

## LEGISLATURE MEETING

June 22, 2016

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

The Clerk presented the following communications: Susan Heard, Orleans County Treasurer, has forwarded a listing of Real Property Tax Refunds, in the amount of \$778.09, that has been reviewed and authorized by her office.

Legislators DeFilippis and Johnson presented Special Recognition Certificates to Hayden London, Alex Plummer and Josh Tombari for being a part of saving a life at Golden Hill State Park. Also present for this presentation was Sheriff Randall Bower, who presented the boys with "Forward Thinking" t-shirts and Lt. Rindsfleisch of the Niagara County Sheriff's Office.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through May, 2016. The cash report continues to look good. She stated that the County Auction results were presented earlier for the board to review.

Chairman Callard also made the following speech, "The Answer is Change":

Every year it seems that the Empire Center for Public Policy puts out a list of the highest tax rates in the state - and every year the citizens of Orleans County are treated to a rehash of news articles highlighting certain parts of the study and scolding local officials, whether they be village, town, county, or school, for their role in achieving that dubious ranking. Most recently there was an article on village taxes within the county reporting them among the worst in the state. What is lacking in this news article, however, was the whole story.

Villages are constantly being ranked regardless of size. Given that premise - one benchmark that is always used is the Top 20 Property Tax Bills on Median-Value Homes. That list has never included an Orleans County village, but that is never mentioned. Or more significantly, included in the report, but is never mentioned in articles, is that **the county taxes paid per capita in Orleans County are the SECOND LOWEST of the 57 counties in New York State. Again - the second lowest taxes paid per person in New York State.** People tend to be negative without acknowledging all of the facts. This is something the state government does all the time when deriding the counties. The town of Ridgeway is a solid 816<sup>th</sup> out of 932 for towns in taxes per capita. The Medina School district is also very solid at 625<sup>th</sup> out of 702 for local spending per pupil among school districts. Even the Village of Medina's 238<sup>th</sup> out of 557 in taxes per capita doesn't seem so earth shattering considering the high level of services. Let's face it; casting blame without an acknowledgement of all the facts is something we get plenty of from people in Albany. We don't need to do it here as well. It would be responsible to cite those other stats as they give a fuller picture.

Orleans County pays over \$16,000,000 to the state in unfunded mandates - our entire tax levy. But articles and the critics constantly disregard that fact, and seldom if ever criticize the Governor and the New York State Legislature for the property taxes at the county level alone and even more at the school level. According to every academic study ever undertaken on the subject, the fundamental differences between New York State and the other states in the country boil down to two basic things: 1) the way New York State funds Medicaid and 2) the way New York State funds education. Sure we have lots of other over-regulation and taxation issues beyond those two. But, those are the really big ones. New York is the only state in the country to require a significant local share of Medicaid be paid by the counties and the average state funds two-thirds of public education through income taxes while New York State funds about one-third. It's really that simple.

Indeed the village governments of Orleans County face tremendous challenges, not the least of which is the high property tax rates. The dissolution efforts in the Village of Medina, though rejected by Medina residents,

if nothing else, forced a conversation, a necessary conversation. In some areas of our local governments, we are doing business in the 21<sup>st</sup> century on 20<sup>th</sup> century terms. In some cases, we are holding on to old ways of doing business that could be changed for the betterment of the community at large. This isn't to say that people are wrong for feeling that they want to hold on to their village, or their town, or their school district.

What it does tell us, is that it's time for us to challenge ourselves, people on both sides of the argument, east and west, north and south. Challenge ourselves to take a hard look at what we are doing and ask ourselves "If given a clean slate, would we build our service delivery models the way they are now, or completely different?" Inevitably, we are going to find areas where we can build a better mousetrap together. We have the ability to fix what ails us to some degree. We can work with our friends and neighbors and make changes that will raise all boats. We can realign service models, adjust cost centers, and change the landscape profoundly. If we are going to seek honesty about mandates and education funding from the state, we also need to be honest with ourselves. This is a conversation that should take place in earnest and should seek solutions that remove Orleans County and its villages, towns and school districts from such a list forever.

Apologies to those that believe the answer is to complain that the county should give away more sales tax. The answer to this challenge is not to have the taxpayers of the county surrender cash to the village governments, to throw at their existing service models, buying them time until the inflation and expense curve catches up with them again as some suggest. The answer is change. Change that we can all buy into that alters the equation. It requires compromise. It requires faith. And, it requires casting off old notions of provincialism.

Truth be told about sales tax, when examining statistics from 2013 on New York State Counties, there are fourteen counties under 50,000 in population like Orleans County and four in the Finger Lakes Region, of which we are a part. Orleans County ranks as the fourth highest for the percentage of sales tax shared. However, two of the fourteen counties have cities (Cortland and Montgomery) that are able to preempt and capture much larger shares of the overall revenue. Dropping those two counties lifts Orleans County to number two in the state among small counties without a city in terms of sharing sales tax, second to Schuyler County, the home of Watkins Glen International Speedway.

Delving further into those same statistics, it's evident that eight of the fourteen counties do not share sales tax revenue at all, zero percent. So, the majority of small counties in New York State do not share sales tax. **Orleans County is the only county in the Finger Lakes Region under 50,000 in population that actually shares sales tax revenue.**

The local law enforcement community in Orleans County is about to embark on a comprehensive study of the way we are doing business. Orleans County and our partners, the Villages of Albion, Medina, Holley, and Lyndonville, along with the Orleans County Sheriff's Office, and all the law enforcement unions in the county have agreed to undertake a process to look at new service models and explore what can be done. There are ways to change the way we do business that could guarantee that our communities are never negatively reported on the annual list put out by the Empire Center again.

