

LEGISLATURE MEETING

April 27, 2016

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 Legislator Allport.

The Clerk presented the following communications: Susan Heard, Orleans County Treasurer forwarded a listing of Real Property Tax Refunds in the amount of \$6,189.39 that has been reviewed and authorized by her office. Jack Welch, Director of Personnel and Self Insurance has provided notice that the New York State Civil Service Commission took action on one resolution amending the appendices of the Orleans County Civil Service Rules to include adding the job title of Public Health Director to Appendix B – Non-Competitive Class. The 34th Annual Youth Recognition Banquet is Thursday, May 12th at Hickory Ridge Golf and Country Club. 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 1, 2016 from Noon till 3 p.m. They are 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 Friday, May 6, 2016 at the Trolley Building at the 4-H Fairgrounds. Drug Take Back Day is scheduled for Saturday, April 30, 2016 from 10 a.m. – 2 p.m. at three Orleans County drop off locations: Holley Fire Department; Medina Fire Department and Orleans County Public Safety Building. Orleans County Department of Social Services is requesting use of the Courthouse lawn to place a banner from May 1, 2016 to May 15, 2016 for Foster Parent Month. The Board approved this request. The ARC of Orleans County would like to hold their Annual Chicken BBQ/Basket Raffle Fundraiser at the Albion Academy Nutri-fair site on Saturday, September 10th, 2016 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.

Legislators Johnson presented a proclamation for Motorcycle Awareness and Safety Month held in the month of May in Orleans County. Matt Tracy, Vice President of the Orleans County Chapter of ABATE of New York, Inc. accepted this and announced that they will be holding their annual Motorcycle Rally on Sunday, May 1st at the Orleans County Courthouse at 2 p.m. Mr. Tracy thanked everyone for their support for the awareness of Motorcycles, and for their safety in Orleans County.

Legislators Miller and Eick presented a proclamation for the 56th Anniversary of Western New York Armed Forces Week – May 1-7, 2016. Ear Schmidt, Orleans County Director of Veterans Service Agency and Frank Berger, an Orleans County Veteran and past Orleans County Legislative Chairman received the proclamation.

Legislator DeFilipps presented a special recognition certificate, along with Chairman Callard, to Melisa Ierlan for her dedication as the Clarendon Town Historian and preservation of history in Orleans County. Ms. Ierlan has been repainting the aging historical markers across her town and outside town boundaries. Ms. Ierlan has stated that she has completed fifteen signs. Chairman Callard shared his appreciation for her volunteerism in getting these signs painted.

Legislator DeRoller presented a special recognition to the Oak Orchard Neighborhood Association, along with Jim Bensley, Director of Planning, for their forthright donation for a swing set to be installed for the Marine Park. Mr. Bensley shared a summary of the improvements and shared his appreciation in that they can do all of the updates, including installing a new swing set, at one time and not have to do it in phases. Mr. Bensley credited Lynne Menz, also a member, suggested that that OONA be asked to help make this happen.

Treasurer Heard distributed an Analysis of Monthly Cash Receipts and Disbursements through March of 2016. She expressed that it was one of the best reports in her 20 some years due to the largest cash balance we have had on a monthly report in a very long time. It was noted that around April 1st she paid out \$3 million in school, village, and sales tax.

Chairman Callard called for open discussion from the Legislators. Legislator DeFilipps expressed that he likes seeing the participation as we move forward by the Department Heads along with County and Town governments.

Legislator Eick updated the Board on the updates to the Veterans Service Agency. Earl Schmidt announced the Open House on June 27th from 5 to 7 p.m. which will be a meet and greet with light refreshments but no ceremony.

Legislator Johnson provided an update on the broadband. The first round of bidding that the RFP's were in was from April 1st to April 15th. But, this past winter Time Warner Cable and Charter Communications began looking at a merger which entails many levels of approval. She indicated that the Justice Department signed off this week approving this. Because of Niagara and Orleans Counties, and most counties in New York State, have a foot print of Time Warner in their County. The FCC has mandated through the merger that Time Warner expand to 145,000 homes that have not ever been served. So until that determination has been made to expand, Niagara/Orleans was blocked to participate in the first round of funding. The merger is moving forward and the last part of this is the approval of the FCC. Once approved, Time Warner has forty-five days to submit the actual address points of the 145,000 funds that will be fed back into these maps. The second round of funding will be in June. If the blockage will be lifted from this merger, we are ready to submit.

Chairman Callard requested Legislator Johnson to give an update on the progress of our lake levels. She provided a bit of history on the IJC. She said she met with Congressman Collins last week and he assured her that it is a dead dog at this time and Governor Cuomo is not going to sign off on this. Congressman Collins also stated that at this time we should not pursue it anymore and feels the issue is going to die. Legislator Johnson said she will continue to monitor it. Chairman Callard stated that it died before and resurfaced and we will continue to monitor it because it will surely affect our shoreline and the negative impacts to our taxpayers and businesses.

Legislator Johnson acknowledged that on both these project Chairman Callard had the foresight to realize that a voice would be more powerful if we teamed up with a neighboring county. Chairman Ross, the retired Niagara County Chairman agreed and NORA came about. Chairman McNall, the newly elected Chairman of the Niagara County Legislature is also very supportive of having this joint alliance.

Chairman Callard stated that he met with Chairman McNall who is interested in coming to visit our Legislature in the next few months. Chairman Callard also welcomed Shelby Councilman Ken Schaal and Village of Medina Trustee Owen Toale to the chambers today.

Chairman Callard opened the floor for public comment as it relates to today's resolutions: Allen Lofthouse, Kendall, inquired about Resolution No. 168 and asked if we are still using the Nursing Home to house the Elections and Public Health Department offices. He inquired about the cost. Mr. Nesbitt indicated it is about \$100,000 per year. Mr. Lofthouse asked if this is the final Bond payment in this resolution for the Nursing Home. Mr. Nesbitt stated that it will pay off the final debt of the Nursing Home. Mr. Lofthouse then stated that the only thing we owe is for the rent of these offices, which was agreed.

Paul Lauricella, Yates, inquired if there is any other buildings within the county campuses to house the Elections office instead of paying \$30,000 for a feasibility study. Chairman Callard stated that we have no other place to move either the Board of Elections or Public Health to. Chairman Callard indicated that the study is the first step in the discussion and need to be very sure of the cost. We don't want to enter into a building project without making sure that it is cost effective. A preliminary review shows it could be possible without any impact to the tax rate. A thorough professional analysis of our needs and results in cost will just reaffirm our belief that it could be done. A necessary first step stated Chairman Callard.

