

## LEGISLATURE MEETING

October 28, 2015

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Chairman Callard called the meeting to order at 4:30 PM. After the pledge to the flag and invocation led by Veteran David Kusmierczak, the Clerk called the roll. All Legislators were present.

The Clerk presented the following communications: Jack Welch, Director of Personnel and Self Insurance has provided notice that the New York State Civil Service Commission took action on one resolution amending the appendices of the Orleans County Civil Service Rules to include adding the job title of Personal Care Aide (5) to Appendix B – Non-Competitive Class. Susan Heard, Orleans County Treasurer has filed fourteen (14) Disclosure of Interest Statements from various County Employees who receive funds in addition to wages from Orleans County. These have been filed in our office and are officially on record in accordance with General Municipal Law Section 803(1). The Orleans County Treasurer has provided the annual examination of Petty Cash Accounts report which has been filed in our office. Traffic Diversion Program has reported their Distribution of Revenue for the period of July 1, 2015 through September 30, 2015. United Way of Orleans County is requesting a 6' x 2' banner be hung on the courthouse square lawn to kick off their fundraising campaign to support over 20 nonprofit agencies in Orleans County. The banner is being requested for any two weeks between November 2, 2015 through November 15, 2015. The Board approved this request.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through September, 2015. She indicated with us being nine months into the year, there is still cash on hand. She explained the Loans to Funds which is the money that has had to be transferred to WIA for the Summer Youth Program. This has to be loaned and then they pay it back, which she indicated has been working well.

Chairman Callard also stated that a Local Law is also present on our desks today that will change the expiration date of our occupancy tax. Clerk Hanlon indicated that a resolution is on today to introduce that Local Law.

Chairman Callard called for open discussion from the Legislators and then from the public as it relates to the resolutions. Legislator Allport stated that he contacted the Attorney General's office several weeks ago regarding the price differences in the sale of gasoline in surrounding counties. The Attorney General's Office did speak with Legislator Allport and also supplied a report that they did in 2011 regarding the huge price differences between Orleans County and Monroe County. The day he contacted the Attorney General's office the price in Orleans County was \$2.36 and in Monroe County it was \$2.08, and only \$2.00 with a car wash. The Attorney General's Office assured him that no laws were being violated and the issue was with zone pricing which they have no authority over. They also advised that a law was passed in Albany that mentions zone pricing but it never gave the Attorney General any authority to address it. Legislator Allport then called Assemblyman Hawley who stated that he has requested a review of the Attorney General's report of past prices in Genesee and Orleans County. Assemblyman Hawley also mentioned a bill that was presented by representatives out of Long Island to address zone pricing because it is a big issue in their area. Since then, Legislator DeRoller researched that it has passed the Assembly. Senator Ortt also contacted Legislator Allport to obtain a copy of the 2011 Attorney General report and also a copy of the Assembly bill.

Chairman Callard wanted to understand that the Assembly bill was passed but is being held in the Senate. Chairman Callard encouraged that outreach be made by everyone to Senator Ortt and ask for action on this issue. He said we could go to Elba or Oakfield and pay \$.20 less per gallon. This causes negative ramifications on our sales tax income so we need to speak up and ask our representative to support legislation. Legislator DeRoller stated that the Assembly Bill is A00103 and Clerk Hanlon was requested to obtain the Senate's companion bill.

Legislator Allport expressed that every New Yorker should be outraged over Albany stepping on Home Rule. In the New York Constitution, we are considered a Home Rule State which gives authority to the local towns and villages which is the closest to the citizens, the right to use the property as they see fit. Legislator Allport stated that in 1963 Article 9 was updated because prior to that not every prior town or village has authority to Home Rule. People should be outraged that Albany can dictate what can go into a town or village that they see fit with no authority of our towns and villages to say no, which is against the New York State Constitution. The Judicial system in New York State has consistently sided with Albany with violating the New York Constitution. Legislator Allport used, as an example, the issue with the Town of Albion with the Landfill. If Home Rule was not been in place to allow that decision at the town board level and placed in Albany's hands, we may have had a different outcome.

Chairman Callard stated that the board has had discussions in great length and have determined to take on the fight for our rights. We might be the first county, in years, to bring this attention back to Albany. Chairman Callard stated it is our intent to speak with the municipalities - towns, villages and our county, and stand together with resolutions across the board fighting for our rights. We will call upon our elected representatives; Ortt, Hawley, and Corwin, to assist us and we will pass a resolution to send to Albany within the next meeting or two.

Chairman Callard asked for public comment on only two resolutions. Paul Lauricella, Yates, in Resolution No. 344, questioned the agreement between the County Clerk and ACS Enterprise Solutions in what do they do for \$4,010 a month and why for so long. County Clerk Karen Lake Maynard explained that all documents that are scanned digitally and recorded in the Clerk's Office which include: deeds, mortgages, judgments, UCC, etc and is a cashing system that allows for checks and balances for filing fees. Clerk Maynard stated that records have been scanned in back to 1988 and will continue to go back further when time and money allows. Clerk Maynard also said that this current five year contract has not increased over the last five year contract. She has shopped around with three other companies and could not find one cheaper. This land contract software has been used in the office the twenty-eight years she has been there.

