



CONFERENCE SESSION
December 16, 2015

4:00 p.m. Scott Wilson – Orleans County Jail Superintendent
Genesee Orleans Mental Health Association
Stepping Up Initiative in the Orleans County Jail-Reducing Mental Illness in our Jail

4:10 p.m. Cindy Lonnen – Job Development Employment and Training Counselor
Orleans County Summer Youth Program

Public Hearings:

4:20 p.m. Public Hearing – Local Law No. 4 Intro of 2015
A Local Law Amending Local Law No. 2 of 1956 as Amended by Local Law No. 1 of 1974
Re: Re: Self Insurance Administrative Rule Changes

4:25 p.m. Public Hearing – Local Law No. 5 Intro of 2015
A Local Law Increasing the Salaries of Various Employees of the County of Orleans Appointed
or Elected for a Definite Term

AGENDA
LEGISLATURE MEETING
December 16, 2015
4:30 p.m.



Call to Order
Pledge to the Flag and Invocation - Veteran David Kusmiersczak
Roll Call
Presentation of Communications
Special Recognition – Archer's Club
Proclamation – Stepping Up Initiative in Orleans County Jail to Prevent Mental Illness – Scott Wilson

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

407. Authorizing Payments from Capital Project Infrastructure Projects Account (Eick)
408. Authorizing Setting Up New Money in the Highway Budget (Eick)
409. Authorizing Transfer of Fund within the Highway Budget (Eick)
410. Approving an Agreement with the Highway and Buildings and Grounds Department (Eick)
411. Authorizing Filling Vacancy in the Job Development Agency (Miller)
412. Approving Renewal Agreements between Office for the Aging and Various Agencies (Miller)
413. Authorizing Setting Up New Money in the Office for the Aging Budget (Miller)
414. Approving Agreements with the Department of Social Services and Various Agencies (Miller)
415. Authorizing Filling of Vacancy in the Department of Social Services (Miller)
416. Establishing Day Care Rates in the Department of Social Services (Miller)
417. Approving Appointments to Orleans County Youth Board (Miller)
418. Approving Agreements between the Mental Health Department and Various Agencies (Allport)
419. Amending Resolution No. 27-115 Between Mental Health and Genesee/Orleans Council on Alcoholism and Substance Abuse (Allport)
420. Authorizing Filling Position in the Mental Health Department (Allport)
421. Authorizing a Stipend to Orleans County Department of Mental Health Corporate Compliance Officer (Allport)
422. Approving Agreements between the Health Department and Various Agencies (Allport)
423. Approving Amendment to Public Health Department/Shared Public Health Administrative Staffing Agreement (Allport)
424. Authorizing Abolishing, Creating, and Filling Positions in the Public Health Department (Allport)
425. Authorizing Purchases from Public Health Department Budget (Allport)
426. Authorizing Amendment of Contract with New York state Department of State for the Regional Dredging Management Plan (DeFilipps)
427. Approving Appointments to the County Planning Board (DeFilipps)
428. Approving Agreement with Lynne Menz for Tourism Management Services (DeFilipps)
429. Approving Agreement with Michael R. Waterhouse for Tourism Coordination Services (DeFilipps)
430. Authorizing Creating and Filling Position in the Tourism Department (DeFilipps)
431. Setting Up New Monies in the Tourism Department Budget (DeFilipps)
432. Approving Re-Appointment to the Soil and Water District Board (DeFilipps)
433. Approving Re-Appointments to the Oak Orchard Watershed Board (DeFilipps)
434. Authorizing Abolishing, Creating and Filling of Positions in Personnel and Self Insurance Department (Johnson)
435. Authorizing Salary Schedules for Management, Certain Part-time, and Unclassified Employees (Johnson)
436. Approving the Employee Assistance Program Budget and Plan for 2016 (Johnson)
437. Authorizing County Treasurer to Make Year End Adjustments for Year Ending December 31, 2015 (Johnson)
438. Approving Apportionment of 2016 Sales Tax to Towns and Villages (Johnson)
439. Approving Agreements between the Orleans County Sheriff's Office and the Monroe County Sheriff's Office (DeRoller)
440. Authorizing Sheriff to Apply for the 2015-16 Public Safety Answer Points (PSAP) Operations Grant Program from the New York State Division of Homeland Security and Emergency Services (DeRoller)
441. Authorizing Abolishing and Filling Positions in the Sheriff's Office (DeRoller)
442. Authorizing Sheriff's Department to Purchase a New 2016 Chrysler Town and Country Mini Van and Authorizing Transfer of Funds within the Sheriff's Department Budget (DeRoller)

- 443. Authorizing Creating, Filling and Abolishing Position in the Public Defender’s Office (DeFilipps)
- 444. Appointing Public Defender (DeRoller)
- 445. Approving Extension of FY 12 Statewide Interoperable Communications Grant (Johnson)
- 446. Approving Extension of the FY14 Emergency Planning Grant (Johnson)
- 447. Authorizing Filling Vacancy in Emergency Management Office (Johnson)
- 448. Awarding Bid and Approving Agreement between the County of Orleans and Indoff, Incorporated for White Copy Paper (Johnson)
- 449. Adopting Local Law No. 2 of 2015, Entitled A Local Law Regulating the Transfer of Secondhand Articles (DeRoller)
- 450. Adopting Local Law No. 3 of 2015 Entitles Amending Local Law No. 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 (DeFilipps)
- 451. Adopting Local Law No. 4 of 2015 Entitled a Local Law Amending Local Law No. 2 of 1956 as Amended by Local Law No. 1 of 1974 (Johnson)
- 452. Adopting Local Law No. 5 of 2015 Entitles a Local Law Increasing the Salaries of Various Employees of the County of Orleans Appointed or Elected for a Definite Term (Johnson)
- 453. Supporting New York State’s Constitutional Home Rule (Allport)
- 454. Supporting New York State Legislation Concerning Fuel Zone Pricing (Allport)
- 455. Setting Date of 2016 Organizational Meeting (Johnson)

Old Business

Executive Session – Open Meetings Law - §105 (h) – Property in Holley

Adjournment

RESOLUTIONS

RESOLUTION NO. 407-1215

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

RESOLVED, that this Legislature authorizes the following payment to be made from account H5120.254, Capital Project – Infrastructure Project – Mental Health Generator:

| <u>Amount</u> | <u>Vendor Name</u> | <u>Description</u> |
|---------------|-----------------------------|---------------------------------|
| \$48,814.00 | Southworth-Milton Cat, Inc. | Natural Gas Emergency Generator |

Moved, Eick; second,

RESOLUTION NO. 408-1215

AUTHORIZING SETTING UP NEW MONEY IN THE HIGHWAY BUDGET

RESOLVED, that the County Treasurer is authorized to set up new money in the Highway budget due to an increase in funding reimbursement from NYSDOT Consolidated Local Street and Highway Improvement Program (CHIPS), as follows:

| | | |
|-----------------------|-----------------------------|-------------|
| <u>Revenue:</u> | | |
| D3501.5112 | CHIPS Revenue Account | \$96,482.65 |
| <u>Appropriation:</u> | | |
| D5112.436 | Road Construction Materials | \$96,482.65 |

