

LEGISLATURE MEETING

March 25, 2015

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, with the exception of Legislators DeFilippo and DeRoller.

The Clerk presented the following communications:

Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Albion	
T/Gaines	
T/Ridgeway	Supporting Reform of the AID and Incentive for Municipalities (AIM) Formula in Order to Distribute the New Aid to Local Governments.
T/Yates	
V/Medina	
T/Albion	
T/Gaines	Supporting Legislation to Repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013
T/Ridgeway	
T/Yates	

Orleans County Chamber of Commerce will be holding their 2015 Home & Garden Show on April 11th 10 a.m. – 6 p.m.; and April 12th 10 a.m. to 4 p.m. at the Orleans County Cornell Cooperative Extension 4-H Fairgrounds. Admission is \$1.00 and Free Parking. The 10th Annual Canal Clean Sweep is coming Friday-Sunday April 17-19. NYS Canal Corporation in partnership with Parks & Trails New York is organizing this event in recognition of Earth Day 2015 and in advance of the 191st navigation season on the New York State Canal System. ABATE of New York Inc, Orleans County Chapter is requesting use of the Courthouse Steps to conduct their Motorcycle Safety and Awareness Rally on Sunday May 3, 2015 from Noon till 3 p.m. They are also requesting use of power. This is their annual promotion event for motorcycle safety, awareness, and rider education along with alerting the public to the renewed presence of motorcycles on the highway. The Board approved this request. Orleans County Office for the Aging and The ARC of Orleans presents their Spring Jubilee celebrating Older Americans Month on Thursday, May 7, 2015 at the Trolley Building at the 4-H Fairgrounds. Doors open at 10:15 a.m.; entertainment begins at 11 a.m.; recognition program starts at Noon and lunch will begin to be served at 12:30 p.m. \$3 for anyone 60 or older and \$6 for anyone under 60 accompanying a Senior. Tickets available at the Nutri-fair site or by calling Office for the Aging at 589-3191. The Albion Strawberry Festival Committee, Sponsored by Albion Rotary Club, is requesting that a 5'x12' banner be hung on the courthouse lawn from May 30, 2015 to June 13, 2015 to advertise the Albion Strawberry Festival. The Board approved this request. The ARC of Orleans County would like to hold their Annual Chicken BBQ Fundraiser at the Albion Academy Nutri-fair site on Saturday, August 8, 2015 from 12:30 – 5:30 p.m. This fundraiser benefits the Nutrition Program in Partnership with the Office for the Aging. The Board approved this request.

Legislator Allport presented a proclamation for Public Health Week, April 6-12th, to Public Health Director Paul Pettit.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through February, 2015. She advised that our financials have improved over last month with tax money coming in. She indicated that she has been busy with the 8 million dollar bond and the Moodies rating ended by maintaining our A-1 rating. Moodies pointed out that we have a modest but stable tax base, manageable debt burden, average reserve levels,

and conservative budgeting were in our favor. Chairman Callard stated that A-1 is outstanding and Treasurer Heard stated it is for our size county.

Chairman Callard called for open discussion as it related to the resolutions. David Kusmierczak, Shelby, questioned and inquired about Resolution No. 98 concerning the STAR exemption. He asked if the County is looking to a tax credit rather than seeing it on our School tax bills? Legislator Johnson stated that this Resolution supports to maintain the tax bill credit rather than it going on the income tax return, which the Board is not in favor of this. Chairman Callard stated that they feel many senior citizens would lose track of the STAR exemption through the income tax process. He said those that would need it the most would probably suffer the most if the state changed this process. Mr. Nesbitt stated at this time, this proposal is losing traction.

Real Property Director Dawn Allen explained that in the Governor's Budget there is a proposal to transition any new STAR applications into a personal income tax credit going forward. Based on how it is written in the budget proposal, anyone they told March 1, 2014 through February 28, 2015 that they were granted an exemption based on their application, but based on the proposal, they would have to receive a denial letter and then have to wait till next year to see that credit on their income tax credit. This would not affect any existing exemptions, only going forward because the state wanted to take control. If a person is receiving it currently and wanted to transition to the income tax credit that could be done for the future. The problem with going backwards is those that have escrow accounts. Many were concerned with the transition timing if going backwards. Mr. Kusmierczak questioned the income pertaining to the enhanced STAR. Traditionally when the senior goes over the income limit they revert back to the basic and then the following year can go back to the enhanced based on income changes. They see it often bouncing back and forth. Mrs. Allen stated that they will know more in the next few weeks if this will be moving forward.

Allen Lofthouse, Kendall, stated that he is opposed to Resolution No. 108. He referenced the Cottages of Troutburg in Kendall and replayed how they quickly and quietly tried to handle the meetings. He said that it seems everyone wants to be in each other's pockets when a person wants to start a business.

Legislator Eick moved to add three resolutions to the agenda; second by Legislator Allport. Motion carried. The following resolutions were presented for adoption:

RESOLUTION NO. 73-315

APPROVING MODIFICATION AND ADDITION TO RESOLUTION NO. 23-115 FOR THE APPOINTMENT OF THE INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT

WHEREAS, Resolution No. 385-1211 abolished a full time position of Director of Planning and Development and created and filled a part-time Director of Planning and Development; and

WHEREAS, Resolution No. 23-115 appointed an Interim Director of Planning and Development with the assumption it was a full time position; now, therefore be it

RESOLVED, that it was the intent of the Legislature to hire a full time Interim Director of Planning and Development; and be it

FURTHER RESOLVED, that this Legislature re-creates and fills a full time position of Director of Planning and Development at Grade 10 in the Management Salary Plan retroactive to January 14, 2015; and be it

FURTHER RESOLVED, that this Legislature abolishes the part-time position of Director of Planning and Development, as authorized in Resolution No. 385-1211, effective January 14, 2015.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 74-315

APPROVING AGREEMENTS WITH THE ORLEANS COUNTY SHERIFF/JAIL AND VARIOUS AGENCIES

RESOLVED, that this Legislature approves agreements between the Sheriff/Jail and the following agencies:

General Physicians Sub I, PLLC, formerly Lake Plains Medical, 100 Ohio St, Medina NY 14103, for jail nursing services at a cost of \$7,754/per month for 2015 an increase of 3%, and \$7,987/per month for 2016 an increase of 3%, effective January 13, 2015 through December 31, 2016;

Leads OnLine, 6900 Dallas Pkwy, Suite 825, Plano, Texas, 75024 for electronic data reporting system, at an annual cost of \$1,758, effective March 1, 2015 through February 28, 2018.