Mr. Lauricella then asked about the solar feasibility study and was concerned with recent solar company bankruptcy filing. Chairman Callard felt that was not going to be an issue with this project. Mr. Nesbitt stated that we are not tied into any specific company related to this. NYSERDA is providing many incentives. We are strictly looking at the benefits at this time. We can lock in the cost of our electricity at a flat number over the next thirty years therefore we could pay off the Bond. Over this thirty year period the county would benefit to the good by 1.6 or 1.9 million dollars, Mr. Nesbitt indicating these are preliminary numbers provided.

Mr. Lauricella asked if any other municipalities have studied solar benefits. Mr. Nesbitt stated there has been in which to create a long term fiscal benefit to their county. Chairman Callard stated that the technologies are improving and the incentives are at the maximum at this time to make it cost effective at this time.

Mr. Nesbitt added that Orleans County passed a resolution of intent a while back so we could continue to study this and we then were grandfathered under the current system. With getting on the books with our resolution, we can sell back to the grid at the highest rate we pay at our buildings. We need to have this in place by December 31st of 2017 and study to see if we can turn our \$10,000 into \$2 million over a thirty year period. We are looking at IDA properties at this time for this project, stated Mr. Nesbitt.

Bruce Schmidt, Gaines, shared his concern with moving the Legislature Chambers and offices due to the historical nature it has in the Courthouse square and Clerk's Building, as being proposed in Resolution No. 188-416. He felt to explore other facilities owned by taxpayers, such as our schools, to house trainings if needed. This does occur in other localities. He referenced the new build numbers for the Charlie Howard Museum. He expressed that in his opinion history is lost when people are moved to new facilities. Chairman Callard stated that his point will be well taken and is the purpose of the study. This building's historic value will not disappear expressed Chairman Callard.

The following resolutions were presented for adoption:

RESOLUTION NO. 145-416

AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
1,232.00	Labella Associates	Prof. Serv. for Repl. of Waterport Carlton Bridge – Inv#69275 – 1/1/16-3/18/16
49,785.50	Labella Associates	Prof. Serv. for Repl. of Carton Road Bridge – Inv #69285 – 1/1/16-3/18/16
4,752.00	Labella Associates	Prof. Serv. for Repl. of East Scott Road Bridge – Inv #69286 – 1/1/16-3/18/16

346.50 Labella Associates

Prof. Serv. for Repl. of Oak Orchard Bridge –
Inv#69287 – 1/1/16-3/18/16

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
8,135.04	Labella Associates	Prof. Services for Repl. of Platten Rd. Culverts – Inv #69284 – 1/1/16-3/18/16
1,540.00	Labella Associates	Prof. Services for Repl. of Knowlesville Rd Culverts – Inv# 69274 – 1/1/16-3/18/16

Moved, Eick; second, Miller

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 146-416

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE MARCHISELLI PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a “Project” start package for the Bridge Preventative Maintenance of Six locations in Orleans County in the Towns of Albion, Carlton, Ridgeway and Yates, PIN 4760.68, BINS: 3319330, 3366350, 3318980, 3318930, 3318940, and 3318820 (the “Project”) is eligible for funding under title 23 U.S. code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Orleans desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary “Engineering” and “Right of Way” Incidentals; and be it

RESOLVED, that the Orleans County Legislature, hereby approves the above subject project; and be it

FURTHER RESOLVED, that the Orleans County Legislature hereby authorizes the County of Orleans to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary “Engineering”, and “Design” for the Project or portions thereof; and be it

FURTHER RESOLVED, that the sum of \$85,422 is hereby appropriated from the Orleans County Legislature and made available to cover the cost of participation in the above phase of the Project with a contract end date of January 29, 2026; and be it

FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Orleans County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation; and be it

FURTHER RESOLVED, that the Chairman of the Orleans County Legislature be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Orleans County Legislature with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of Project costs and permanent funding of the local share of federal-aid and

state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Moved, Eick; second, Miller.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 147-416

APPROVING AN AGREEMENT BETWEEN THE HIGHWAY DEPARTMENT AND UNION CONCRETE AND CONSTRUCTION CORPORATION

RESOLVED, this Legislature accepts the low bid submitted by Union Concrete and Construction Corporation, 105 Center Rd, West Seneca, NY 14224 and authorizes the Chairman to execute an agreement with Union Concrete and Construction Corp. for the Replacement of East Scott Road Bridge over Fish Creek; Job #1792.001; BIN #3318920 at a bid cost of \$724,346.50; agreement effective as soon as County gives notice to proceed;

FURTHER RESOLVED, agreement subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Miller,

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 148-416

APPROVING AN AGREEMENT BETWEEN THE HIGHWAY DEPARTMENT AND CRANE-HOGAN STRUCTURAL SYSTEMS

RESOLVED, this Legislature accepts the low bid submitted by Crane-Hogan Structural Systems, 3001 Brockport Rd, Spencerport, NY 14559 and authorizes the Chairman to execute an agreement with Crane-Hogan for the Replacement of Carton Road Bridge over Sandy Creek in the Town of Kendall; BIN #3319180 at a bid cost of \$793,729.10; agreement effective as soon as County gives notice to proceed;

FURTHER RESOLVED, agreement subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Miller.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 149-416

AUTHORIZING PURCHASE OF A ZERO TURN MOWER FROM BUILDINGS & GROUNDS BUDGET

RESOLVED, that this Legislature authorizes the Buildings & Grounds Department to purchase a John Deere Z997R Diesel W60" 7 gauge side discharge deck Zero Turn Mower from Lakeland Equipment Corp., 3237 Union St, North Chili NY 14514, from the NJPA – contract # NY PC66663 at a cost of \$ 18,256.70 minus with a trade-in of the 2008 John Deere 007 mower of \$4,000 to equal a balance of \$14,256.70 (PO#57426) to be paid from the Buildings and Grounds account A1620.470 – Capital Construction Project Equipment.

