

**PROCEEDINGS**  
of the  
**Orleans County Legislature**  
**2015**



**PROCEEDINGS**  
**of the**  
**LEGISLATURE**  
**of**  
**ORLEANS COUNTY**  
  
**2015**

Donald J. Allport  
E. John DeFilipps  
David B. Callard  
William H. Eick  
Lynne M. Johnson  
Fred Miller  
Kenneth DeRoller

Member at Large  
Member at Large  
Member at Large  
District No. 1  
District No. 2  
District No. 3  
District No. 4

David B. Callard  
Lynne M. Johnson  
Charles H. Nesbitt, Jr.  
Nadine P. Hanlon  
Lisa Stenshorn

Chairman  
Vice-Chairman  
Chief Administrative Officer  
Clerk of Legislature  
Deputy Clerk of the Legislature

By Order  
of the  
Legislature

COUNTY OF ORLEANS)

ss:

STATE OF NEW YORK)

I hereby certify that the following Proceedings of the Legislature of Orleans County by the authority of said Legislature are a true statement of the record of such proceedings as filed in this office.

Nadine P. Hanlon  
Clerk of the Legislature



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### **2014-2015 Orleans County Legislature**

**FRONT ROW:** Lynne M. Johnson, District 2; David B. Callard, Chairman, At Large - West; Nadine P. Hanlon, Clerk of the Legislature  
**BACK ROW:** Charles H. Nesbitt, Jr., Chief Administrative Officer; Fred Miller, District 3; Donald J. Allport, At Large - Central; William H. Eick, District 1; E. John DeFilippis, At Large – East; Kenneth DeRoller, District 4; David C. Schubel, County Attorney

### ***County Officials of Orleans County for 2015***

Aging, Office for the, Director	Melissa Blanar
Assistant Director	Susan Miller
Budget Officer	Charles H. Nesbitt Jr.
Deputy Budget Officer	Susan M. Heard
Chief Administrative Officer	Charles H. Nesbitt, Jr.
Clerk of the Legislature	Nadine P. Hanlon
Deputy Clerk of the Legislature	Onnalee C. O'Connor/Lisa Stenshorn
Computer Services, Director	Edwin L. Moss
Coroner, Chief	Scott M. Schmidt, CFSP
Coroners	Joseph T. Fuller/Rocky Sidari
	Charles Smith, RN
County Attorney	David C. Schubel
Assistant County Attorney	John C. Gavenda
	James D. Bell

County Clerk	Karen Lake-Maynard
Deputy County Clerk	Diane L. Shampine
Deputy County Clerk – DMV	Susan K. Rustay
Development, Industrial/Economic	James Whipple
District Attorney	Joseph V. Cardone
1 <sup>st</sup> Assistant District Attorney	Susan Silleman
2 <sup>nd</sup> Assistant District Attorney	Katherine Kersch-Bogan
3 <sup>rd</sup> Assistant District Attorney	John Sansone
Election Commissioners	Dennis J. Piedimonte (R)
	Janice Grabowski (D)
Deputy Commissioners	Clara Martin (R)
	Eileen Aina (D)
Emergency Management, Director	H. Dale Banker
Health, Director	Paul A. Pettit
Highway Superintendent	Gerald R. Gray
Deputy Highway Superintendent	Michael Cliff
Buildings and Grounds Assist. Super.	James J. Noreck
Historian	Matthew Ballard
Housing Assistance, Director	Sheila M. Allport
Job Development, Director	Kelly Kiebala
Mental Health Services, Director	Mark O'Brien
Personnel and Self Insurance, Director	John C. Welch, Jr.
Planning and Development, Director	James Bensley
Probation, Director	Luci Taylor-Welch
Public Defender	Sanford A. Church
1 <sup>st</sup> Assistant Public Defender	Patricia Pope
2 <sup>nd</sup> Assistant Public Defender	Dominic Saraceno
3 <sup>rd</sup> Assistant Public Defender	Nathan D. Pace
Real Property Tax, Director	Dawn M. Allen
Records Management Officer	Charles H. Nesbitt, Jr.
Sheriff	Scott D. Hess
Undersheriff	Steven D. Smith
Chief Deputy	Thomas L. Drennan
Jail Superintendent	Scott Wilson
Social Services, Commissioner	Thomas Kuryla
Tourism, Director	Lynne Menz
Treasurer	Susan M. Heard
Deputy Treasurer	Roxie J. Basinait
Veterans, Director	Paul F. Fulcomer
Weights and Measures, Director	Craig D. Lape
Youth Bureau, Director	Jocelyn Sikorski

## **LEGISLATIVE STANDING COMMITTEES-2015**

### **LEGISLATIVE**

#### **Callard, Johnson**

Chief Administrative Officer  
Clerk of Legislature  
County Attorney  
Historian  
Emergency Management  
Employee Assistance Program  
Fire Advisory Board  
Off Track Betting  
Safety Committee

### **PUBLIC SAFETY**

#### **DeRoller, Johnson, Callard**

District Attorney  
Probation  
Public Defender  
Sheriff  
Courts  
Emergency Medical Services  
Stop DWI

### **HEALTH**

#### **Allport, DeFilipps, Callard**

Mental Health  
Nursing Home  
Public Health  
ARC

### **ELECTIONS**

#### **DeFilipps, Miller, Callard**

Board of Elections

### **EDA**

#### **DeFilipps, Callard**

### **LDC**

#### **Eick, Allport, Callard**

### **ADMINISTRATION & FINANCE**

#### **Johnson, DeRoller, Callard**

Budget Officer  
Computer Services  
County Clerk  
Personnel & Self-Insurance  
Records Management  
Real Property Tax Services  
Treasurer  
Education (Community Colleges,  
Medical Scholarship, Libraries)

### **HOME & COMMUNITY SERVICES**

#### **DeFilipps, Allport, Callard**

Planning & Development  
Soil and Water Conservation  
Solid Waste  
Tourism  
Cooperative Extension  
Gen/F. Lakes Regional Planning Council  
Go Art!  
Orleans Sportsman Federation  
Parks

### **ECONOMIC ASSISTANCE**

#### **& OPPORTUNITY**

#### **Miller, Eick, Callard**

Housing - Section 8  
Job Development Agency  
Office for the Aging  
Social Services  
Veterans Service Agency  
Youth Board

### **HIGHWAY**

#### **Eick, Miller, Callard**

Buildings & Grounds  
Highway  
Weights & Measures  
Genesee Transportation Council  
RGRTA - Rochester Genesee Regional  
Transportation Authority

## LEGISLATURE MEETING

January 14, 2015

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Chairman Callard called the meeting to order at 4:30 PM. After the pledge to the flag and invocation led by Paul Fulcomer, Orleans County Director of Veterans Affairs, the Clerk called the roll. All Legislators were present, with the exception of Legislator Johnson.

The Clerk had no communications to present and the Treasurer did not have a report to review.

Chairman Callard read a proclamation in celebration of the 90<sup>th</sup> anniversary of the New York State Association of Counties.

As Vice President of the Employee Assistance Program, Nola Goodrich-Kresse presented the awarding of the Employee of the Year. The EAP Committee is tasked to recognize Employees of the Month. This is very important and a very special occasion when fellow county employees are recognized for not only their service to the citizens of the county but to recognize those individuals who go above and beyond their duty. The EAP Committee receives nominations from fellow employees and department directors and then the nominations are reviewed and discussed by the committee and a selection is made.

The employees of the months for the past year were: Wayne Krull (Highway), October 2013; William Culverwell, (Buildings & Grounds), January 2014; Dione Harrington, (Social Services) February 2014; Karen Wygal, (Nursing Home) March 2014; James Halstead (Sheriff's Department), May 2014; Tammy Vanwycke (Nursing Home), June 2014; Onnalee O'Connor, (Clerk of the Legislature), July 2014; C.J. Laubacher, (Sheriff's Department), August 2014;

From this pool of candidates, a separate committee reviewed the candidates' recommendation from the employee's department director. The committee looked for additional service that an employee has performed since the individual was recognized as an Employee of the Month. Then the Employee of the Year is selected.

Since the nomination, this employee has continued to earn the respect of legal and human services professionals with whom she collaborates. She is responsible for the supervision of the Child Protective, Adult Protective, Day Care and Domestic Violence services units. Her staff is responsible

for investigating an average of 50 child abuse/neglect reports each month, providing day care services for over 100 children, investigating all reports of adult abuse/neglect and providing a multitude of non-residential domestic violence services. Under her direction, our district consistently ranks in the top 10 on the performance measures mandated by the state for child protection investigations. She is diligent in ensuring the safety of children and families while protecting the interests of our agency. She has 24 years of service at the Department of Social Services.

The 2014 Employee of the Year is Dione Harrington. Mrs. Harrington was applauded for her honor and was presented a plaque.

Chairman Callard called for open discussion as it related to the resolutions. Allen Lofthouse, Kendall, inquired of Resolution No. 4-115 in that there will be no second meetings. Chairman Callard stated that the first meeting of the month will be eliminated and they will meet on the fourth Wednesday of the month.

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. 1-115**

**AUTHORIZING PAYMENT OF CLAIMS AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund have been audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims:

Fund/Department	Check Number (s):	Amount:
General	10820-10969	\$347,714.51
Highway	488-491; 1091-1102	\$44,198.07

Nursing Home	27615-27642	\$74,315.94
Job Development	1673-1677	\$406.18
Self Insurance	1076-1077; 54717-54718; 54720	\$26,309.82

Moved, Eick; second, Miller  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 2-115**

AUTHORIZING COUNTY TREASURER TO MAKE YEAR END  
ADJUSTMENTS FOR YEAR ENDING DECEMBER 31, 2014

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

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

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

**RESOLUTION NO. 3-115**

APPROVING THE OFFICIAL UNDERTAKING OF PUBLIC  
EMPLOYEES FIDELITY (BLANKET) BOND FOR GENESEE/FINGER  
LAKES REGIONAL PLANNING COUNCIL

WHEREAS, the County of Orleans has appropriated the sum of  
\$6,647 as its share of the year 2015 operating funds of the Genesee Finger  
Lakes Regional Planning Council; and

WHEREAS, pursuant to Section 119-00 of the General Municipal  
Law of the State of New York, the County is authorized to provide for the  
payment of such appropriations to an officer of the agency designated by  
the agency to receive such monies provided that such officer shall have  
executed an official undertaking approved by the governing body of the  
County; and

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WHEREAS, the Genesee/Finger Lakes Regional Planning Council has designated David S. Zorn, Director of the Council, as the officer to receive payments of such monies; and

WHEREAS, the Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for officers and employees of the Council in the amount of \$500,000.00; now, therefore be it

RESOLVED, that the Orleans County Legislature hereby approves such bond as the official undertaking required pursuant to Section 119-00 of the General Municipal Law.