Wayne County Sheriff, 7376 Route 21, Ste 1000, Lyons NY 14489, for the housing of Orleans County inmates in the Wayne County Jail, when needed, at a cost of \$85 per prisoner/per day, effective January 1, 2015 through December 31, 2015.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 75-315

AUTHORIZING PAYMENT FROM CENTRAL OFFICE EQUIPMENT REPAIR ACCOUNT

WHEREAS, telephone communications is an extremely vital component of the ongoing operation of Orleans County Government; and

WHEREAS, it is imperative that aging systems be maintained, serviced, and repaired in an expedient manner; be it

RESOLVED, that this Legislature authorizes payment to ICS Telecom to be made in the amount of \$6,152.50 from account A1615.453, Central Office Equipment Repair to repair critical failures in the Mitel Phone system at the County Office Building.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 76-315

AUTHORIZING FILLING OF VACANCY IN BUILDINGS AND GROUNDS DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Building Maintenance Worker (1620.24) position in the Buildings and Grounds Department at Grade 12 of the CSEA Contract Salary Schedule, effective immediately.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 77-315

AUTHORIZING THE TREASURER TO INCREASE THE INTENSIVE CASE MANAGEMENT CHECKING ACCOUNT IN THE MENTAL HEALTH DEPARTMENT

WHEREAS, Case Managers need access to funds to assist clients in developing and maintaining situations for living and working; and

WHEREAS, the cost of these needs continues to inflate, thus stressing the current account limit of \$1,000; be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to increase the Intensive Case Management checking account by \$1,000; with account not to exceed \$2,000.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 78-315

APPROVING AGREEMENTS BETWEEN MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES

RESOLVED, that this Legislature approves the following agreements for the Mental Health Department for the 2015 calendar year:

Hillside Children's Center, 24 Main Street, Mount Morris, NY 14510 providing a program of family resiliency as a community support service for individuals with mental and emotional problems who are living in the community at a cost of \$79,111. County cost \$0.

Hillside Children's Center, 24 Main Street, Mount Morris, NY 14510 providing a program of customized services to children with mental and emotional problems who are living in the community via the use of ICM wraparound funds at a cost of \$14,000. County cost \$0.

Coordinated Care Services, Inc., 1099 Jay Street, Rochester, NY 14611 providing specialized financial management services and preparation and submission of CFR reports at a cost of \$27,000. County cost is \$1,890.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 79-315

APPROVING AN APPOINTMENT AND A RE-APPOINTMENT TO THE COMMUNITY SERVICES BOARD

RESOLVED, that this Legislature approves the appointment and the re-appointment to the Community Services Board as follows:

Douglas E. Holmes, to serve a four-year term to begin March 26, 2015 and ending March 25, 2019.

Brenda L. Bierdeman, to serve a second four-year term to begin March 26, 2015 and ending March 25, 2019.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 80-315

APPROVING PROBATION TO CONTINUE PARTICIPATION FOR GRANT FUNDING THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES FOR ALTERNATIVES TO INCARCERATION (ATI) FUNDING

RESOLVED, that this Legislature authorizes the Orleans County Probation Department to continue in the participation in the grant opportunity in the amount of \$5,531 from the NYS Division of Criminal Justice Services for the Article 13-A Classification Alternatives to Incarceration ATI award for the delivery of Pre-Trial Services with grant period effective July 1, 2015 through June 30, 2016; and be it

FURTHER RESOLVED, that the County Chairman is hereby authorized to execute the grant agreement and all related documents associated with this grant, subject to review by the County Attorney.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 81-315

APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND DOHERTY COMMUNICATIONS

RESOLVED, that this Legislature approves a three year renewal agreement between Buildings and Grounds Division of the Orleans County Highway Department and Doherty Communications, 237 West Academy Street, Albion, NY 14411 for maintenance of county phones at a cost of \$18,000 effective February 1, 2015 through January 31, 2016, to be paid in quarterly amounts of \$4,500; and effective February 1, 2016 through January 31, 2018 the annual cost will be \$19,000 to be paid in quarterly payments of \$4,750; and be it

FURTHER RESOLVED, that the Chairman is authorized to sign this renewal agreement subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 82-315

APPROVING EXTENSION OF AGREEMENT WITH DOHERTY COMMUNICATIONS FOR THE RADIO SYSTEM MANAGEMENT PROJECT

WHEREAS, this Legislature did, via Resolution No. 50-113, extend an existing Agreement between the Buildings and Grounds Division of the Orleans County Highway Department and Doherty Communications for maintenance of the County's telecommunications infrastructure through January 31, 2014; and

WHEREAS, on that same resolution, this Legislature extended an amendment to that Agreement to cover the scope and terms for the Radio System Management Project as detailed in Resolution No. 35-112, through January 31, 2014 and with subsequent extensions by Resolution No. 41-114, 244-714, 299-814, and 345-1014; and

WHEREAS, the Radio System Project has been installed and accepted, Kevin M. Doherty, doing business as Doherty Communications, hereby makes this proposal to continue management of Orleans County's three RF site Harris P25 digital Public Safety Communications System in a labor-only contractual relationship for a term beginning December 1, 2014 through and including January 31, 2018; be it

RESOLVED, that this Legislature authorizes all provisions of that agreement, including but not limited to the scope of work and terms of payment; and not to exceed \$6,300 per month through the contract date, to be paid from Account A3640.452 Personal Services, Contractual in the Emergency Management budget; subject to County Attorney approval.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 83-315

APPROVING AGREEMENT EXTENSIONS BETWEEN ORLEANS COUNTY BOARD OF ELECTIONS AND NEW YORK STATE BOARD OF ELECTIONS

RESOLVED, that this Legislature approves the Appendix X agreement extensions between the Orleans County Board of Elections and the New York State Board of Elections, 40 North Pearl Street, Albany, NY extending the period effective April 1, 2015 through March 31, 2016 that funds are available to the local board of elections for the following:

Contract #T002560 – Voter Education and Poll Worker Training Program – Original Funding amount of \$23,131 (Res. No. 123-307); current balance \$4,226.02.

Contract #T002676 – NYS Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant – Original Funding amount of \$11,656 (Res. No. 110-308); current balance \$56.96; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute the Appendix X extensions and acknowledges that all other provisions of said agreements shall remain in full force and effect.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

Legislator Johnson moved to authorize the Jail Superintendent to apply for grant through the Bureau of Justice Assistance; seconded by Legislator Allport. Legislator Johnson stated how well Jail Superintendent Scott Wilson has done for obtaining these opportunities for our Jail. The following resolution was adopted:

RESOLUTION NO. 84-315

AUTHORIZING THE JAIL SUPERINTENDENT TO APPLY FOR A GRANT THROUGH THE BUREAU OF JUSTICE ASSISTANCE

RESOLVED, that this Legislature authorizes the Orleans County Jail Superintendent to apply for the State Criminal Alien Assistance Program (SCAAP) grant (FY15) through the Bureau of Justice Assistance, 810 Seventh Street NW, Washington D.C., 20531 to 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.

Moved, Johnson; second, Allport.
Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 85-315

APPROVING AGREEMENT WITH ORLEANS COUNTY SHERIFF'S OFFICE/JAIL AND THE U.S. DEPARTMENT OF JUSTICE

RESOLVED, that this Legislature approves the Federal Equitable Sharing Agreement and Certification between the Orleans County Sheriff's Office on behalf of the Orleans County Jail and the U.S. Department of Justice, 950 Pennsylvania Ave NW, Washington DC 20530-0001 effective January 1, 2015 through December 31, 2015 allowing receipt of seized funds on Federal forfeitures.