Moved, Eick; second, Miller.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 150-416

APPROVING AGREEMENT BETWEEN COUNTY OF ORLEANS AND WENDEL FOR PROFESSIONAL SERVICES TO EXAMINE FEASIBILITY OF DEVELOPMENT OF A SOLAR FEASIBILITY ANALYSIS

RESOLVED, that this Legislature approves an agreement with Wendel, 375 Essjay Rd, Suite 200, Williamsville, NY 14228 in an amount not to exceed \$10,500 for professional services related to study and development of a solar array to benefit the County of Orleans; and be it

FURTHER RESOLVED, that the Treasurer is authorized to transfer funds for the purpose of payment to complete this study as follows:

<u>From:</u>		
Future Infrastructure Reserve		\$10,500
<u>To:</u>		
A1620.418	Other Contractual Expenses	\$10,500

Moved, Eick; second, Miller.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 151-416

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 agencies:

Gustavus Adolphus C&FS Jamestown, NY for the provision of residential foster care services; to be effective May 6, 2016 through May 5, 2017 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Orleans County Attorney, Medina, NY for the provision of .75 part-time attorney assigned to Social Services (Child Support); to be effective January 1, 2016 through December 31, 2016 at a cost of \$54,328. County cost is \$18,472.

Moved, Miller; second, Eick.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 152-416

AUTHORIZING 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 reorganization to more effectively utilize positions; now be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Clerk position (6010.0409) in the Department of Social Services at Grade 7 of the CSEA Salary Schedule effective April 28, 2016; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Social Welfare Examiner position (6010.0402) in the Department of Social Services at Grade 13 of the CSEA Salary effective April 28, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation and filling of a part-time temporary Social Welfare Examiner position in the Department of Social Services at Grade 13 of the CSEA Salary Schedule from May 1, 2016 through August 31st, 2016 for implementation of the Home Energy Assistance Program (HEAP) to be reimbursed with 100% federal funds.

Moved, Miller; second, Eick.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 153-416

APPROVING THE 2016 YOUTH BUREAU RESOURCE ALLOCATION PLAN

WHEREAS, the Orleans County Youth Bureau and Department of Social Services have developed a joint plan to be eligible for state aid from the New York State Office of Children and Family Services under the Child and Family Services Planning Guidelines; and

WHEREAS, the Orleans County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2016 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Orleans County appropriation; and

WHEREAS, guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Orleans County Youth Bureau and the Committee on Economic Assistance and Opportunity does recommend approval at this time; now be it

RESOLVED, that the Orleans County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2016 Orleans County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

Moved, Miller; second, Eick.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 154-416

AMENDING RESOLUTION NO. 27-116 BETWEEN MENTAL HEALTH AND THE MENTAL HEALTH ASSOCIATION IN GENESEE AND ORLEANS COUNTIES

WHEREAS, Resolution No. 27-116 approved an agreement between Mental Health and the Mental Health Association in Genesee and Orleans Counties providing mental health support services and Drop-In Center at a cost of \$68,945 with a County cost of 0; and

WHEREAS, additional funds, due to costs associated with the relocation of their agency, will be made available to the Mental Health Association in Genesee and Orleans Counties, in the amount of \$10,128: \$2,500 to be reallocated from the Suicide Coalition and \$7,628 from the NYS Office of Mental Health Article 28 reinvestment funds; now be it

RESOLVED, that this Legislature authorizes the addition of the \$10,128 increase to this agreement, now totaling \$79,073. County cost is 0.

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 155-416

AUTHORIZING CREATING AND FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

WHEREAS, the Mental Health Department has a vacancy for a permanent part time Receptionist position; and

WHEREAS, due to the high volume of front desk calls, scheduling of clients, and the demands of walk-in appointments, a temporary part time receptionist position is needed for the successful operation of the Department until the permanent position is filled; now be it

RESOLVED, that this Legislature authorizes the creation and filling of a temporary Part Time Receptionist position in the Mental Health Department at Grade 7 of the CSEA Salary Schedule, effective May 2, 2016 through July 29, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of a permanent Part Time Receptionist position (4310.40) in the Mental Health Department at Grade 7 of the CSEA Salary Schedule effective April 28, 2016.

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 156-416

APPROVING RE-APPOINTMENT TO THE COMMUNITY SERVICES BOARD

RESOLVED, that this Legislature approves the re-appointment of Donald Allport to the Community Services Board, waiver to serve a third term to begin May 29, 2016 and ending May 28, 2020.

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 157-416

APPROVING AGREEMENTS BETWEEN THE ORLEANS COUNTY HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Monroe County Public Health, 111 Westfall Rd, Room 962C, Rochester, NY 14620 to provide "14" full autopsy examinations and 5 blood description autopsy exams. All autopsy's over the approved 14 full autopsy's and the approved 5 blood description autopsy's for 2016 will be charged at a rate as approved by the Monroe County Legislature in the 2016 budget as listed in the Public Health Medical Examiner Fees and Charges Schedule. If the county does not utilize all autopsy services, they may use the balance on other services. 2016 fees and charges attached Contract amount is 37,400. County cost is \$37,400.

NYS Department of Health - Center for Environmental Health, Corning Tower BLDG, Room 1629, Empire State Plaza, Albany, NY 12237 to provide funding through the Orleans County Health Department for the Lead Education Testing and Supplies and Medical Services when needed. Reimbursement through NYS Lead Grant. Contract to run October 1, 2015 through September 30, 2020 at \$43,371 per year. County cost is \$0.

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 158-416

APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY HEALTH DEPARTMENT AND NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS AND AUTHORIZING THE TREASURER TO SET UP NEW MONEY IN THE HEALTH DEPARTMENT BUDGET

WHEREAS, The Orleans County Health Department has been awarded funding as a result of housing the Medical Reserve Corps (VALOR) that is registered in good standing and undertake activities and oversee such for capacity building

RESOLVED, that this Legislature approves an agreement between the Health Department and National Association of County and City Health Officials, 1100 17th St NW, 7th Floor Washington, DC 20036-4636 to house the Medical Reserve Corps (VALOR) in Orleans County effective January 1, 2016 through July 31, 2016 Contract amount: \$15,000.00; County cost is \$0.