This is going to be hard and it will require that we work together. This legislature is bound and determined to make positive change for all within our county. We can begin to say goodbye to the dark cloud over our heads. Those that offer only criticism and opposition absent of solutions will be forgotten. This legislature will be remembered for leading and making a difference.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Lyndonville, inquired about Resolution No. 247-616, by asking what are the energy efficiency and sustainability requirements. This word sustainability keeps coming up. Mr. Nesbitt spoke that sustainability is building a building that is easy to maintain in the long haul at the least amount of tax payer response. Paul asks if the requirements are mandated somewhere. Mr. Nesbitt stated that this sustainability means that we do not want to pay more than we can afford, every to maintain this building, looking at the impact on the future financially on

the county. Paul asked what this is going to cost. Mr. Nesbitt said there is an application in the senator and assemblyman for some money available through state assistance for municipalities. Some will be existing debt service, monies that are being spent now, but the debts are being paid off. Others are energy savings that we expect to get out of this and the rent that we pay now.

Chairman Callard state that more specifically we need to complete this stage of the study to determine the final cost to see if it is feasible. We will fine tune the costs and meet that so that it will not raise taxes.

Chairman Callard, as a point of interest, Law Enforcement Study group will have their first meeting on June 29<sup>th</sup> and then on June 30<sup>th</sup>, there will be a meeting about solar energy and the cost of that.

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

**RESOLUTION NO. 228-616**

**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>
\$161,783	Crane-Hogan Structural Systems	Construction - Carton Road Bridge Replacement – 6/6/16-6/15/16 –Payment 1

Moved, Eick; second, Miller.

Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 229-616**

**AUTHORIZING PAYMENT FOR REPAIR SERVICE FROM THE HIGHWAY BUDGET**

RESOLVED, that this Legislature approves payment of a service repair bill from Hunter Keystone Peterbilt, LP, Dept. 101, PO Box 820849, Philadelphia, PA 19182-0849 for the repair of the 2005 Peterbilt Dump Truck at a total cost of \$18,083.27 to be paid from the Highway Budget account #DM5130.444 – Repairs to Equipment and Property.

Moved, Eick; second, Miller.

Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 230-616**

**APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND LABELLA ASSOCIATES AND AUTHORIZING TREASURER TO TRANSFER FUNDS INTO THE BUILDINGS AND GROUNDS BUDGET**

RESOLVED that this Legislature authorizes an agreement between Buildings & Grounds and LaBella Associates, 300 State Street #201, Rochester, NY 14614 to do a Mechanical Infrastructure study on the Orleans County Jail for \$14,500, for plans to replace or upgrade of the sanitary sewer lines in the jail kitchen and to improve the dehumidification and exhaust for the County Jail cell shower areas to be paid from Buildings and Grounds Account A1620.482 – Engineering Services; and be it

RESOLVED, that the Orleans County Treasurer is authorized to Transfer Funds to complete this study as follows:

<u>FROM:</u>		
Future Infrastructure Reserve		\$14,500
<u>TO:</u>		
A1620.482	Engineering Services	\$14,500

Moved, Eick; second, Miller.  
Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 231-616**

**APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND SHRED-IT USA INC.**

RESOLVED, that this Legislature approves an agreement between Buildings and Grounds and Shred-it USA Inc., 440 Lawrence Bell Dr, Williamsville, NY 14221 for the provision of secure destruction of county records effective April 1, 2016 through March 31, 2020 at a cost prescribed in the price sheet and pick up schedule attached to the agreement, with an annual cost of \$7,546.50.

Moved, Eick; second, Miller.  
Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 232-616**

**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:

Baker Victory Services, Lackawanna, NY for the provision of residential foster care services; to be effective July 1, 2016 through June 30, 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 the financial eligibility of each child so placed.

Snell Farm Children's Center, Bath, NY for the provision of residential foster care services; to be effective July 1, 2016 through June 30, 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.

Hillside Children's Center, Rochester, NY for the provision of residential foster care services; to be effective July 1, 2016 through June 30, 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.

Berkshire Farm Center, Canaan, NY for the provision of residential foster care services; to be effective July 1, 2016 through June 30, 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 the financial eligibility of each child so placed.

New Directions Youth & Family Services, Randolph, NY for the provision of residential foster care services; to be effective July 1, 2016 through June 30, 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 the financial eligibility of each child so placed.

Orleans County Job Development, Albion, NY for the provision of employment orientation, assessments, plans and services to Public Assistance clients; to be effective January 1, 2016 through December 31, 2016 at a cost of \$295,604. County cost is \$106,417.

Orleans County Job Development, Albion, NY for funding of summer employment for TANF eligible youth, ages 16-21; to be effective June 1, 2016 through September 30, 2016 at a cost of 58,578. County cost \$0.

Moved, Miller; second, Eick.

Adopted. 7 ayes, 0 nays, 0 absent.

### **RESOLUTION NO. 233-616**

#### **APPROVING CELLULAR PHONE USE AGREEMENTS FOR THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature approves the purchase of three (3) new cellular phones for usage during daily business at a monthly cost of approximately \$16.16 per phone for a total of \$48.18 per month for the following positions in the Department of Social Services:

6010.215	Child and Family Services School Case Worker Albion School Worker
6010.216	Child and Family Services School Case Worker Albion School Worker
6010.225	Child and Family Services School Case Worker Albion School Worker

Moved, Miller; second, Eick.