Moved, Johnson; second, Allport.
Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 86-315

MODIFYING RESOLUTION NO. 28-115 REGARDING A VACANCY IN THE OFFICE FOR THE AGING AND AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE OFFICE FOR THE AGING

WHEREAS, Resolution No. 28-115 authorized to fill a vacant Keyboard Specialist in the Office for the Aging; now be it

RESOLVED, that this Legislature does hereby modify Resolution No. 28-115 to now abolish a vacant part time Keyboard Specialist position (6772.26) position at the Office for the Aging; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a part-time Clerk position in the Office for the Aging, at Grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created, vacant part-time position, effective March 26, 2015.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 87-315

AUTHORIZING CREATING AND FILLING OF TEMPORARY POSITION IN THE OFFICE FOR THE AGING

WHEREAS, the following position changes presented herewith will be contingent upon the availability of receiving additional OFA funding; now be it

RESOLVED, that this Legislature does hereby authorize the creation of a temporary part-time Aging Services Specialist position in the Office for the Aging, at Grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling the newly created, temporary part-time vacant position, effective April 1, 2015 until March 31, 2016.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 88-315

AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services continuously reviews staffing to provide more efficient operations of county business; and

WHEREAS, several employees will, or have recently retired, while others have resigned, vacated positions as the result of promotions, or accepted positions in other departments; now be it

RESOLVED, that this Legislature does hereby abolish the following full-time positions:

Account Clerk Typist	6010.0809
Senior Account Clerk Typist	6010.2007

and be it

FURTHER RESOLVED, that this Legislature does authorize filling a vacant full time Child Support Specialist position (6010.0803) in the Department of Social Services at Grade 11 of the CSEA Salary Schedule effective March 26, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby create an Assistant Director of Administrative Services position in the Management Plan at Grade 5; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize filling of this newly created full-time position at Grade 5, of the Management Salary Schedule effective March 26, 2015; and be it

FURTHER RESOLVED, that the Commissioner has the discretion to hire a qualified candidate for the Assistant Director of Administrative Services at any step of Grade 5 of the Management Salary Plan.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 89-315

APPROVING AGREEMENT BETWEEN REAL PROPERTY AND SYSTEMS DEVELOPMENT GROUP, INC (SDG)

RESOLVED, that this Legislature approves the agreement between Real Property Tax Services and Systems Development Group Inc. (SDG), 441 Trenton Ave, Utica, NY 13502 for web-based delivery of the Orleans County Real Property Information for the period March 1, 2015 through February 28, 2018 at an annual cost of \$3,300 for Software, support and hosting services. This is a reduction of \$2,500 per year from previous agreements and amount will be charged back to the Towns in the annual chargebacks.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 90-315

APPROVING AGREEMENT BETWEEN EMERGENCY MANAGEMENT OFFICE AND J. O’CONNELL & ASSOCIATES, INC.

RESOLVED, that this Legislature approves the agreement between the Emergency Management Office and J. O’Connell & Associates, Inc. of 10646 Main St., Clarence, NY 14031, to provide professional services for the purpose of preparing and submitting a grant application to the New York Statewide Interoperable Round 4 Grant Program FY14-15 through the New York State Department of Homeland Security and Emergency Services at a cost not to exceed \$8,000; said funds to be paid from Emergency Management Budget Account A3640.418, Other Contractual; and be it

FURTHER RESOLVED, as a result of matching fund monies being available due to a smaller than expected grant award to the Orleans County Marine Park Grant, the Treasurer is authorized to transfer funds from Marine Park Budget to the Contingent Fund as follows:

FROM:		
A7180.470	Capital Construction Projects	\$8,000
TO:		
A1990.435	Contingent Fund	\$8,000

FURTHER RESOLVED, that the Treasurer is authorized to Transfer Funds from Contingency to the Emergency Management Budget to cover the cost of these professional grant services as follows:

FROM:		
A1990.435	Contingent Fund	\$8,000
TO:		
A3640.418	Other Contractual Expenses	\$8,000

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 91-315

AUTHORIZING PURCHASE OF JAIL WALL LIGHTS FROM BUILDINGS AND GROUNDS BUDGET

RESOLVED, that this Legislature approves the purchase of (20) Jail Wall Lights from I.D. Booth Inc./Booth Electric Supply, 620 William Street, PO Box 579, Elmira, New York at a total cost of \$6,300 to be paid from the Capital Project Account #H1620.403.222 Energy Performance. There is a \$4,000 reimbursable incentive program through National Grid; County cost \$2,300; and be it

FURTHER RESOLVED, that the Treasurer is authorized to return the reimbursable incentive monies of \$4,000 to the Energy Performance Capital Project Account #H1620.403.222 upon receipt.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 92-315

AUTHORIZING PURCHASE FOR THE VMWARE HOST CAPITAL PROJECT BY COMPUTER SERVICES

RESOLVED, that this Legislature authorizes the purchase of one (1) server and accessory equipment from CDW-G, 75 Remittance Drive, STE 1515; Chicago, IL 60625-1515 for the Computer Services Capital Project VMWare Host upgrade project in the amount of \$5,230 (PO #55945) to be paid from Computer Services Account A1680.270 – Capital Equipment which will maximize the architecture to minimize data loss and downtime for failure; and provide a greater fault tolerance and user accessibility.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 93-315

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY AND PARK STRATEGIES, LLC

RESOLVED, that this Legislature approves an agreement between Orleans County and Park Strategies, LLC, 121 State St, 3rd Floor, Albany, NY 12207, to provide Government Affairs Services for Orleans County, in the amount of \$5,000 per month effective, March 26, 2015 through March 25, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute this agreement with Park Strategies, subject to the review and approval of the County Attorney and Chief Administrative Officer; and be it

FURTHER RESOLVED, as a result of matching fund monies being available due to a smaller than expected grant award to the Orleans County Marine Park Grant, the Treasurer is authorized to transfer funds from Marine Park Budget to the Contingent Fund as follows:

FROM:		
A7180.470	Capital Construction Projects	\$60,000

TO:

A1990.435 Contingent Fund \$60,000
and be it

FURTHER RESOLVED, that the Treasurer is authorized to Transfer Funds from the Contingent Fund to the Legislative Board Budget to pay for these government affairs services as follows:

FROM:		
A1990.435	Contingent Fund	\$60,000
TO:		
A1010.418	Other Contractual Expenses	\$60,000

Moved, Johnson; second, Allport.
Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 94-315

AUTHORIZING PURCHASE OF ONE USED VEHICLE FOR THE DEPARTMENT OF SOCIAL SERVICES FROM THE MENTAL HEALTH DEPARTMENT AND APPROVING AGREEMENT FOR THE PURCHASE AND TRANSFER OF THIS USED VEHICLE

WHEREAS, Orleans County Department of Social Services is in need of a replacement vehicle to carry out the duties of the department as assigned by this Legislature; and

WHEREAS, one of the current Department of Social Services vehicles is at the end of its useful life; therefore be it

RESOLVED, that this Legislature authorizes an agreement for the Commissioner of Social Services to purchase one used 2011 Chevrolet Express van from the Orleans County Mental Health department at a cost not to exceed \$15,000 for use by the Orleans County Department of Social Services; and be it

FURTHER RESOLVED, that the Department of Social Services will make three annual payments of \$5,000 in January of 2016, 2017, and 2018 effectuated by voucher and interdepartmental transfer of funds by the Orleans County Treasurer's Office.