Moved, Eick; second,

RESOLUTION NO. 409-1215

AUTHORIZING TRANSFER OF FUNDS WITHIN THE HIGHWAY BUDGET

RESOLVED, that the Treasurer is authorized to transfer monies within the Highway Budget to cover the cost of printer purchase:

| | | |
|--------------|--------------------|-------|
| <u>FROM:</u> | | |
| D2655 | Minor Sales | \$150 |
| <u>TO:</u> | | |
| D5010.220 | Equipment purchase | \$150 |

Moved, Eick; second

RESOLUTION NO. 410-1215

APPROVING AN AGREEMENT WITH THE HIGHWAY AND BUILDINGS AND GROUNDS DEPARTMENT

RESOLVED, that this Legislature approves an agreement with the Orleans County Highway and Buildings and Grounds Department for Snow and Ice Control and for Mowing at the Comprehensive of Orleans property located at 14012 State Route 31 West, Albion, New York 14411. Total cost is \$26,264.28, Payments to be made to Orleans County Highway Department in the amount of \$1,832.97/month and Orleans County Buildings and Grounds Department in the amount of \$355.77/month for a total cost of \$2,188.74/month. Contract period: December 1, 2015 through November 30, 2016. County cost \$0.

Moved, Eick; second,

RESOLUTION NO. 411-1215

AUTHORIZING FILLING VACANCY IN THE JOB DEVELOPMENT AGENCY

WHEREAS an employee has retired from the position of Employment and Training Counselor effective December 26, 2015, now, therefore be it

RESOLVED, that this Legislature authorizes the filling of a vacant Employment and Training Counselor position (6210.07) in the Job Development Agency, at grade 15 of the CSEA Salary Schedule, effective December 28, 2015.

Moved, Miller; second,

RESOLUTION NO. 412-1215

APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR THE AGING AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby authorize renewing the following agreements with the Office for the Aging:

Community Action of Orleans and Genesee County, Inc 409-411 E. State Street, Albion, NY to provide transportation services for Orleans County residents age 60 and older from January 1, 2016 to December 31, 2016 at a cost of \$24,000. County cost is \$2,791.

Legal Services for the Elderly, Disadvantaged and Disabled of WNY, 237 Main Street, Buffalo, NY 14203 to provide legal services for Orleans County residents age 60 and older from January 1, 2016 to December 31, 2016 at a cost of \$7,500. County cost is \$750.

Moved, Miller; second,

RESOLUTION NO. 413-1215

AUTHORIZING SETTING UP NEW MONEY IN THE OFFICE FOR THE AGING BUDGET

RESOLVED, that this Legislature authorizes the Treasurer to set up new money in the Office for the Aging Budget as a result of supplemental final state allocations for the Nutrition for Meals program, as follows:

| | | |
|-----------------------|------------------------|---------|
| <u>Revenue</u> | | |
| 3772 | Programs for the Aging | \$2,197 |
| | | |
| <u>Appropriations</u> | | |
| A6772.473 | Nutrition | \$2,197 |

Moved, Miller; second,

RESOLUTION NO. 414-1215

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:

GCASA, Batavia, NY for the provision of alcohol assessments for Public Assistance clients; to be effective January 1, 2016 through December 31, 2016 at a cost of \$169/client. Reimbursement/County cost is dependent upon case type (TANF – 0% local cost, Safety Net – 100% local cost).

Angels in Your Home, Hilton, NY for the provision of Personal Care Aide services to eligible Medicaid clients; to be effective January 1, 2016 through December 31, 2016 at rates set by NYS Department of Health. County cost is \$0.

Albion Central School, Albion, NY for the provision of preventive services to children and families through the assignment of two(2) Social Service Caseworkers 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.

Moved, Miller; second,

RESOLUTION NO. 415-1215

AUTHORIZING FILLING OF VACANCY IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature, due to a promotion, hereby authorizes the filling of a vacant full-time Receptionist position (6010.2010) in the Department of Social Services at Grade 7 of the CSEA Salary Schedule effective December 17, 2015.

Moved, Miller; second,

RESOLUTION NO. 416-1215

ESTABLISHING DAY CARE RATES IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services receives New York State Child Care Block Grant dollars for the sole purpose of providing day care subsidies to eligible low income parents; and

WHEREAS, the New York State Office of Children and Family Services establishes the maximum market rate payment ceiling for day care rates; and

FURTHER RESOLVED, that this Legislature does hereby establish contract day care rates paid by the Department of Social Services on behalf of eligible clients, effective January 1, 2016 as follows:

| DAY CARE CENTER | | | | | | | | | | | | |
|-----------------|-----------|--------|--------|---------|--------|--------|---------|--------|--------|---------|--------|--------|
| Age of Child | Under 1 ½ | | | 1 ½ - 2 | | | 3-5 | | | 6-12 | | |
| | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 |
| Hourly | \$5.75 | \$6.75 | \$5.75 | \$5.75 | \$6.75 | \$5.75 | \$5.25 | \$6.25 | \$5.25 | \$5.25 | \$6.25 | \$5.25 |
| Part-Day | \$25 | \$28 | \$25 | \$24 | \$27 | \$24 | \$23 | \$25 | \$23 | \$22 | \$23 | \$22 |
| Daily | \$36 | \$42 | \$36 | \$35 | \$40 | \$35 | \$33 | \$38 | \$33 | \$32 | \$35 | \$32 |
| Weekly | \$180 | \$190 | \$180 | \$175 | \$180 | \$175 | \$165 | \$170 | \$165 | \$160 | \$160 | \$160 |

| REGISTERED FAMILY DAY CARE | | | | | | | | | | | | |
|----------------------------|----------|--------|--------|---------|--------|--------|---------|--------|--------|---------|--------|--------|
| Age of Child | Under 1½ | | | 1 ½ - 2 | | | 3-5 | | | 6-12 | | |
| | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 |
| Hourly | \$3.50 | \$4.75 | \$3.50 | \$3.50 | \$4.50 | \$3.50 | \$3.50 | \$4.50 | \$3.50 | \$4.25 | \$5.00 | \$4.25 |
| Part-Day | \$19 | \$20 | \$19 | \$19 | \$20 | \$19 | \$19 | \$20 | \$19 | \$19 | \$19 | \$19 |

| | | | | | | | | | | | | |
|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Daily | \$29 | \$30 | \$29 | \$28 | \$30 | \$28 | \$27 | \$30 | \$27 | \$27 | \$29 | \$27 |
| Weekly | \$145 | \$150 | \$145 | \$140 | \$140 | \$140 | \$135 | \$140 | \$135 | \$135 | \$140 | \$135 |

