents of Orleans County from September 1, 2015 to December 31, 2015 at a cost of \$21,220. County cost is 0.

Moved, Allport; second,

RESOLUTION NO. 279-815

AMENDING RESOLUTION NO. 468-1214 BETWEEN MENTAL HEALTH AND THE ARC OF ORLEANS COUNTY (FOR SUPPORTIVE EMPLOYMENT SERVICES)

WHEREAS, Resolution No. 468-1214 approved an agreement between Mental Health and the Arc of Orleans County, 122 Caroline Street, Albion, NY 14411 providing supportive employment services at a cost of \$49,420 with no County cost; and

WHEREAS, there has been a COLA increase of \$392; be it

RESOLVED, that this Legislature authorizes the addition of the \$392 COLA increase to this agreement, now totaling \$49,812 at no County cost.

Moved, Allport; second,

RESOLUTION NO. 280-815

AUTHORIZING SETTING UP NEW MONIES IN THE MENTAL HEALTH DEPARTMENT BUDGET

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget to set up revenue and expenses for Federal Medicaid Salary Sharing monies received as follows:

<u>Revenue:</u>		
A4490	Mental Health Federal	\$31,494.00
<u>Appropriation:</u>		
A4310.411	Supplies	\$4,171.54
A4310.418	Other Contractual	\$8,244.00
A4310.452	Personal Service Contracts	\$9,490.46
A4310.466	Consultant Fees	\$9,588.00

Moved, Allport; second,

RESOLUTION NO. 281-815

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

RESOLVED, that this Legislature approves agreements between the Health Department and the following agencies:

Venesky and Company, at 6114 Rt 31 Cicero NY 13039. Contract to prepare the required Medicaid Cost Report associated with the Preschool/School Supportive Health Services Program for the service periods of July 1, 2014 through June 30, 2015 as required by New York State. Contract Period August July 1, 2015 – December 31, 2015. Contract amount \$4,500. County cost 100%.

Music Therapy Pathways at 80 South Main St, Oakfield, NY 14125. Contract to provide music therapy services for children with disabilities placed under Section 4410 of the NYS Education Law as determined by the board. Music therapy shall be for one 30 minute session a month at the rate of \$51.50 per half hour. Contract period is September 1, 2015 – August 31, 2018. County cost 100%

P2 Collaborative of WNY, at 355 Harlem Road BLDG C 2nd Floor, West Seneca, NY 14224 is a five county collaborative to promote health in Western New York. The goal is to build marketing capacity to expand the reach of prevention activities outlined in the Community Health Improvement Plan. County will be reimbursed based on hours worked. Contract period is from June 1, 2015 through December 31, 2015. County cost \$0.

SUNY Brockport at 350 New Campus Drive Office of Career Services, Brockport NY 14420. Contract to provide an association for the purpose of carrying out an Intern program for qualified students to intern within the Orleans County Public Health Department in the area Of Health Science. Contract period is June 1, 2015 through December 31, 2019. County cost \$0.

Oxford Immunotec, Inc. at 700 Nickerson Road, Suite 200, Marlborough, MA 01752. Contract to provide laboratory testing of specimens provided by the Orleans County Department Of Health. There is a 20.00 DPH introductory price for 365 days for each specimen: thereafter the DPH price will be 50.00 per specimen. Contract period is June 22, 2015 to December 31, 2020. County cost 100%

ACM Medical Lab at 160 Elmgrove Park, Rochester NY14624. Contract to provide for performing ALT and AST lab work for our TB Program. The cost will be \$5.00 per test. Contract period is July 1, 2015 through December 31, 2018. County cost 100%.

National Association of County and City Health Officials, Modification to Agreement as approved under Resolution No. 52-215 (Original Contract #MRC15-2237C); This Modification of Agreement amends the funding source to the following: Department of Health and Human Services, GRANT# 1 HITEP150026-01-00, CFDA#93.008; entitled "Promote, Support and Build Capacity in the Medical Reserve Corp. All terms and conditions will remain unchanged.

Stacey Aliasso to provide Municipal Representative Services for the Preschool Special Education program to ensure that each child being considered for Preschool Special Education receives appropriate services in the most normalized setting for the services. Contract to commence on August 1, 2015 and terminate December 31, 2016. County cost 100%.