RESOLVED, that the County Treasurer is authorized to set up new monies in the 2016 Public Health Department budget as a result of the awards from the National Association of County and City Health Officials as follows:

<u>Revenue:</u>		
A4489	Bioterrorism Preparedness	\$ 15,000
<u>Appropriations:</u>		
4010.434	Advertising	\$ 360
4010.452	Personal Service Contracts	\$ 1,900
4010.478	Health Promotion Supplies	\$ 12,740

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 159-416

APPROVING AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND KANSAS HEALTH RESEARCH, INC.; AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE PUBLIC HEALTH DEPARTMENT BUDGET AND AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH EMPLOYEE

RESOLVED, that this Legislature approves an agreement between Orleans County Health Department and Kansas Health Institute (KHI), 212 SW Eighth Ave, Suite 300 Topeka, KS 66603-3936 for participation in a Shared Services Learning Community program administered by The Center which is funded by the Robert Wood Johnson Foundation through periodic follow-up activities, Contract period is April 1, 2016 through October 30, 2017 and contract amount is \$10,000 – payments to be divided over two years (\$7,000 in 2016; \$3,000 in 2017). County cost is \$0; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Public Health Department budget as a result of the contract with Kansas Health Institute (KHI) as follows:

<u>Revenue:</u>		
A1608	Robert Wood Johnson Foundation	\$ 7,000
 <u>Appropriations:</u>		
4010.100	Personal Services	\$ 1,922
4010.463	Travel other than Mileage	143
4010.478	Health Promotional Supplies	4,100
4010.810	NYS Retirement	298
4010.820	Medicare	28
4010.830	FICA	119
4010.840	Workman’s Comp	23
4010.860	Health Insurance	367

and be it

FURTHER RESOLVED, that this legislature does hereby approve Paul Pettit, Public Health Director, to travel out of state as part of this agreement to the 2016 National Meeting in St. Louis, Missouri, September 7, 2016 – September 9, 2016. All expenses covered by the Kansas Health Institute. County cost \$0

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 160-416

AUTHORIZING PURCHASE FROM THE PUBLIC HEALTH DEPARTMENT AND EMERGENCY MANAGEMENT OFFICES BUDGETS; AND AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department and the Orleans County Emergency Management Office to purchase an EOC Ready App License with Spanish

translation from Quick Series Publishing, Inc in the amount of \$10,845 to be purchased from Health Department Budget account A4010.487 – Environmental Health Supplies in the amount of \$5,970; and Emergency Management Budget account A3640.486-2015 – Special Grants - Homeland Security FY 2015 in the amount of \$4,875. County cost is \$0 due to being funded by grants awarded from Health Research Inc., Office of Homeland Security, and State Aid.

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up FY 2015 Homeland Security Grant Funds in the Emergency Management Budget to cover the cost of the EOReady App as follows:

<u>Revenue:</u>		
A4309.2015	State Homeland Security Grant Program	\$4,875
 <u>Appropriation:</u>		
3640.486.2015	Special Grants- SHSP FY15	\$4,875

Moved DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 161-416

AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH EMPLOYEE

RESOLVED, that this Legislature authorizes Out of State Travel for Brenden Bedard, Director of Community Health Services in the Public Health Department to attend the HPV Advisory Cohort I & II in Atlanta, Georgia from June 8th through June 10th, 2016. All costs covered by NACCHO. County cost \$0.

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

Legislator DeRoller moved to accept a donation from OONA for a playground donation and to set up the money appropriately in the Marine Park Budget. He commended the organization for the contribution. Legislator Johnson seconded the motion. Chairman Callard asked when this project will be completed. Due to Spring rains, they are waiting for the ground to firm up and our Highway Department will need to bring in fill to even up the ground. Legislator DeRoller added that the Marine Park upgrade project nears \$22,000 and will be ready for the concert series at the Marine Park. The following resolution was adopted:

RESOLUTION NO. 162-416

ACCEPTING PLAYGROUND DONATION FROM OAK ORCHARD NEIGHBORHOOD ASSOCIATION AND AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE MARINE PARK BUDGET

WHEREAS, Orleans County endeavors to replace the aging and obsolete playground at the County Marine Park; and

WHEREAS, the Oak Orchard Neighborhood Association has graciously and unhesitatingly provided a donation for the cost of the swing set so that the project can be completed in a single phase; and

RESOLVED, that this Legislature hereby accepts this generous gift and authorizes the Treasurer to set up new money in the Marine Park Budget as follows:

<u>From:</u> A2705	Donations	\$3,248.87
<u>To:</u> A7180.470	Capital Projects	\$3,248.87

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 163-416

AUTHORIZING TREASURER TO TRANSFER FUNDS INTO THE PLANNING DEPARTMENT BUDGET TO PAY WENDEL FOR NORA BROADBAND EXPANSION PROJECT

WHEREAS, Resolution 194-515, dated May 27, 2015 authorized said transfer, but invoice wasn't received until 2016, so funds now need to be set up in 2016 budget to pay invoice; therefore be it

RESOLVED, that the Treasurer is authorized to transfer funds into the Planning budget for the NORA Broadband Expansion Project.

<u>From:</u> A1990.435	Contingency	\$3,750
<u>To:</u> A8020.418	Other Contractual Expenses-NORA Broadband Expansion Project	\$3,750

Moved, DeRoller; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 164-416

APPROVING AGREEMENT BETWEEN TOURISM DEPARTMENT AND WIGHT-OX ENTERPRISES, LLC

RESOLVED, that this Legislature approves the agreement between the Tourism Department and Wight Ox Enterprises, LLC, 949 Streeter Brook Rd., Little Genesee, NY 14754 to provide:

- 13 total national airings on the Hunt Channel during the 2nd quarter of 2016 (Season 4) at a cost of \$6,500
 - 624 total airings of 30 second video ads on 9 regional cable stations airing Rush Outdoors Television Show, October 2016 through September 2017 (Season 5) at a cost of \$4,500
 - Additional digital media ads provided throughout the contract
- all to be paid from Tourism Account 6410.468 – I Love NY Matching funds.