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

Legislator Eick moved to set the Legislature meeting schedule for 2015; second by Legislator Miller. Legislator DeRoller stated that based on the Efficiency Plan that was presented by the Clerk of the Legislature, he supports this resolution with those challenges ahead of us to continue to drive efficiency to the overall organization. The following resolution was adopted:

#### **RESOLUTION NO. 4-115**

##### **SETTING LEGISLATURE MEETING SCHEDULE FOR 2015**

RESOLVED, that the regular meetings of the Orleans County Legislature will be held on the fourth Wednesday of the months of January through October at 4:30 PM at the Orleans County Legislative Chambers; and be it

FURTHER RESOLVED, that the the regular meetings of the Orleans County Legislature will be held on the third Wednesday of the months of November and December at 4:30 PM at the Orleans County Legislative Chambers; and be it

FURTHER RESOLVED, that should additional meetings warrant scheduling, special meetings will be called with proper notice as described by Open Meetings Law Article 7, Section 104; and be it

FURTHER RESOLVED, that Legislative workshops will be scheduled one hour prior to the scheduled conference session unless otherwise posted.

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 5-115**

AMENDING AGREEMENT BETWEEN THE MENTAL HEALTH  
DEPARTMENT AND BRX ENTERPRISE PAINT AND WALLPAPER  
SERVICE

WHEREAS, Resolution No. 385-1114 approved an agreement with BRX Enterprise Paint and Wallpaper Service for the painting of the interior of the Mental Health building at a cost not to exceed \$6,524 with all materials and labor included which will be paid from Federal Salary Sharing Money; and

WHEREAS, additional materials and labor are needed to complete the painting of two conference rooms and the repair and painting of certain office door frames; and be it

FURTHER RESOLVED, that the cost of \$2,480 be added to this agreement, resulting in a total cost not to exceed \$9,004 which will be paid from Federal Salary Sharing Money.

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

**RESOLUTION NO. 6-115**

APPROVING AGREEMENTS BETWEEN MENTAL HEALTH  
DEPARTMENT AND VARIOUS AGENCIES

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

Accumedic Computer Systems, Inc., 11 Grace Avenue, Suite 401, Great Neck, NY 11021 providing renewal for the software maintenance and support contract for the AccuMed Software program, which is computer

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software utilized by the Department of Mental Health for electronic client billing and scheduling at a cost of \$8,820.90. County cost is \$617.50.

Community Action of Orleans and Genesee, 411 E State St., Albion, NY 14411 providing summertime services for youths referred or approved by the Department of Mental Health at a cost of \$5,000. County cost is 0.

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

Legislator Allport moved to approve a change of position title classification in the Mental Health Department; second by Legislator DeFilipps. CAO Nesbitt noted that the County has discussed this issue with the CSEA and they have come to an agreement. The following resolution was adopted:

**RESOLUTION NO. 7-115**

**AUTHORIZING CHANGE OF POSITION TITLE CLASSIFICATION (ASSISTANT CLINIC COORDINATOR) FROM CSEA TO THE MANAGEMENT COMPENSATION PLAN**

WHEREAS, SPOA (Single Point of Access) is required by New York State Law as the entry point for applicable Mental Health-related services; and

WHEREAS, State and Federal government regulations require that the SPOA Coordinator does not oversee either Care Coordination or Medicaid waiver services; and

WHEREAS, the Orleans County SPOA Coordinator presently oversees and performs Care Coordination services; and

WHEREAS, in order to meet requirements of SPOA and conflict-free care coordination; be it

RESOLVED, that this Legislature creates a full time Assistant Clinic Coordinator position at Grade 6 in the Management Compensation Plan; and be it

FURTHER RESOLVED, that the duties of the SPOA Coordinator be transferred to the Assistant Clinic Coordinator who will be divested of

caseload and the position shall henceforth be supervisory and administrative in nature; and be it

FURTHER RESOLVED, that that this Legislature does hereby fill the vacant full time Assistant Clinic Coordinator position at Grade 6, Step 7 of the Management Compensation Plan effective January 15, 2015.

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

**RESOLUTION NO. 8-115**

AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT AND AUTHORIZING THE TREASURER TO SET UP NEW MONEY IN THE MENTAL HEALTH BUDGET

WHEREAS, the Assistant Clinic Coordinator position must now be divested of a direct case load in the clinic; and

WHEREAS, there is increased demand for services in the department, including the establishment of satellite mental health services in the county; and

WHEREAS, a part time Clinic Therapist has recently resigned; and

WHEREAS, there is a resultant need for two full time Clinic Therapist positions to fulfill the demands as described above; now, therefore be it

RESOLVED, that this Legislature authorizes the abolishment of a part time Clinic Therapist position (4310.47) effective January 26, 2015; and be it

FURTHER RESOLVED, that this Legislature hereby authorizes the creation of two (2) full time Clinic Therapist positions at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of these two (2) newly created Clinic Therapist positions effective January 26, 2015; and be it

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FURTHER RESOLVED, that the Treasurer is authorized to set up new money in the Mental Health Budget due to increase of revenue and appropriations due to position requirement changes with SPOA as follows:

Revenue

A1620	Mental Health Fees	\$61,265
A4490	Mental Health – Federal	\$8,551

Appropriations

A4310.100	Personal Services	\$41,649
A4310.810	Retirement	\$7,705
A4310.820	Medicare	\$604
A4310.830	Social Security	\$2,582
A4310.840	Workers Compensation	\$810
A4310.850	Unemployment	\$160
A4310.860	Health Insurance	\$16,116
A4310.880	Disability	\$190

and be it

FURTHER RESOLVED, that the Treasurer is authorized to set up new money in the Mental Health Budget increase of revenue and appropriations due to abolishment of a part-time Therapist and creation of a full-time Therapist as follows:

Revenue

A1620	Mental Health Fees	\$15,226
A4490	Mental Health – Federal	\$11,449

Appropriations

A4310.100	Personal Services	\$5,890
A4310.810	Retirement	\$1,090
A4310.820	Medicare	\$86
A4310.830	Social Security	\$365
A4310.840	Workers Compensation	\$405
A4310.850	Unemployment	\$80
A4310.860	Health Insurance	\$18,477
A4310.880	Disability	\$125
A4310.411	Office Supplies	\$157

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

**RESOLUTION NO. 9-115**

APPROVING AGREEMENT WITH MERCY FLIGHT

RESOLVED, that this Legislature approves an agreement with Mercy Flight, Inc. for the provision of necessary air medical transfers; Orleans County to pay \$5,000 for the 2015 calendar year; no increase from 2014.

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 10-115**

APPROVING AGREEMENT WITH SOIL AND WATER  
CONSERVATION DISTRICT

RESOLVED, that this Legislature authorizes the renewal agreement between the County of Orleans and the Orleans County Soil and Water Conservation District, Albion, NY, for the provision of services by “Soil and Water” for the calendar year 2015, at a cost of \$ 75,000 to be paid in quarterly payments of \$18,750.

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

**RESOLUTION NO. 11-115**

GRANTING COUNTY EXEMPTION ON VILLAGE SEWER AND  
WATER SYSTEMS

RESOLVED, that all real property owned by the Villages of Holley, Albion, Medina, and Lyndonville located outside of their respective corporate limits and used as sewage disposal plants or systems, including necessary connections and appurtenances or used as a water plant, pumping station, water treatment plant, or reservoir, including necessary connections and appurtenances, shall be wholly exempt from County taxation for the year 2015 in accordance with the provisions of section 406 of the Real Property Tax Law.

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 12-115**

**AUTHORIZING THE TREASURER TO APPROVE REAL PROPERTY  
TAX REFUNDS**

WHEREAS, the New York State Real Property Tax Law, Section 556, provides an administrative correction of error process to assist the property owner in obtaining real property tax refunds caused by certain clerical errors, unlawful entries and errors in essential fact; and

WHEREAS, Real Property Tax Law, Section 554 provides that the tax levying body may delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Section 556; and

WHEREAS, the Administration and Finance Committee does recommend that the Treasurer be delegated to perform said duties; now, therefore be it

RESOLVED, that the Orleans County Treasurer be and hereby is authorized and directed to carry out the requirements of Section 556 of the Real Property Tax Law, effective immediately where the Real Property Tax Director has recommended a refund and said refund is two-thousand five hundred dollars or less; and be it

FURTHER RESOLVED, that on the fifteenth day of each month, the Orleans County Treasurer shall submit a report to the Orleans County Legislature of the refunds processed during the preceding month containing the name of each recipient, the location of the property, the reason for the refund and the amount of refund and when no refunds are given no report will be issued.

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

**RESOLUTION NO. 13-115**

**APPROVING APPOINTMENTS TO INTERCOUNTY ASSOCIATION  
OF WESTERN NEW YORK**

RESOLVED, that this Legislature appoints the following delegates and alternates to the InterCounty Association of Western New York to represent Orleans County:

<u>Name</u>	<u>Representation</u>
David B. Callard	Delegate
E. John DeFilipps	Delegate
Kenneth DeRoller	Delegate
William Eick	Alternate
Charles H. Nesbitt, Jr	Alternate
Nadine P. Hanlon	Alternate

Moved, Eick; second, Miller.

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

The Clerk of the Legislature noted that all of the Legislators are invited to attend these meetings.

#### **RESOLUTION NO. 14-115**

#### **APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR THE AGING DEPARTMENT AND VARIOUS AGENCIES**

RESOLVED, that this Legislature does hereby authorize the following renewal agreements for the Office for the Aging Department:

Orleans Community Health, Long Term Home Health Care Division, 200 Ohio Street, Medina, NY 14103 -OFA subcontractor to provide Meals on Wheels from January 1, 2015 to December 31, 2015 to home care clients with Orleans Community Health Care System reimbursing Orleans County Office for the Aging \$7.00 per hot meal and \$9.75 for clients receiving hot and cold meals. Revenue source, County cost is \$0.