Adopted. 7 ayes, 0 nays, 0 absent.

### **RESOLUTION NO. 234-616**

#### **APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES**

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

Orleans Community Health a/k/a Medina Memorial Hospital, 200 Ohio St., Medina, NY 14103, to provide Rabies Post Exposure Treatment to residents of Orleans County, Contract allows for first treatment to be provided at Urgent Care (Albion Butts Road Facility) or Medina Emergency Room. Contract effective August 1, 2016 through July 31, 2018. Reimbursement through rabies grant. County Cost \$0.

United Memorial Medical Center, 127 North St., Batavia, NY 14020 to provide Rabies Post Exposure Treatment to eligible residents of Orleans County. Contract to provide: post exposure treatment at the Urgent Care Center or the UMMC Emergency Department. Contract period to run from August 1, 2016 through July 31, 2018. County Cost \$0.

Marie Delobbe-Scott at 12589 Ashwood Rd, Lyndonville, NY 14098 Contract to provide appropriate related services for Orleans County preschool students with disabilities through the delivery of preschool special education related services within the 3-5 program at the Orleans County Health Department. Reimbursement at 59.5% from NYS Department Of Health. Orleans County Department of Health is responsible for 40.5% of

which we receive some Medicaid reimbursement. Contract period to run from July 1, 2016 through December 31, 2019.

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

**RESOLUTION NO. 235-616**

**AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEES**

RESOLVED, that this Legislature does hereby authorize out of state travel by Nola Goodrich-Kresse, Public Health Educator, to attend Advanced Public Information Officer Health & Hospital Emergencies at the Center for Domestic Preparedness in Anniston, Alabama from July 31, 2016 to August 6, 2016. All costs are covered by FEMA. County Cost \$0.

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel by Mary Ellen Messmer, Supervising Public Health Nurse, to attend the 2016 Midwest Stream Forum for Agricultural Worker Health in San Antonio, Texas from October 31, 2016 to November 2, 2016. All costs covered by New York State Migrant Health Grant. County Cost \$0.

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel by Shannyn Sanger and Nancy Kelly-Schicker to attend the 2016 Northeast Region Annual Food Protection Seminar in Northampton, Massachusetts from August 10, 2016 to August 12, 2016. All costs covered with funds received from the Voluntary National Retail Food Regulatory Program Standards grant program. County Cost \$0.

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

**RESOLUTION NO. 236-616**

**AUTHORIZING PURCHASE OF 2016 CHEVROLET TAHOE FROM PUBLIC HEALTH DEPARTMENT BUDGET**

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase a 2016 Chevrolet Tahoe, 4WD, 4 Dr from Joe Basil Chevrolet, 5111 Transit Rd, Depew, NY 14043 in the amount of \$40,784 as budgeted in Health Department Budget Account 4010.270-Capital Plan Equipment. County Cost \$0.

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

**RESOLUTION NO. 237-616**

**APPROVING APPOINTMENTS TO THE COUNTY PLANNING BOARD**

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

<u>NAME</u>	<u>REPRESENTS</u>	<u>EXPIRATION DATE</u>
Andrew Cousins 61 South Main Street Lyndonville, New York 14098	Village of Lyndonville	12-31-16

Danny Woodward, Jr.  
 11 Garland Street  
 Lyndonville, New York 14098

Village of Lyndonville  
 (Alternate)

12-31-16

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

**RESOLUTION NO. 238-616**

**APPROVING SALE OF COUNTY-OWNED PROPERTY**

WHEREAS, a public auction of various parcels of property owned by the County under the In Rem Foreclosure was held June 22, 2016; and

WHEREAS, bids for various properties were obtained by the auctioneer at such auction in accordance with the stated terms of auction; and

WHEREAS, due deliberation has been made by the Orleans County Legislature as to the propriety of each of the said bids; now, therefore be it

RESOLVED, that bids for various parcels set forth on the schedule hereto annexed be, and the same individually are accepted pursuant to the provisions of the Real Property Tax Law; and be it

FURTHER RESOLVED, that the standard form quitclaim tax deeds be prepared for the separate parcels and delivered to the County Treasurer for execution and delivery upon receipt of the balance of the purchase price set forth in the said deed.

**ORLEANS COUNTY AUCTION  
 June 22, 2016**

		Sold To:	Amount:
<b>ALBION - VILLAGE</b>			
62.18-3-24	MCCARTHY JAMES & CHERYL	William Wittman	\$500.00
PC - 210	111 McClelland St; 50.00 x 110.00	14030 Albion Eagle Harbor Rd.	
2	Land - 6,200 Total - 15,000	Albion, NY 14411	
62.19-2-4	BASIC ASSETS CORP	Grace M. Jenks	\$300.00
PC - 210	225 Caroline St; 56.00 x 181.00	4469 Grayce Ave.	
3	Land - 8,100 Total - 18,200	Gasport, NY 14067	
73.5-4-24.2	MCNEIL LATONYA C		No Sale
PC - 311	West State St; 29.00 x 20.58		
4	Land Total - 200		
73.6-2-1	Shaw Jack	Phillip Newbould	\$300.00
PC - 210	134 West Bank St; 66.00 x 85.63	16761 Kenmore Rd.	
5	Land - 6,200 Total - 26,000	Kendall, NY 14476	
73.6-2-55	FISHER DONNA L RUSHBROOK LYNN D	James Mays	\$5,000.00
PC - 210	117 West State St; 66.00x185.75	302 E State St.	
6	Land - 8,700 Total - 72,900	Albion, NY 14411	
73.7-1-36	DEHULLER ROBERT PATRICIA HAYNES	Michael L. Walker	\$1,100.00
PC - 210	330 East Park St; 66.00x198.00	12 West St.	
9	Land - 8,900 Total - 44,700	Albion, NY 14411	
73.23-1-40	MCCARTHY JAMES	William Wittman	\$6,000.00
PC - 220	117 West Bank St; 57.75 x 176.22	14030 Albion Eagle Harbor Rd.	
13	Land - 8,100 Total - 40,200	Albion, NY 14411	
<b>ALBION</b>			
74.-2-34.2	MATHIS STEPHEN W	3549 Union Street, Inc	\$4,000.00