REGISTERED GROUP DAY CARE

| Age of Child | Under 1½ | | | 1 ½ - 2 | | | 3-5 | | | 6-12 | | |
|--------------|----------|--------|--------|---------|--------|--------|---------|--------|--------|---------|--------|--------|
| | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 |
| Hourly | \$3.75 | \$5.00 | \$3.75 | \$3.75 | \$5.00 | \$3.75 | \$3.75 | \$5.00 | \$3.75 | \$5.00 | \$5.00 | \$5.00 |
| Part-Day | \$22 | \$23 | \$22 | \$21 | \$22 | \$21 | \$20 | \$21 | \$20 | \$20 | \$20 | \$20 |
| Daily | \$31 | \$35 | \$31 | \$30 | \$33 | \$30 | \$29 | \$32 | \$29 | \$28 | \$30 | \$28 |
| Weekly | \$150 | \$150 | \$150 | \$145 | \$150 | \$145 | \$140 | \$148 | \$140 | \$140 | \$140 | \$140 |

SCHOOL AGE CHILD CARE

| Age of Child | Under 1½ | | | 1 ½ - 2 | | | 3-5 | | | 6-12 | | |
|--------------|----------|--------|------|---------|--------|------|---------|--------|------|---------|--------|--------|
| | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 | Current | Market | 2016 |
| Hourly | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$5.25 | \$6.25 | \$5.25 |
| Part-Day | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$22 | \$23 | \$22 |
| Daily | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$32 | \$35 | \$32 |
| Weekly | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$160 | \$160 | \$160 |

Moved, Miller; second,

RESOLUTION NO. 417-1215

APPROVING APPOINTMENTS TO ORLEANS COUNTY YOUTH BOARD

WHEREAS, the Orleans County Youth Board does recommend the appointment to said Orleans County Youth Board at this time. Now, therefore, be it

RESOLVED, that this Legislature approves the following re-appointments of two current members to serve on the Orleans County Youth Board beginning January 1, 2016 through December 31, 2018:

Holli Nenni, 245 Caroline St., Albion, NY 14411

Carrie O'Neil, 17045 Roosevelt Highway, Kendall, NY 14476

and be it

FURTHER RESOLVED, that this Legislature approves the following appointment to serve a new term on the Orleans County Youth Board beginning January 1, 2016 through December 31, 2018.

Christian Hahn, 406 Mead Ave., Medina, NY 14103

Moved, Miller; second,.

RESOLUTION NO. 418-1215

APPROVING AGREEMENTS BETWEEN THE MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES.

RESOLVED, that this Legislature approve the following agreements for the Mental Health Department for the 2016 calendar year:

Susan Tillman, LMHC, NCC, 14369 Ridge Road West, Albion, NY 14411 providing assessment and treatment services to Orleans County Jail inmates not to exceed 312 hours per year at an hourly rate of \$33.97. County cost is \$742.

World Wide Dictation, 1545 Saw Mill River Road, Suite 2C, Ardsley, NY 10502 to augment internal transcription services at a cost of \$5,467. County cost is \$383.

Moved, Allport; second,

RESOLUTION NO. 419-1215

AMENDING RESOLUTION NO. 27-115 BETWEEN MENTAL HEALTH AND GENSEEE/ORLEANS COUNCIL ON ALCOHOLISM AND SUBSTANCE ABUSE

WHEREAS, Resolution No. 27-115 approved an agreement between Mental Health and the Genesee/Orleans Council on Alcoholism and Substance Abuse providing substance abuse/dependency and prevention services, as well as gambling treatment services and translational services at a cost of \$331,327 with a County cost of \$35,167; and

WHEREAS, there has been a COLA increase of \$5,072 and a State Aid increase of \$681; be it

RESOLVED, that this Legislature authorizes the addition of the \$5,072 COLA increase and the \$681 State Aid increase to this agreement, now totaling \$337,080. County cost remains the same at \$35,167.

Moved, Allport; second,

RESOLUTION NO. 420-1215

AUTHORIZING FILLING POSITION IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the filling of a Keyboard Specialist position (4310.36) in the Mental Health Department at Grade 7 of the CSEA Salary Schedule effective January 4, 2016.

Moved, Allport; second,

RESOLUTION NO. 421-1215

AUTHORIZING A STIPEND TO THE ORLEANS COUNTY DEPARTMENT OF MENTAL HEALTH CORPORATE COMPLIANCE OFFICER

WHEREAS, the Orleans County Legislature adopted and implemented a Corporate Compliance Plan and Program (Resolution NO. 325-808); and

WHEREAS, each Department has a Corporate Compliance Officer to oversee and monitor the Department Corporate Compliance Plan and Program; and

WHEREAS, the duties of the Mental Health Department Corporate Compliance Officer are carried out in addition to the responsibilities held under the title of Coordinator of Administrative Services; now be it

RESOLVED, that the Mental Health Corporate Compliance Officer be authorized an annual stipend of \$1,500 effective January 1, 2016.

Moved, Allport; second,

RESOLUTION NO. 422-1215

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Agri-Business Child Development ABCD Holley Grace's Place, at 52 Maziarz Drive, Holley NY 14470, Contract to establish the responsibilities of OCHD and Head Start relative to services for infants and toddlers who are suspected of at risk for, or are diagnosed as having disabilities. Both OCDH and Head Start support the right of all infants and toddlers with disabilities to receive free and appropriate services including all necessary evaluations, early intervention, and related services which parents request, in accordance with the state and federal statutes and regulations.

Agri-Business Child Development at Newfane- The Rathgaber Center, at PO Box 94, Newfane NY 14108, Contract to establish the responsibilities of OCHD and Head Start relative to services for infants and toddlers who are suspected of at risk for, or are diagnosed as having disabilities. Both OCDH and Head Start support the right of all infants and toddlers with disabilities to receive free and appropriate services including all necessary evaluations, early intervention, and related services which parents request, in accordance with the state and federal statutes and regulations.

Moved, Allport; second,

RESOLUTION NO. 423-1215

APPROVING AMENDMENT TO PUBLIC HEALTH DEPARTMENT/SHARED PUBLIC HEALTH ADMINISTRATIVE STAFFING AGREEMENT

WHEREAS, Genesee and Orleans County are committed to providing essential Public Health Services to their County residents; and

WHEREAS, the Genesee and Orleans County Health Departments have completed a successful two year PILOT project that has provided both programmatic and fiscal improvements to public health in both Genesee and Orleans County; and

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service; and

WHEREAS, the Orleans /Genesee County Public Health Director did present an amendment to the inter-

municipal agreement with Genesee County and Orleans County to share Public Health Administrative Staff, be it

RESOLVED, that Resolution No. 432-1214 is hereby amended to change the annual stipend for the position of Public Health Director to \$20,000; and be it

FURTHER RESOLVED, that the Public Health Director be started in grade 11 Step 6 of the Orleans County Management Compensation Plan, all changes to be effective January 1, 2016; and be it

FURTHER RESOLVED, that as a requirement by the New York State Department of Health for the Public Health Director to be in communications at all times for emergencies and after hours issues, the Director shall be reimbursed \$50 per month for cell phone charges and equipment upgrade costs as needed, effective October 1st, 2015. County Costs \$0.