Mr. Lauricella questioned the cost of \$24,942.29 to replace the carpet in the Sheriff's Office. (Resolution No. 360-1015) It was explained that the large area of carpet is in rough shape and Chief Deputy Drennan indicated that it has been there since they moved in back in 1998.

Allen Lofthouse, Kendall, requested that the Energy Performance Lease payment could be explained as presented in Resolution No. 354. Treasurer Susan Heard stated that all of the money saved in 2014 from energy performance measures at the jail and all other county buildings is set aside to make the debt service payment. All project upgrades generated money from savings. The savings then paid for the debt which is how the program was designed.

Mr. Lofthouse questioned Resolution No. 355 as to what the Enterprise Fund is and how much is in it. CAO Nesbitt explained that the Nursing Home was run through the Enterprise Fund. Currently the county has dedicated funds including the General Fund, the Road Fund, the Machinery Fund, the Garbage and Refuge Fund and the Enterprise Fund. We are no longer running the Nursing Home therefore we are closing down the Enterprise Fund. Those monies left in this fund will be transferred to the General Fund. Mr. Lofthouse asked how much money remains in that fund? CAO Nesbitt stated at the end of 2014 there was about \$3.3 million. Mr. Lofthouse asked how much is in there now? CAO Nesbitt stated that we probably have more than that because of taking in additional money and our expenditures that happened early on in the year to reconcile employee benefits and payouts have been paid so he can provide exact numbers at this time. Mr. Lofthouse asked what will they do now with the money. CAO Nesbitt stated that we are running below Comptroller's estimates on what we should have for fund balance. Part of this money that is in there now, referencing the Treasurer's Report, we put in \$1.5 million this year that was unbudgeted that needs to go back into General Fund. To answer the question, we do not have enough fund balance to manage cash flow for the expenditures we have in general fund at this point and will rectify this situation, expressed CAO Nesbitt.

The following resolutions were presented for adoption:

**RESOLUTION NO. 328-1015**

APPROVING AGREEMENT WITH THE HIGHWAY DEPARTMENT AND LABELLA ASSOCIATES, D.P.C.

RESOLVED, that this Legislature does hereby approve an agreement with the Highway Department and Labella Associates, 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Services for the East Scott Road over Fish Creek Bridge in the Town of Ridgeway which includes design review, material testing, part-time construction management and construction inspection services; and be it

FURTHER RESOLVED, this agreement is effective as soon as County gives notice to proceed through December 31, 2016. Bin #3318920, at a cost not to exceed \$62,400; to be paid from Capital Infrastructure Project Account H-5120.250.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 329-1015**

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>
\$9,941.42	Labella Associates	Prof. Serv: 8/22/15-9/18/15 for Waterport Carlton Bridge –8/22/15-9/18/15 - Inv #65797
\$281,863.20	C P Ward	Construction for Waterport Carlton Bridge – Payment #2 – 9/1/15-10/18/15
\$54,314.80	Redman Construction	Construction for Oak Orchard River Bridge – Payment #1 – 7/15/15-10/18/15
\$10,977.00	Barton & Loguidice, DPC	Prof. Services: through 9/26/2015– E. Scott Road Bridge - Inv #79396

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.251, Capital Project – Infrastructure Project – Culvert Improvements:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$4,569.71	Labella Associates	Prof. Serv:8/22/15-9/18/15 for Knowlesville Culvert Repl.- Inv#65796
\$305,986.92	Keeler Construction	Construction Knowlesville Culverts – Payment #1 – 8/31/15-10/8/15

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>
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\$84.20	Barre Stone Products	Invoice #4523 – Run of Crusher
\$20,595.08	Barre Stone Products	Invoice #454 – Black Top/Hot Mix
\$262.39	Barre Stone Products	Invoice #4600- Run of Crusher
\$2,009.01	Chemung Supply Corp	Invoice #7650814 RI –Drainage supplies

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.253, Capital Project – Infrastructure Project – County Building Roof Replacement:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$ 27,767.80	Garland/DBS, Inc.	PSB Roofing Project Draw 3 (Inv #2511028042)
\$ 21,688.00	Garland/DBS, Inc.	COB Roofing Project Draw 3 (Inv #2511028041)

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 330-1015**

#### **APPROVING AMENDED RENEWAL AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND NYS UNIFIED COURT SYSTEM**

WHEREAS, Resolution No. 355-1014 approved an agreement for the county to clean and maintain the Court Facility; now be it

RESOLVED, that this Legislature approves a one (1) year amended renewal agreement between the Buildings and Grounds Department and the Unified Court System, which provides for the county to clean and maintain the Court Facility, Contract #C300357, at a cost of \$148,365 for the period of April 1, 2015 through March 31, 2016, with 100% reimbursement to be made to the county by the state.