PC - 314	Rt 31 East; 5.80 acres	3900 Buffalo Rd.	
14	Land Total - 9,400	Rochester, NY 14624	
74.-2-35.1	KULIS ADELE (now known as Mathis Stephen)	3549 Union Street, Inc	\$8,500.00
PC- 321	Rt 31 East; 18.20 acres	3900 Buffalo Rd.	
15	Land Total - 20,200	Rochester, NY 14624	
85.-2-21	SEVERE SCHELLA	Brian D. Forder	\$7,000.00
PC - 323	Swamp Rd; 9.80 acres	14139 Park Ave.	
16	Land Total - 4,800	Waterport, NY 14571	
85.-2-36	CORBIN LES CORBIN ANN MARIE	Angel L Perez	\$1,500.00
PC - 323	Swamp Rd; 4.20 acres	3940 Lake Rd.	
17	Land Total - 2,100	Holley, NY 14470	
<b>BARRE</b>			
96.-1-25.1	FITZGERALD CHARLES	Brian E. Connor	\$6,500.00
PC - 312	15375 East Lee Rd; 1.24 acres	252 Oak Orchard Rd.	
19	Land - 16,500 Total - 20,000	Albion, NY 14411	
<b>CARLTON</b>			
5.1-1-27	HESS DAWN	Sandra M. Kintz	\$7,500.00
PC - 210	12788 Rouslabout Ter; 100.00 x 250.00	1298 Oak Orchard Rd	
21	Land - 13,900 Total - 71,100	Waterport, NY 14571	
5.49-2-23	MCGEE LORETTA J	Sandra M. Kintz	\$5,000.00
PC - 311	Shoreham St; 35.00 x 75.00	1298 Oak Orchard Rd	
22	Land Total - 2,100	Waterport, NY 14571	
5.49-2-24	MCGEE LORETTA J	Sandra M. Kintz	\$6,000.00
PC - 311	Shoreham St; 35.00 x 75.00	1298 Oak Orchard Rd	
23	Land Total - 2,100	Waterport, NY 14571	
8.-1-12	AMIDON RICKY	Whitney Keppler	\$50.00
PC - 314	E Shore Dr; 75.00x140.00	11808 Harrison Road	
24	Land Total - 5,000	Medina, NY 14103	
18.3-1-17	BRODA ROBERT SAHUKAR SHAUN	Grace M. Jenks	\$1,000.00
PC - 210	1544 Oak Orchard Rd; 82.50 x 132.00	4469 Grayce Avenue	
25	Land - 5,200 Total - 38,600	Gasport, NY 14067	
28.-1-59.2	County of Orleans (formerly Marcin Venture LLC)	Whitney Keppler	\$500.00
PC - 330	Waterport Rd; .35 acres	11808 Harrison Road	
27	Land Total - 7,000	Medina, NY 14103	
29.1-1-9	WILSON PAUL C	William F McNulty	\$16,500.00
PC - 210	1703 Oak Orchard Rd; 66.00 x 165.00	14819 W. Brighton Cliff Dr	
28	Land - 5,200 Total - 65,100	Kent, NY 14477	
<b>GAINES: ALBION VILLAGE</b>			
62.19-1-46	MCCARTHY JAMES M & CHERYL A	Bradford Bokman	\$100,000.00
PC - 411	218 Linwood Ave; 150.00 x 170.00	3844 Long Bridge Rd	
29	Land - 13,600 Total - 127,100	Albion, NY 14411	
<b>GAINES</b>			
50.2-1-13	FARO FEDERICK M	Whitney Keppler	\$600.00
PC - 210	13973 Ridge Rd; .43 acres	11808 Harrison Road	
30	Land - 6,800 Total - 15,000	Medina, NY 14103	
63.-1-4	OKEEN KAREN		No Sale
PC - 210	15129 Zig Zag Rd; .93 acres		
31	Land - 10,700 Total - 27,000		
<b>KENDALL</b>			
32.12-1-26.11	MIKOLAICHIK THOMAS J	Christopher P. Hallifax	\$200.00
PC - 300	Kendall Rd; 78.25 x 72.50	8426 Maplewood Dr. POB 225	
32	Land Total - 4,600	Gasport, NY 14067	
32.12-2-48	MIKOLAICHIK THOMAS J	Phillip Newbould	\$400.00
PC - 411	1841 Kendall Rd; 89.10 x 49.25	16761 Kenmore Rd	
33	Land - 2,300 Total - 38,900	Kendall, NY 14476	
44.-1-57.21	BAGGERMAN CAROLINA G	Craig T. Green	\$17,000.00
PC - 323	Creek Rd; 9.92 acres	11089 Starr Road	