Moved, DeRoller; second, Johnson.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

Legislator Johnson moved to support an increase in the share of revenue counties retain for providing State DMV services by passing bill 4964 it would raise the current 12.7% county share up to a 25% share and this legislative body supports this; seconded by Legislator DeFilippis. Chairman Callard felt this was disproportionate and knowing the quality of work our DMV does, we deserve 100%. The following resolution was adopted:

RESOLUTION NO. 165-416

SUPPORTING AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES

WHEREAS, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) office; and

WHEREAS, local DMV Offices provide customer service and process many no-fee transactions on behalf of New York State; and

WHEREAS, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by local DMV offices has increased in the same time period; and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services including overhead and staffing to fulfill these DMV needs for state residents, yet the State takes 87.3% of the revenue generated from providing said services; and

WHEREAS, the New York State Association of County Clerks strongly supports S4964A, which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and help offset county property taxes; and

WHEREAS, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local taxpayers by overwhelmingly passing bill 4964 which would raise the 12.7% county share up to a 25% share; now be it

RESOLVED, that the Orleans County Legislature, calls upon Governor Andrew M. Cuomo and members of the State Legislature to require an increase of the county DMV revenue share with the State; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Robert G. Ort, Assemblyman Steve Hawley, Assemblywoman Jane L. Corwin, New York

State Association of Counties (NYSAC), New York State Association of County Clerks (NYSACC), and all others deemed necessary and proper.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 166-416

APPROVING EXTENSION OF THE DEFERRED COMPENSATION PLAN WITH NATIONWIDE RETIREMENT SOLUTIONS

WHEREAS, Resolution #149-411 approved the Renewal of the Deferred Compensation plan with Nationwide Retirement Solutions for a period of five years, with the option to renew for two one-year extensions; and

WHEREAS, the Deferred Compensation Trustee (County Treasurer) desires to extend the existing Agreement currently in place; adding a Roth 457 option and an Investment Advisors (ProAccount) option for the Administration of the County of Orleans 457 Deferred Compensation Plan, administered by Nationwide Retirement Solutions, for a period of one year commencing May 1, 2016 through May 1, 2017, at no cost to the County; now be it

RESOLVED, that the Chairman of the Legislature, is hereby authorized and directed to sign said one year renewal contract with Nationwide Retirement Solutions.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 167-416

AUTHORIZING SETTING UP RESERVE MONIES FOR THE ENERGY PERFORMANCE LEASE PAYMENT

WHEREAS, the energy savings realized in 2015 on the Energy Performance contract were reserved at year end to be used towards the repayment of the Energy Performance lease borrowing; and

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

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

<u>From:</u>		
Reserve for Debt		\$46,449
<u>To:</u>		
A9901.556	Transfer to Debt Service	\$46,449

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

From:

V5031	Revenue	\$46,449
<u>To:</u>		
V9710.610	Principal	\$25,000
V9710.701	Interest	\$21,449

Moved, Johnson; second, DeFilipps.
 Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 168-416

AUTHORIZING SETTING UP RESERVE MONIES FOR THE 2007 NURSING HOME BOND PAYMENT

WHEREAS, the final Debt Service payment for the Village of Orleans Nursing Home is now due; and

WHEREAS, the Treasurer reserved the funds at year end, and now needs to set up the funds to balance the Debt service fund for this payment; now, be it

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

<u>From:</u>		
Reserve for Debt		\$859,759.38
<u>To:</u>		
A9901.556	Transfer to Debt Service	\$859,759.38

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

<u>From:</u>		
V5031	Revenue	\$859,759.38
<u>To:</u>		
V9710.610	Principal	\$680,000.00
V9710.701	Interest	\$179,759.38

Moved, Johnson; second, DeFilipps.
 Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 169-416

APPROVING AGREEMENTS BETWEEN THE SHERIFF’S OFFICE AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby approve agreements between the Orleans County Sheriff’s Office and the following agencies:

Ernst’s Lake Breeze Marina, 990 Point Breeze Road, Kent, NY, for the pre-purchase of gasoline in the amount of \$10,000, for use by the marine navigation patrol for the 2016 season. Reimbursement through Stonegarden grant funding.

Genesee Valley Farm and Crematory, 3520 South Main Street Road, P.O. Box 1604, Batavia, NY 14021, for the disposal of animals in the amount of \$18 per dog and \$9 per cat or small animal, effective January 1, 2016 through December 31, 2020, with termination of this agreement by either party upon thirty (30) days written notice to the other.

Moved, DeFilipps; second, Eick.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 170-416

AUTHORIZATION TO CONTINUE PARTICIPATION AND ACCEPT GRANT FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE SHERIFF'S OFFICE

WHEREAS, the Orleans County Sheriff's Office continues to participate in the available Operation Stonegarden grants awarded annually by New York State Division of Homeland Security and Emergency Services; now be it

RESOLVED, that the Orleans County Sheriff is authorized to participate in and accept the grant agreement between the NYS Division of Homeland Security and Emergency Services and the Sheriff's Office for Operation Stonegarden FY2016 in the amount of \$76,220; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant SG16-_____-D00; contract #C_____ in the amount of \$76,220 for the Sheriff's Office to enhance cooperation and coordination between Federal, State, local and tribal law enforcement agencies in joint operations along the Canadian border effective September 1, 2016 through August 31, 2019.

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 171-416

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

WHEREAS, Resolution No. 357-1015 approved an agreement between the Orleans County Sheriff's Office/Jail and the Bureau of Justice Assistance for the State Criminal Alien Assistance Program (SCAAP) FY2015 grant; now be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new money in the Sheriff/Jail Budget, for State Criminal Alien Assistance Program (SCAAP) Funding, as follows:

<u>Revenue:</u>		
A3351	SCAAP	\$14,900
<u>Appropriation:</u>		
A3150.250	Other Equipment	\$14,900

and be it

FURTHER RESOLVED, that this Legislature authorizes the purchases of Guard 1 Plus Professional Edition Software from SI Technologies, Inc. d/b/a Security Integrations- NYS Contract #PT63302 in the amount of \$6,696.55 (PO#57349) and the purchase of a non contact visitation table from Moduform Library Bureau- NYS Contract #PC66306 in the amount of \$5,404 (PO# 57350) to be paid from Sheriff/Jail Budget Account A3150.250-Other Equipment.

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 172-416

APPROVING AGREEMENT BETWEEN THE SHERIFF’S OFFICE AND BRITE COMPUTERS

RESOLVED, that this Legislature approves an agreement between the Sheriff’s Office and Brite Computers, 7647 Main Street Fishers, Victor, NY 14564 for two years of NetMotion Mobility XE Premium Maintenance for 25 device licenses of Mobility with the Analytics Module and Policy Module, retroactive for period beginning October 7, 2015 through October 6, 2017 at a cost of \$3,245.