Moved, Miller; second, Eick.
Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 95-315

APPROVING LEASE AGREEMENT BETWEEN MENTAL HEALTH AND FIRST NIAGARA LEASING, INC

WHEREAS, we received a quote from Joe Basil Chevrolet in the amount \$22,245.50 to lease a 2015 Chevrolet Cruze 4-door sedan for the Mental Health Department to replace the 2011 Chevrolet Express Van being purchased by the Department of Social Services; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute a lease agreement for a 2015 Chevrolet Cruze with First Niagara Leasing Inc, 726 Exchange St, Ste 900, Buffalo, NY 14210, authorizing four arrears lease payments of \$6,039.12 to be paid in 2016, 2017, 2018, and 2019 at an interest rate of 3.38%

to be paid from Mental Health account A4310.270 – Capital Equipment subject to the review and approval of the County Attorney and the Chief Administrative Officer.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 96-315

APPROVING PROBATION DIRECTOR TO CONTINUE PARTICIPATION IN THE STATE AID FUNDING FROM THE NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES

RESOLVED, that this Legislature approves the Orleans County Probation Director to continue participation for state reimbursable aid in the amount of \$149,616 effective July 1, 2015 to June 30, 2016 calendar year from the NYS Division of Probation and Correctional Alternatives; and be it

FURTHER RESOLVED, that the County Chairman is hereby authorized to execute the grant agreement and all related documents associated with this grant, subject to review by the County Attorney and Chief Administrative Officer.

Moved, Johnson, second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 97-315

AUTHORIZING GRANT APPLICATION AND AGREEMENT BETWEEN ORLEANS COUNTY OFFICE FOR THE AGING AND NEW YORK STATE OFFICE FOR THE AGING

WHEREAS, the purpose of this new funding is to support local programs by increasing offerings and access to non-institutional long term services and support for caregivers and their Medicaid-eligible loved ones; now be it

RESOLVED, that the Director of Orleans County Office for the Aging is authorized to apply for a one time funding grant from NYSOFA through the Balancing Incentive Program(BIP) Caregiver Support Program, for \$20,000 from April 1, 2015 to March 31, 2015 at no county cost; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the BIP Caregiver Support Grant agreement with the New York State Office of the Aging for the Orleans County Office for the Aging subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 98-315

RESOLUTION OF THE ORLEANS COUNTY LEGISLATURE PETITIONING GOVERNOR CUOMO AND THE STATE LEGISLATURE TO DELAY PROPOSED LEGISLATION WHICH WOULD MOVE THE STAR EXEMPTION FROM A REAL PROPERTY TAX EXEMPTION TO A PERSONAL INCOME TAX CREDIT

WHEREAS, included in the 2015/2016 New York State Budget is a proposal to convert the STAR real property tax exemption to a Personal Income Tax (PIT) credit; and

WHEREAS, this transition is supported by both the New York State Assessors Association and the New York State Association of County Directors of Real Property Tax Services as New York State is better equipped to ensure the accuracy of this exemption; and

WHEREAS, this transition to a PIT credit would start with any STAR exemption that was granted for property owners that were not eligible as of March 3, 2014; and

WHEREAS, this transition would result in much confusion to the local property owner who has been under the assumption that they would be eligible for the exemption since they applied with their local Assessor; and

WHEREAS, when additional confusion is added to an already complicated property tax system taxpayers become more frustrated with the whole tax system; and

WHEREAS, this transition will require the Assessors' offices in Orleans County to send out approximately 276 denial letters for this exemption which will increase the amount of phone calls, letters, and foot traffic to explain why the denial has to occur when an approval was already sent out; and

WHEREAS, this transition will result in either a shortage in their escrow account which would then have to be made up in double for the next escrow payment year or their anticipated tax bill will be approximately \$600 more with Basic STAR and \$1,400 more with Enhanced STAR than they budgeted on their own; and

WHEREAS, this additional tax amount might disqualify potential buyers of real property as it will put them over the 43% Debt to Income ratio established in the provisions of DODD FRANK that became effective January 2014; now therefore be it

RESOLVED, that the Orleans County Legislature on recommendation of the Finance Committee petitions New York State to delay this transition to any STAR exemption that was granted after the 2015 Assessment Roll to more adequately inform the public of this important change in their taxes; and be it

FURTHER RESOLVED, that the Clerk of this Board shall forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Robert Ort, New York State Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, and all others deemed necessary and proper.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 99-315

APPOINTING MEMBERS TO FIRE ADVISORY BOARD

RESOLVED, that this Legislature appoints the following voting members to the Orleans County Fire Advisory Board, effective January 1, 2015 with all terms expiring December 31, 2015:

AGENCY

NAME OF REPRESENTATIVE

Albion Fire Department	Jeremy Graham
Barre Fire Department	Jerry Bentley
Carlton Fire Company	Andrew Niederhofer
Clarendon Fire Company	Robert Freida
East Shelby Fire Department	Allen Turner
Fancher-Hulberton-Murray Fire Company	Joe Morlino
Holley Fire Company	Peter Hendrickson
Kendall Fire Company	Michael Schultz
Lyndonville Fire Company	Jason Gerety
Medina Fire Department	Jonathan Higgins
Morton (H-W-M Fire District)	Randy Davis
Ridgeway Fire Company	Francis Woodward
Shelby Fire Company	Andrew Benz

and be it

FURTHER RESOLVED that the following are approved as non-voting members of the Board:

Orleans County Emergency Management	Dale Banker
Orleans #2 Deputy Coordinator	Francis Gaylord
Orleans #3 Deputy Coordinator	Martin Zwifka
Orleans #4 Deputy Coordinator	David J. Hydock
Orleans #5 Fire Investigator	David Clary
Orleans #6 Fire Investigator	Walter Batt
Orleans #7 Fire Investigator	David Knapp
Radio Systems	Kevin Doherty
Legislature Chairman/Vice Chairman	David Callard/Lynne M. Johnson
Legislator / Public Safety Committee	Ken DeRoller
Orleans County Sheriff	Scott Hess
Office of Fire Prevention and Control	Dan Hausman

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 100-315

APPOINTING MEMBERS TO EMERGENCY MEDICAL SERVICES COUNCIL

RESOLVED, that this Legislature appoints the following members to the Emergency Medical Services Council, all terms expiring December 31, 2015:

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
<u>VOTING MEMBERS:</u>	
Albion Fire Department	Fred Piano
Barre Fire Department	Patrick Lamka
Carlton Fire Company	Lynn Miller / Justin Niederhofer, Alt.
Clarendon Fire Company	Donald Mosier
East Shelby Fire Department	Michael Fuller
Fancher-Hulberton-Murray Fire Company	Debbie Fiorito
Holley Fire Company	Peter Hendrickson
Kendall Fire Company	Sue Maslyn

Lyndonville Fire Company
Medina Fire Department
Ridgeway Fire Company
Shelby Fire Company
COVA
Orleans County Health Dept
Mutual Aid / EMS Coordinator
Orleans County Sheriff
Orleans County Dispatch
Red Cross
Mercy Flight of WNY
NON-VOTING MEMBERS
Co. Leg /Public Safety Committee
NYS Department of Health

Lee Kistner
Steve Cooley / Mike Maak, Alt.
Kristin McAdoo
John L. Miller II
Jason Spencer / Laurie Schwab, Alt.
Al Cheverie
H. Dale Banker
Scott Hess
Allen Turner
Vacant
Lynne Ribbeck

David Callard/Kenneth DeRoller
James M. Mihalko

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 101-315

AUTHORIZING OUT OF STATE TRAVEL FOR SHERIFF'S OFFICE EMPLOYEE

RESOLVED, that this Legislature approves the following Out-of-State travel request made by Deputy Sheriff Erin Fuller, to travel to Bremerton, Washington, April 21st thru April 24th, 2015 for the purpose of inspecting and approving the newly constructed Safe Boat.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 102-315

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Office of the Aging, 14016 Rt 31 West: Albion, NY 14411 to provide chronic disease and accident prevention along with safety programs for Orleans county residents age 60 and above. Reimbursement from NYS Health Department. Contract period January 1, 2015 to December 31, 2015 - Contact amount \$10,000. County cost \$0.