Moved Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 331-1015**

#### **APPROVING AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES**

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

The William George Agency, Freeville, NY for the provision of residential foster care services; to be effective September 1, 2015 through August 31, 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.

Kendall Central School, Kendall, NY for the provision of preventive services to children and families through the assignment of one(1) Social Services Caseworker to the School District; to be effective August 30, 2015 through August 29, 2016. Said services are to be funded 50% Federal, 31% State, and 19% School.

Villa of Hope Youth and Family Services, Rochester, NY for the provision of residential foster care services; to be effective March 13, 2015 through March 12, 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.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 332-1015**

**ESTABLISHING COUNTY INDIGENT BURIAL RATES**

WHEREAS, the Department of Social Services, pursuant to Section 141 of the Social Services law is required to pay for the burial of certain indigent persons (including indigent veterans); and

WHEREAS, the County wishes to establish specified rates that will be paid to funeral homes and cemeteries for such services; now, be it

RESOLVED, that this Legislature hereby establishes indigent burial rates paid by the Department of Social Services and the Veteran’s Department, for the period January 1, 2016 through December 31, 2016, with no increase from 2015 rates, as follows:

**COUNTY BURIAL RATES – 2016**

<b>SERVICE</b>	<b>FEE SCHEDULE</b>
Cremation – no services	\$1200
Cremation with Memorial Service	Additional \$400
Crematory Fee	\$265
Burial – No Services:	
Infant	\$600
6 months – 5 years	\$1000
6 years – adult	\$1900
Burial with Memorial Service	Additional \$400
Concrete Vault	\$500
Oversized Casket if needed	\$128
Transportation (when a cemetery plot is owned out of county)	\$1.77/mile (up to cost of a cemetery plot in County)
Cemetery Plot	
Child	\$350
Adult	\$500
Cremation grave if available	\$281
Internment of Casket*	
Child	\$225
Adult	\$480
Internment of Remains	\$200

Lowering Device if not owned by cemetery	\$94

\*If client already owns a plot, additional internment costs may be paid, up to the cemetery's published internment rate, but additional costs cannot exceed the county cemetery plot allowance.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 333-1015**

**APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN ORLEANS COUNTY AND GENESEE COUNTY FOR STOP-DWI PUBLIC INFORMATION AND EDUCATION**

WHEREAS, the Youth Bureau Director did present an agreement with Genesee County that for the operation of the STOP-DWI Public Information and Education Component for 2016; and

WHEREAS, the Committee of Economic Assistance and Opportunity did review the agreement and do recommend approval at this time; now, therefore be it

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized and directed to execute an agreement and all necessary documents between the County of Genesee and the County of Orleans for the operation of the STOP-DWI Public Information and Education Program by Genesee County at a cost not to exceed \$10,755 to the Orleans County STOP-DWI Program effective January 1, 2016 through December 31, 2016.

Moved, DeRoller; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 334-1015**

**APPROVING INTER-MUNICIPAL AGREEMENT BETWEEN ORLEANS COUNTY AND GENESEE COUNTY FOR YOUTH BUREAU OPERATION**

WHEREAS, the Youth Bureau Director did present an agreement with Genesee County that for the operation of the Youth Bureau for 2016; and

WHEREAS, the Committee of Economic Assistance and Opportunity did review the agreement and do recommend approval at this time; now be it

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized and directed to execute an agreement and all necessary documents between the County of Genesee and the County of Orleans for the operation of the Orleans County Youth Bureau by Genesee County at a cost to Orleans County of \$3,787.50 per quarter effective January 1, 2016 through December 31, 2016 for a total of \$16,310.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 335-1015**

APPROVING AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND GREATER ROCHESTER HEALTH HOME NETWORK

RESOLVED, that this Legislature approves an agreement between Mental Health and Greater Rochester Health Home Network, 259 Monroe Ave, Level B, Ste 300, Rochester, NY 14607, providing health care and barrier reduction services needed for Health Home Participants, including but not limited to the care coordination that recognizes the unique needs of children and their families. Prior to January 1, 2016, The department shall provide Health Home with a monthly invoice reflecting monies billed and amounts received for Health Home Services, and department shall pay three percent of such amount received to Health Home monthly with such invoice for Health Home's administrative expenses. The department will accept the ninety-seven percent as payment in full.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 336-1015**

AMENDING RESOLUTION NO. 279-815 BETWEEN MENTAL HEALTH AND THE ARC OF ORLEANS COUNTY

WHEREAS, Resolution No. 279-815 approved an amended agreement between Mental Health and the Arc of Orleans County, 122 Caroline St, Albion, NY 14411 providing supportive employment services at a cost of \$49,812 with no County cost; and