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 173-416

AUTHORIZING CONTINUATION OF THE ALTERNATIVES TO INCARCERATION PROGRAM AND APPROVING APPOINTMENTS TO THE ALTERNATIVES TO INCARCERATION BOARD

RESOLVED, that this Legislature authorizes the continuance of the Alternatives to Incarceration Program, at a reimbursable cost of \$5,531 to the county, leaving a county cost of \$7,580.72, effective July 1, 2016 through June 30, 2017; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to execute grant agreement CL11-1015-D06; contract #T523462 and all related documents associated with this grant, subject to review by the County Attorney and Chief Administrative Officer; and be it

FURTHER RESOLVED, that this Legislature approves the following appointments to the Alternatives to Incarceration Board, term expiring June 30, 2017:

<u>NAME</u>	<u>REPRESENTATION</u>
James P. Punch	County & Supreme Court Judge
Joseph Cardone	District Attorney
Sanford Church	Public Defender
Dawn Keppler	Magistrates
Lucille A. Taylor-Welch	Probation Director
Charles Nesbitt, Jr.	Chief Administrative Officer
Randall Bower	County Sheriff
Lynne Johnson	County Legislator/Public Safety Committee
John DeFilipps	Public Safety Committee Chairman
Mike Mele	Chief Deputy/ATI Coordinator
Bonnie Ruhlen	Crime Victim
Mark O’Brien	Director of Community Services

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 174-416

AUTHORIZING FILLING OF VACANCIES IN THE SHERIFF'S OFFICE/JAIL

RESOLVED, that this Legislature authorizes the filling of the following vacant four (4) Part-time Correction Officer positions (3150.28; 3150.35; 3150.36; 3150.41) at the Orleans County Jail at an hourly rate of \$13.92 effective April 28, 2016.

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 175-416

AUTHORIZING SALARY ADJUSTMENT BASED ON SHORT NOTICE STAFFING REQUIREMENTS AT THE ORLEANS COUNTY JAIL

WHEREAS, staffing deficiencies occur in the Orleans County Jail due to shift vacancies; and

WHEREAS, short notice staff call ins of part-time Correctional Officers are necessary for the safe operations of the Orleans County Jail; and

WHEREAS, staffing deficiencies occur in the Orleans County Jail due to shift vacancies during designated holidays; now be it

RESOLVED, that this Legislature authorizes a salary adjustment in the form of a second rate to part-time Correctional Officers that are called in not more than 8 hours before a shift change and shall be compensated \$19.22 per hour effective May 1, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes a salary adjustment in the form of a second rate to part-time Correctional Officers that are scheduled to work the following holidays, New Year's Day, Martin Luther King, Jr. Day, Presidents Day, Labor Day, Memorial Day, Independence Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day and shall be compensated \$19.22 per hour effective May 1, 2016.

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 176-416

AUTHORIZING SETTING UP NEW MONEY IN AND PURCHASE FROM THE SHERIFF'S OFFICE BUDGET

RESOLVED, that this County Treasurer is authorized to set up new money in the Sheriff's Office budget, as follows:

<u>Revenue:</u>		
A2701	Refund Prior Years	\$7,576.20
 <u>Appropriation:</u>		
A3110.418	Other Contractual Expenses	\$7,576.20

FURTHER RESOLVED, that this Legislature approves the purchase of Patrol Rifle Optic Pro Sights from AmChar Wholesale, Inc, 100 Airpark Drive, Rochester, NY 14624, in the amount of \$7,576.20 and to be paid from Sheriff’s Budget account A3110.418-Other Contractual Expenses.

Moved; DeFilipps, second, Johnson.
 Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 177-416

APPROVING AGREEMENT WITH ORLEANS COUNTY SHERIFF’S EMPLOYEES ASSOCIATION

RESOLVED, that this Legislature approves an agreement with the Orleans County Sheriff’s Employees Association (OCSEA) covering the years 2016 through 2018; said agreement includes a 2% increase for 2016, 2017, and 2018, the addition of a new title, re-organization of the salary scale and positions within the scale, and a residency requirement for any new employees hired following ratification of this agreement.

Moved, DeFilipps; second, Johnson.
 Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 178-416

REQUESTING ENACTMENT OF HOME RULE LEGISLATION TO AMEND THE NEW YORK STATE CORRECTIONS LAW TO AUTHORIZE THE ORLEANS COUNTY JAIL TO HOLD PERSONS UNDER ARREST FOR ARRAIGNMENT IN ANY COURT LOCATED IN THE COUNTY OF ORLEANS.

WHEREAS, Pursuant to New York State Corrections Law 500-c and interpretation of the New York State Commission of Corrections, a County Sheriff operating a Correctional Facility may not house persons arrested and detained prior to arraignment; and

WHEREAS, the Orleans County Jail is designed with several holding areas intended for reception and holding of arrested persons awaiting transportation to court arraignment; and

WHEREAS, the design of the secure automobile entrance, booking and receiving stations and the proximate holding cells at the Orleans County Jail provide a highly safe and secure setting for arrested persons, law enforcement personnel and the general public, and this Board desires to ensure that said facilities are able to be lawfully utilized, and

WHEREAS, Article IX of State Constitution and Section 40 of the New York State Municipal Home Rule Law requires a home rule request be made to the State Legislature; and

WHEREAS, The Chairman of this board has determined to make a home rule request for the enactment of Bills into law; now be it

RESOLVED, that the Orleans County Legislature does hereby concur in the home rule request of the Chairman of the Legislature to amend the New York State Corrections Law to allow the Orleans County Jail to be used for the detention of persons under arrest being detained for arraignment in any court located in the County of Orleans; and be it

FURTHER RESOLVED, that the Clerk of the Board is hereby authorized and directed to file this home rule request resolution with Assemblyman Hawley of the New York State Assembly and Senator Ortt of the New York State Senate.

Moved, DeFilipps; second, Johnson.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 179-416

APPROVING PROBATION DIRECTOR TO ACCEPT GRANT FUNDING THROUGH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES

RESOLVED, that this Legislature authorizes the Orleans County Probation Department to accept monies (\$149,616) from the NYS Division of Criminal Justice Services for the block grant funding effective July 1, 2016 through June 30, 2017 for the following:

Regular State Aid (RSA) to reimburse the county for probation services.