Greater Rochester RHIO (Public Health Information database) 200 Canal View Blvd, Ste 200: Rochester NY 14623. Contract allows public health nurses access to data base for health disease investigations and follows HIPPA guidelines. Contract effective December 31, 2014 to December 31, 2019. County cost \$0.

Erie County Public Health Lab, 503 Kensington Ave. Buffalo, NY 14214 to provide Lab services for the Public Health Nursing division and the Environmental Health water program. Contract option to renew for an additional year. Contract period January 1, 2015 through December 31, 2015. Reimbursement from NYS Water grant, fees and state aid. County cost \$0.

NYS Department of Health, Bureau of Early Intervention, ESP Corning Tower Room 287, Albany, NY 12237-0660. Contract to provide funding to offset costs related to the early intervention program. Contract effective October 1, 2014 to September 30, 2015. Contract amount \$29,985.

Orleans County Sheriffs Department to collect and prepare animals for rabies testing in Albany, NY. Sheriff's Office will submit a billing statement on a quarterly basis and be compensated at the rate of \$25.00 for each specimen collected and prepared. Contract period January 1, 2015 through December 31, 2017.

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

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 103-315

APPROVING AGREEMENT FOR DOCK WORKER/CUSTODIAL SERVICES AT ORLEANS COUNTY MARINE PARK

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Ronald Bierstine, 1764 Oak Orchard Road, Albion, NY 14411, to provide dock worker and custodial services at Orleans County Marine Park from April 15, 2015 to September 27, 2015 at a cost not to exceed \$15,559 to be paid from Account A7180.432-Misc. Contracts/Agreements.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 104-315

APPROVING AGREEMENT WITH TIMOTHY NEWTON CONSTRUCTION FOR MOWING AT ORLEANS COUNTY PARKS

RESOLVED, that this Legislature hereby approves the renewal agreement with Timothy Newton Construction, 2374 Eagle Harbor-Waterport Rd., Albion, NY 14411, for mowing and trimming at the Orleans County Marine Park; Point Breeze site; boat dock rental site and Rte. 98/18 site at a cost of \$280 per mowing at all sites, to be paid from Account A7180.432-Misc. Contracts/Agreements.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 105-315

CANCELING AGREEMENT WITH CORPORATE COMMUNICATIONS; AUTHORIZING AMENDMENT TO AGREEMENT WITH LYNNE MENZ DESIGNS FOR TOURISM SERVICES AND APPROVING CELLULAR PHONE USE AGREEMENT

WHEREAS, Resolution No. 442-1214 authorized an agreement with Corporate Communications, Inc. for Tourism Management and Marketing Services; and

WHEREAS, Resolution No. 443-1214 authorized an agreement with Lynne Menz Designs for Tourism Coordination Services to Orleans County in 2015 in the amount of \$13,000; now be it

RESOLVED, that this Legislature authorizes the cancellation of the Corporate Communication Inc. agreement with Orleans County; and be it

FURTHER RESOLVED, that this Legislature approves an amended agreement between the County of Orleans and Lynne Menz Designs of Kent, NY to provide tourism coordination, to include management and marketing services, to Orleans County in 2015 at a cost not to exceed \$25,000 to be paid in equal monthly installments from Tourism Account A6410.466; and authorizes the Legislature Chairman to execute an amendment to her Independent Contractor Agreement upon the review and approval of the Orleans County Attorney and Chief Administrative Officer; and be it

FURTHER RESOLVED, that this Legislature hereby approves the cellular phone use agreement, as well as assignment of a cell phone to the Orleans County Tourism Promotions Contractor Lynne Menz to conduct Tourism business on behalf of Orleans County with costs to be charged to Tourism Account A6410.401 Cellular Phones & Pagers; and be it

FURTHER RESOLVED, that this Legislature approves reimbursement for mileage and other approved costs for all out of county travel.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 106-315

APPROVING AGREEMENT BETWEEN THE DEPARTMENTS OF PLANNING AND DEVELOPMENT AND TOURISM AND WAYNE HALE

RESOLVED, that this Legislature approves an agreement between the Departments of Planning and Development and Tourism and Wayne Hale, 228 West Center St, Medina, NY 14103 provide transitional resources and training for the new Interim Director of Planning and Development and for Tourism Coordination effective through December 31, 2015 at a cost of \$27.00 per hour, total contract not to exceed \$10,000; and be it

FURTHER RESOLVED, that this Legislature approves reimbursement for mileage and other approved costs for all out of county travel.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

Legislator Allport moved a resolution to oppose New York State's Plan to close Skill Development Centers and Work Centers. He explained that this relates to the ARC of Orleans business known as Orleans Enterprise which opened in 1981. The State in cost savings has decided by 2020 to close these center based work centers. This is the first step of clients of the ARC to be able to be employed. Upon further evaluation and approved in these center based centers, they are then placed in community based employment at places like Walmart or Associated Brands. Without this key step the dignity of having a job, feeling productive, and collecting a pay check by these individuals will be destroyed by having to have to stay home or be placed in day care type centers. Legislator Allport called for a united voice across the state against the closing of these centers by contacting our elected officials concerning this. Legislator Eick seconded his motion. Chairman Callard stated

that the irony here is that the ARC Orleans County Enterprise Workshop is the most successful and most profitable in the State. Legislator Allport stated that they get enough work that they have to pass it off to Genesee and Niagara counties. The following resolution was adopted:

RESOLUTION NO. 107-315

OPPOSING NEW YORK STATE'S PLAN TO CLOSE SKILL DEVELOPMENT CENTERS AND WORK CENTERS

WHEREAS, this Legislature believes that people have the right to participate in their community to their full ability; that people have the right to a supportive network of friends and advocates and that people have the responsibility to care for themselves and their neighbors in a safe, holistic, healthy community; and

WHEREAS people with intellectual and other developmental disabilities currently receive funding for employment in sheltered workshops also know as skill development centers. This means that a student transitioning out of high school with a disability are able to pursue employment and a paycheck in this vocational setting upon graduation; and

WHEREAS, the Orleans Enterprises (OE) workshop at 215 Washington Street opened in 1981 providing employment to hundreds of individuals leading with a mission to promote community inclusion through community based supported employment; and

WHEREAS, new vocational service recipients start in sheltered, many were found through vocational evaluation funded by VESID (Vocational and Education Services for Individuals with Disabilities a branch of State Ed now known as ACCESS-VR) to be appropriate for community based employment. Some individuals have chosen to stay in sheltered work, which is the right of every American to choose where they want to work and they are provided support and information to choose other options on a regular basis through case reviews; and

WHEREAS, the State's plan to close vocational workshops like the one operated by the ARC of Orleans will force those employed now to either stay home or participate in a Day Care program, thus removing the dignity associated with employment and taking away a vital step to community based employment; and