Moved, Allport; second,

RESOLUTION NO. 424-1215

AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE PUBLIC HEALTH DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the abolishing of a vacant full-time Case Manager (4010.35) in the Public Health Department at Grade 15 of the CSEA Salary Schedule, and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a part-time Case Manager in the Public Health Department at Grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created vacant part-time Case Manager, effective December 15, 2015.

Moved, Allport; second,

RESOLUTION NO. 425-1215

AUTHORIZING PURCHASES FROM PUBLIC HEALTH DEPARTMENT BUDGET

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase (PO#56633) an EOC Ready App License with Spanish translation from QuickSeries Publishing, Inc in the amount of \$5,970 to be paid for with monies from the Performance Incentive Award received from New York State. County Cost \$0; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase (PO#56637) from Stockham Lumber, 88 Geddes St, Holley, New York, materials necessary to set up the Community Garden in the amount of \$9,672.78 as approved in MRC award from NAACHO on February 17, 2015, Resolution #52-215. County Cost \$0.

Moved, Allport; second,

RESOLUTION NO. 426-1215

AUTHORIZING AMENDMENT OF CONTRACT WITH NEW YORK STATE DEPARTMENT OF STATE FOR THE REGIONAL DREDGING MANAGEMENT PLAN

WHEREAS, Resolution No. 271-814 approved an extension of Contract #T006957 with the New York State Department of State to complete the Regional Dredging Management Plan up to June 30, 2015; and

WHEREAS, a budget amendment of this contract is necessary because the Orleans County Planning Director services were needed more than originally anticipated to effectively coordinate this regional planning effort; now be it

RESOLVED, that this Legislature authorizes the Chairman to sign an amendment document for Agreement #T006957.

Moved, DeFilipps; second,

RESOLUTION NO. 427-1215

APPROVING APPOINTMENTS TO THE COUNTY PLANNING BOARD

RESOLVED, that this Legislature approves the following appointment to the Orleans County Planning Board:

| <u>NAME</u> | <u>REPRESENTS</u> | <u>EXPIRATION DATE</u> |
|--|---------------------------------|------------------------|
| Paul Hendel 3145 North Main St. Road Holley, New York 14470 | At-Large East | 12-31-18 |
| Darryl Sanford 13608 Miller Road Albion, New York 14411 | At-Large Central | 12-31-18 |
| Theobert (Tibbs) Ahlberg 2581 Eagle Harbor Road Albion, New York 14411 | At-Large Central (Alternate) | 12-31-18 |
| Brian Napoli 3337 Fruit Avenue Medina, New York 14103 | At-Large West | 12-31-18 |
| Jean Benson 3107 North Gravel Road Medina, New York 14103 | At-Large West (Alternate) | 12-31-18 |

Moved, DeFilipps; second,

RESOLUTION NO. 428-1215

APPROVING AGREEMENT WITH LYNNE MENZ FOR TOURISM MANAGEMENT SERVICES

RESOLVED, that this Legislature hereby approves an Independent Agreement with Lynne Menz of Kent, NY to provide Tourism Marketing and Management Services to Orleans County in 2016 at a cost not to exceed \$27,000 to be paid in equal monthly installments from Tourism Account A6410.466; said agreement to be in effect from January 1, 2016 to December 31, 2016; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute this Independent Agreement subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved DeFilipps; second,

RESOLUTION NO. 429-1215

APPROVING AGREEMENT WITH MICHAEL R. WATERHOUSE FOR TOURISM COORDINATOR SERVICES

RESOLVED, that this Legislature approves an Independent Agreement with Michael R. Waterhouse of Albion, NY for the provision of sportfishing coordinator services in the Planning and Development Department at a cost not to exceed \$20,977; said agreement to be in effect from January 1, 2016 to December 31, 2016.

Moved, DeFilipps; second,

RESOLUTION NO. 430-1215

AUTHORIZING CREATING AND FILLING POSITION IN THE TOURISM DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the creation of a part time Senior Account Clerk position in the Tourism Department at Grade 10 of the CSEA Salary Schedule however the annual salary shall not exceed \$13,500; and be

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of this newly created vacant part-time Senior Account Clerk position effective January 1, 2016.

Moved, DeFilipps; second,

RESOLUTION NO. 431-1215

SETTING UP NEW MONIES IN THE TOURISM DEPARTMENT BUDGET

RESOLVED, that this Legislature authorizes the setting up of new monies in the Tourism Department budget due to funds received from advertisement revenue and disbursed for the Design and Photography for the 2016 Travel Guide as follows:

| | | |
|-----------------------|------------------------|------------|
| <u>Revenue:</u> | | |
| A2000 | Culture and Recreation | \$5,087.50 |
| <u>Appropriation:</u> | | |
| A6410.0441 | Printing | \$5,087.50 |

Moved, DeFilipps; second,

RESOLUTION NO. 432-1215

APPROVING RE-APPOINTMENT TO THE SOIL AND WATER DISTRICT BOARD

RESOLVED, that this Legislature approves the following re-appointment to the Soil and Water District Board:

| <u>Name</u> | <u>Representation</u> | <u>Term</u> |
|---------------|-----------------------|---------------------|
| Edward Morgan | At Large Non-Farmer | 1/1/2016-12/31/2018 |

Moved, DeFilipps; second,

RESOLUTION NO. 433-1215

APPROVING RE-APPOINTMENTS TO THE OAK ORCHARD WATERSHED BOARD

RESOLVED, that the following individuals are re-appointed to the Oak Orchard Watershed Board for a two-year term, effective January 1, 2016 through December 31, 2017.

Ed Morgan, Chairman, Soil and Water
Guy Smith – Albion
Gary Smith – Albion
Jon Peglow – Barre

Moved, DeFilipps; second,

RESOLUTION NO. 434-1215

AUTHORIZING ABOLISHING, CREATING AND FILLING OF POSITIONS IN PERSONNEL AND SELF INSURANCE DEPARTMENT

RESOLVED, as a result of a retirement, that this Legislature authorizes the filling of a vacant full time Personnel Assistant (1430.06) in the Personnel and Self Insurance Department effective December 28, 2015 and be it

FURTHER RESOLVED, that this Legislature authorizes the abolishing of a part-time Secretary I (1430.07) position in the Personnel and Self Insurance Department effective December 31, 2015 and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a part-time Personnel Assistant position in the Personnel and Self Insurance Department at a Grade 3 of the Orleans County Management Compensation Plan and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant part-time Personnel Assistant position effective January 4, 2016.