34	Land Total - 24,100	Wyoming, NY 14591	
<b>MURRAY - VILLAGE</b>			
88.21-1-31	LIVECCHI JAMES A MARCELLO RAFFAELE	The Eaton Agency, LLC	\$100.00
PC - 481	89 Public Sq; 40.75 x 204.60	2708 N 4 <sup>th</sup> St.	
36	Land - 13,000 Total - 65,000	Coeur d'Alene, ID 83815	
<b>88.21-1-50</b>			
	RODRIGUEZ SALVADOR JR LAVENDAR LISA L	Village of Holley	\$100.00
PC - 210	23 Thomas St; 66.58 x 98.00	72 Public Square	
37	Land - 9,000 Total - 71,900	Holley, NY 14470	
<b>RIDGEWAY-VILLAGE</b>			
79.11-3-43	BASIC ASSETS CORP	Matthew C. Mundion	\$9,000.00
PC - 220	908 W Center St; 60.00 x 130.00	536 Orient St.	
39	Land - 10,500 Total - 58,500	Medina, NY 14103	
<b>80.5-3-3</b>			
	SNIDER MARK A SNIDER SHERRY L	Geoffrey L. Whittier	\$11,500.00
PC - 210	113 Worthy Ave; 50.80 x 117.50	12900 Roosevelt Highway	
44	Land - 8,500 Total - 56,300	Waterport, NY 14571	
<b>80.9-1-26.1</b>			
	SEED AMERICA PROPERTY	William e. Grathouse III	\$100.00
PC - 449	525 East Ave; 3.80 acres	4581 Holley Byron Road	
47	Land - 25,600 Total - 80,400	Holley, NY 14470	
<b>80.37-1-8</b>			
	ROGERS JUDITH L	Demetrios Bitsas	\$200.00
PC - 481	333 Main St; 36.33 x 121.00	525 Main Street	
48	Land - 6,500 Total - 21,900	Medina, NY 14103	
<b>RIDGEWAY-OUTSIDE</b>			
68.-2-13	MOORE CHARLES JR	Whitney Keppler	\$7,000.00
PC - 210	11329 Slade Rd; 100.00 x 175.25	11808 Harrison Road	
49	Land - 9,200 Total - 61,100	Medina, NY 14103	
<b>69.-1-35</b>			
	MAISANO FRANK MAISANO BARBARA	Whitney Keppler	\$12,250.00
PC - 210	3680 Horan Rd; 57.40 x 157.00	11808 Harrison Road	
51	Land - 5,500 Total - 54,100	Medina, NY 14103	
<b>SHELBY - VILLAGE</b>			
79.16-1-38	KNIGHT LORRIE ANN	High Falls Capital, LLC.	\$17,500.00
PC - 210	406 W Oak Orchard St; 103.08 x 132.00	1900 Empire Blvd #351	
52	Land - 10,700 Total - 64,500	Webster, NY 14580	
<b>80.45-3-54</b>			
	OWEN REBECCA	Jonathan R Daniels	\$100.00
PC - 210	724 Church St; .21 acres	2100 Oak Orchard River Rd	
53	Land - 5,400 Total - 33,100	Waterport, NY 14571	
<b>SHELBY</b>			
81.3-1-7	KOHL WALTER KOHL ANNA MARTHA K. HOWE	Patricia A Vader	\$900.00
PC - 314	4168 Dresser Rd; 198.00 x 181.50	12335 Maple Ridge Rd	
54	Land Total - 9,200	Medina, NY 14103	
<b>89.-1-24.2</b>			
	WITTKOPP WARREN M	Gasport View Dairy Farms, Inc.	\$8,000.00
PC - 314	Freeman Rd; 1.90 acres	8600 Mountain Road	
55	Land Total - 11,000	Gasport, NY 14067	
<b>90.-1-68</b>			
	BARNES DARRYL J	Whitney Keppler	\$4,500.00
PC - 210	4352 Salt Works Rd; 99.00 x 343.86	11808 Harrison Road	
56	Land - 9,100 Total - 29,000	Medina, NY 14103	
<b>100.-1-1.111</b>			
	BOYER WILLIAM C	Matthew c. Strobele	\$8,500.00
PC - 270	4591 County Line Rd; 2.00 acres	4691 Jackson Rd.	
57	Land - 11,200 Total - 30,400	Middleport, NY 14105	
<b>100.-1-1.113</b>			
	BOYER WILLIAM C	Anthony R Moule	\$30,000.00
PC - 322	County Line Rd; 63.42 acres	2635 S. Lyndonville Rd.	
58	Land Total - 64,100	Medina, NY 14103	
<b>YATES - VILLAGE</b>			
25.17-1-32.1	PENNSAVER MARKETS OF LYNDONVILLE INC.	Jonathan R Daniels	\$1,000.00
PC - 481	29 S Main St; 111.00 x 140.00	2100 Oak Orchard River Rd	
59	Land - 32,600 Total - 166,600	Waterport, NY 14571	
<b>YATES</b>			

12.3-1-7	JOHNSTONE ROSS A	Patricia T Kerr	\$10,000.00
PC - 210	10214 Roosevelt Hwy: 1.10 acres	10214 Roosevelt Hwy	
60	Land - 10,700 Total - 38,600	Lyndonville, NY 14098	
14.3-2-20.11	COLEMAN GERALD W	Pamela S. Marciszewski	\$8,000.00
PC - 210	11394 Yates Center Rd: 5.25 acres	11398 E. Yates Center Rd	
61	Land - 19,000 Total - 50,800	Lyndonville, NY 14098	
	TOTAL: \$324,200.00		

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes, 0 nays, 0 absent.