WHEREAS, there has been a COLA increase of \$926; be it

RESOLVED, that this Legislature authorizes the addition of the \$926 COLA increase to this agreement, now totaling \$50,738. County cost \$0.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 337-1015**

AMENDING RESOLUTION NO. 468-1214 BETWEEN MENTAL HEALTH AND LIVING OPPORTUNITIES OF DEPAUL

WHEREAS, Resolution No. 468-1214 approved an agreement between Mental Health and Living Opportunities of DePaul, 2240 Old Union Rd, Cheektowaga, NY 14227 providing emergency crisis apartments, adult crisis transitional housing services, and supported housing services at a cost of \$165,204 with no County cost; and

WHEREAS, there has been a COLA increase of \$793; be it

RESOLVED, that this Legislature authorizes the addition of the \$793 COLA increase to this agreement now totaling \$165,997. County cost \$0.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 338-1015**

**AUTHORIZING THE TREASURER TO INCREASE PETTY CASH ACCOUNT IN THE MENTAL HEALTH DEPARTMENT**

WHEREAS, two new Supportive Case Managers need access to funds to assist clients in developing and maintaining conditions for living and working; be it

RESOLVED, that this Legislature authorizes the treasurer to increase the petty cash account by \$150.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 339-1015**

**ACCEPTING PERFORMANCE AWARD FUNDING FROM THE NEW YORK STATE DEPARTMENT OF HEALTH AND AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the Orleans County Health Department improved the timeliness and completeness of disease reports and investigations; be it

RESOLVED, that this Legislature approves the acceptance and allocate funds by the Orleans County Health Department from the New York State Department in the amount of \$13,000 to support costs associated with Article 6 programs; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Public Health Department as a result of this award from the New York State Department of Health:

<u>Revenue:</u>		
A3401	State Aid	\$13,000
 <u>Appropriations:</u>		
4010.220	Office Equipment	\$ 3,000
4010.411	Office Supplies	\$ 500
4010.434	Advertising	\$ 3,000
4010.478	Health Promotional Supplies	\$ 3,000
4010.489	Nursing Supplies	\$ 3,500

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 340-1015**

**AUTHORIZING TRANSFER OF FUNDS IN THE MENTAL HEALTH BUDGET**

RESOLVED, that this Legislature authorizes a transfer of funds within the Mental Health budget to cover Suicide Coalition expenses, as follows:

<u>From</u>		
A4310.101	Personnel Service – Overtime	\$5,000
 <u>To:</u>		
A4310.418	Other Contractual	\$5,000

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 341-1015**

**AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH EMPLOYEE**

RESOLVED, that this Legislature authorizes Out of State Travel for Brenden Bedard, Director of Community Health Services in the Public Health Department to participate on an expert panel for development of national STD electronic case reporting at The Task Force for Global Health in Decatur, Georgia from December 2, 2015 through December 4, 2015. All costs covered by Public Health Informatics Institute. County cost \$0.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 342-1015**

**SETTING DATE OF PUBLIC HEARING FOR LOCAL LAW NO. 3-INTRO OF 2015 REGARDING HOTEL OCCUPANCY TAX**

WHEREAS, there has been duly presented and introduced to this Legislature a proposed local law entitled "A Local Law Amending Local Law Number 4 of the Year 2003 Imposing a Hotel and Motel Room Occupancy Tax in the County of Orleans With Respect to the Expiration Date Thereof"; therefore be it

RESOLVED, that a public hearing will be held on the said proposed local law by this Legislature on November 18, 2015 at 4:25 p.m. at which time all interested parties will be heard.

Moved, DeFilipps; second, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeFilipps moved to authorize out of state travel for tourism promotion shows; second by Legislator Allport. Legislator DeRoller stated that this looks like a great schedule. Legislator Allport stated that they change up the shows depending on how successful the outreach is at each of the shows they attend. The following resolution was adopted:

**RESOLUTION NO. 343-1015**

**AUTHORIZING ATTENDANCE AT OUT OF STATE TRAVEL SHOWS FOR TOURISM PROMOTIONS**

RESOLVED: that this legislature hereby authorizes attendance at the following trade and travel shows, to be paid from account A6410.468- Tourism, I Love New York except as noted:

West Virginia Trophy Hunters Sports Show, Charleston, West Virginia, January 14-18, 2016 to be attended by Mike Waterhouse

New Jersey Fly Fishing Show, Somerset, New Jersey, January 28 -31, 2016 to be attended by Mike Waterhouse. Total cost paid for by Lake Ontario Sportfishing Promotions Council.

Great American Outdoor Show, Harrisburg Pennsylvania, February 4-16, 2016 to be attended by Mike Waterhouse. Total cost to be paid for by Lake Ontario Sportfishing Promotions Council.

Indianapolis Boat, Sport & Travel Show February 17-29, 2016 to be attended by Mike Waterhouse.