Orleans Community Health, Long Term Home Health Care Division, 200 Ohio Street, Medina, NY 14103 for Office for Aging to provide Lifeline (Personal Emergency Response System) to Home Care patients at a cost of \$30 monthly and one time installation cost of \$50 from January 1, 2015 to December 31, 2017. Revenue source, County cost is \$0.

Ellen Foster, RD of 33 Willmont Street, Rochester, NY to provide dietician services for Orleans County residents age 60 and older from January 1, 2015 to December 31, 2015 at a cost not to exceed \$13,439. County cost \$597.

Moved, Miller; second, Eick.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 15-115**

APPROVING RE-APPOINTMENT TO THE ORLEANS COUNTY  
BOARD OF HEALTH

RESOLVED, that this Legislature authorizes the re-appointment of Paul Grout to the Orleans County Board of Health for a six year term effective January 1, 2015 through December 31, 2020.

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

**RESOLUTION NO. 16-115**

APPROVING APPOINTMENTS TO THE COUNTY PLANNING  
BOARD

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

<u>NAME &amp; MAILING ADDRESS</u>	<u>REPRESENTS</u>	<u>Expiration Date</u>
Terrance Brown 1544 East Kent Road Kent, New York 14477	Town of Carlton	12-31-17
Kevin Johnson 4554 South Holley Road Holley, New York 14470	Town of Clarendon	12-31-17
Russell Bosch 4690 Bennetts Corners Road Holley, New York 14470	Town of Clarendon (Alternate)	12-31-17
Kirk Myhill 10835 West Shelby Road Medina, New York 14103	Town of Shelby	12-31-17

Gary Watts 11577 Harrison Road Medina, New York 14103	Town of Shelby (Alternate)	12-31-17
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Moved, DeFilippis; second, Allport.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 17-115**

**APPROVING RE-APPOINTMENT TO THE ORLEANS COUNTY  
BOARD OF ETHICS**

WHEREAS, this Legislature adopted Resolution No. 171-408 enacting Local Law 3 of 2008, Providing for a County Board of Ethics consisting of five members with staggered terms; and

RESOLVED, that this Legislature re-appoints the following member to the County Board of Ethics with the following term expiration:

Name:	Address:	Term expires:
Karen Bradshaw	c/o Orleans County DSS 14016 Route 31 W, Albion NY	12/31/2017

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 18-115**

**AUTHORIZING THE FILLING OF A VACANT ELECTED ORLEANS  
COUNTY CORONER POSITION**

WHEREAS, Orleans County Coroner Joseph Fuller resigned as a result of being elected Town of Albion Judge, now be it

RESOLVED, that this Legislature does hereby appoint Rocco L. Sidari to fill the vacant elected Orleans County Coroner position (1185.01) effective through December 31, 2015.

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

**RESOLUTION NO. 19-115**

**APPROVING RE-APPOINTMENTS TO THE FISH AND WILDLIFE  
MANAGEMENT BOARD**

RESOLVED, that this Legislature re-appointments the following Orleans County residents to the Fish and Wildlife Management Act Board, with their terms ending December 31, 2016:

Scott Hazel	Landowner Representative
Harold Hazel	Alternate Landowner Representative

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

**RESOLUTION NO. 20-115**

**APPROVING AGREEMENTS BETWEEN 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:

G4S Secure Solutions f/k/a The Wackenhut Corporation, Williamsville, NY for the provision of armed security services for the County Office Building; to be effective January 1, 2015 through December 31, 2015 at a cost of \$26.48 per hour. County cost is \$9.26 per hour.

Orleans County Buildings and Grounds, A Division of the Highway Department, Albion, NY for the provision of Messenger and Custodial Services; to be effective January 1, 2015 through December 31, 2015 at a cost of \$53,072. County cost is \$18,575.

Orleans County Attorney, Medina, NY for the provision of 2 part-time attorneys assigned to Social Services; to be effective January 1, 2015 through December 31, 2015 at a cost of \$142,032. County cost is \$49,711.

Orleans County Computer Services, Albion, NY for the provision of computer programming, maintenance, and consultation services; to be effective January 1, 2015 through December 31, 2015. County cost \$28,207.

Gateway-Longview, Buffalo, NY for the provision of residential foster care services; to be effective January 1, 2015 through December 31, 2015 at per diem rates established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Kendall Central School, Kendall, NY for the provision of preventive services to children and families through the assignment of one(1) Social Services Caseworker to the School District; to be effective August 30, 2014 through August 29, 2015. Said services are to be funded 50% Federal, 31% State, and 19% School.

Moved, Miller; second, Eick.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

**RESOLUTION NO. 21-115**

**APPROVING AGREEMENT BETWEEN ORLEANS COUNTY  
PROBATION DEPARTMENT AND EDNA CALIX**

RESOLVED, that this Legislature approves an agreement between the Probation Department and Edna Calix, 11665 Portage Rd, Medina, NY for interpreting services for offenders who are ordered under the investigation or supervision of the Orleans County Probation Department at a rate of \$40 per hour effective January 1, 2015 through December 31, 2018.

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

**RESOLUTION NO. 22-115**

**AUTHORIZING CREATING AND FILLING POSITION IN THE  
BUILDINGS AND GROUNDS DEPARTMENT**

RESOLVED, that this Legislature does hereby authorize the creation of a full-time Custodian position in the Buildings and Grounds Department at Grade 6 the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective January 15, 2015; and be it

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

<u>From</u>		
A1990.435	Contingency	\$32,000
<u>To:</u>		
A1620.100	Personal Services	\$29,120
A1620.810	Retirement	5,300
A1620.820	Medicare	422
A1620.830	Social Security	1,806
A1620.840	Workers Compensation	719
A1620.850	Unemployment	190
A1620.880	Disability	160

and be it

FURTHER RESOLVED, that the remaining \$5,717 for the above personnel costs will be covered by Account No. A4010.419 Public Health – Maintenance in Lieu of Rent (\$4,546.70) and Account A1450.419 Elections – Maintenance in Lieu of Rent (\$1,170.30).

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, Johnson.

Legislator DeFilipps moved to appoint James Bensley as the interim Director of Planning and Development; second by Legislator Allport. Jim Bensley was asked to stand so he could be recognized. The following resolution was adopted:

**RESOLUTION NO. 23-115**

**AUTHORIZING THE APPOINTMENT OF AN INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT**

WHEREAS, there is a vacant Director of Planning and Development effective December 12, 2014 due to a retirement; now be it

RESOLVED, that this Legislature is authorized to appoint James Bensley as the Interim Director of Planning and Development at Grade 10 Step 3 of the Management Compensation Plan effective January 15, 2015.

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

Jim Bensley was applauded for being appointed the interim Director. Jim thanked everyone and stated that he appreciates the current working relationship he has with most of this Board. He has been under Wayne Hale's department leadership for the last thirty one years and it has been a great experience as Wayne was a great mentor. He hopes to carry all of this forward. He said it is a real privilege to be in his field and to have the ability to work in his own community all this time is wonderful. He looks forward to what this new adventure will bring him. He said he knew the job starts tomorrow for him but with the looks of his in basket, it might have already started. Chairman Callard stated that he will do well in his position and he was congratulated again by the Board.

The following add on resolution was presented:

**RESOLUTION NO. 24-115**

**AUTHORIZING FILLING VACANCY IN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature, as the result of a resignation, does hereby authorize the filling of a vacant full-time Social Welfare Examiner position (6010.0104) at the Department of Social Services at Grade 13 of the CSEA Salary Schedule effective February 2, 2015.

Moved, Miller; second, Eick.

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

Chairman Callard stated that there was no old business. Chairman Callard also opened the floor for any further discussions, which there was none.

Legislator DeRoller moved to adjourn; second by Legislator Allport.. Meeting adjourned at 4:55 p.m.

## LEGISLATURE MEETING

January 28, 2015

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Vice Chairwoman Johnson called the meeting to order at 4:39 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 and Chairman Callard.

The Clerk presented the following communications: The ARC of Orleans County will be holding a Chicken & Biscuit Dinner on February 5<sup>th</sup> from 4:30 p.m. – 7:00 p.m. at 16 East Academy Street (south side) in Albion. Take outs are available or eat in. Cost is \$9.00 per person. The 80<sup>th</sup> person through the door will win a free dinner!! Proceeds will benefit Meals on Wheels of Orleans County.

Orleans County Legislator Ken DeRoller and Niagara County Legislator David Godfrey, both representing NORA, presented a certificate of appreciation to Dr. Clark Godshall, Superintendent and Chief Executive Officer of the Orleans/Niagara BOCES. Dr. Godshall was recognized as the 2014 New York State School Superintendent of the Year. As the District School Superintendent since 2000, Dr. Godshall has overseen the enrollment of over 38,000 students. The Orleans Niagara BOCES has consistently been ranked one of the top BOCES of the area. Legislator Godfrey also sends congratulations from Niagara County Legislature Chairman William “Coach” Ross. Legislator Godfrey explained that in 1948 BOCES started in Orleans County. He thanked them for all of that fine education they have delivered and for offering their fine facilities to our students. Dr. Godshall opened an invitation to come visit the BOCES center to everyone. He said that they have 100% placement in some of their programs. They are the second largest Career Technical BOCES out of the 37 in New York State. Dr. Godshall also reported that about 15 years ago, with him being a nationally recognized expert on Shared Services, in Niagara County they did a Saturday retreat on Shared Services. He said perhaps it is time that a joint effort together in terms of a Shared Services Summit be organized by NORA. He shared ideas such as shared billing services, transportation, grant writer, centralized purchasing, to name a few which are areas NORA should also look at.

Legislators DeRoller and Godfrey also recognized Rebecca Albright, Past President of the Orleans Niagara Board of Cooperative Educational Services. She was recognized as being the 2014 Western New York Educational Service Council Award Winner as the Orleans/Niagara

BOCES Board President. Niagara Orleans Regional Alliance commended them for exceeding all expectations and for all of their positive impacts to our community. They both were applauded for their efforts.