WHEREAS, The U.S. Supreme Court's decision in *Olmstead v. L.C.* recognized the right of the individual with developmental disabilities who are currently in a sheltered workshop to remain in that setting if they wish to do so; now be it

RESOLVED, that the Orleans County Legislature does hereby oppose the New York State's plan to close SKILL DEVELOPMENT CENTERS AND WORK CENTERS, thus removing this important step towards Community Based supported employment; and be it

FURTHER RESOLVED, that the Orleans County Legislature is requesting this plan to close the Center Based workshops to be rescinded and allow the funding of these Work Centers to continue allowing them to stay open and continue giving those working there the self-advocacy of choosing where they want to work; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ortt, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, Inter-County of Western New York, all Orleans County Towns and Villages, ARC of Orleans County, NYSARC, OPWDD and all others deemed necessary and proper.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 108-315

OPPOSING PART W OF GOVERNOR'S PROPOSED 2015 BUDGET CONCERNING LOCAL INDUSTRIAL DEVELOPMENT AGENCIES

WHEREAS, Industrial Development Agencies (IDA) are an important economic development tool to promote job creation and retention in our communities and are the main source of economic development subsidies at the local and county level; and

WHEREAS, our Local IDA has been a driver of development in Orleans County, and we need to continue relying on them; and

WHEREAS, part of their success lies in the fact that they have the best knowledge of and interest in the areas that they serve; and

WHEREAS, Governor Cuomo's proposed Revenue Bill - Part W, as indicated in the State of the State, is set to add an additional layer of redundant paperwork and delays to projects utilizing IDA assistance; and

WHEREAS, Part W of this budget severely restricts the ability of Industrial Development Agencies to respond to the needs of businesses by removing home rule decisions and placing certain incentive decisions with the Regional Economic Development Council and Empire State Development; and

WHEREAS, allowing the State to have a larger role in approving IDA incentives will decrease the ability of local municipalities to decide how they plan to economically develop and replace that with the decisions coming from downstate; and

WHEREAS, Part W of this budget also grants the Authorities Budget Office greater power over local Industrial Development Agencies, inhibits County's ability to build industry clusters, and significantly slows Industrial Development Agencies ability to respond to "at the speed of business"; now, therefore be it

RESOLVED, that the Orleans County Legislature continues to support our local IDA and endorses their activities unburdened by additional State regulations and mandates; and be it

FURTHER RESOLVED, that the Orleans County Legislature joins with all local Local IDAs within the State of New York in their opposition to Governor Cuomo's proposal to add further paperwork to the IDA incentive process; and be it

FURTHER RESOLVED, copies of this resolution shall be sent to Governor Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ort, Assemblyman Steve Hawley, Assemblywoman Jane Corwin; Senator Philip Boyle, Chairman of the Senate Committee for Commerce, Economic Development & Small Business; Assembly Minority Leader Brian Kolb; Assemblyman Robin Schimminger, Chairman of the Assembly Committee for Economic Development, Job Creation, Commerce & Industry; Empire State Development Corporation; NYS Economic Development Council; Orleans County Economic Development Agency; NYSAC; InterCounty of Western New York; and all others deemed necessary and proper.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 109-315

APPROVING PURCHASE AND SALE CONTRACT FOR COMMERCIAL PROPERTY FOR THE SALE OF 46 STATE STREET, HOLLEY, (TAX MAP NO. 88.5-2-45)

WHEREAS, a commercial parcel referred to as 46 State Street, Holley, (tax map no. 88.5-2-45), was subject to an In Rem Tax Foreclosure Proceeding pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, the County of Orleans is authorized to sell commercial property acquired by means of In Rem Foreclosure via private treaty; and

WHEREAS, the County of Orleans has received a Purchase and Sale Contract for Commercial Property for the aforementioned property which the County is desirous of approving; now, therefore be it

RESOLVED, this Legislature hereby approves a Real Estate Purchase and Sale Contract for Commercial Property submitted by Wiley's Ark Properties, Inc., having a sale price of \$20,000 subject to and in accordance with the terms and conditions set forth in the Contract and approval by Orleans County Attorney David C. Schubel; and be it

FURTHER RESOLVED, that Susan M. Heard, Orleans County Treasurer and Chief Tax Enforcement Officer is authorized to execute a deed and other documents in order to convey all of the County's right, title and interest in and to said parcels.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 110-315

APPROVING AGREEMENT BETWEEN JOB DEVELOPMENT AND GLOW ONE-STOP OPERATOR CONSORTIUM

RESOLVED, that this Legislature does hereby approve the agreement between the Job Development Department and the GLOW One-Stop Operator Consortium, c/o Livingston County Workforce Development, 6 Court Street, Room 105, Geneseo, NY, 14454 for the purpose of providing workforce development services in the GLOW Workforce Investment Area, effective July 1, 2015 through June 30, 2016.

FURTHER RESOLVED, that the County Chairman is hereby authorized to execute the Consortium Agreement, subject to review by the County Attorney and Chief Administrative Officer.

Moved, Miller; second, Johnson.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 111-315

SETTING DATE AND TERMS FOR AUCTION OF COUNTY-OWNED TAX PROPERTIES NOTWITHSTANDING ANY RESOLUTION HERETOFORE ADOPTED

RESOLVED, that the following terms of auction for County-owned property for the auction to be held Wednesday, June 24, 2015 at 11:00 a.m. at the Albion Elk Lodge #1006, 428 West State Street, Albion, New York, be approved by this Legislature as follows:

TERMS OF AUCTION
ORLEANS COUNTY TAX PROPERTY AUCTION
ALBION ELK LODGE#1006
ALBION, NEW YORK
June 24, 2015
11:00 AM

This is the sale at public auction of various parcels of real property, which have been conveyed in the County of Orleans by final judgment under the so-called In Rem Tax Foreclosure Proceedings. This sale is ordered by various resolutions of the Orleans County Legislature and is in accordance with the appropriate provisions of the Real Property Tax Law. This sale and sale of each and every parcel herein is upon the following terms:

TERMS AND CONDITIONS
OF THE
ORLEANS COUNTY AUCTION OF TAX FORECLOSED PROPERTY

1. Orleans County acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings; and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water assessments are the responsibility of the purchaser, whether they are received or not; (d) the levied 2015 Town and County tax bill including any releived taxes, 2014/2015 village taxes, 2014/2015 school tax, any village or town water and sewer rents and assessments, in addition to any other applicable charges (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.
4. The purchaser shall be solely responsible for the payment of: the levied 2015 Town and County tax bill including any releived taxes; any Village taxes levied after May 31, 2015, the 2015/2016 school taxes, the 2016 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction.
5. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date of the auction. Upon delivery of the quitclaim deed by the County of Orleans to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
6. No personal property is included in the sale of any of the parcels owned by Orleans County, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
7. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE COUNTY, THE AUCTIONEER, AND THE AUCTION SERVICE MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.