### **RESOLUTION NO. 239-616**

#### **APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND EM SYSTEMS, INC.**

RESOLVED, that this Legislature approves the renewal agreement between the Sheriff's Office and EM Systems, Inc., 4043 Maple Road, Ste 211, Amherst, NY 14226 for the 2016/2017 software support and maintenance agreement covering CAD, AVL and Mobile Data Systems in the Dispatch Office, effective July 1, 2016 through June 30, 2017, at a cost of \$15,000.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes, 0 nays, 0 absent.

### **RESOLUTION NO. 240-616**

#### **APPROVING AGREEMENT BETWEEN SHERIFF'S OFFICE AND JAY SUPNICK, Ph.D, LAW ENFORCEMENT PSYCHOLOGICAL ASSOCIATES**

RESOLVED, that this Legislature approves an agreement between the Sheriff's Office and Jay Supnick, Ph.D of Law Enforcement Psychological Associates, 448 White Spruce Blvd, Rochester, NY 14623 for pre-employment psychological screenings and fitness for duty psychological evaluations for the Orleans County Sheriff's Office at rates set forth in the fee schedule effective January 1, 2016 through December 31, 2017; and be it

FURTHER RESOLVED, that the fee schedule attached to this agreement shall be reviewed annually by the Orleans County Sheriff and appropriate action taken to amend this agreement should rates increase during the duration of this contract.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes, 0 nays, 0 absent.

### **RESOLUTION NO. 241-616**

#### **APPROVING AGREEMENTS BETWEEN THE SHERIFF'S OFFICE/JAIL AND VARIOUS AGENCIES**

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

CorVel Enterprise Comp, Inc., 251 Salina Meadows Parkway, Suite 150, N. Syracuse, NY 13212, an amendment to renew the Enhanced Bill Review Services Agreement which reviews Jail medical bills and renegotiates to ensure proper rates and medical codes are applied at a charge of 25% of the total savings, for a three year renewal term effective February 1, 2016 through January 31, 2019.

Wyoming County Sheriff, 151 North Main Street, Warsaw, NY 14569 for the housing of Orleans County inmates in the Wyoming County Jail at a cost of \$90 per inmate/per day, effective upon signature through December 31, 2016, subject to annual renewal, by both parties not to extend past December 31, 2020 without providing review and approval of a new agreement; and be it

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

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes, 0 nays, 0 absent.

#### **RESOLUTION NO. 242-616**

APPROVING AMENDMENT TO RESOLUTION NO. 171-416 REGARDING PURCHASE FOR THE JAIL

WHEREAS, Resolution No. 171-416 authorized the purchase 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), now be it

RESOLVED, that Resolution No. 171-416 is hereby amended that such purchase from SI Technologies be cancelled due to increased costs.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes, 0 nays, 0 absent.

#### **RESOLUTION NO. 243-616**

AUTHORIZING THE FILLING OF A VACANCY IN THE SHERIFF'S OFFICE FOR MARINE PATROL

RESOLVED, that this Legislature does hereby authorize the filling of a vacancy for Deputy Sheriff-Marine Patrol Officer, part-time seasonal position (3110.36) in the Marine Patrol Division of the Sheriff's Office at an hourly rate of \$13.41 effective June 23, 2016.

Moved, DeFilipps; second, Johnson.

Legislator DeRoller is extremely pleased that Marine Patrol coming up to speed. Legislator Johnson said they were very prominent during strawberry festival

Adopted. 7 ayes, 0 nays, 0 absent.

#### **RESOLUTION NO. 244-616**

APPROVING AGREEMENT BETWEEN PROBATION DEPARTMENT AND AUTOMON CORPORATION

RESOLVED, that this Legislature approves an agreement between Probation Department and Automon Corporation, 6621 N. Scottsdale Rd. Scottsdale, AZ 85250, for a maintenance contract to maintain the Probation Case Management System (Caseload Explorer) for the term of June 21, 2016 through June 20, 2017 at a cost of \$7,027.76.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 245-616**

**AUTHORIZING EXECUTION OF INVESTIGATIVE SERVICES CONTRACT FOR ORLEANS COUNTY PUBLIC DEFENDER OFFICE**

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

WHEREAS, this resolution provided funds to contract for Investigative Services for the Public Defender's Office, therefore be it

RESOLVED, that the Chairman of the Legislature is authorized to execute, on behalf of Orleans County, a contract for Investigative Services with Jose Avila for the Orleans County Public Defender, at a twelve month cost of \$20,000; and said amount to be paid in quarterly installments of \$5,000 upon submission of a county voucher at the end of each quarter and dependent on the availability of state grant funds to reimburse this cost, agreement effective from July 1, 2016 through June 30, 2017. County Cost \$0.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 246-616**

**AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN ORLEANS COUNTY EMERGENCY MANAGEMENT AND THE FIVE SCHOOL DISTRICTS IN ORLEANS COUNTY**

WHEREAS, in the immediate aftermath of a major incident many communities may need to establish distribution sites in order to provide relief supplies to affected community members; and

WHEREAS, distribution sites will be needed to receive and dispense bulk emergency relief supplies quickly after an event; now be it

RESOLVED, that this Legislature authorizes the Director of Emergency Management to enter into a Memorandum of Understanding (MOU) with each of the five school districts [Albion, Holley, Kendall, Lyndonville and Medina] within Orleans County to act as a distribution site within 24 to 96 hours after a major incident.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes, 0 nays, 0 absent.