Inter-Municipal Agreement, Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming: Contract/agreement to provide for services in the event of a public health problem. If the Orleans county health department (receiving county) determines that it is unable to respond to the problem, they may request mutual aid from one or more of the other Western New York Counties ("sending counties"). In such an event all costs associated with the aid are at the expense of the "receiving county". Agreement effective July 1, 2015 through June 30, 2020. County cost 100%.

Monroe County Public Health, 111 Westfall Rd, Rochester, NY 14620 for an Inter-Municipal Agreement to provide lab services when testing is needed for lead level investigations, contract amount not to exceed \$8,000 effective September 28, 2015 through September 27, 2016. County Cost \$0.

Genesee Community College, 1 College Road, Batavia NY 14020 for a contract to secure Genesee Community College to assist Orleans County Health Department in opening a POD-"Point of Distribution", to administer treatment should an accident occur. Also to allow for staff training/and preparation should an incident occur. Agreement effective September 1, 2015 through December 31, 2019. County cost \$0.

New York State Department Of Health , Bureau of Early Intervention, ESP Corning Tower Room 287 Albany NY 12237, Contract to provide monies for Early Intervention Administration. Contract Period from October 1, 2015 through September 30, 2016. Contract #C027498. Contract amount \$29,985. Contract amount paid in full by NYS Department of Health. County cost \$0.

Moved, Allport; second,

RESOLUTION NO. 282-815

APPOINTING DIRECTOR OF PLANNING AND DEVELOPMENT

WHEREAS, Resolution 23-115 authorized the appointment of an Interim Director of Planning and Development effective January 15, 2015; and

WHEREAS, the Director is essential in achieving the Department's work program, including, among others, community planning, training of land use officials, farmland protection, grant administration, Marine Park management and the implementation of the Geographic Information System; now be it

RESOLVED, that this Legislature appoints James R. Bensley of Medina, NY as Director of Planning and Development at Grade 10, Step 3 of the Management Compensation Schedule at 35 hours per week effective August 27, 2015; and be it

FURTHER RESOLVED, that the salary will be \$64,326.

Moved, DeFilipps; second,

RESOLUTION NO. 283-815

APPROVING E-WASTE COLLECTION AND RECYCLING AGREEMENT WITH SUNNKING, INC

WHEREAS, effective January 1, 2015 New York State prohibited the disposal of electronic waste through curbside trash pickup; and

WHEREAS, this Legislature is aware of the subsequent lack of opportunities within the County for its residents to properly dispose of cathode ray tube televisions, monitors, computers, peripheral devices, and other household electronics, and

WHEREAS, this Legislature desires to establish a convenient and reliable drop-off program so that said electronics do not accumulate in locations that are a detriment to the environment and public safety; now be it

RESOLVED, this Legislature approves an agreement with Sunnking, Incorporated of 4 Owens Rd, Brockport, NY 14420 for the collection and recycling of electronic waste dropped off by residents at multiple sites within the County with such agreement effective August 26, 2015 and shall be reviewed yearly. The yearly estimated county cost is \$14,782. Agreement is subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved, DeFilipps; second,

RESOLUTION NO. 284-815

AUTHORIZING TRANSFER OF FUNDS INTO THE PLANNING AND DEVELOPMENT BUDGET

RESOLVED, that this Legislature authorizes the Treasurer to transfer funds into the Planning and Development Budget for the county Rural Broadband Study by BP Greene & Associates as approved in Resolution No. 91-214:

From:

Miscellaneous Reserve

\$11,192

Appropriation:		
A8020.418	Other Contractual Expenses	\$11,192

Moved, DeFilipps; second,

RESOLUTION NO. 285-815

AUTHORIZING TRANSFER OF FUNDS IN AND PURCHASE FROM THE PLANNING AND DEVELOPMENT BUDGET

RESOLVED, that this Legislature authorizes a transfer of funds within the Planning and Development budget to purchase the replacement of a specialized desktop computer optimized for Geographic Information System software, as follows:

From:		
A8020.100	Personal Services	\$1,493.90
Appropriation:		
A8020.411	Office Supplies and Materials	\$1,493.90