Moved, Johnson; second,

RESOLUTION NO. 435-1215

AUTHORIZING SALARY SCHEDULES FOR MANAGEMENT, CERTAIN PART-TIME, AND UNCLASSIFIED EMPLOYEES

WHEREAS, the Orleans County Legislature approved the 2015/2016 Management Compensation Plan by passing Resolution No. 257-714; now be it

RESOLVED, that employees are also authorized to receive any increments they are entitled to under the plan; and be it

FURTHER RESOLVED, that the following salaries, effective January 1, 2016, are authorized for certain part-time and unclassified employees:

| <u>Annual:</u> | <u>1/1/16-12/31/16</u> |
|---|------------------------|
| Administrative Assistant – MFCTF | \$ 2,788 |
| Corporate Compliance Officer (County) | 4,601 |
| Deputy Budget Officer | 4,667 |
| Deputy Fire Coordinator | 2,135 |
| Fire Investigator | 2,135 |
| Historian | 8,160 |
| Parole Denial Attorney | 21,698 |
| Insurance Program Assistant | 1,051 |
| | |
| Director of Computer Services | 72,930 |
| IT Operations Analyst I | 58,383 |
| Secretary to the Highway Superintendent | 49,410 |
| Director of Community Health Services | 68,372 |
| Director of Emergency Management | 30,588 |
| | |
| <u>Daily:</u> | |
| Court Attendant | 69.69 |
| Examination Monitor (Full Day) | 120.74 |
| Examination Monitor (Half Day) | 60.38 |
| | |
| <u>Hourly (Part-Time Employees)</u> | |
| Animal Control Officer | 13.92 |
| Clerk (Elections) | 10.13 |
| Correctional Officer (Jail) | 13.92 |
| Crew Leader (Sheriff) | 13.02 |
| Deputy Sheriff (Marine Patrol) | 13.41 |
| Dispatchers | 11.59 |
| Medical Director | 97.00 |
| Voting Machine Technician | 15.92 |

and be it

FURTHER RESOLVED, that the Chairman of the Legislature will be paid an annual salary of \$17,087 for 2016; the Vice-Chairperson will be paid an annual salary of \$12,920 for 2016; with the remaining members of the Legislature to be paid an annual salary of \$11,390 each for 2016.

Moved Johnson, second,

RESOLUTION NO. 436-1215

APPROVING THE EMPLOYEE ASSISTANCE PROGRAM BUDGET AND PLAN FOR 2016

WHEREAS, the Employee Assistance Program (EAP) Committee has been authorized to operate an Employee Assistance Program (EAP) and other related programs for the County; and

WHEREAS, the Legislature requires the EAP Committee to submit for approval a plan of operations, together with a proposed budget for the year 2016; be it

RESOLVED, that this Legislature authorizes the Orleans County Employee Assistance Program budget and plan of operations for the year 2016 as follows:

EMPLOYEE ASSISTANCE PROGRAM BUDGET AND PROGRAM PLAN

Program Revenues:

| | |
|---------------------------|-------------|
| Commissions/Deposits 2016 | \$ 3,550.00 |
| Raffles | \$100.00 |
| Total | \$ 3,650.00 |

Program Expenditures:

| | |
|-------------------------------|------------|
| GCASA Contract | \$1,500.00 |
| Employee of the Month Program | \$450.00 |
| Summer Picnic | \$800.00 |
| Holiday Luncheon | \$900.00 |
| Miscellaneous | \$0.00 |
| Total | \$3,650.00 |

Moved, Johnson; second,

RESOLUTION NO. 437-1215

AUTHORIZING COUNTY TREASURER TO MAKE YEAR END ADJUSTMENTS FOR YEAR ENDING DECEMBER 31, 2015

WHEREAS, the independent auditors have recommended that the County Treasurer request a “blanket resolution” to allow for any budget adjustments that may be required at year end; be it

RESOLVED, that this Legislature authorizes the Treasurer to make the necessary budget adjustment and inter-fund transfers, and furnish copy of said adjustment to the Clerk of the Legislature when completed.

Moved, Johnson; second,

RESOLUTION NO. 438-1215

APPROVING APPORTIONMENT OF 2016 SALES TAX TO TOWNS AND VILLAGES

RESOLVED, that the apportionment of the 2016 Sales Tax to Towns and Villages as presented below by the Clerk of the Legislature in the foregoing warrants be, and hereby is approved by this Legislature.

2016 Sales Tax Apportioned to Towns and Villages

| Town | Apportioned To Town | % Due Village | Amount Due Village | Amount Due Town Outside |
|-----------|---------------------|---------------|--------------------|-------------------------|
| Albion | \$269,873.14 | 55.30% | \$149,244.48 | \$120,628.66 |
| Barre | \$64,536.27 | | | |
| Carlton | \$95,418.07 | | | |
| Clarendon | \$116,260.89 | | | |
| Gaines | \$107,656.06 | 19.28% | \$20,753.95 | \$86,902.11 |
| Kendall | \$86,813.23 | | | |
| Murray | \$158,966.37 | 30.01% | \$47,706.84 | \$111,259.53 |
| Ridgeway | \$216,076.99 | 41.63% | \$89,950.38 | \$126,126.61 |
| Shelby | \$169,515.26 | 40.27% | \$68,257.42 | \$101,257.84 |
| Yates | \$81,554.72 | 18.78% | \$15,316.57 | \$66,238.15 |
| Totals | \$1,366,671.00 | | \$391,229.64 | \$612,412.90 |

The percentage due to the village is determined by dividing the village taxable value by the town taxable value

Moved, Johnson; second,

RESOLUTION NO. 439-1215

APPROVING AGREEMENTS BETWEEN THE ORLEANS COUNTY SHERIFF'S OFFICE AND THE MONROE COUNTY SHERIFF'S OFFICE

RESOLVED, that this Legislature approves an agreement between the Orleans County Sheriff's Office and the Monroe County Sheriff, 130 South Plymouth Avenue, Rochester, NY 14614, for the provision of in-patient forensic services for mentally ill inmates at a cost of \$140 per day; agreement effective from January 1, 2016 through December 31, 2020.

Moved, DeRoller; second,

RESOLUTION NO. 440-1215

AUTHORIZING SHERIFF TO APPLY FOR 2015-16 PUBLIC SAFETY ANSWER POINTS (PSAP) OPERATIONS GRANT PROGRAM FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

RESOLVED, that this Legislature authorizes the Sheriff to apply for a Public Safety Answering Point (PSAP) Operations Grant, which provides reimbursement to counties for costs related to the operations of a PSAP; at no cost to the county, for fiscal years 2015/16.