Probation Eligible Diversion (PED) to provide supervision and treatment to high risk offenders (Drug Court) eligible for services that are in jeopardy of incarceration.

Intensive Supervision Program (ISP) to provide Intensive Supervision to eligible felons who would otherwise be sentenced to incarceration in our local jail or with the New York State Department of Corrections.

Enhanced Sex Offender Supervision (ESSO) of level 2 and level 3 SORA Registerable Sex Offenders.

Moved, DeFilipps; second, Johnson.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 180-416

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, 2016 through June 30, 2017; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to execute the grant agreement CL11-1112-D07; contract #T523463 and all related documents associated with this grant, subject to review by the County Attorney.

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 181-416

AUTHORIZING DISTRICT ATTORNEY TO ACCEPT THE LEGISLATIVE INITIATIVES GRANT WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES

WHEREAS, the Orleans County District Attorney’s Office was awarded a Legislative Initiatives Grant with the Division of Criminal Justice Services; and

WHEREAS, said Legislative Initiatives Grant provides for a budget of ten thousand dollars (\$10,000) to be used toward the purchase of equipment to enhance Grand Jury evidence display; be it

RESOLVED, that the District Attorney is authorized to accept the Legislative Initiatives Grant in the amount of \$10,000, with the Division of Criminal Justice Services and execute agreement to use said funds for the purchase of equipment for the enhancement of evidence display in the Grand Jury room at the Public Safety Building; and be it

FURTHER RESOLVED, that the Orleans County Treasurer is hereby authorized to set up this new money in the District Attorney’s budget as follows:

<u>Revenue:</u>		
A3031	DA Initiatives Grant	\$10,000
<u>Appropriation:</u>		
A1165.486	Special Grants	\$10,000

Moved, DeFilipps; second, Johnson.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

Legislator DeFilipps moved a resolution to call upon New York State to fully reimburse counties for the increase of the District Attorney’s Salary which is going to be set by the State; seconded by Legislator Johnson. Chairman Callard indicated that this is another example of another unfunded mandate. Legislator DeRoller added that he spoke with Assemblyman Hawley who is currently working diligently on a new resolution that will be presented in the assembly for the state to pay for the DA salary increase and stop this unfunded mandate. The following resolution was adopted:

RESOLUTION NO. 182-416

CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018; and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law; and

WHEREAS, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000.00 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary; and

WHEREAS, on April 1st the state approved the Commission's recommendation; and

WHEREAS, State Judicial Law 183-a links judicial salaries with county district attorneys' (DA's) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full time or part time status; and

WHEREAS, for over 50 years, the state has funded all salary increases that they imposed on the counties; and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law; and

WHEREAS, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries; and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap; and

WHEREAS, for many counties this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016; now be it

RESOLVED, that the County of Orleans calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Robert G. Ort, Assemblyman Steve Hawley, Assemblywoman Jane L. Corwin, New York State Association of Counties, and all others deemed necessary and proper.

Moved, DeFilipps; second, Johnson.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 183-416

AUTHORIZATION TO CONTINUE PARTICIPATION AND ACCEPT GRANT FROM NYS DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES WITH ORLEANS COUNTY OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, new funding opportunities have become available in the amount of \$21,063 to continue participation in the Emergency Management Planning Grant cycle (EMPG) FY2016; now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant ____-_____, contract #T_____ in the amount of \$21,063 for the Emergency Management Office to use for replacement dispatch work stations and off-road vehicle according to grant guidance, effective October 1, 2016 through September 30, 2017.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 184-416

SUPPORTING STATE LEGISLATION S 1000-B FUNKE/A 5133-A MORELLE RELATING TO PERMANENT TOTAL DISABILITY BENEFITS RECEIVED BY DISABLED VOLUNTEER FIREFIGHTERS

WHEREAS, volunteer firefighters in Orleans County and across New York State put themselves in life-threatening situations without reservations at a moment's notice to protect our communities; and

WHEREAS, sometimes, while answering the call of duty, these brave men and women fall victim to serious injuries that leave them disabled and unable to provide for their families; and

WHEREAS, as of March 2015, New York State had 38 total/permanently disabled volunteer firefighters that are dependent on volunteer firefighter disability benefits that has no cost of living adjustment provision from the Workers Compensation Board of New York State; and

WHEREAS, New York State Senator Richard Funke and Assemblyman Joseph Morelle have introduced companion bills in the state legislature to adjust the benefits received by disabled volunteer firefighters on February first of each year based on the consumer price index; now be it

RESOLVED, with the brave men and women who protect our communities in mind, the Orleans County Legislature adds its support to S 1000-B Funke/A 5133-A Morelle; and be it

FURTHER RESOLVED, this honorable body calls on its fellow county governments across New York State to add their support; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Robert G. Ort, Assemblyman Steve Hawley, Assemblywoman Jane L. Corwin, New York State Association of Counties, and all others deemed necessary and proper.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 185-416

AUTHORIZING TREASURER TO SET UP GRANT MONEY IN THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, Resolution No. 363-1015 authorized the Director of Emergency Management to enter into an agreement with Tim Warth, dba Radio Technologies at 15 Pamda Drive, Rochester, New York, 14617 for professional communication consultant services at a cost not to exceed \$60,000; be it

RESOLVED, that this Legislature authorizes the Treasurer to set up new monies FY12 State Interop Communications Grant Funds as follows:

<u>Revenue:</u>		
A4309.0012	FY12 Statewide Interoperable Communications Grant	\$60,000

Appropriation:

3640.486.0012 Special Grants/FY12 Interop Communications \$60,000

and be it

FURTHER RESOLVED, that this Legislature authorizes payment milestones of April, May and August, 2016, upon substantial completion of the work contemplated.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 186-416

AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT AND AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2015 Grant Funds for Panic Buttons from Delcom Products, Port Chester, NY at a cost of \$2,890.20 and a 3 year License Subscription at a cost of \$6,750, from E-Panic, Birmingham, Alabama, in accordance to DHSES grant guidelines; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up FY 2015 Homeland Security Grant Funds in the Emergency Management Budget as follows:

Revenue:

A4309.2015 State Homeland Security Grant Program \$9,641

Appropriation:

3640.486.2015 Special Grants- SHSP FY15 \$9,641

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 187-416

AUTHORIZING EXECUTION OF CHANGE NOTICE NO. CN-006 RELATIVE TO ORLEANS COUNTY – MULTI-NET REBANDING AGREEMENT DATED SEPTEMBER 12, 2008