Moved, DeFilipps; second,

RESOLUTION NO. 286-815

AMENDING RESOLUTION NO. 430-1213 CONCERNING AGREEMENT BETWEEN ORLEANS COUNTY AND TOSHIBA BUSINESS SOLUTIONS

WHEREAS, Resolution No. 430-1213 approved a lease agreement for the County Clerk's office to obtain a leased e-Studio 2505F B&W copier to be housed at the DMV which has not been operating properly and Toshiba Business Solutions would like to do an equipment exchange amendment to the current lease agreement with no changes to the monthly lease cost; now be it

RESOLVED, that this Legislature authorizes the Chairman to execute an Equipment Exchange Amendment to agreement #500-0386528-000 to remove the Toshiba e-STUDIO 2505 (Serial #SC8 JC34040) and replace with a Lexmark XS463DE (Serial # 35P75G0) in the DMV with the \$43.31 monthly lease payment to remain and a bill per copy of \$.0194, which includes the yearly 2.5% bill per copy increase up to the current billing year.

Moved, Johnson; second,

RESOLUTION NO. 287-815

AUTHORIZING PURCHASE AND APPROVING BUSINESS AGREEMENT WITH LA DELL MARKETING LP

RESOLVED, that this Legislature authorizes the purchase and installment form LA Dell Marketing of Microsoft Exchange 2013 in a virtualized environment which will include 250 Client Access Licenses for use by Orleans County Employees to manage and administer their email at a cost of \$12,492.08 to be paid from Computer Services Account A1680.270 – Capital Equipment; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the Business Agreement (#8124850) with LA Dell Marketing LP, One Dell Way, Round Rock, TX 78682 effective November 1, 2015 through the end of its extended service life of April 11, 2023.

Moved, Johnson; second,

RESOLUTION NO. 288-815

APPROVING MODIFICATIONS TO THE EMPLOYEE HANDBOOK

WHEREAS from time to time it becomes necessary to update the Orleans County Employee Handbook; now be it

RESOLVED, that this Legislature approves the following changes to the Orleans County Employee Handbook effective August 25, 2015:

CREDIT UNION

Cobblestone Country Federal Credit Union, 299 West Avenue, Albion, NY 14411 (585) 589-5286.

EMPLOYEE ASSISTANCE PROGRAM

In an effort to promote the health and welfare of our employees, Orleans County offers a program to those who could use some help in solving personal problems, which in many cases affect their on-the-job performance. The Employee Assistance Program is designed primarily to assist employees or their family members troubled by alcoholism, drug dependency, emotional stress, family or financial problems. Assessment, referral services and counseling is available for employees or their family members - free of charge. The County strongly encourages those who feel they need to seek this assistance to do so through the County's Employee Assistance Program. Employees can seek assistance voluntarily, but where indicated by performance or attendance problems, may be referred by their immediate supervisor. Confidentiality will be strictly adhered to.

To maintain the confidentiality, Orleans County has contracted these services with Royal Employer Services which is a company of GCASA. All services through Royal Employer Services are confidential, your privacy is their priority. Employee Assistance counseling services are available to Orleans County employees and the families of Orleans County employees at no cost to the employee.

In addition to the counseling services, the E.A.P. seeks to promote many other activities throughout the year on behalf of county employees. Ticket discounts, group outings, Employee of the Year, Employee of the Month Recognition program, and annual Employee Picnic. The E.A.P. manages the vending machines located in the county buildings. The commissions generated provide the funds to promote these services.

You may contact Royal Employer Services at (888) 244-0680 to schedule an initial evaluation, counseling and referral for any variety of problems which may be affecting you and your family.

To assist Orleans County employees with an understanding of these services Royal Employer Services offers, Orleans County will provide an orientation to each employee upon the employee's initial employment. Then to ensure that employees maintain an awareness of these services, Orleans County will offer a refresher orientation every five years for employees.

PROBATIONARY PERIOD

The probationary term is per the Orleans County Civil Service Rules.

PROMOTION

During this probationary period which is per the Orleans County Civil Service Rules,

TRANSFERS

Transfers are subject to a probationary period which is per the Orleans County Civil Service Rules.

AMERICANS WITH DISABILITIES ACT (A.D.A.)

This Federal Law prohibits discrimination against people with disabilities. Two sections of the law apply to local governments. The first (Title I) section prohibits discrimination against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process.

An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business.

The second (Title II) section of the act requires that County programs, services and activities are accessible to handicapped individuals.