8. The County of Orleans reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.
9. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and sold subject to the provisions of law applicable thereto.
10. All bidders are required to register and provide suitable personal identification prior to the auction. Auctioneer reserves the right to decline registration if identification is not sufficient.
11. All bidders are required to use the bidder number issued to them for all purposes associated with the auction. A bidder may not bid on behalf of a party who is on the prohibited bidder list.
12. Bidder acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards, mold, asbestos or any other hazardous substances.
13. The former owner of the property, or his agent, shall not be deemed to be the successful bidder on the property or purchase same at the public auction, unless the bid amount exceeds the amount of the purchase price to affect the release of County's interest. If the former owner or his agent reacquires the property, all liens existing prior to the foreclosure, will be reinstated and the purchaser (former owner) must sign the deed to reinstate the liens.
14. Purchaser shall provide information necessary to complete, and shall execute, the necessary forms and documents required for recording the deed in the Orleans County Clerk's Office. The purchaser executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid, unless the County agrees in writing. The deed prepared will be in the name of the successful bidder (and spouse) only. No third party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal.
15. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the proceeding bid.
16. The Purchaser will execute an Offer to Purchase form immediately upon being declared the high bidder. The approval of each bid by Resolution of the County Legislature *will not constitute a Contract of Sale* and the County reserves the right to reject any bid prior to the closing of title and the recording of the deed.
17. The Purchaser shall be responsible for the payment of an eleven percent (11%) buyer's premium should buyer be paying by credit card or a ten percent (10%) buyer's premium should the buyer be paying by cash or by bank check in addition to the accepted purchase price and the closing fees/costs. The "buyer's premium" is the fee/commission earned by the auctioneer. An additional one and one half percent (1.5%) of the purchase price will be added to each parcel for advertising expenses. Accepted purchase price is the amount bid by a perspective bidder, which has been approved by the Orleans County Legislature.
18. All required deposits must be paid in full for all successful bids immediately upon being declared the successful bidder. Any successful bidder, who fails to tender the deposit immediately upon being declared the successful bidder, will be forbidden to participate in this or any other auction. Any parcels which the County did not receive deposits for, as per these terms and conditions, will be considered to be defaulted, and resold and the bidder will be disqualified from further bidding.
19. 25% of the total contract price (total contract price is the combination of the high bid and the buyer's premium, as defined in section 17 of these terms and conditions), shall be paid as a down payment on the day of the auction upon execution of an Offer to Purchase Form. Total contract prices selling for \$250.00 or less must be paid in full at auction, including all closing costs which consist of the following will be paid with the down payment on the day of the auction for each parcel: (a) New York State Transfer Tax [\$4.00 for the first \$1,000; \$2.00 for each \$500 thereafter of the purchase/bid price]; (b) Filing Fee for the Real Property Transfer Report [\$125.00 if the parcels classification code is 100-199, 200-299 or 411-C; \$250.00 for all parcels otherwise classified]; (c) Filing Fee for combined Gains

Transfer Tax Affidavit [\$5.00]; (d) all fees required by the Orleans County Clerk for recording of the deed [\$50.00 to record a one page deed; \$5.00 for each additional page] *Closing costs may be subjected to an increase in fees as required by law, without notice.* All deposits must be made in cash or guaranteed funds payable to the “Orleans County Treasurer” and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions.

20. All bids shall be subject to approval by the Orleans County Legislature, which shall have the right, in the Legislature’s sole discretion, to reject any bid for any reason whatsoever.
21. All parcels for which you are the successful bidder for must be paid in full. No selective closings subsequent to the auction. Failure to remit full payment on all parcels for which you are the successful bidder will result in a default of all deposits tendered, and you will not be permitted to close on any other parcels for which you are the successful bidder.
22. The entire balance of the accepted purchase price, the buyer’s premium, as defined in section 17 of these terms and conditions, and all closing costs/fees must be paid by cash or guaranteed funds payable to received by the Orleans County Treasurer’s Office on or before July 31, 2015. The County is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the total contract price plus closing costs and fees as herein provided, the deposit shall be forfeited. The County reserves the right, in its sole discretion, to extend the time of payment upon such terms and conditions it deems appropriate.
23. If the successful bidder fails to tender such amount due by the close of business on July 31, 2015, then the County may, but is not obligated to offer any unsold property to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.
24. All sales shall be final, absolute and without recourse, once title has closed and the deed has been recorded. In no event, shall Orleans County and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc. be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against Orleans County and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc. arising from this sale.
25. The County of Orleans will execute no warranties concerning the parcel or title thereto and will not deliver or be responsible for abstracts, title insurance, title searches, surveys, maps or other documents concerning a parcel whatsoever.
26. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the accepted purchase price, buyer’s premium, and closing fees/costs. **POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE ORLEANS COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED.** It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording the deed.
27. A quitclaim deed issued as a result of the auction shall contain the following provisions: (a) “Nothing contained in any description herein is intended to convey more than the assessed owner owned at the time of the levy of the tax, the non-payment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein;” (b) Orleans County shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, or for any encroachments or disputed boundaries; and that no claim or demand of any nature shall ever be made against said Orleans County arising from such sale or conveyance or any proceedings leading thereto.
28. Evictions, if necessary, are solely the responsibility of the successful purchaser after closing and recording of the deed.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 112-315

AUTHORIZING AGREEMENT BETWEEN THE TREASURER’S OFFICE AND HAROFF AUCTION AND REALTY, INC. AND ABSOLUTE AUCTIONS AND REALTY, INC.

RESOLVED, that this Legislature approves an agreement between the Treasurer’s Office and Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc. for professional auction and licensed real estate broker services for the County In Rem Auction; for their professional services rendered through December 31, 2015 for the County In Rem Auction to be held on Wednesday, June 24, 2015; and be it

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

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 113-315

AUTHORIZING AGREEMENT BETWEEN PROBATION AND MID ERIE COUNSELING AND TREATMENT SERVICES

WHEREAS, Resolution No. 259-714 approved an agreement with Mid Erie Counseling services and Treatment Services for the development and delivery of mental health services; now be it

RESOLVED, that this Legislature approves an agreement between the Probation Department and with Mid Erie Counseling and Treatment Services, 156 Walden Ave, Ste 400, Cheektowaga, NY 14425 for also the assessment and treatment of domestic violence services to persons under Probation Supervision from July 1, 2014 through July 1, 2019 for the treatment of conditions related to sexual offender behavior. County cost \$0.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 114-315

AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Public Assistance unit must remain full-staffed at all times to comply with State regulations and mandates so they can interview applicants to determine eligibility; now be it

RESOLVED, that this Legislature, as the result of a termination, does hereby authorize the filling of a vacant full-time Social Welfare Examiner (6010.0109) position in the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective March 26, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a temporary full-time Social Welfare Examiner (6010.0109*) position in the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective March 26, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant temporary position to be effective for the period from March 26, 2015 through the appointment date of the full-time permanent employee (6010.0109).

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 115-315

AUTHORIZING CHAIRMAN TO NOTIFY NEW YORK STATE HOMES AND COMMUNITY RENEWAL TO CEASE OPERATIONS OF THE SECTION 8 HOUSING OFFICE IN ORLEANS COUNTY

RESOLVED, that this Legislature authorizes the Chairman to notify New York State Homes and Community Renewal in writing that the County of Orleans will no longer operate the Section 8 Housing Department effective September 30, 2015.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 116-315

APPROVING APPOINTMENT TO THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY (COIDA)

RESOLVED, that this Legislature approves the appointment of Carol D'Agostino, Kendall, NY to the County of Orleans Industrial Development Agency to replace the seat vacated by David Lewis effective March 26, 2015; and be it

FURTHER RESOLVED, as per policy of this Legislature, all appointments to COIDA will be reviewed upon the commencement of a new term of the Orleans County Legislature.