Dale Banker was commended for working with all five school districts on this project of having these locations available throughout our county to be able to receive and disperse products should an emergency need arise.

**RESOLUTION NO. 247-616**

**APPROVING AGREEMENT BETWEEN COUNTY OF ORLEANS AND WENDEL FOR PHASE 2 OF DESIGN FOR COUNTY OFFICE BUILDING ANEX**

RESOLVED that this Legislature authorizes the Chairman to sign a contract with Wendel for Phase 2 of Design for construction of an addition to the County Office Building located at 14016 Route 31 West at a cost not to exceed \$70,000 including Time and Expenses, with a scope of work as follows:

PHASE 2: Preliminary Design:

1. Prepare a Basis of Design Document for owner's review and concurrence including space program requirements, building code and system design requirements, site access, circulation and parking requirements, utility service requirements, energy efficiency and sustainability requirements, etc.
2. Utilize geotechnical investigation information from the existing Administration Building to assess preliminary building addition foundation system design requirements. Detailed geotechnical investigation will be prepared prior to the start of final design.
3. Perform a preliminary topographic survey of the site and prepare a base map for use in preliminary design. Detailed topographic and utility service survey will be prepared prior to the start of final design.
4. Conduct preliminary discussions with utility service providers (electric, gas, water, sanitary sewer, etc.) to confirm service load requirements.
5. Perform building and zoning code review and meet with local building officials to confirm concurrence with building and site requirements.
6. Advance the preferred building and site plans to the approximately 10% complete, preliminary design stage and prepare the following drawings:
  - a. Site layout plan
  - b. Architectural floor plans
  - c. Two colored, computer generated building renderings
7. Refine assessment of potential building architectural, structural, mechanical, electrical systems.
8. Evaluate potential energy savings funding options and incentives.
9. Prepare preliminary design level opinion of probable project costs.
10. Meet with owner to review preliminary building and site plans, potential building system requirements and preliminary design budget costs and determine the next course of action.

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to transfer funds as follows to allow payment:

FROM:

Future Infrastructure Reserve	\$70,000
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TO:

A1620.418	Other Contractual Expenses	\$70,000
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Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes, 0 nays, 0 absent.

**RESOLUTION NO. 248-616**

**AUTHORIZING PAYMENT OF CLAIMS FOR JULY 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 July 13, 2016:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
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General	4358-4558	\$605,442.95
Highway	767-783; 1840-1862	\$381,607.46
Job Development		
Self Insurance		

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the 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 July 27, 2016:

Fund/Department	Check Number (s):	Amount:
General	4570-4718	\$413,147.01
Highway	787-789; 1863-1877	\$70,859.09
Job Development	2128-2138	\$4,902.74
Self Insurance		

Moved, Miller; second, Eick.

Adopted. 7 ayes, 0 nays, 0 absent.

The following add on resolution was presented for adoption:

Legislator Miller moved a resolution to support ongoing federal funding for Medicare State Health Insurance Assistance known as the Health Insurance Information Counseling Assistance Program offered through our Office for the Aging; seconded by Legislator Eick. Chairman Callard asked Director Blonar how many residents that would impact. Director Blonar stated that she just learned about this on Friday. On the local level, this year we are receiving about \$33,000. In 2012 we served 568 residents, last year there was 797 residents served. That is an increase of over 200 people in a few years. We track data and calculate an estimate savings for our clients. From the first of this year to present, we estimate savings of \$595,616; while in 2015 the yearly estimate of savings was \$897,101. The savings to the clients frees up their money to spend in Orleans County. This is one of the biggest programs in our office. If we lose this funding we would have to cut our staff by 1 and ½ employees. This is a very scary time and she highly supports the resolution and appreciates that it was added on. Chairman Callard finds it really incredible that the number is nearing 1,000 people a year. What the OFA is doing is much appreciated by all of the senior citizens. Legislator Allport expressed that this ties into the unfunded mandates and takes you back to the 1960's great society when they brought forth Medicaid and Medicare for which the Federal government realized they could not afford these programs and pushed more costs down to the states, and then to a few of the counties, including New York State. The following resolution was adopted:

### **RESOLUTION NO. 249-616**

**RESOLUTION TO SUPPORT ONGOING FEDERAL FUNDING FOR MEDICARE STATE HEALTH INSURANCE ASSISTANCE PROGRAM (SHIP)-KNOWN AS THE HEALTH INSURANCE INFORMATION COUNSELING ASSISTANCE PROGRAM (HIICAP) PROGRAM WITH THE ORLEANS COUNTY OFFICE FOR THE AGING**

WHEREAS, the U.S. Senate Appropriations Committee has approved a Fiscal Year 2017 budget appropriations bill that completely eliminates the \$52.1 million in funding for the Medicare State Health Insurance Assistance Program (SHIP). The Center for Medicare Advocacy, Medicare Rights Center, National Committee to Preserve Social Security and Medicare, National Council on Aging (NCOA) and Orleans County Office for the Aging strongly oppose this move because it would leave 55 million people with Medicare without the only program that provides free, personalized, unbiased counseling on the growing complexities of Medicare coverage; and