The provisions of the A.D.A. are extensive and complex. Anyone with questions or concerns about this Act should contact the Chief Administrative Officer, who is the County's A.D.A. Compliance Officer.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the County of Orleans will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: The County of Orleans does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The County of Orleans will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Orleans programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The County of Orleans will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the County of Orleans offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County Orleans, should contact the office of the Chief Administrative Officer/ADA Coordinator; 3 South Main Street, Suite 2, Albion, NY 14411 at 585-589-7053 or e-mail to the Chief Administrative Officer as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County of Orleans to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the County of Orleans is not accessible to persons with disabilities should be directed to the Chief Administrative Officer/ ADA Coordinator at 3 South Main Street, Suite 2, Albion, NY 14411; 585-589-7053 or by e-mail to the Chief Administrative Officer.

The County of Orleans will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County of Orleans. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the County of Orleans.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator and Chief Administrative Officer
County of Orleans
3 South Main Street, Suite 2, Albion, NY 14411

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County of Orleans and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the County of Orleans for at least three (3) years.

Moved, Johnson; second,

RESOLUTION NO. 289-815

AMENDING RESOLUTION NO. 164 OF THE YEAR 1967 IN RELATION TO ORLEANS COUNTY SALES AND COMPENSATING USE TAXES, INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND ON CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

BE IT RESOLVED, BY THE ORLEANS COUNTY LEGISLATURE AS FOLLOWS:

That Resolution No. 164 of the Orleans County Board of Supervisors adopted November 30, 1967, as amended by Resolution No. 17 of said Board, adopted February 6, 1969, Resolution No. 90 and 91 of said Board, both adopted June 4, 1970, and as further amended by the Orleans County Legislature by Resolution No. 547-1290, adopted December 12, 1990, of said Legislature, Resolution No. 264-593, adopted May 1, 1993, Resolution No. 388-795, adopted July 29, 1995, of said Legislature, Resolution No. 396-997, adopted September 24, 1997, Resolution No. 380-1099, adopted October 13, 1999, and Resolution No. 377-901, adopted September 12, 2001, and Resolution No. 387-903, adopted September 10, 2003, and Resolution No. 272-705, adopted July 27, 2005, and Resolution No. 361-807, adopted August 22, 2007 and Resolution No. 297-909, adopted on September 9, 2009, and Resolution No. 254-811, adopted on August 24, 2011, and Resolution No. 291-813, adopted on August 28, 2013 be amended in its several parts as follows:

SECTION 1. The first sentence of section 2 of Resolution No. 64 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after September 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing June 1, 1993 and ending November 30, 2017, there is hereby imposed and shall be paid an *additional* tax of one percent upon:

SECTION 2. Subdivision (g) of section three of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing June 1, 1993 and ending November 30, 2017, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to June 1, 1993, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to February 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to May 31, 1993. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to June 1, 1993 any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after June 1, 1993, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land, as defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specification of an addition or capital improvement to such real property, property or land.

(f) For purposes of Clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Paragraph (B) of subdivision one of section eleven of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the *additional* tax of one percent imposed for the period beginning June 1, 1993 and ending November 30, 2017, in respect to the use of property used by the purchaser in this County prior to June 1, 1993.

SECTION 5. Subdivision (b) of section fourteen of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(b) Net collections attributable to the *additional* one percent sales and compensating use taxes imposed for the period beginning June 1, 1993, and ending November 30, 2017, are set aside for County purposes and shall be available for any County purpose.

SECTION 6. This resolution shall take effect on December 1, 2015.

Moved, Johnson; second,
Roll Call

RESOLUTION NO. 290-815

APPROVING AGREEMENTS BETWEEN SHERIFF'S OFFICE AND VARIOUS AGENCIES

RESOLVED, that this Legislature approves renewal agreements between the Sheriff's Office and the following agencies:

EM Systems, Inc., 4043 Maple Rd, Ste 211, Amherst, NY 14226 and the Sheriff's Office for the 2015/16 Software Maintenance agreement covering CAD, AVL and Mobile Data Systems in Dispatch, effective July 1, 2015 through June 30, 2016, at a cost of \$15,000 to be paid from account A3020.486, Public Safety Communications Special Grants.