Legislator Godfrey reported that Dr. Godshall is helping with their Broadband initiative and appreciates his efforts in this project.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through year end of 2014. Treasurer Heard reported that she made it through. She paid the retirement bill, that is why it looks as low as it does. She also reported that sales tax came in well at the end of January of 2015.

Vice Chairwoman Johnson called for open discussion as it related to the resolutions. With there being no comments, the following resolutions were presented for adoption:

**RESOLUTION NO. 25-115**

**AUTHORIZING PAYMENT OF CLAIMS AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund have been audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims:

Fund/Department	Check Number (s):	Amount:
General	10981-11172	\$567,818.12
Highway	492-499; 1103-1122	\$161,843.87
Nursing Home	27643-27680	\$254,555.72
Job Development	1680-1690	\$11,652.35
Self Insurance	1078-1079	\$11.67

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 26-115**

**APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE  
AND NEW YORK STATE UNIFIED COURT SYSTEM**

RESOLVED, that this Legislature approves a five-year agreement between the Sheriff's Office and the New York State Unified Court System to reimburse the county for security personnel in the courthouse effective April 1, 2014 through March 31, 2019, Contract no. C200493; and be it

FURTHER RESOLVED, that this Legislature approves the initial contract in the amount of \$323,000, effective April 1, 2014 through March 31, 2015 subject to the review of the County Attorney and Chief Administrative Officer. County cost \$0.

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 27-115**

**APPROVING AGREEMENTS BETWEEN MENTAL HEALTH  
DEPARTMENT AND VARIOUS AGENCIES**

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

Susan Tillman, 14369 Ridge Rd, Ste 2, Albion, NY 14411 providing assessment and treatment services to Orleans County Jail inmates at a cost of \$10,599. County cost is \$742.

Genesee/Orleans Council on Alcoholism and Substance Abuse, 430 E Main St, Batavia, NY 14020 providing chemical dependency services for inmates at the Orleans County Jail at a cost of \$6,000. County cost is \$6,000.

Genesee/Orleans Council on Alcoholism and Substance Abuse, 430 E Main St, Batavia, NY 14020 providing substance abuse/dependency and prevention services, as well as gambling treatment services and translational services at a cost of \$331,327. County cost is \$35,167.

Moved, DeFilipps; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 28-115**

**AUTHORIZING FILLING VACANCY IN THE OFFICE FOR THE AGING**

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part time Keyboard Specialist positions (6772.26) in the Office for the Aging at Grade 7 of the CSEA Salary Schedule effective January 29, 2015.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 29-115**

**APPROVING ANIMAL CONTROL SERVICES AGREEMENTS WITH THE TOWNS IN ORLEANS COUNTY**

RESOLVED, that this Legislature approves renewal agreements with the Towns of Albion, Barre, Carlton, Clarendon, Gaines, Kendall, Murray, Ridgeway, Shelby, and Yates to assist in the provision of Animal Control Services and to maintain a shelter for seized animals effective January 1, 2015 through December 31, 2015; and be it

FURTHER RESOLVED, that the Towns shall pay the County the sum of money set forth in the contract in two (2) equal payments, with the first payment being due on or before July 1, 2015 and the second payment being due on or before December 21, 2015.

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 30-115**

**APPROVING AGREEMENT WITH ORLEANS COUNTY DISTRICT ATTORNEY'S OFFICE AND THE U.S. DEPARTMENT OF JUSTICE**

RESOLVED, that this Legislature approves the Federal Equitable Sharing Agreement between the District Attorney's Office and the U.S. Department of Justice effective January 1, 2015 through December 31, 2015 allowing receipt of seized funds on Federal forfeitures; and be it

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FURTHER RESOLVED, that this Legislative body hereby authorizes the Chairman of the Legislature to execute this agreement as approved by the Orleans County Attorney.

Moved, DeRoller; second, Miller.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 31-115**

APPROVING RE-APPOINTMENTS TO THE EMPLOYEE ASSISTANCE PROGRAM COMMITTEE

RESOLVED, that this Legislature authorizes the following re-appointments to the Employee Assistance Program Committee for the following term:

Nadine Hanlon	Clerk of the Legislature – Management	1/1/15-12/31/16
Nola Goodrich-Kresse	Public Health – GCASA Liaison	1/1/15-12/31/16
Nicole Spohr	Sheriff’s Office – OCSEA Rep.	1/1/15-12/31/16

Moved, Eick; second, Miller.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 32-115**

APPROVING AGREEMENT WITH ORLEANS COUNTY CORNELL COOPERATIVE EXTENSION

RESOLVED, that this Legislature approves the agreement between the County of Orleans and the Orleans County Cornell Cooperative Extension, which authorizes the payment of the sum of \$225,000 for the calendar year 2015, to Cornell Cooperative Extension, such payments to be made by the County in quarterly payments of \$56,250.

Moved, DeFilipps; second, Eick.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 33-115**

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

RESOLVED, that this Legislature approves agreements between the Orleans County Sheriff's Department/Jail and the following agencies:

Health Direct/Kinney Drugs, Inc., 29 E Main St, Gouverneur, NY 13642, a renewal agreement for pharmacy services to the county jail effective January 1, 2105 through December 31, 2017.

Stericycle, 4010 Commercial Ave, Northbrook, IL 60062, a renewal agreement for disposal of hazardous medical waste at a cost of \$104 per month for Jail and \$104 per month for Orleans County Public Health, effective February 1, 2015 through January 31, 2016;

CorVel Corporation, 251 Salina Meadows Pkwy, Ste 150, N. Syracuse, NY 13212, a new agreement for Managed Care Services which reviews Jail medical bills and re-negotiates to ensure proper rates and medical codes are applied at a charge of 25% of the total savings, effective February 1, 2015 through January 31, 2016.

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

#### **RESOLUTION NO. 34-115**

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

RESOLVED, that this Legislature approves the 2015 STOP-DWI PLAN with the New York State Department of Motor Vehicles-Governor Traffic Safety Committee, at a cost of \$78,653, effective January 1, 2015 through December 31, 2015. County Cost \$0.

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

#### **RESOLUTION NO. 35-115**

#### **AUTHORIZING A PURCHASE FROM HEALTH DEPARTMENT BUDGET FOR RABIES VACCINE**

WHEREAS, the Orleans County Health Department is required to purchase Human Rabies Vaccine for post exposure treatment to the residents of Orleans County; therefore be it

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RESOLVED, that this Legislature allows the Health Department to make purchases of human rabies vaccine, when needed, up to the amount of \$77,300.00 from budget account line 4010.409 as approved in the 2015 Orleans County Budget.

Moved, DeFilippis; second, Eick.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

#### **RESOLUTION NO. 36-115**

#### **AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE NEW VEHICLES**

WHEREAS, the 2015 approved Capital Plan included the purchase of two (2) new pickup trucks for the Orleans County Highway Department; now be it

RESOLVED, that this Legislature authorizes the Highway Department to purchase (2) two new 2015 Chevrolet Silverado's at a County Cost not to exceed \$59,548 from Joe Basil Chevrolet, Inc., 5111 Transit Rd, Depew, NY 14043; to be paid from account DM5130.270, Municipal Contract #7974 Onondaga County.

Moved, Eick; second, Miller.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

#### **RESOLUTION NO. 37-115**

#### **AUTHORIZING FILLING VACANCIES IN THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services has two vacant positions as a result of internal job promotions within the department; now be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Caseworker Assistant position (6010.0241) in the Department of Social Services at Grade 10 of the CSEA Salary Schedule, effective January 29, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Legal Assistant position

(6010.2012) in the Department of Social Services at Grade 14 of the CSEA Salary Schedule, effective January 29, 2015.

Moved, Miller; second, Eick,  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 38-115**

APPROVING SUBMISSION OF THE ANNUAL PLAN UPDATE OF THE CHILD AND FAMILY SERVICES CONSOLIDATED SERVICE PLAN TO THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF SOCIAL SERVICES

WHEREAS, New York State Office of Children and Family Services requires each local district to submit an Annual Plan Update describing and explaining all available services provided to the public and changes made since the last submission was made; and

WHEREAS, this present plan update provides explanatory procedures and policy to those within the realm of needing services and assistance for their families; be it

RESOLVED, that this Legislature does hereby approve the submission of the Annual Plan Update of the Children and Family Services Consolidated Services Plan as required to the State of New York.

Moved Miller; second, Eick.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 39-115**

APPROVING AGREEMENT BETWEEN HIGHWAY/BUILDINGS & GROUNDS AND OTIS ELEVATOR COMPANY

WHEREAS, Resolution No. 352-1111 approved an agreement with Otis Elevator Company and Highway/Buildings and Grounds through December 31, 2015 for maintenance and inspection of elevators in the County Jail, County Office Building, Mental Health Building, County Clerk's Building, and the County Courthouse; now be it

RESOLVED, that this Legislature approves a price adjustment, an annual increase of \$265.32 effective January 1, 2015 through December

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31, 2015, as a result of an increase in Elevator Examiners cost and material index; a total annual amount of \$9,127.56 per year (monthly payment of \$760.63).

Moved, Eick; second, Miller.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 40-115**

**APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF  
SOCIAL SERVICES AND ALBION CENTRAL SCHOOL**

RESOLVED, that this Legislature does hereby approve a renewal agreement between the Orleans County Department of Social Services and Albion Central School, Albion, NY for the provision of preventive services to children and families through the assignment of two (2) Social Services Caseworker to the School District; to be effective August 30, 2014 through August 29, 2015. Said services are to be funded 50% Federal, 31% State, and 19% School.

Moved, Miller; second, Eick.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 41-115**

**APPROVING AGREEMENT BETWEEN THE HEALTH  
DEPARTMENT AND DAVID SCHUBEL, ORLEANS COUNTY  
ATTORNEY**

RESOLVED, that this Legislature does hereby approve the following renewal agreement between the Health Department and David C. Schubel, Orleans County Attorney, 113 W Center St; Medina, NY 14103 to provide Attorney services to the Orleans County Health Department. Contract period January 1, 2015 through December 31, 2015. Contract amount not to exceed \$15,500. Reimbursement from various NYS contract grants and State Aid. County cost \$0.