Lancaster Fly Fishing Show, Lancaster, Pennsylvania, March 4-6, 2016 to be attended by Mike Waterhouse.

Virginia Fly Show, Doswell, Va., April 8-11, 2016 to be attended by Mike Waterhouse.

Moved, DeFilipps; second, Allport.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to approve an agreement with the ACS Enterprise Solutions and the County Clerk that County Clerk Karen Lake-Maynard explained earlier during public questioning which is software that she uses to manage all the records that need to be filed in her office. CAO Nesbitt also added that this software facilities revenue which is about \$537,000 per year. The following resolution was adopted:

### **RESOLUTION NO. 344-1015**

APPROVING AGREEMENT BETWEEN COUNTY CLERK AND ACS ENTERPRISE SOLUTIONS INC.

WHEREAS, the County Clerk has an existing agreement with ACS Enterprise Solutions, Inc. for the provision of Records Management Service for the Office of the Orleans County Clerk at a Cost of \$4,010.00 per month which is set to expire November 11, 2015;

WHEREAS, the renewal agreement will have the same provisions and the same monthly cost, \$4,010, as the expiring agreement with one addition, Internet Hosting Services. This service will be a one year trial period at an additional cost of \$250 per month. The revenue generated from this service will be split between Orleans County and ASC, 80% for the County and 20% for ACS. At the end of the trial period, the County has the option to amend the agreement pertaining to the Internet Hosting Service, either continuing with the service if it is cost effective or discontinuing the service if it is not.

RESOLVED, that this Legislature authorizes the Orleans County Clerk to enter into a new five (5) year Information Technology Agreement with ACS Enterprise Solutions, LLC, 8260 Willow Oaks Corporate Dr, Fairfax, VA 22031, starting November 2015 through November 2020 for the continued provision of Records Management Services at a cost of \$4,260 per month.

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 345-1015**

AUTHORIZING FILLING VACANCY IN THE COUNTY CLERK'S OFFICE

RESOLVED, due to a retirement, that this Legislature authorizes the County Clerk to fill a vacant Keyboard Specialist position (1410.11) in the County Clerk's Office at grade 7 of the CSEA Salary Schedule effective November 9<sup>th</sup>, 2015.

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 346-1015**

## AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS

WHEREAS, this Legislature is in receipt of the Semi-Annual Mortgage Tax Report showing the amounts to be credited to each Tax District of Orleans County, of the money collected during the preceding six months ending September 30, 2015; and be it

RESOLVED, that pursuant to Section 261 of the Tax Law, this Legislature issues a Tax Warrant for the payment of the respective taxed districts of the amounts so credited, and authorizes and directs the Orleans County Treasurer to pay said amounts to the respective districts in accordance with this report, as follows:

### Mortgage Tax Apportionment April 1, 2015 through September 30, 2015

	Town Taxable	Double	Village Taxable	Rate	Due Town	Village share	Town share
Albion	210,216,635	420,433,270	116,197,027	27.64%	21,029.90	5,812.13	15,217.77
Barre	96,733,087				7,812.06		7,812.06
Carlton	192,067,292				18,733.53		18,733.53
Clarendon	154,831,527				15,460.65		15,460.65
Gaines	116,551,683	233,103,366	22,294,919	9.56%	9,713.3	929.03	8,784.34
Kendall	150,529,707				17,881.58		17,881.58
Murray	177,340,639	354,681,278	52,875,440	14.91%	16,784.38	2,502.19	14,282.19
Ridgeway	220,369,844	440,739,688	91,126,630	20.68%	21,622.65	4,470.66	17,151.99
Shelby	182,173,553	364,347,106	73,313,450	20.12%	20,278.50	4,080.41	16,198.09
Yates	<u>151,946,656</u>	303,893,312	<u>28,321,731</u>	9.32%	10,242.22	954.54	9,287.68
Total	1,652,760,623				159,558.84	18,748.96	140,809.88

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

### RESOLUTION NO. 347-1015

APPROVING A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH GENESEE COUNTY FOR MAINTENANCE OF TAX MAPS.

RESOLVED, that this Legislature approves a Memorandum of Understanding agreement between Orleans County and Genesee County, Old County Courthouse, 7 Main St, Batavia, NY, for Maintenance of the Orleans County tax maps at a cost of \$6,500 for the term January 1, 2016 through December 31, 2016.