Wyoming County Sheriff, 151 N Main St, Warsaw, NY 14569 for the housing of Orleans County inmates in the Wyoming County Jail at a cost of \$85 per inmate/per day, effective upon signature through December 31, 2015.

Moved, DeRoller; second,

RESOLUTION NO. 291-815

APPROVING A RENEWAL AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND NYS UNIFIED COURT SYSTEM

WHEREAS, Resolution No. 125-310 approved a five-year agreement between the Sheriff's Office and the New York State Unified Court System to reimburse the county for security personnel in the courthouse; now, therefore be it

RESOLVED, that this Legislature approves a one year renewal with the New York State Unified Court System and the Orleans County Sheriff's Office for Contract No. C200493; with a maximum reimbursement of \$328,900 for the term of April 1, 2015 through March 31, 2016, an increase of \$5,900.

Moved, DeRoller; second,

RESOLUTION NO. 292-815

AUTHORIZING THE SHERIFF TO ACCEPT A MARINE PATROL VESSEL FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that the Sheriff's Office is authorized to accept a 2015 Boston Whaler vessel on long term loan from the New York State Office of Parks, Recreation, and Historic Preservation; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute an Intergovernmental Agreement with New York State Office of Parks, Recreation, and Historic Preservation, 625 Broadway, Albany, NY 12207 for a long term loan of a 2015 Boston Whaler Vessel, Mercury Outboard Engine and a BoatMaster Trailer. County Cost \$0.

Moved, DeRoller; second,

RESOLUTION NO. 293-815

APPROVING AGREEMENT WITH THE SHERIFF'S OFFICE AND NEW YORK DEPARTMENT OF CRIMINAL JUSTICE SERVICES

WHEREAS, New York Senator Robert Ort has secured funding in the amount of \$10,000 for the Orleans County Sheriffs' Office for the enhancement of Anti-Crime Initiatives; now be it

RESOLVED, that this Legislature approves an agreement with the New York State Department of Criminal Justice Services for the acceptance of this grant money, and be it

Moved, DeRoller; second,

RESOLUTION NO. 294-815

APPROVING AGREEMENT EXTENSION BETWEEN SHERIFFS OFFICE AND NYS DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, Resolution No. 196-514 authorized participation and acceptance FY2013/14 Operation Impact Tools Grant, through July 1, 2015; now be it

RESOLVED, that this Legislature does hereby approve an agreement extension between Orleans County Sheriff's Office and NYS Division of Criminal Justice Services, providing extension on the drawdown of funds in the amount of \$23,900 to increase law enforcement patrols, effective through October 31, 2015; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute the Appendix X for Contract No. T464231 approving this agreement extension.

Moved, DeRoller; second,

RESOLUTION NO. 295-815

AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET

RESOLVED, that the County Treasurer is authorized to set-up new monies in the Sheriff's budget:

<u>Revenue</u>		
A4308.7412	Homeland Security/Operation Stonegarden (FY2012)	\$6,782.38
A4308.7411	Homeland Security/Operation Stonegarden (FY2011)	\$3,186.93
<u>Appropriations</u>		
A3110.486.7412	Special Grants	\$6,782.38
A3110.486.7411	Special Grants	\$3,186.93

Moved, DeRoller; second,

RESOLUTION NO. 296-815

AUTHORIZING AN INSPECTION OF NON-GAS-FIRED FIRE TRAINING TOWER AT THE EMERGENCY MANAGEMENT TRAINING FACILITY

WHEREAS, NFPA 1403 requires that the structural integrity of a live fire training structure be evaluated, including the removal and reinstallation of a representative area of thermal linings; now be it

RESOLVED, that this Legislature accepts the proposal for inspection services by LaBella Associates, D.P.C., 300 State Street, Rochester, NY 14614 at a cost not to exceed \$6,500.00, to be paid from account Emergency Management account A3640.418 Other Contractual; and be it

FURTHER RESOLVED, that the Chairman is authorized to sign the Notice-To-Proceed.

Moved, Johnson; second,

RESOLUTION NO. 297-815

AUTHORIZING PAYMENT OF CLAIMS FOR SEPTEMBER AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for September, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General		
Highway		
Nursing Home		
Job Development		
Self Insurance		

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for October 28, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General		
Highway		
Nursing Home		
Job Development		
Self Insurance		

Moved, Allport; second,