Moved, DeRoller; second,

RESOLUTION NO. 441-1215

AUTHORIZING ABOLISHING AND FILLING POSITIONS IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature does hereby abolish a full-time Lieutenant Deputy Sheriff (3110.09) position in the Sheriff's Office effective January 1, 2016; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation and filling a full-time Deputy Sheriff Position in the Sheriff's Office at grade Grade 1 of the Orleans County Deputy Sheriff's Association Salary Schedule effective January 1, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes filling the vacant Chief Deputy Sheriff position (3110.03) in the Sheriff's Office at Grade 7 of the Orleans County Management Compensation Plan with position to work 40-hour week and is eligible for compensation time and overtime, effective December 21, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the following full-time vacancies in the Sheriff's Office:

Undersheriff (3110.02), grade 9 of the Orleans County Management Compensation Plan, effective January 1, 2016

Confidential Secretary (3110.12), grade 4 of the Orleans County Management Compensation Plan, effective January 1, 2016

Civilian Dispatcher (3020.02), grade 4 of the Orleans County Sheriff's Employees Association contract, effective January 1, 2016

Deputy Sheriff (3110.17), grade 1 Orleans County Deputy Sheriff's Association contract, effect December 17, 2015

Deputy Sheriff (3110.28), grade 1 Orleans County Deputy Sheriff's Association contract, effect December 17, 2015

Moved, DeRoller; second,

RESOLUTION NO. 442-1215

AUTHORIZING SHERIFF'S DEPARTMENT TO PURCHASE A NEW 2016 CHRYSLER TOWN AND COUNTRY MINI VAN AND AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE SHERIFF'S DEPARTMENT BUDGET

RESOLVED, that this Legislature authorizes the Sheriff's Department to purchase (1) 2016 Chrysler Mini Van, Model Town & Country from Doan Dodge Chrysler Jeep, 4477 Ridge Road West, Rochester, NY 14626 in the amount of \$30,924.95 to be paid from Sheriff's Account A3110.270 – Capital Equipment; and be it

FURTHER BE RESOLVED, that the Treasurer is authorized to transfer money into the Sheriff's Department Capital Equipment Budget to provide the additional funds needed to pay for the 2016 Chrysler Town and Country Suburban Van as follows:

| | | |
|---------------------------|-------------------|---------|
| <u>From:</u> A3110.413 | Gas and Oil | \$5,142 |
| <u>To:</u> A3110.270 | Capital Equipment | \$5,142 |

Moved, DeRoller; second,

RESOLUTION NO. 443-1215

AUTHORIZING CREATING, FILLING AND ABOLISHING POSITION IN THE PUBLIC DEFENDERS OFFICE

WHEREAS, resolution 65-215 approved an agreement between the Public Defender and the NYS Office of Indigent Legal Services; and

WHEREAS, this resolution provided funds to create a Case Manager position, therefore be it

RESOLVED, that this Legislature authorizes the creation of a Case Manager position in the Public Defender's Office at Grade 11 of the CSEA Salary Schedule, effective December 17, 2015; and be it

FURTHER RESOLVED, that this Legislature approves the filling of this Case Manager position at the Public Defender's Office at Grade 11 of the CSEA Salary Schedule, effective December 17, 2015; and be it

FURTHER RESOLVED, that this Legislature shall abolish this position of Case Manager (Public Defender) at the Public Defender's Office effective with the ending of the funding from the NYS Office of Indigent Legal Services as agreed in resolution 65-215.

Moved, DeFilipps; second,

RESOLUTION NO. 444-1215

APPOINTING PUBLIC DEFENDER

RESOLVED, that Sanford Church be appointed Public Defender for Orleans County for a term of two years, effective January 1, 2016 through December 31, 2017, at grade 9, step 9 of the Management Compensation Salary Schedule; and, that in addition thereto, the reasonable disbursements and expenses of Public Defender incurred in the conduct of County business shall be paid upon the usual monthly vouchers and be audited by this County Legislature.

Moved, DeRoller; second,

RESOLUTION NO. 445-1215

APPROVING EXTENSION OF FY12 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT

WHEREAS, Resolution No. 212-613 approved the acceptance of funding in the amount of \$2,000,000 for the FY12 Statewide Interoperable Communications Grant (SI12-1016-D00) effective February 4, 2013 through February 3, 2014, Resolution No. 55-214 extended it through February 3, 2015 and Resolution No. 170-15 extended it through February 3, 2016; now be it

RESOLVED, that this Legislature approves the extension of this grant through February 3, 2017; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to e-sign all related documents associated with the extension of this grant (SI12-1016-D03).

Moved, Johnson;

RESOLUTION NO. 446-1215

APPROVING EXTENSION OF FY14 EMERGENCY PLANNING GRANT

WHEREAS, Resolution No. 198-514 approved the acceptance of funding in the amount of \$21,183.00 for the FY14 Local Emergency Planning Grant (EM14-1029-D00) effective October 1, 2013 through September 30, 2015; now be it

RESOLVED, that this Legislature approves the extension of this grant through September 30, 2016; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to e-sign all related documents associated with the extension of this grant.

Moved, Johnson; second,

RESOLUTION NO. 447-1215

AUTHORIZING FILLING OF VACANCY IN EMERGENCY MANAGEMENT OFFICE

WHEREAS, a current part time Keyboard Specialist submitted her resignation from the Emergency Management Office effective December 31, 2015, be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Keyboard Specialist position in the Emergency Management Office at Grade 7, Step 1 of the CSEA Salary Schedule, effective January 1, 2016.

Moved, Johnson; second,

RESOLUTION NO. 448-1215

AWARDING BID AND APPROVING AGREEMENT BETWEEN THE COUNTY OF ORLEANS AND INDOFF, INCORPORATED FOR WHITE COPY PAPER

WHEREAS, advertisement for sealed bids for white copy paper occurred and a bid was publically opened on November 6, 2015; therefore be it

RESOLVED, that this Legislature awards the bid and approves an agreement between the County of Orleans and Indoff, Incorporated, 11257 Jamison Rd, East Aurora, NY 14052 to provide Universal #91200 8.5” x 11” white copy paper, 20 lb, 92 bright, at a cost of \$31.75 per carton and shall include any all additional fees. Contract term will be effective January 1, 2016 through June 30, 2016 with an option to renew the contract for three (3) additional six (6) month periods with the written approval of the Chief Administrative Officer; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute this agreement and further renewal contracts if needed effective through December 31, 2017 subject to the review and approval by the County Attorney and the Chief Administrative Officer.

Moved, Johnson; second,

RESOLUTION NO. 449-1215

ADOPTING LOCAL LAW NO. 2 OF 2015, ENTITLED A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES

WHEREAS, Local Law No. 2-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on September 28, 2015 and a Public Hearing was held on October 28, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 2 of 2015:

A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES

SECTION 1: SECONDHAND DEALER DEFINED

As used in this Local Law, a secondhand dealer is any person, partnership, corporation, association, joint venture, trustee, court-appointed representative or agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer; or which derives more than thirty five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including but not limited to, furniture, appliances, clothing, automobile accessories, books, magazines and athletic cards and memorabilia or metals, whether in bulk or manufactured state. The term secondhand dealer shall include businesses commonly known as pawnbrokers, swap shop operators, stamp dealers, coin dealers, jewelers and auction houses who purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership.