WHEREAS, today's Medicare beneficiary must choose among more than 20 prescription drug plans, an average of 19 Medicare Advantage plans, as well as various Medigap supplemental insurance policies—all with different premiums, cost sharing, provider networks, and coverage rules. For more than 24 years, SHIPs have advised, educated, and empowered individuals to navigate their state-specific Medicare choices. In addition, SHIPs help beneficiaries resolve fraud and abuse issues, billing problems, appeals, and enrollment in low-income health assistance programs. In 2015, SHIPs provided assistance to more than seven million individuals with Medicare; and

WHEREAS, eliminating SHIPs would leave millions of older Americans, people with disabilities, and families who need help comparing coverage options, appealing denials, applying for financial assistance, and navigating an evolving and increasingly complex program stranded—with nowhere to turn. With 10,000 baby boomers aging into Medicare each day, it is imperative that the U.S. House of Representatives reject this unprecedented, nonsensical cut.”

RESOLVED, the Orleans County Legislature request elected federal officials to instead increase FY2017 funding for SHIPs to \$59.4 million, to keep pace with inflation and increasing needs among a growing Medicare population. At a minimum, level funding of \$52.1 million should be provided for SHIPs; and be it

FURTHER RESOLVED, that the Clerk of the Legislature forward a certified copy of this resolution to United States Senators Charles Schumer and Kirsten Gillibrand; and United States Congressman Chris Collins and all others deemed necessary and proper.

Moved, Miller; second, Eick.

Adopted. 7 ayes, 0 nays, 0 absent.

During open discussion, CAO Nesbitt gave an update on the canal culvert that has a leak in Hulberton which is servicing an unused quarry. Engineers were brought into survey it. NYS initially scheduled the canal to be closed for three weeks in the height of the summer. This would have been problematic, not only for tourism but for farmers who use it for irrigation. The Governors Regional Representative stated now that closure may be 5 to 7 days, doing a less comprehensive repair. They would then come back in the winter and make the full repair.

Bruce Schmidt, Gaines, reported that the Buffao News has a public service announcement going on June 28<sup>th</sup> concerning the rate increase of National Fuel Gas. Our state is looking for a 7.9% rate increase. Mr. Schmidt stated that the last time he looked we were talking 2 % raises and tax caps for our schools and towns, 2% raises across the board for municipalities and Social Security says there is no cost of living increase. He has watched his income go down and his costs go up. He stated that here is an opportunity for our Orleans County Chairman to go to the Public Service Commission and be a leader to present to them that an increase is not favorable for our citizens. Your speech this afternoon brought out the point of unfairness. A 7.9% rate increase seems absorbanant voiced Mr. Schmit and thanked the Chairman and offered to go with Chairman Callard to this announcement.

Paul Lauricella, Yates, questioned from the last meeting, the County Comprehensive Plan and asked if Stu Brown would be composing this. Legislator DeRoller advised that the first order of business will be to team up with five municipalities who they themselves will be updating their comprehensive plans – Villages of Lyndonville and Medina; and the Towns of Yates, Shelby and Ridgeway. They will look their first and then a new planner has been authorized to be hired. A consultant will then be utilized and the County will be the lead agency in the process to facilitate this across the county to enhance the Counties Comprehensive Master Plan with an ag focus. The Towns will be asked to participate and various public meetings will be used for input.

Jim Bensley, Director of Planning and Development added that the western side of Orleans County will be assisted in seeing what they want for their future. It will not compete with what the County is doing. Much of the Zoning on the town and local levels is controlled by State regulations. Our effort in helping them is what they see for their future and make sure it is within the laws and regulations. Jim indicated that it has been since 2003 that a Comprehensive Plan has been updated for them. Mr. Lauricella asked if there will be costs. Legislator DeRoller stated yes but amount yet to be determined.

Mr. Lauricella referenced an article on the Orleans HUB pertaining to Soil and Water of which Americorp are trying to get people to stop drinking bottled water. He feels that bottles of water is a convenience and he does not feel that people should control the market or that people should feel shamed for having bottled water. Legislator DeRoller stated that there are two issues here. Individual self servings have taken over the consumption of milk. It is about over \$10.50 a gallon to consume single beverages and the quality of these beverages are suspect, either they are tap water or other issues with the delivery of the quality of bottled water. The containers have a negative impact to our environment and Soil and Water is taking on a resource to help educate the community to recycle these plastic containers. In response to other discussion of Mr. Lauricella, Legislator DeRoller stated within this Legislative leadership, we are not going to have government more intrusive in peoples life. Bottled water is a product in the marketplace and we need to educate the public of its use and the disposal of the container, not to tell people not to stop drinking it. We are letting free market and enterprise play into this and we are taking a softer approach to educate therefore the end result would be positive.

Legislator Johnson announced that the Veterans Administration is having an Open House on Monday, June 27th from 5pm to 7pm. She encourages everybody to attend. Director Earl Schmidt stated that the office is now handicap compliant for veterans. He is working on getting veterans to know where to go to receive benefits for what they deserve. He thanked the Legislators for the upgrades.

Legislator Eick moved to enter into executive session at 5:23 pm per Open Meetings Law §105 (h) to discuss proposed acquisition of real property; second by Legislator Johnson. Motion Carried.

Legislator Allport moved to exit out of executive session and reconvene the regular meeting at 5:50; second by Legislator DeFilipps. Motion Carried.

Legislator Allport moved to adjourn; second by Legislator DeFilipps. Meeting adjourned at 5:51 p.m.