WHEREAS, the EF Johnson rebanding activity has now been finalized and the County is prepared to formally acknowledge final acceptance of EF Johnson’s work under the Rebanding Agreement and that EF Johnson has completed its obligation, now therefore, be it

RESOLVED, that the Chairman is authorized to execute Change Notice No. CN-006.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 188-416

APPROVING AGREEMENT BETWEEN COUNTY OF ORLEANS AND WENDEL FOR PROFESSIONAL SERVICES TO EXAMINE FEASIBILITY OF AN ADDITION TO THE COUNTY OFFICE BUILDING

RESOLVED, that this Legislature approves an agreement with Wendel, 375 Essjay Rd, Suite 200, Williamsville, NY 14228 in an amount not to exceed \$30,000 for professional services related to study and development of a concept for an addition to the County Office Building to house Elections, Public Health, IT, Legislative Chambers and administrative office and large multipurpose rooms to accommodate training for large groups, conference rooms, and offices.

Moved, Johnson; second, DeFilipps.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 189-416

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN ORLEANS COUNTY, NIAGARA COUNTY, SENECA TELECOMMUNICATIONS LLC AND RESOLUTE PARTNERS LLC FOR THE NORA RURAL BROADBAND INITIATIVE

WHEREAS, through the NIAGARA-ORLEANS REGIONAL ALLIANCE (hereinafter "NORA");, an intermunicipal collaboration between the Counties of Niagara and Orleans, an initiative has been undertaken to deliver broadband Internet services to the unserved areas of each county; and

WHEREAS, Seneca Telecommunications, LLC, d/b/a Seneca Solutions is a tribally owned, Native American 8a Small Disadvantaged Business located on the Cattaraugus Territory of the Seneca Nation of Indians outside of Buffalo New York. Seneca is an experienced government contractor with strong credentials and past performance in broadband construction, Information Technology and Construction Management with the management expertise and resources to oversee large programs; and

WHEREAS, Resolute Partners, LLC, is a Delaware based information technology company and is one of the largest wireless Internet Service Providers (WISP) in the US military. Resolute brings extensive knowledge, experience and insight in the rural broadband, network construction and network operations and management, including specific expertise with regards to the Seneca Nation's rural broadband project located on its Cattaraugus Territory; and

WHEREAS, Seneca Solutions and Resolute together have the ability to engineer, install, maintain and service an Internet solution as demonstrated by its efforts on the Cattaraugus rural WiFi project; and

WHEREAS, as part of the effort to bring high-speed broadband service to the region, NORA embarked on a multi-year effort to quantify the extent of its needs and position itself to receive funding from the New York State Broadband Office; and

WHEREAS, these efforts have ranked Niagara and Orleans Counties as several of the highest scoring counties out of the entire State; and

WHEREAS, since the NORA alliance sits in two different Regional Economic Development Councils, both Councils have made this effort a priority; Niagara and Orleans Counties have indicated that their grant writing teams are available to assist Seneca and Resolute in acquiring broadband funding; and

WHEREAS, the NYS Broadband office has been allocated \$500M in funding from the State of New York in an effort to ensure every New Yorker has access to affordable, high-speed broadband services in urban and rural communities; and

WHEREAS, pursuant to Orleans County Resolution 270-715, representatives of Seneca Solutions, Niagara and Orleans Counties, entered into an agreement to work together to obtain funding for, design, install, operate and maintain a Rural Broadband network for both Niagara and Orleans Counties; and

WHEREAS, it is necessary to extend the duration of the Memorandum of Understanding [MOU] that was entered into pursuant to Resolution 270-715 to enable each party to complement the unique capabilities of the other and provide Niagara, Orleans and NORA (sometimes hereinafter collectively the "Client") with the best combination of expertise to achieve the Client's objective; now, be it

RESOLVED, that this Legislature approves an extension of the Memorandum of Understanding between Orleans County, Niagara County, Seneca Telecommunications LLC, d/b/a Seneca Solutions, Salamanca, New York and Resolute Partners, LLC, Southington, Connecticut as a NORA Broadband Initiative to work together to obtain funding for, design, install and operate and maintain a Rural Broadband network for both Niagara and Orleans Counties with the term of this Memorandum to be effective for 365 days of signed agreement by all parties and all parties may extend the relationship upon mutual consent as more particularly provided in the MOU.

Moved, Johnson; second, DeFilippis.
Adopted. 6 ayes; 0 nays, 1 absent, Allport.

RESOLUTION NO. 190-416

AUTHORIZING PAYMENT OF CLAIMS FOR MAY AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, 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 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 May 11, 2016:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	3719-3888	\$292,974.77
Highway	721-728; 1767-1788	\$51,783.48
Job Development	2060-2068	\$3,251.70
Self Insurance		

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the 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 May 25, 2016:

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

Moved, DeRoller; second, Johnson.

Adopted. 6 ayes; 0 nays, 1 absent, Allport.

Chairman Callard called for old business, with there being none, he opened the floor for public comment.

Ben Yazman, of Apex Clean Energy, followed up on mailed correspondence which introduced exploratory research into a project in the Town of Barre. He said he is available to meet and speak with them concerning this project.

Paul Lauricella, Yates, expressed he would like to see the DMV revenue resolution go through because our DMV department does very well for our County.

Legislator Miller added that when registrations come in your mail, if you return them in the envelope provided, they will be returned to Utica, New York which we receive no revenue returns to Orleans County. He encouraged people to re-address those to our local DMV office in Albion so that revenue will stay in our County. Legislator Johnson announced that our Deputy County Clerk Susan Rustay who oversees the DMV office is here and was asked to speak on behalf of the hard work occurring at our local DMV. Mrs. Rustay shared her appreciation to the constituents who help keep the revenue in our county. She appreciates the walk-ins and patience of those that have to wait in the longer lines at times to keep revenue in our county. She shared her appreciation to the Legislative Board for being fully staffed which allows better customer service to our residents. She feels that the increased revenue will also help with the tax burden that is placed on our taxpayers. Chairman Callard thanked Mrs. Rustay for a very well managed DMV office.

With no further business, Legislator Johnson moved to adjourn; second by Legislator Miller. Meeting adjourned at 5:32 p.m.