Moved, Miller; second, Eick.  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 42-115**

RESOLUTION REVISING RESOLUTION NO. 226-614 REGARDING  
THE SALE OF PROPERTY IN THE VILLAGE OF MEDINA

RESOLVED, that this Legislature approves an Addendum to Real Estate Purchase Agreement with Kenneth Daluisio which was approved by Resolution No. 226-614. The purchase price of \$14,000 shall remain the same. Additionally, purchaser shall pay the 2015 County/Town tax bills including any relieved Village and School taxes, penalties and interest.

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

Legislator Miller moved to abolish, create, and fill positions in Job Development and to appoint the new Employment and Training Director; second by Legislator Eick. Legislator DeRoller introduced Kelly Kiebala and welcomed her to Orleans County. The following resolution was adopted:

**RESOLUTION NO. 43-115**

AUTHORIZING ABOLISHING, CREATING, AND FILLING  
POSITIONS IN JOB DEVELOPMENT AND APPOINTING  
EMPLOYMENT AND TRAINING DIRECTOR III

RESOLVED, that this Legislature abolishes the part-time Employment and Training Director III position (6010.01) in the Job Development Agency effective March 2, 2015; and be it

FURTHER RESOLVED, that this Legislature creates a full-time Employment and Training Director III position in the Job Development Agency effective March 2, 2015; and be it

FURTHER RESOLVED, that this Legislature appoints Kelly Kiebala to fill this newly created full-time Employment and Training Director III position at Grade 8, Step 5 of the Management Compensation Plan effective March 2, 2015; and be it

FURTHER RESOLVED, that this Legislature abolishes a full-time Employment and Training Coordinator position (6210.08) in the Job Development Agency; and be it

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FURTHER RESOLVED, that this Legislature creates a part-time Assistant Employment and Training Director III position in the Job Development Agency at Grade 5 Step 9 of the Management Compensation Plan, with an hourly salary set at \$27.41; and be it

FURTHER RESOLVED, that this Legislature appoints Carol Miller to fill this newly created part-time Assistant Employment and Training Director III position in the Job Development Agency effective March 2, 2015.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 44-115**

**AUTHORIZING SALARY GRADE ADJUSTMENT FOR THE DIRECTOR OF OFFICE FOR THE AGING**

RESOLVED, that this Legislature does hereby authorize that the Director of Office for the Aging salary grade adjustment be at Grade 8, Step 4 in the Management Compensation Plan effective February 1, 2015.

Moved, Miller; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 45-115**

**APPROVING AGREEMENT BETWEEN SHERIFF'S OFFICE AND JAY SUPNICK, Ph.D**

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 through December 31, 2015; and be it

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

Moved, DeRoller; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

**RESOLUTION NO. 46-115**

**AUTHORIZING PAYMENT OF CLAIMS FOR FEBRUARY AGAINST  
THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for February 11, 2015:

Fund/Department	Check Number (s):	Amount:
General	11183-11365	\$351,128.52
Highway	500-504	\$55,480.23
Nursing Home	27682-27692	\$44,406.56
Job Development	1693-1699	\$948.91
Self Insurance	54817-54819	\$4,391.75

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for February 25, 2015:

Fund/Department	Check Number (s):	Amount:
General	11384-11517	\$393,685.56
Highway	505-507; 1172-1180	\$11,343.59
Nursing Home	27695-27698	\$43,737.75
Job Development	1703-1714	\$11,994.39
Self Insurance	1080, 54886	\$18,959.68

Moved, Eick; second, Miller,  
Adopted. 5 ayes; 0 nays; 2 absent, Allport and Callard.

Vice Chairwoman opened the floor for comments. Edward R. “Ted” Scharping, Albion, addressed the board concerning an ad in the Lake Country Pennysaver for the sale of county owned property, formerly known as the Apollo Restaurant. He stated that it was his understanding that offers maybe presented this evening concerning this property to the Board. Vice Chairwoman Johnson advised him that there was no resolution on this evening’s agenda to address this so there will be no movement on this. Mr. Scharping wanted to go on record that there is at least two buyers. It is his understanding, through the County’s real estate agent who has the exclusive right to sell agency, that there are two responsible buyers for this property. He wanted the Board to know that there may be others and there may be different ways in seeking the highest and best price for this property. Vice Chairwoman thanked him for coming and stated that is comments were so noted.

Legislator Eick moved to enter into executive session at 5:03 p.m. per Open Meetings Law §105 (h) to discuss the sale of real property owned by Orleans County, second by Legislator DeRoller. Motion Carried. David Snell (Snell Realty) and Susan Heard were invited into the executive session.

Vice Chairwoman Johnson announced that there will be no further business after we reconvene from executive session.

Legislator DeRoller moved to exit out of executive session and reconvene the regular meeting at 5:27 p.m.; second by Legislator Miller. Motion Carried.

Legislator DeFilipps moved to recess this meeting; second by Legislator Eick. Meeting recessed at 5:28 p.m. A date and time will be determined to reconvene and our newspapers will be notified as soon as that is set.

**LEGISLATURE MEETING**  
February 4, 2015  
Recessed Meeting of January 28, 2015

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Chairman Callard reconvened the meeting at 4:03 p.m. The Clerk called the roll. All Legislators were present, with the exception of Legislator Allport.

Upon the opening of the recessed meeting, Ted Scharping, Albion, handed the Clerk of the Legislature a document which was not examined by the Clerk but was handed to the Chairman of the Legislature who further handed it to the Chief Administrative Officer and County Attorney. Upon its examination, it appeared to be a purchase offer for property located at 13939 State Route 31 West and 13927 State Route 31 West, in the Town of Albion.

Legislator Eick moved to enter into executive session at 4:04 p.m. per Open Meetings Law §105 (h) to discuss the sale of real property owned by Orleans County, second by Legislator DeFilipps. Motion Carried. Susan Heard was invited into the executive session.

Chairman Callard asked everyone to leave the Chambers until the executive session has been complete, they will reconvene the meeting.

Legislator DeFilipps moved to exit out of executive session and reconvene the regular meeting at 4:32 p.m.; second by Legislator Eick. Motion Carried.

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

**RESOLUTION NO. 47-215**

**APPROVING PURCHASE AND SALE CONTRACT FOR THE SALE OF 13939 STATE ROUTE 31 WEST AND 13927 STATE ROUTE 31 WEST (TAX MAP NOS. 72.-2-6 AND 72.-2-7)**

WHEREAS, the two commercial parcels referred to as 13939 State Route 31 West (tax map no. 72.-2-6) and 13927 State Route 31 West (tax map no. 72.-2-7), Town of Albion, were subject to an In Rem Tax Foreclosure Proceeding pursuant to Article 11 of the Real Property Tax

Law, and pursuant to the In Rem Proceeding title was vested in the County of Orleans by a Treasurer's Tax Deed recorded in Liber 846 of Records, at page 69, and

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

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

RESOLVED, this Legislature hereby approves a Real Estate Purchase and Sale Contract submitted by Richard and Dawn Stacey having a sale price of \$125,000 subject to and in accordance with the terms and conditions set forth in the Contract and as approved by the Attorney Approval letter of Orleans County Attorney David C. Schubel, dated January 30, 2015, and be it further

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

Moved, Johnson; second, DeRoller

Roll Call: 6 ayes: Callard, DeFilipps, DeRoller, Eick, Johnson, Miller; 0 nays; 1 absent, Allport.

Adopted.

Ted Scharping, Albion, interjected by asking what the resolution was. Chairman Callard restated that the resolution was to approve the purchase and sale contract for the sale of 13939 State Route 31 West and 13927 State Route 31 West. Mr. Scharping stated that it was his understanding that the Board had two purchase offers. Chairman Callard advised Mr. Scharping that he was out of order because they were in the process of the presentation of resolutions. The following resolution was presented for adoption:

**RESOLUTION NO. 48-215**

APPROVING EXTENSION OF GRANT AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND NYS OFFICE OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, Resolution No. 224-612, and 307-814 were approved by the Orleans County Legislature, to provide funding to enhance cooperation and coordination between Federal, State, and local law enforcement in a joint mission to secure our borders and enforce counter-terrorism efforts; and

RESOLVED, that this Legislature approves an Appendix X extending Operation Stonegarden Grant Agreement FY2011 (SG11-1006-D02) through August 31, 2015 with the NYS Office of Homeland Security and Emergency Services with no change in the contract amount; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to sign an Appendix X for the FY2011 Operation Stonegarden Grant Agreements.

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

Legislator Eick moved to enter into executive session at 4:36 p.m. per Open Meetings Law §105 (f) to discuss a personnel item, second by Legislator DeFilipps. Motion Carried.

Legislator DeRoller moved to exit out of executive session and reconvene the regular meeting at 5:11 p.m.; second by Legislator Eick. Motion Carried.

Legislator Miller moved to adjourn; second by Legislator Eick. Meeting adjourned at 5:12 p.m.

**LEGISLATURE MEETING**  
February 25, 2015

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

The Clerk presented the following communications: Genesee County Economic Development Center will hold their Annual Luncheon on March 6<sup>th</sup> at the Batavia Downs Registration is at 11:30 a.m. with Meeting to begin at Noon. The 17<sup>th</sup> Annual Go ART! Reach, Ripple and Spark Grant Awards Ceremony is scheduled for Friday March 13<sup>th</sup> from 6 – 8 p.m. at the Go ART! Seymour Place in Batavia. They are excited to announce many Orleans County award recipients which will provide Orleans County residents with great entertainment in the upcoming months. Save the date for March 14<sup>th</sup> for Farmer to Neighbor Night 2015 to be held at the White Birch Golf Course. The Albion Strawberry Festival Committee, under the authority of the Village of Albion, is requesting permission to hold its 29<sup>th</sup> annual festival on the Courthouse Lawn on June 12<sup>th</sup> and June 13<sup>th</sup>, 2015. Hours of operation will be 11 a.m. to 9 p.m. on Friday and 9 a.m. to 9 p.m. on Saturday. As in the past, the Courthouse grounds will be used for the same purposes which include arts and crafts, and entertainment. The Board approved this request.