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

### RESOLUTION NO. 348-1015

AUTHORIZING PAYMENT FROM THE REAL PROPERTY TAX SERVICES BUDGET

RESOLVED, that this Legislature authorizes payment to the Office of Real Property Tax Services NYS Department of Taxation and Finance, W.A. Harriman State Campus, Albany, NY 1227 in the amount of \$9,500 (PO 55704) for the Annual Real Property System Licensing Fee (RPS) which will be charged back to the Towns in the 2016 Tax Bills.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 349-1015**

**APPROVING APPOINTMENT TO THE EMPLOYEE ASSISTANCE PROGRAM COMMITTEE**

WHEREAS the Employee Assistance Program Committee has a vacancy due to the resignation of a management committee member; now be it

RESOLVED, that this Legislature authorizes the following appointment to the Employee Assistance Program Committee Katie Harvey from the Personnel and Self Insurance Department to the unexpired term of the management vacancy which ends December 31, 2015.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 350-1015**

**ACCEPTING PROPOSAL FROM VENESKY & COMPANY FOR COUNTYWIDE COST ALLOCATION AND SPACE OCCUPANCY REPORT**

RESOLVED, that this Legislature accepts the proposal from Venesky & Company, which will provide for the preparation of the 2014, 2015 and 2016 consolidated County-wide Cost Allocation Plan, a Department of Social Services Indirect Cost Proposal, and the determination of County-wide allocated indirect costs; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to sign said proposal, which shall be in effect during the calendar years 2015, 2016 and 2017 at a cost of \$10,500 each year. Cost of the Plan will be billed departmentally in order to maximize reimbursement to the Department of Social Services, Public Health and County Treasurer.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 351-1015**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2015-2016 SCHOOL TAXES TO THE 2016 COUNTY/TOWN TAX BILLS**

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid school taxes, adding a 7% penalty, to be added to the 2016 tax rolls, for the respective towns as of November 1, 2015.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 352-1015**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2015 SOLID WASTE/RECYCLING FEES TO THE 2016 COUNTY/TOWN TAX BILLS**

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid 2015 Solid Waste/Recycling fees, to be added to the 2016 tax rolls for the respective towns as of November 1, 2015.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 353-1015**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID 2015-2016 VILLAGE TAXES TO THE 2016 COUNTY/TOWN TAX BILLS**

WHEREAS, Local Law No. 4 of 1997 provides for the collection of certain delinquent Village taxes by the County of Orleans in accordance with Section 1442 of the Real Property Tax Law of the State of New York, be it

RESOLVED, that the County Treasurer is authorized to relevy the unpaid 2015-2016 village taxes, adding a 5% penalty, to be added to the 2016 tax rolls for the respective towns as of November 1, 2015.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 354-1015**

**AUTHORIZING SETTING UP RESERVE MONIES FOR THE ENERGY PERFORMANCE LEASE PAYMENT**

WHEREAS, the energy savings realized in 2014 on the Energy Performance contract were reserved at year end to be used towards the repayment of the Energy Performance lease borrowing; and

WHEREAS, the Treasurer has made the Lease payment, and now needs to set up the funds to balance the Debt service fund for this payment; now, be it

RESOLVED, that the County Treasurer is authorized to set up the funds as follows:

<u>From:</u>		
Reserve for Debt		\$42,774.50
<u>To:</u>		
A9901.556	Transfer to Debt Service	\$42,774.50

FURTHER RESOLVED, that the County Treasurer is authorized to set up monies in the Debt Service Fund, as follows:

<u>From:</u>		
V5031	Revenue	\$42,774.50
<u>To:</u>		

V9710.610	Principal	\$20,000.00
V9710.701	Interest	\$22,774.50

Moved, Johnson; second, DeRoller.  
 Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 355-1015**

**AUTHORIZING FINAL CLOSEOUT OF THE VILLAGES OF ORLEANS HEALTH AND REHABILITATION CENTER ENTERPRISE FUND**

WHEREAS, the sale of the Villages of Orleans Health and Rehabilitation Center was completed on December 31, 2014 (closing date January 2, 2015); and

WHEREAS, the County Treasurer is requesting approval to close out all existing Enterprise Fund accounts and transfer existing revenues and expenses to the General Fund; with the exception of the final bond payment due in 2016; now, be it

RESOLVED, that the County Treasurer be, and hereby is, authorized to close out the Enterprise Fund for the former Villages of Orleans Health and Rehabilitation Center and to transfer any balance of revenues and expenses to the General Fund; and be it further

RESOLVED, that certified copies of the Resolution shall be forwarded and filed with the County Treasurer, Budget Officer/Chief Administrative Officer and Clerk of the Board.

Moved, Johnson; second, DeRoller.  
 Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 356-1015**

**AUTHORIZING COUNTY TREASURER TO CLOSE OUT THE PETTY CASH ACCOUNT AT THE VILLAGES OF ORLEANS HEALTH AND REHABILITATION CENTER**

WHEREAS, Resolution No. 281 of 1979 established and authorized a Petty Cash account at the Orleans County Nursing Home (now known as the Villages of Orleans) in the amount of \$600, and an additional \$35 for the Dietary Department; and

WHEREAS, Resolution No 381-1110 decreased the total amount needed for Petty Cash to \$500; and

WHEREAS, the Petty Cash account is no longer needed and the County Treasurer requires authorization to close said account; be it

RESOLVED, this Legislature authorizes the County Treasurer to close Petty Cash account at the Villages of Orleans Health and Rehabilitation Center.