Advertising in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs whether on the exterior or interior of the business;

Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.

SECTION 2: EXEMPTIONS

The following are exempt from the requirements of this Local Law:

Garage Sales: As used in this Section, a garage sale is defined as the sale at retail of used personal property by the lawful residents of residentially zoned property which garage sale is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than ten (10) days in any consecutive ninety (90) day period. Notwithstanding the foregoing, in the event a Town or Village has defined Garage Sales by a duly enacted local law or ordinance, the definition enacted by the Town or Village shall preempt the foregoing definition contained herein with respect to that municipality

Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale, or which are incorporated as a not for profit corporation by the State;

Sales or purchases which are regulated by the licensing laws of the State, including automobile dealers, used parts dealers and automotive parts recyclers;

Antique Dealers: As used in this Section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production which is at least fifty (50) years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items;

Licensed Firearm Dealers.

SECTION 3: PROHIBITED PURCHASES

No secondhand dealer shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

Where the seller is less than the age of eighteen (18);

Where the seller fails to present at least one (1) form of identification which at least contains the seller's full name, date of birth, a photograph or full physical description, and an identification number.

Where the article to be purchased had an original manufacturer's serial number at the time it was new, but no longer legibly exhibits said number.

SECTION 4: STATE AND FEDERAL LAWS COMPLIED WITH

Secondhand dealers shall comply with all applicable state and federal laws and regulations that govern the same, This Local Law shall not be construed so as to preempt any state or federal laws.

SECTION 5: RECORD OF PURCHASES

Every secondhand dealer shall keep at the business location a register on forms provided or approved by the District Attorney in which shall be entered in a permanent manner the following information: a succinct and accurate description of all property taken, purchased or received in the course of the business licensed under this Local Law, including any number or inscription that may be in or on said property; the full legal name of the person from whom the property is received, including full first name and middle initial, if any; such person's current residential address, date of birth and physical description; the consideration and terms of the transaction; the signature of the employee who received the property; and the signed statement of the person from whom the

property was obtained that he/she is over eighteen (18) years of age and the legal owner of same, clear of all attachments and with the legal right to sell. Entries made in the register shall be printed or typed and shall be legible. All entries shall be made immediately upon receipt or purchase of any property. The register shall be open to inspection by any police agency during normal hours of operation. Records of purchase shall be maintained for at least one (1) year.

No person shall be required to furnish such description of any new property purchased from manufacturers or wholesale dealers having an established place of business, or of any goods purchased at open sale, or from a bankrupt stock. Such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase and must be shown to police agencies or District Attorney, when demanded.

SECTION 6: INSPECTION OF DEALER PREMISES: SEIZURES

Every secondhand dealer and every person employed by the secondhand dealer in the conduct of business, shall admit to any and every part of the business premises, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this Section, and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall return same to the secondhand dealer within ten (10) days and obtain a receipt therefore, as aforesaid.

SECTION 7: WAITING PERIOD

Every secondhand dealer, except auction houses, shall keep all property purchases or received from an individual for inspection for a period of at least five (5) calendar days before it can be sold or traded.

Every bonafide auction house shall maintain an accurate record of all transactions, listing the full first name, middle initial, and last name of all buyers, residential address or business name and address, date of birth and physical description. The buyer shall sign the record of transaction.

Every auction house operating a regular secondhand store for the sale of merchandise, other than at auction, shall comply with all provisions of this Local Law the same as a secondhand store or a secondhand dealer.

SECTION 8: PENALTY

Any person who shall violate any of the provisions of this Local Law shall upon a civil adjudication be subject to a fine of not less than FIFTY (\$50.00) DOLLARS or more than FIVE HUNDRED (\$500.00) DOLLARS for each offense. Each day any violation of any provision of this Local Law shall continue shall constitute a separate offense. The secondhand dealer shall be fully responsible for any violation of this Local Law occasioned by or with the condonation of the secondhand dealer's partners, officers, shareholders, agents, or employees; any such violation shall be imputed to the secondhand dealer.

Moved, DeRoller; second,

RESOLUTION NO. 450-1215

ADOPTING LOCAL LAW NO. 3 OF 2015, ENTITLED AMENDING LOCAL LAW NO. 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

WHEREAS, Local Law No. 3-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on October 28, 2015 and a Public Hearing was held on November 18, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 3 of 2015:

A local law Amending Local Law No. 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

SECTION 1. Section 702 of Local Law No. 4 of the Year 2003 is hereby amended to read as follows:

702. Effective Date: This Local Law shall take effect on January 1, 2004, and expire December 31, 2017, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

SECTION 2 This Local Law shall take effect on January 1, 2016.

Moved, DeFilipps; second,

RESOLUTION NO. 451-1215

ADOPTING LOCAL LAW NO. 4 OF 2015, ENTITLED A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1956 AS AMENDED BY LOCAL LAW NO. 1 OF 1974

WHEREAS, Local Law No. 4-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on November 18, 2015 and a Public Hearing was held on December 16, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 4 of 2015:

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1956 AS AMENDED BY LOCAL LAW NO. 1 OF 1974

SECTION 1 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and specifically Section B. thereof, is hereby amended to read as follows:

B. ENTRY AND WITHDRAWAL

Participants as defined in Subsection A hereof and other than those in the plan at the time of its adoption, shall be admitted as of January first following the date of application for participation; provided, however, that a certified copy of a resolution of the governing body of the applicant shall be filed with the Committee by the preceding July first.

A participant may withdraw from the plan effective at the end of a fiscal year, by filing with the Committee by the preceding July first notice of such withdrawal. The actuarial report of the plan will be used to determine the member's liabilities at the date of withdrawal, to produce the amount payable by the participant.

The amount payable by a participant upon withdrawal shall be collected in full, or in such installments and at such dates as the County Legislature may determine.

SECTION 2 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and amended by Local Law No. 1 of 1974, and specifically Section E. thereof, is hereby amended to read as follows:

E. RESERVE

A reserve of \$5,000,000 is hereby established for the plan. Any balance in the contribution reserve of the mutual plan, after repayment of advances shall be transferred to the reserve hereby established.

The difference between the maximum amount hereby established and the balance transferred from the contributed reserve of the mutual plan shall be accumulated by including equal portions of such amount in each annual estimate.

SECTION 3 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and amended by Local Law No. 1 of 1974, and specifically Section G. thereof, is hereby amended to read as follows:

G. REPORTS BY PARTICIPANTS

Each participant shall maintain a record of all injuries received by employees in the course of their employment. The following or equivalent reports required to be filed by the employer with the Workers' Compensation Board pursuant to the Workers' Compensation Law shall be filed promptly, within ten days after occurrence of injury or illness or sooner if directed by the Workers' Compensation Board and copies thereof shall be filed at the same time with the Administrator:

- Form C-2F Employer's Report of Work Related Injury Or Illness
- Form C-11 Employer's Report of Injured Employee's Change in Status Or Return to Work
- Form C-240 Employer's Statement Of Wage Earnings Preceding Date of Action

Reports shall be made annually by volunteer fire departments giving the name of the active members thereof. Such other reports as may be requested by the committee shall be filed promptly by the participants.