Legislators DeRoller, Eick, Miller, and DeFilipps recognized Jerry Gray, Orleans County Highway Superintendent for a Small Cities and Rural Communities Award for Structures less than Five Million that was a result of the oversight and work completed on the Waterport Road Bridge over Oak Orchard Creek. He was recognized at the APWA – American Public Work’s Association – Awards Banquet. Legislators DeRoller, Miller, and DeFilipps attended this Awards Banquet with Superintendent Gray and over 300 other people. Keeler Construction and LaBella Associates were also recognized for this project. Legislator Eick, Chairman of the Highway Committee stated that Jerry has done an outstanding job over the years at our Highway Department and advised him to continue on with his great work. Chairman Callard indicated that the Highway Department has always done a great job but it is nice to be recognized regionally, which is first, and he voiced his appreciation to the Legislators who attended this awards ceremony on behalf of Orleans County.

Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through January, 2015. Treasurer Heard said it looks a little

disappointing due to the \$1.5 IGT transfer in the month of January which was very tough but tax money is rolling in every day. She hope it will look better as we continue to move forward.

Chairman Callard called for open discussion as it related to the resolutions. Mattie Zarpentine, Holley, Regional Director and Board Member of New York Revolution, thanked the Orleans County Legislature for once again showing support for our 2<sup>nd</sup> amendment rights and their willingness to send that message to Albany.

Ms. Zarpentine indicated that in 2013, 52 out of 62 counties passed resolutions opposing the unconstitutional SAFE Act. Orleans County was the first, and only, county to have all municipalities pass resolutions opposing the SAFE Act.

She expressed that Orleans County residents should be extremely proud of our strong stance in support of our Constitutional rights. Those resolutions sent a very clear message.

Here we are, nearly 2 years after the passage of that resolution, unwavering in our resolve to fight tyranny, stated Ms. Zarpentine. What we understood about the SAFE Act back then has proven true....it has done nothing to make us any safer. It has only managed to infringe upon the freedom of the law-abiding citizens of New York.

Ms. Zarpentine reported that resolutions such as the one being supported here today continue to be incredibly important. It shows that we stand united. We will continue to fight to restore freedom for our posterity. If we do not stop the constant infringement upon our Constitutional rights now, what will be left for them?

She implored all in attendance here today to continue to stand up, speak out and make freedom count! Ms. Zarpentine was applauded for her comments.

Timothy Groomes, originally from Albion/Gaines but now lives in Genesee County, seconded what Ms. Zarpentine said.

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

**RESOLUTION NO. 49-215**

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

RESOLVED, that this Legislature does hereby authorize the abolishing of a full-time Senior Public Health Technician (4010.05) in the Public Health Department at Grade 17 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a full-time Public Health Sanitarian in the Public Health Department at Grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created vacant Public Health Sanitarian effective February 26, 2015.

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

Legislator Allport stated that he is honored to present the next resolution on behalf of the Legislator who was first in the State of New York to oppose the SAFE ACT Legislation when it was first presented and now we are asking for support of its repeal. He thanked Legislator Johnson for all of her hard work and support on this resolution. He thanked Tinker Young and SCOPE; and Mattie Zarpentine and the New York Revolution for their continued fight for our second amendment rights. He said it is very important that every right that we have be protected. Legislator Allport stated that regardless of what people think about gun ownership or non gun ownership, they should support the second amendment right as well as any of them. He said that when a right is infringed upon by an overbearing government, we all lose our freedoms. It is important that every American unite behind the Bill of Rights because they are specifically spelled out if you read the history of the founding of our country. Before Virginia signed onto the constitution, it was very important that the Bill of Rights were there to protect the citizens against the type of government we have right now. In speaking of our government, Legislator Allport stated that the United States, being one of the key sellers of arms in the world, he finds it very hypocritical of a government that unrestrictedly sells weapons of all types to anybody in the world. They have no idea where they are being used - either by an adult or child - or if they are being used to commit murder or to commit crimes. Yet they turn around to the United States

citizens in telling us that we are not allowed to have weapons which this hypocrisy needs to disappear.

Legislator Allport moved to support legislation to Repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013; a unanimous second was highly voiced. Legislator Johnson recognized Legislator Allport for his very well said comments. The following resolution was adopted with applause:

**RESOLUTION NO. 50-215**

**SUPPORTING LEGISLATION TO REPEAL THE NEW YORK  
SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE)  
ACT OF 2013**

WHEREAS, Senate bills S511-2015 and S1193-2015 have been introduced to the New York State Senate by Senators Michael Nozzolio and Katherine Marchione respectively, which would repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013; and

WHEREAS, this Legislative Body has long advocated for the protection of the rights afforded our citizens under the Constitution, which has for generations guided our Nation and served as a framework to our republic and society; and

WHEREAS, the Second Amendment of the United States provides for the “right of the people to keep and bear arms” and further states that this right “shall not be infringed”; and

WHEREAS, members of the Orleans County Legislature, being elected to represent the people of Orleans County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the Civil Rights Law of the State of New York states in Article 2 Section 4, “Right to keep and bear arms. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed.”; and

WHEREAS, the lawful ownership of firearms is a recreational

benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region with several locally owned and operated gun/sporting businesses; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement (NY SAFE Act) of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen and legal gun owners, creating a hostile environment both for them and for the sale and manufacture of legal firearms; and

WHEREAS, the legislation prohibits the sale of firearm magazines with a capacity larger than seven (7) rounds and, those firearm magazines with a capacity larger than seven (7) rounds, which are authorized to be retained by existing owners, may only be loaded with seven (7) rounds and eventually must be permanently altered to only accept seven (7) rounds or be disposed of; and

WHEREAS, few or no low capacity (seven (7) rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed by the residents of Orleans County for the defense of life, liberty and property; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to hunting and target shooting; and

WHEREAS, while there are some areas of the legislation that the Orleans County Legislature finds encouraging, such as the strengthening of Kendra's Law and Marks's Law, as well as privacy protections for lawful permit holders, we find the legislation fails to offer little meaningful solutions to gun violence and places undue burdens where they don't belong, squarely on the backs of law abiding citizens; and

WHEREAS, there are many parts of this legislation that place an unfunded mandate on the local Sheriff Departments, County Clerk's Office and County Judges, while tax payers are crying out relief; and

WHEREAS, there will be significant financial impact due to the approximately 4,850 Orleans County pistol permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, this legislation effectively treats countless New York State law abiding gun owners as criminals; and

WHEREAS, the enactment of the NY SAFE Act has engendered significant controversy over both the process by which it was enacted and certain provisions contained within; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Orleans County Legislature; and

WHEREAS, this legislative body unanimously voted to oppose the New York Secure Ammunition and Firearms Enforcement Act of 2013 for all reasons stated above in RESOLUTION NO.82-213 of the Orleans County Legislative proceedings of February 13, 2013; now be it

RESOLVED, that the Orleans County Legislature does hereby support Senators Michael Nozzolio's and Katherine Marchione's bills S511-2015 and S1193-2015 to repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013; and be it

FURTHER RESOLVED, that this Legislature supports the introduction of an Assembly bill which calls for the repeal of the New York Secure Ammunition and Firearms Act of 2013; and be it

FURTHER RESOLVED, that this legislature supports efforts by the New York State Legislature to remove funds for enforcement of the New York Secure Ammunition and Firearms Act of 2013 from the New York State Budget; and be it

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

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

Chairman Callard stated he has been duly appointed to the Resolutions Committee for the InterCounty of Western New York Association and he will present this resolution at the March meeting. He will ask the nineteen counties that make up this Association to adopt and move this important issue forward to the Governor along with getting individual county support for this very important matter.

**RESOLUTION NO. 51-215**

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

RESOLVED, that this Legislature does hereby approve the following agreements between the Health Department and the following agencies:

Genesee/Orleans Council on Alcoholism and Substance Abuse, 430 East Main Street Batavia, NY 14020, to provide screenings and referrals along with alcohol/substance abuse education to the Migrant Health Population through the New York State Migrant contract effective October 1, 2014 through September 30, 2015. County Cost \$0.

Timothy Hens, PE; 7319 Quinlan Road, Leroy, NY 14482 to provide Engineering Services to the Orleans County Health Department Environmental division. Contract period January 01, 2015 through December 31, 2015. Contractor to be paid \$85.00 per hour. Reimbursement from State Aid, NYS Water grant and collected fees. County Cost \$0.

Thomas Graham, 32 Farnsworth Ave, Oakfield, NY 14125; to provide Hearing Officer Services regarding Public Health Law for the Orleans County Health Department. Contract period January 1, 2015 to December 31, 2016. Contract amount \$25.00 dollars per hour. Reimbursement from State Aid.

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

**RESOLUTION NO. 52-215**

**APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO)**

WHEREAS, the Orleans County Health Department has been awarded funding to house the Medical Reserve Corps (VALOR) and undertake activities to build membership and sustainability; and

WHEREAS, the Orleans County Health Department has been awarded additional funding to support the Medical Reserve Corp (VALOR) with the implementation of a Community Garden; now be it

RESOLVED, that this Legislature approves an agreement between the National Association of County and City Health Officials (NACCHO) (Contract #MRC15-2237) and the Health Department in the amount of \$3,500 effective January 1, 2015 through July 31, 2015 to undertake activities to build membership and sustainability for our Medical Reserve Corps (VALOR), County Cost \$0; and be it

FURTHER RESOLVED, that this Legislature approves an agreement between the National Association of County and City Health Officials (Contract #MRC15-2237C) and the Health Department, in the amount of \$15,000 effective January 9, 2015 through July 31, 2015, to support the Medical Reserve Corps (VALOR) in the implementation of a Community Garden, County Cost \$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 awards from the National Association of County and City Health Officials:

<u>Revenue:</u>		
A4489	Bioterrorism Preparedness	\$ 18,500
<u>Appropriations:</u>		
4010.434	Advertising	\$ 1,343
4010.452	Personal Service Contracts	\$ 3,912
4010.461	Postage	\$ 81
4010.478	Health Promotion Supplies	\$ 1,800
4010.487	Environmental Health Supplies	\$ 11,364

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

**RESOLUTION NO. 53-215**

**AUTHORIZING FILLING OF VACANCY IN THE MENTAL HEALTH DEPARTMENT**

RESOLVED, due to a resignation, that this Legislature authorizes the filling of a vacant Community Mental Health Nurse position (4310.45) in the Mental Health Department at Grade 21 of the CSEA Salary Schedule which will be effective February 26, 2015.