Moved, Johnson; second, Allport.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 117-315

AUTHORIZING PAYMENT OF CLAIMS FOR APRIL 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 April 8, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	11836-12000; 12008	\$430,068.01
Highway	516-524; 1247-1277	97,114.55

Nursing Home		
Job Development		
Self Insurance	55063-55066; 55120	\$4,527.75

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 April 22, 2015:

Fund/Department	Check Number (s):	Amount:
General	12018-12156	\$321,472.51
Highway	525-528; 1279-1295	\$7,432.36
Nursing Home		
Job Development		
Self Insurance	1085; 55121	\$13,254.53

Moved, Johnson; second, Allport.
 Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

The following add on resolutions were presented:

RESOLUTION NO. 118-315

AUTHORIZING PURCHASE FROM WEST FIRE SYSTEMS FOR NEW AND REPLACEMENT FIRE PANELS IN PUBLIC SAFETY BUILDING AND CENTRAL HALL AND AUTHORIZING TREASURER TO TRANSFER FUNDS INTO THE BUILDINGS AND GROUNDS BUDGET

WHEREAS, the Public Safety Building and Central Hall are in need of upgrades to their fire alarm systems; now be it

RESOLVED, that this Legislature authorizes the purchase of materials and labor to be provided from West Fire Systems, Inc, 58 Pixley Industrial Pkwy, Rochester, NY 14624 to replace the fire alarm system at the Public Safety Building at a cost of \$6,075 and to upgrade the fire alarm system at Central Hall at a cost of \$4,430 to be paid from Buildings and Grounds Account A1620.403 – Maintenance Projects; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to transfer funds into the Buildings and Grounds budget as follows:

From:		
A1990.435	Contingency	\$10,505
To:		
A1620.403	Maintenance Projects	\$10,505

Moved, Eick; second, Miller.
 Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

RESOLUTION NO. 119-315

AUTHORIZING PURCHASE FROM THE HEALTH DEPARTMENT BUDGET FOR VACCINE TO PREVENT INFLUENZA

RESOLVED, that this Legislature authorizes the Health Department to purchase various forms of Fluzone in the amount of \$5,328.08 from VaxServe Inc., 111 N. Washington Ave, Scranton, PA 18503 with funds to be expended from Health Department Budget account A4010.409 – Vaccines and Medications, as approved in the 2015 Orleans County Budget.

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

Chairman Callard introduced the following resolution as an InterCounty of WNY resolution and now we have placed it on our agenda for consideration. Legislator Eick moved this resolution in its entirety to support Highway and Bridge Funding as indicated for immediate need by the New York State County Highway Superintendent's Association. Chairman Callard stated that there will be monies for infrastructure but it will go to downstate and that upstate counties also need that funding. The following resolution was adopted:

RESOLUTION NO. 120-315

SUPPORTING THE NEW YORK STATE COUNTY HIGHWAY SUPERINTENDENT'S ASSOCIATION'S IDENTIFIED NEED TO IMMEDIATELY FUND HIGHWAY AND BRIDGE FUNDING

WHEREAS, Governor Cuomo calls for a direct linkage between tourism, agriculture, and marketing the Upstate New York region as a whole in order to foster economic development; and

WHEREAS, Upstate New York relies solely upon safe and secure roads and bridges to move products to markets, produce food and fiber, and to receive tourists; and

WHEREAS, the lack of state and federal aid has impacted both the New York State Department of Transportation and local municipalities abilities to maintain and replace infrastructure, and

WHEREAS, aging bridges have been flagged, load posted, or restricted due to lack of funding; and

WHEREAS, such restrictions on the state highway system have had an impact on the delivery of agricultural products and good movements in general; and

WHEREAS, impacts have been realized in the form of ticketed vehicles or added time to deliver goods on long detours on local roads not intended for such heavy vehicles; and

WHEREAS, a significant investment has been made by the Governor's Office to support the expansion of agricultural products such as yogurt, barley, and wine as the hallmark of economic recovery in Upstate New York; and

WHEREAS, stagnant highway and bridge funding at the state level, especially for rural counties, has a significant impact on the Governor's plans for recovery and threatens the investment made in agriculture; and

WHEREAS, federal highway and bridge funding available for use by counties in New York has been reduced significant by the emphasis placed on interstate highways under the Moving Ahead for Progress in the 21st Century (MAP-21) Act and further impacted by the New York State Department of Transportation

decision to allocate available federal construction funding towards the preservation of the state highway and bridge system; now, therefore be it

RESOLVED, that the Orleans County Legislature does hereby request that the Governor and the State Legislature immediately fund highway and bridges as to meet the needs identified by the New York State County Highway Superintendent's Association which calls for \$615 million in annual CHIPS funding and a \$500 million local road and bridge program funded over 5 years with funds to be distributed through the CHIPS formula; and be it

FURTHER RESOLVED, that the Orleans County Legislature does hereby request that Senator Schumer, Senator Gillibrand, and Congressman Collins work toward repairing the Dedicated Highway and Bridge Trust Fund and amending MAP-21 or its reauthorization to allow for more concentration of funding on Off-System Bridges rather than interstate maintenance; and be it

FURTHER RESOLVED, that copies of this resolution be sent to Senators Schumer and Gillibrand, Congressman Collins, Governor Cuomo, State Senator Ortt, Assemblyman Hawley, Assemblyman Corwin, NYSAC, Intercounty of WNY, NY Agriculture Society, and all Town and Village Highway/Public Works Superintendents.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: DeFilipps and DeRoller.

With there being no old business to be raised, Chairman Callard called for comments from the floor. Emerson "Tinker" Young, Past Chairman of Orleans County Chapter of SCOPE, which he retired as chairman effective March 9th and has been a member since 1988. He thanked the Board for passing a resolution last month to repeal the SAFE ACT. He also stated that he stands behind David Thom as the new Chairman of the Orleans County Chapter of SCOPE. He will continue with SCOPE as an endowment member along with Bud Schroeder, Herb Berry, and John Krauller, senior state wide members of this organization now in its 50th year in New York State. He expressed his continued support to this Board and what the Board has done for SCOPE. Chairman Callard congratulated Mr. Young on his retirement. Chairman Callard also affirmed that this Legislature will continue to support our second amendment rights. Mr. Young stated that the Second Amendment is the most powerful and strongest amendment and it was put in place to keep our government in check. The constitution is to protect us from our government. He said it is encouraging that our county sticks together to support our second amendment rights and not every county does that.

Chief Deputy Sheriff Drennan requested that at the next months meeting to recognize the individuals who were part of last weekends shooting incident. He expressed appreciation to the Legislature in the support of the Vest Program and in the purchasing of patrol rifles which have recently been placed in our patrol vehicles which both were huge factors in the protection of our officers. Chief Deputy Drennan indicated that next month we will celebrate Crime Victim's Week and no one would be bigger victims than these six who were shot at, with one getting shot and also our Dispatchers who were listening to this event. He thinks it would be nice for the Legislators to support them but also for them to share their appreciation to the Legislature for the support in the purchasing of items they use for their protection. Chairman Callard indicated that we will plan on this at our next months meeting and will look forward to it.

With there being no further business, Legislator Allport moved to adjourn; second by Legislator Eick. Meeting adjourned at 5:17 p.m.