Forms for reports to be filed by participants pursuant to this subdivision shall be furnished by and be an expense of the plan.

The committee shall report to the County Legislature failure of a participant to file required reports and the County Legislature may take such action as it deems proper, as provided herein.

SECTION 4 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and amended by Local Law No. 1 of 1974, and specifically Section J. thereof, is hereby amended to read as follows:

J. PENALTIES

For failure to file reports. Fine not to exceed scheduled fine set by the Workers’ Compensation Board for such a violation.

In all other respects Paragraph J is hereby confirmed.

SECTION 5 – All prior inconsistent Local Laws, Rules and Regulations of the County of Orleans are hereby repealed.

SECTION 6 – This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

Moved, Johnson; second,

RESOLUTION NO. 452-1215

ADOPTING LOCAL LAW NO. 5 OF 2015, ENTITLED A LOCAL LAW INCREASNG THE SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS APPOINTED OR ELECTED FOR A DEFINITE TERM

WHEREAS, Local Law No. 5-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on November 18, 2015 and a Public Hearing was held on December 16, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 5 of 2015:

COUNTY OF ORLEANS
LOCAL LAW NO. 5 of 2015

A LOCAL LAW INCREASING THE SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS APPOINTED OR ELECTED FOR A DEFINITE TERM

Be it enacted by the Legislature of the County of Orleans, as follows:

Section 1. Pursuant to the provisions of the Municipal Home Rule Law of the State of New York, the salaries of the following County Employees are raised as follows, at an annualized salary as set forth below:

| <u>Employee</u> | <u>Proposed</u> | <u>Annual Longevity Bonus</u> |
|------------------------------|-----------------|-----------------------------------|
| County Clerk | \$77,529 | ***\$1,075 |
| County Treasurer | \$77,529 | *****\$1,725 |
| Director of Personnel | \$81,963 | |
| Highway Superintendent | \$84,273 | *****\$1,725 |
| Real Property Tax Director | \$71,322 | *\$200 |
| Social Services Commissioner | \$84,273 | |
| Coroners | \$1,892 | |

- * Indicates 10 years of Service and at top of the grade
- ** Indicates 20-24 years of service
- *** Indicates 25-29 years of service
- **** Indicates 30-34 years of service
- ***** Indicates 35 and over years of service

Section 2. This local law is adopted subject to referendum on petition pursuant to Section 24, Subdivision 2-h of the Municipal Home Rule Law of the State of New York.

Section 3. This local law shall take effect 45 days after adoption thereof or after approval by one affirmative vote of a majority of the qualified voters of the County of Orleans voting on a proposition for its approval, after petition, whichever event first occurs.

Moved, Johnson; second,

RESOLUTION NO. 453-1215

SUPPORTING NEW YORK STATE'S CONSTITUTIONAL HOME RULE

WHEREAS, the New York State Constitution grants local governments, which include county, city, town or village, broad home rule powers to adopt local laws and where the powers of Article IX and those implemented by Municipal Home Rule give authority to local governments to act by law with respect to (1) its "property, affairs and government" and (2) other powers granted in statute whether related to its property, affairs and government or not, and

WHEREAS, in 1963 New York State adopted the present Article IX which guarantees Home Rule for all villages and towns in the state outside of New York City and also introduced the Bill of Rights for Local Governments; and

WHEREAS, Home Rule establishes a local government's authority as the source for zoning and planning power and gives municipality's great flexibility in dealing with local regulation of land use, keeping these decisions as close to the citizens as possible; and

WHEREAS, Article IX states that the State Legislature is prohibited from acting with respect to property, affairs and government of any local government except by general law or special law enacted by two-thirds of the membership of a local legislative body or at the request of the chief executive officer, concurred by a majority of the legislative body, or, except in the case of New York City; therefore be it

RESOLVED, that the Orleans County Legislature does hereby support the New York State's Constitutional right to Home Rule and denounce any attempt or effort to circumvent this constitutional right; and be it

FURTHER RESOLVED, that this Legislature denounces Article X and the attempt of New York State to circumvent Article IX by giving power to those appointed by Albany and not living in the local government jurisdiction the right to decide zoning and land use in the local community, and be it

FURTHER RESOLVED, that this Legislature supports the constitutional rights of local government to decide local laws for their jurisdiction, regardless of any state law, as per those elected by the citizens of that region; and be it

FURTHER RESOLVED, that this Legislature supports the constitutional rights of local government to decide how land will be used within its jurisdiction, which is closest to the citizens of that region.

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ortt, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, InterCounty of Western New York, all Orleans County Towns and Villages, and all others deemed necessary and proper.

Moved, Allport; second,

RESOLUTION NO. 454-1215

SUPPORTING NEW YORK STATE LEGISLATION CONCERNING FUEL ZONE PRICING.

WHEREAS, the cost of a gallon of gasoline in Orleans County is higher than the bordering counties by as much as thirty cents a gallon, and

WHEREAS, this cost difference is a gallon of gas forms an unfair playing field in the same geographic area and is hurting Orleans County business by customer purchasing fuel outside of the county, and

WHEREAS, the NYS Attorney General Office, December 2011 'Report on New York Gasoline Prices, determined that no laws were being broken and Zone Pricing was the cause for the huge difference, and

WHEREAS, the legislature hereby finds and declares that for the past several years motor fuel prices have greatly fluctuated. In some cases, price fluctuations are caused by natural market conditions. In other cases, fluctuations result from artificial manipulation of the market. One such artificial pricing manipulation is zone pricing. Zone pricing is the setting of different wholesale prices for retail motor fuel [that operate in different geographic areas] BASED ON GEOGRAPHIC LOCATION. Zone pricing increases the price of retail motor fuel for certain consumers, leading to inequities among consumers and regions around the state; now, therefore be it

RESOLVED that the Orleans County Legislature calls on the Governor and State Legislature to end zone pricing and other artificial changes in motor fuel prices that unfairly harm many consumers around the state; and be it

FURTHER RESOLVED that the Orleans County Legislature calls on the State Legislature to pass Assembly Bill A.00103 and NY Senate Bill S.332 to address the issue of zone pricing and price differences in the same geographic; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ortt, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, InterCounty of Western New York, all Orleans County Towns and Villages, and all others deemed necessary and proper.

Moved, Allport; second,

RESOLUTION NO. 455-1215

SETTING DATE OF 2016 ORGANIZATIONAL MEETING

RESOLVED, that the Organizational Meeting of the Orleans County Legislature will be held on Tuesday, January 5, 2016 at 9:30 a.m.

Moved, Johnson; second,