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

**RESOLUTION NO. 54-215**

**APPROVING AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND EFP ROTENBERG, LLP**

RESOLVED, that this Legislature approves an agreement between Mental Health and EFP Rotenberg, LLP, 280 Kenneth Drive, Rochester, NY 14623 to provide the 2014 Consolidated Fiscal Report compliance review/audit at a cost of \$6,500. County cost is \$455.

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

Legislator DeFilipps moved to fill a vacant full time Senior Planner in the Planning and Development Department; second by Legislator Allport. Legislator DeRoller stated he strongly supports this Senior Planner position. The following resolution was adopted:

**RESOLUTION NO. 55-215**

**AUTHORIZING THE FILLING A VACANCY THE PLANNING AND DEVELOPMENT DEPARTMENT**

RESOLVED, as a result of a vacancy, this Legislature authorizes the filling of a contingent permanent full time Senior Planner position (8020.02) in the Planning and Development Department, Grade 22 in the CSEA Salary Schedule effective February 26, 2015.

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

**RESOLUTION NO. 56-215**

AUTHORIZING ABOLISHING, CREATING, AND FILLING OF POSITIONS IN THE ORLEANS COUNTY BUILDINGS AND GROUNDS DIVISION OF THE HIGHWAY DEPARTMENT

WHEREAS, upon review of the operations of the Buildings and Grounds Division of the Highway Department it has been determined to increase the efficiencies of the department, there needs to be increased line supervision of the Buildings and Grounds Division; now, therefore be it

RESOLVED, that this Legislature authorizes the creation of two (2) full time Working Supervisor positions in the Buildings and Grounds Division at a Grade 16 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant positions effective March 9, 2015; and be it

FURTHER RESOLVED, that should either or both of these vacant positions be filled with an existing Buildings and Grounds Division employee or employees, this Legislature authorizes the abolishment of the corresponding position or positions in the Buildings and Grounds Division which are in the CSEA Salary Schedule; effective upon the filling of the newly created vacant Working Supervisor position or positions.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Eick moved to authorize purchase of a new video system for the Fuel Farm because the current system is over eight years old if not older and it is ailing us, which we really do need to replace. Legislator Miller seconded the motion; therefore the following resolution was adopted:

**RESOLUTION NO. 57-215**

AUTHORIZING PURCHASE OF NEW VIDEO SYSTEM AND SETTING UP OF NEW MONEY IN THE FUEL FARM BUDGET

RESOLVED, that this Legislature authorizes the Orleans County Fuel Farm to purchase a new video system located at 225 West Academy Street, Albion, New York 14411 from SI Technologies, Inc. d/b/a Security Integrations, 81 Benbro Drive, Suite 100, Cheektowaga, New York 14225

at a cost of \$18,085.99, to be paid from the Account of DM5140.250 – Fuel Farm; NYS Contract #PT63302, Award #20191.

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Fuel Farm Budget as follows:

<u>Revenue</u>		
Fuel Farm Capital Reserve Account		\$18,085.99
<u>Appropriations</u>		
DM5140.250	Other Equipment	\$18,085.99

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

Legislator Johnson moved to authorize the Chairman to appoint Matthew Ballard as the new County Historian; second by Legislator Allport. Legislator Johnson recognized Bill Lattin, who was present today, for his many years of dedication to the County Historian position and to welcome aboard Matt Ballard. They were recognized by applause. The following resolution was adopted:

**RESOLUTION NO. 58-215**

**AUTHORIZING CHAIRMAN OF THE LEGISLATURE TO APPOINT THE COUNTY HISTORIAN**

WHEREAS, due to a retirement, the County Historian position became vacant on December 31, 2014; now be it

RESOLVED, that the Chairman of the Legislature is authorized to appoint Matthew Ballard as County Historian effective February 26, 2015; and be it

FURTHER RESOLVED, that the annual pro-rated salary will be \$8,000.

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

Matt thanked the Board for the vote of confidence and stated that it is truly an honor to be appointed to the position. He stated that he is looking

forward to serving the community and working alongside Bill over the next year or so to make it a smooth transition. He thanked the board again for his appointment.

Chairman Callard stated that he has a small charge for him. Funding monies are very difficult to come by for small town and village projects but the County has been successful twice for the Marine Park. He thinks it is important to look at a county wide “themed” project that all the towns and villages could participate in, very consistent to our fishing theme. Another draw to our county such as a historical perspective one may be thought of like the thought shared of a Sandstone Trail. This may have an appeal to the State which then the Governor may be supportive of these efforts. He opens that up to our new Historian and to the residents of Orleans County to think about another theme to get people visiting our county. Chairman Callard whimsically advised Mr. Ballard that they will talk about that on Monday, so it gives him the weekend to think about it.

**RESOLUTION NO. 59-215**

APPROVING APPOINTMENT TO THE COUNTY PLANNING BOARD

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

<u>Name &amp; Mailing Address</u>	<u>Represents</u>	<u>Expiration Date</u>
Christine A. Buongiorno 111 Chamberlain Street Albion, New York 14411	Village of Albion	12-31-16

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

**RESOLUTION NO. 60-215**

AUTHORIZING PAYMENTS FROM THE SHERIFF’S BUDGET

WHEREAS, an equipment purchase started out as a repair but was more cost effective to replace and then there was a delay in billing as a result of a clerical error by Taser International; now be it

RESOLVED, that this Legislature authorizes payment to Taser International, PO Box 29661, Dept. 2018, Phoenix, AZ, 85038-9661, for

the payment of Invoice #SI13242173 dated December 13, 2013, for a replacement Taser with Holster at a cost of \$836, to be paid from Sheriff's account A3110.444-Repairs to Equipment & Property; and be it

FURTHER RESOLVED, that this Legislature authorizes payment to Erie Community College, 4041 Southwestern Boulevard, Orchard Park, NY, 14127, for Basic Police Academy Fall 2014 semester, for Deputy Brian Larkin, at a cost of \$5,237, to be paid from Sheriff's account A3110.460 – Training and Educational.

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

**RESOLUTION NO. 61-215**

**AUTHORIZING PURCHASE OF CORRECTION UNIFORMS FROM THE JAIL BUDGET UTILIZING EXTENSION OF CONTRACT PROVISIONS OF ONTARIO COUNTY CONTRACT B 13096**

WHEREAS, the Sheriff's Department wishes to purchase correction uniforms utilizing the extension of contract provisions of Ontario County's contract B 13096; and

WHEREAS, the Ontario County contract allows all eligible municipalities authorized under the General Municipal Law to purchase goods awarded as a result of a bid in accordance with the most recent amendments to the NYS General Municipal Law; now, therefore be it

RESOLVED, that this Legislature authorizes the Sheriff to purchase correction uniforms from United Uniform, 495 North French Road, Buffalo, NY 14228 to be paid from Jail Budget account A3150.415-Uniforms at a total cost of \$11,977.15; and be it

FURTHER RESOLVED, that this purchase is authorized under the General Municipal Law utilizing the extension of contract provisions of Ontario County contract B 13096, Ontario County Resolution No. 47-2014.

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

**RESOLUTION NO. 62-215**

**AUTHORIZING ABOLISHING, CREATING, AND FILLING OF  
POSITIONS IN THE PROBATION DEPARTMENT**

WHEREAS, an Administrative Secretary has retired in the Probation Department; now, therefore be it

RESOLVED, that this Legislature authorizes abolishing a vacant full-time Administrative Secretary position (3140.15) in the Probation Department at a Grade 12 of the CSEA Salary Schedule; effective February 27, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of one (1) full time Account Clerk Typist position in the Probation Department at Grade 9 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant positions effective February 26, 2015.

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

**RESOLUTION NO. 63-215**

**APPROVING CELLULAR PHONE USE AGREEMENTS FOR MAJOR  
FELONY CRIME TASK FORCE**

WHEREAS, the approved form of agreement for cellular phone use has been prepared by Eric Harling and Corey Black, Investigators in Major Felony Crime Task Force, and has been reviewed by the appropriate Legislative Committee; now be it

RESOLVED, that this Legislature approves the Cellular Phone Use Agreement covering use of cellular phones in accordance with the Cellular Phone Use Policy for position codes 1165.11 and 1165.12.

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

**RESOLUTION NO. 64-215**

**AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY  
MANAGEMENT**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2014 Grant Funds for purchase of County wide IP/Camera Project #Y3373 with SI Technologies, Inc. 14 Petra Lane, Albany, NY 12205, at a cost not to exceed \$51,530.70, said equipment to be installed at the County PSB, COB and Mental Health; and be it

FURTHER RESOLVED, that this Legislature approves setting up 2014 Homeland Security Grant Funds as follows:

Revenue

A4309.2014	State Homeland Security Grant Program FY2014	\$51,530.70
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Appropriation

3640.486.2014	Grants	\$ 51,530.70
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Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 65-215**

**APPROVING AGREEMENT BETWEEN THE PUBLIC DEFENDER  
AND NYS OFFICE OF INDIGENT LEGAL SERVICES**

RESOLVED, that this Legislature approves the agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, State Capital Rm. 128, Albany, NY 12224 to provide funds in the amount of \$211,428 to assist the County in improving the quality of indigent legal services by providing funds to create an Assigned Counsel Administrator, and a Case Manager as well as provide funds for investigative services in Orleans County, effective retroactive to January 1, 2014 through December 31, 2016.

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

**RESOLUTION NO. 66-215**

AUTHORIZING EXECUTION OF ASSIGNED COUNSEL ADMINISTRATOR AGREEMENT WITH HEATH & MARTIN, ATTORNEYS

RESOLVED, that the Chairman of the Legislature is authorized to execute, on behalf of the County, a contract for the Assigned Counsel Administrator with Heath & Martin Law Firm for providing all services as Assigned Counsel Administrator, at an annual cost of \$25,000; and said amount to be paid in quarterly installments of \$6,250, upon submission of a county voucher at the end of each quarter; agreement effective from March 1, 2015 until February 28, 2018, all subject to the availability of state grant funds for the contract.