Moved, Johnson; second, DeRoller.  
 Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 357-1015**

**APPROVING GRANT AGREEMENT BETWEEN THE SHERIFF'S OFFICE/JAIL AND BUREAU OF JUSTICE ASSISTANCE**

WHEREAS, Resolution No. 84-315 authorized the Orleans County Jail Superintendent to apply for the State Criminal Alien Assistance Program grant; be it

RESOLVED, that this Legislature approves a grant agreement for the FY 2015 in the amount of \$14,900 between the Sheriff's Office/Jail and the Bureau of Justice Assistance 810 Seventh St NW, Washington D.C., 20531 for the State Criminal Alien Assistance Program grant which will provide federal payments to stated and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days between July 1, 2013 and June 30, 2014.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTON NO. 358-1015**

**APPROVING AGREEMENT BETWEEN SHERIFF'S OFFICE AND NEW YORK STATE TRAFFIC SAFETY COMMITTEE**

RESOLVED, that this Legislature approves the 2016 STOP-DWI PLAN with the New York State Department of Motor Vehicles-Governor's Traffic Safety Committee, at cost of \$99,216, effective January 1, 2016 through December 31, 2016.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 359-1015**

**AUTHORIZING PAYMENTS FROM THE CAPITAL PROJECTS ACCOUNT**

RESOLVED, that this Legislature authorizes the following payments to be made from the H3110.250 account, Capital Project, Public Safety Building:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$11,286.05	Barre Stone Products	Invoice #4492 - Blacktop parking lot (Dispatch)

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 360-1015**

**AUTHORIZATION TO PURCHASE AND INSTALL NEW CARPETING IN THE SHERIFF'S OFFICE**

RESOLVED, that this Legislature authorize the Sheriff to purchase and install new carpeting from GP Land & Carpet Corporation, 5905 Lake Rd South, Brockport, NY, 14420, NJPA Contract #022712-MC, at a cost of \$24,942.29, to be paid from Capital Plan – 3110.470.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 361-1015**

APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY DEPARTMENTS OF PROBATION AND DISTRICT ATTORNEY'S CRIME VICTIM'S UNIT FOR CRIME VICTIM SERVICES.

RESOLVED, that Probation Department will enter into an agreement with the District Attorney's Crime Victim Services Office for the delivery of Crime Victim Services from October 1, 2015 through September 30, 2016. County Cost is \$5,090.

Moved, DeRoller; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 362-1015**

APPROVING AGREEMENT BETWEEN CRIME VICTIMS ASSISTANCE PROGRAM AND SHEILA MCWETHY

RESOLVED, that this Legislature does hereby approve an agreement between the Orleans County Crime Victim's Assistance Program and Sheila McWethy of 4008 South Main Street Rd, Batavia, NY to provide night court advocate services on a per diem basis at a rate of \$16.00 per hour, not to exceed \$3,500 a year effective October 1, 2015 through September 30, 2016 unless sooner terminated as hereinafter; and be it

FURTHER RESOLVED, that this agreement will terminate when no further grant funds are available to maintain no county cost for these services.

Moved, DeRoller; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 363-1015**

AUTHORIZING THE DIRECTOR OF EMERGENCY MANAGEMENT TO PURSUE AN AGREEMENT WITH TIM WARTH, DBA RADIO TECHNOLOGIES

RESOLVED, that this Legislature authorizes the Director of Emergency Management Department to pursue an agreement with Tim Warth, dba Radio Technologies at 15 Pamda Dr, Rochester, NY 14617; as a third party communications consultant to provide professional services as required under the Communications Governance Structure of the Statewide Interoperable Communications Grant at a cost not to exceed \$60,000; said services to be paid from the FY12 Statewide Interoperable Communications Grant, 3640.486.SI12, and be it

FURTHER RESOLVED, that the Chairman is authorized to sign said agreement once reviewed and approved by the County Attorney.

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 364-1015**

AUTHORIZING THE PURCHASE OF A VEHICLE IN THE EMERGENCY MANAGEMENT OFFICE AND AUTHORIZING THE TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, this Legislature authorizes the purchase of a 2016 Tahoe with Empire Emergency Up-fitt and VSP Lettering from Joe Basil Chevrolet, Inc., 5111 Transit Rd, Depew, NY 14043 at a cost of \$48,038.09, said purchase to be made with FY15 Emergency Management Planning Grant Funds of \$20,076 and matching County funds of \$20,076, minus monies from the sale or trade in [at a minimum of \$7,200] of the 2010 Ford Explorer; any remaining balance to be paid from 3640.418 Other Contractual; and be it

FURTHER RESOLVED, that the Chief Administrative Officer is authorized to liquidate the 2010 Ford Explorer for no less than \$7,200; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up FY2015 EMPG Funds as follows:

<u>Revenue</u>		
A4305.0015	FY2015 EMPG	\$20,076
<u>Appropriation</u>		
3640.486.0015	Special Grants	\$20,076

Moved, Johnson; second, DeRoller.  
 Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 365-1015**

**AUTHORIZING PAYMENT OF CLAIMS FOR NOVEMBER 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 November 11, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	1672-1891	\$190,491.81
Highway	650-656;1518-1539	\$38,862.75
Nursing Home		
Job Development	1928-1937	\$2,658.00
Self Insurance	56032	\$16,649.52

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 November 25, 2015:

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

Job Development  
Self Insurance

Moved, Miller; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Callard asked for any other old business. Chairman Callard commented about the timely article in the Orleans HUB about how the county has stepped up their efforts to combat welfare fraud. Chairman Callard called upon Commissioner Kuryla to highlight some of these efforts and commended him and his department in the initiatives taken in his tenure and their accomplishments have been driven. Commissioner Kuryla thanked the Chairman for the attention and recognition. He stated that his department cannot take all of the credit. They have been assisted by the District Attorney's Office, local law enforcement agencies, Chief Deputy Thomas Drennan and full support of the Legislature. Commissioner Kuryla believes that the community is feeling good about their fraud efforts. He likes to look at the long range benefits of what they have been doing in the last six years by comparing the statistics and the fact that public assistance caseloads are down between 15% to 20%. A year and a half ago we had 758 public assistance cases down to about 592 cases which saves Orleans County Taxpayers about \$200,000. He believes the efforts made and the cooperation they have received has resulted in a complete deterrent in the normal applicant for public assistance. Commissioner Kuryla states that they try to give assistance to those that are worthy to receive it and need it; but those that don't need it for sure, they will find out about it because of the resources they have. Commissioner Kuryla is thankful for the board that supports the efforts of many to get this done.

Chairman Callard referenced the HUB article which stated that the Orleans fraud numbers have doubled in the past five years. So far this year, our fraud recovery has been \$52,013 but our cost avoidance is \$1,401,658. This record exceeds what Wyoming and Genesee counties have avoided. Chairman Callard also stated it is outstanding that we have reduced our public assistance cases from 758 to 592. A coincidence to this, we have had a legal raid on the Murray Superette, which uncovered other Social Service Welfare Fraud that could involve a minimum of 50 people. If these people break the law, they are not entitled to benefits. Chairman Callard stated that our collaborative efforts have been outstanding. We are bound and determined to help those that need help but also bound and determined to prevent this fraud, which is wrong and we will deal with it the best we can.

Chairman Callard asked if Chief Deputy Drennan wanted to give an overview of the raid. Chief Drennan reported that a tremendous amount of work went into this from the Welfare Fraud Unit and the Major Felony Crime Task Force over the last fifteen months. It ended up with only a few arrests being made; but several individuals were found making suspicious activities in use of benefit cards. This could result in several hundred thousands of dollars of miss use of food stamps which drives the drug market, which also then is connected to stolen property. This then takes us to the Local Law regarding our pawn shops. Four cases have been solved using the current software that is being used. Everything is connected and these individuals are victimizing people in Orleans County, then taking money to the city to buy heroine and other drugs. Chief Deputy believed this raid placed a big crunch in that market. Hopefully the word is out and may have shut this down therefore allowing us to move on to the next investigation. Chairman Callard asked for a round of applause for everyone's efforts. Legislator Allport raised a point that with the cost of avoidance increasing – the impact of fraud on property taxes would be a penny for every \$16,000 paid out. Last year our cost avoidance was \$1.7 million which is over \$1.00 savings to the taxpayer. Chairman Callard said in 2009 our cost avoidance was \$352,000 and has progressively increased. As of now, we are at \$1.4 million in our current year.

Paul Lauricella, Yates, asked how we are with the 2016 Budget. CAO Nesbitt stated that per the New York State Budget Law the tentative budget must be filed by the Budget Officer by November 15<sup>th</sup>. CAO Nesbitt believes it is going to be a great budget and Treasurer Heard agreed with his statement. Chairman Callard said that they are still fine tuning it.

Allen Lofthouse, Kendall, inquired on how our lobbyist group is doing for the County. Chairman Callard stated that we continue to be doing well. We are currently working on things that at this time we are not at liberty to speak of. Chairman Callard assured him that we are heading for some significant progress. We are in an evaluative time and we only secured the agreement for one year. We understand that it is costly but believe it will pay for itself. Chairman Callard stated that when successes are achieved, the public will be informed. Mr. Lofthouse asked if we can't get Senator Ortt or Assemblyman Hawley to take care of this for us. Chairman Callard stated that they have always been resources for us but it hasn't always been enough so we are taking the extra step, as have other counties, to be highly competitive and it is going to pay off.

With there being no further discussion, Legislator Allport moved to adjourn; second by Legislator DeFilipps. Meeting adjourned at 5:27 p.m.