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

**RESOLUTION NO. 67-215**

APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE/JAIL AND MARK RUMBLE, DDS

RESOLVED, that this Legislature approves an agreement between the Sheriff's Office/Jail and Dr. Mark Rumble, DDS, 243 S Main St, Albion, NY 1441 for dental services to the inmates in the Orleans County Jail, rates set forth in the fee schedule.

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

**RESOLUTION NO. 68-215**

AUTHORIZING TREASURER TO TRANSFER FUNDS IN THE MENTAL HEALTH BUDGET

FURTHER RESOLVED, that the County Treasurer is authorized to transfer funds in the Mental Health Department to pay for painting of their office space, as approved by Resolution No. 5-115 as follows:

<u>Revenue</u>	
Reserve for Misc Billing	\$2,480

Appropriations

A4310.447                      Contracted Services/Equipment                      \$2,480

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

**RESOLUTION NO. 69-215**

**AUTHORIZING PAYMENT OF CLAIMS FOR MARCH AGAINST  
THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for March 11, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	11518-11668	\$369,808.49
Highway	508-511; 1181-1221	\$83,616.69
Nursing Home	27700-27704	\$35,680.08
Job Development	1717-1726	\$14,717.500
Self Insurance	54942-54946; 55005	\$6,054.33

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for March 25, 2015:

Fund/Department	Check Number (s):	Amount:
General	11698-11828	\$322,286.62
Highway	512-515; 1222-1246	\$54,574.66
Nursing Home	27705-27708	\$29,738.58
Job Development	1729-1736	\$9,079.11
Self Insurance	1081-1083; 55006-55007	\$44,679.99

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

The following three (3) add on resolutions were then presented for adoption:

**RESOLUTION NO. 70-215**

APPROVING PROBATION DIRECTOR TO SUBMIT A CORRECTIVE ACTION PLAN FOR THE LEANDRA’ S LAW IGNITION INTERLOCK PROGRAM PLAN FOR ORLEANS COUNTY

WHEREAS, by passage of Resolution No. 180-514, the Probation Director was authorized to submit the Leandra’s Law Ignition Interlock Program Plan Update to the NYS Division of Criminal Justice Services, Office of Probation and Correctional Alternatives per Chapter 496 of the Laws of 2009; now be it

RESOLVED, that this Legislature authorizes the Director of the Orleans Probation Department to submit a Corrective Action Plan for the Leandra’s Law Ignition Interlock Program Plan Update for Orleans County to the NYS Division of Criminal Justice Services, Office of Probation and Correctional Alternatives.

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

**RESOLUTION NO. 71-215**

APPROVING AGREEMENT EXTENSION BETWEEN BUILDINGS AND GROUNDS AND INTEGRYS ENERGY SERVICES

RESOLVED, that this Legislature approves an agreement extension (Contract ID#1581372) between the Buildings and Grounds Department and Integrys Energy Services, 106 Afton Lake Rd., Afton NY 13730 to provide the County energy services (electric) through the MEGA

(Municipal Electric and Gas Alliance) Program; the agreement extension is in effect for twenty four months starting on or about the first meter read date of May 30, 2016 through June 9, 2018, which locks in a fixed rate of 0.06427/kWh, for an additional twenty four (24) month period.

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

Legislator Johnson moved a resolution to support reform of the Aid and Incentive for Municipalities, also known as AIM revenue sharing, which is a formula that New York State set up in 1980's and we are asking the state to look at implementing multi-year phasing of a 50% increase in the AIM funding in order to distribute the new aid to local governments in a more fair and objective manner. Legislator Johnson also asked that the resolution be forwarded to Lieutenant Governor Hochul. Legislator DeRoller seconded the resolution. Chairman Callard announced that Lieutenant Governor Hochul was in Orleans County and met with our Legislators, Department Heads, and other elected officials in our Legislature office. This was a great opportunity to discuss items of concern and this subject was specifically discussed. We wanted to bring this resolution to her attention so she could carry it closer to the Governor than probably anyone else. This has been a long awaited subject that needed to be addressed on behalf of our villages and towns and Orleans County will step up in helping this get up streamed. Chairman Callard stated he will also take this matter to the InterCounty of Western New York Association for support. The following resolution was adopted:

**RESOLUTION NO. 72-215**

**SUPPORTING REFORM OF THE AID AND INCENTIVE FOR MUNICIPALITIES (AIM) FORMULA IN ORDER TO DISTRIBUTE THE NEW AID TO LOCAL GOVERNMENTS**

WHEREAS, unrestricted state aid to local governments – formerly known as revenue sharing, now known as Aid and Incentive for Municipalities, or AIM – is general purpose state aid provided to all of New York's cities (outside of New York City), villages and towns; and

WHEREAS, since the late 1980s, the original “revenue sharing” formula – intended to provide property tax relief by redistributing the state's progressive tax revenues to municipalities that do not have the tax base or the taxing authority to generate these revenues on their own – has

been annually disregarded and various constraints have been imposed on the overall level of state aid to local governments; and

WHEREAS, the original “revenue sharing” formula has not been utilized for decades and, since that time, various additional aid categories have been targeted to specific municipalities based on no particular economic or demographic factors, the current allocation of unrestricted aid (AIM) fails to accurately reflect the fiscal need and capacity of its recipient cities, villages and towns; and

WHEREAS, unrestricted State aid to local governments is a clear and proven way to provide property tax relief, when sufficiently funded; and

WHEREAS, a strong and growing state-local fiscal partnership is essential to generating economic vitality in all regions of our State; and

WHEREAS, local governments are limited by the 2% cap on property tax levies, growth in unrestricted State aid is critical; now, therefore be it

RESOLVED, that the Orleans County Legislature calls on the Governor and the State Legislature to implement a multiyear phased 50% increase in the AIM program funding and a reform of the AIM formula in order to distribute the new aid to local governments in a fair and objective manner, and would account for local fiscal capacity and need; and be it

FURTHER RESOLVED, that the new program’s formula components, at a minimum, should include population, population density, poverty and public safety services and the formula should also consider the amount of tax-exempt property a municipality has within its boundaries, as this has a significant effect on a community’s ability to raise revenue; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, Lieutenant Governor Kathy Hochul, Senator Robert Ort, Assemblyman Steve Hawley, Assemblywoman Jane Corwin, NYSAC, InterCounty of Western New York, Orleans County Towns and Villages, and all others deemed necessary and proper.

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

Chairman Callard called for comments from the floor. Gaines Supervisor Carol Culhane stated that she has good news in that she has been tasked by Santa Claus to announce that there will be a Santa Claus conference held in Orleans County at the Albion Middle School. The Santa's are due to arrive on April 16<sup>th</sup>. The conference will be held April 17<sup>th</sup> through the April 18<sup>th</sup> where they will occupy the auditorium as well as the gymnasium for vendor purposes. At this point there are 451 Santa's that have signed up for this conference. This is being spear headed by Phil Wenz, who was the individual in September of 2010 who gave the presentation on Christmas Park and Charlie Howard in Orleans County. On April 19<sup>th</sup>, they will be present at Fairhaven Treasurers to play a big part in the dedication of the Peace Garden. All Legislators are invited to attend that event. She will share all of the materials, agenda and posters, he sends for the event.

Chairman Callard stated that he and Supervisor Culhane discussed that any event like this brings new people to our county. Every new business, cultural event, and arts and crafts bring people to our County. They then shop around our area. This brings us around in developing another theme, another reason to bring people to our county. Supervisor Culhane also advised that two to three new businesses will be opening in Gaines. Small businesses make this nation great and also helps bring people to Orleans County.

Emergency Management Director, Dale Banker, wanted to thank Jerry Gray, Orleans County Highway Superintendent and his staff for demolishing houses back in November and also in January. The one in November was in sever extreme conditions and the recent one in January involved a fatality in the premises and due to the extreme conditions of that home they could not gain access to the building, he sent staff and heavy equipment down, which if not would have taken days to demolish. On behalf of the Emergency Management Office and the Fire Service, Dale thanked Jerry and his staff.

Allen Lofthouse, Kendall, made a few statements concerning Resolution No. 50. He advised the Board that the Conservative Party of Orleans County was the only political party that he knows of that sent a resolution to the Governor, and many others, for the Repeal of the NY SAFE ACT. Also this morning, the medical association, supported by the Doctors, is really concerned about the 38,000 people that are harmed by the use of guns in the United States. This is another bump in the road for the second amendment. Mr. Lofthouse also inquired of a purchase, in Resolution No.

61, of the correction uniforms and asked if they are for inmates or personnel. Mr. Nesbitt indicated that they are for the Correction Officers.

Legislator Allport wanted to recognize the Welfare Fraud Unit at the Department of Social Services. In 2014 they stopped the payout of over \$1.7 million dollars and recouped \$73,000. He acknowledged that staying within New York State Laws, their vigilance in watching over tax payer money by overseeing that those that truly deserve the help are getting it. The Board all agreed that this department is doing an outstanding job.

Legislator Eick moved to enter into executive session at 5:01 per Open Meetings Law §105 (f) ;second by Legislator Allport. Motion Carried. Chairman Callard stated that they will take a moment for the public to leave.

Legislator Miller moved to exit out of executive session and reconvene the regular meeting at 5:12 p.m.; second by Legislator DeRoller. Motion Carried.

Legislator Allport moved to adjourn; second by Legislator DeFilipps. Meeting adjourned at 5:40 p.m.

**LEGISLATURE MEETING**  
March 25, 2015

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

The Clerk presented the following communications:

Orleans County Town/Village Resolution Submissions

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

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Orleans County Chamber of Commerce will be holding their 2015 Home & Garden Show on April 11<sup>th</sup> 10 a.m. – 6 p.m. and April 12<sup>th</sup> 10 a.m. to 4 p.m. at the Orleans County Cornell Cooperative Extension 4-H Fairgrounds. Admission is \$1.00 and Free Parking. The 10<sup>th</sup> Annual Canal Clean Sweep is coming Friday-Sunday April 17-19. NYS Canal Corporation in partnership with Parks & Trails New York is organizing this event in recognition of Earth Day 2015 and in advance of the 191<sup>st</sup> navigation season on the New York State Canal System. ABATE of New York Inc, Orleans County Chapter is requesting use of the Courthouse Steps to conduct their Motorcycle Safety and Awareness Rally on Sunday, May 3, 2015 from Noon until 3 p.m. They are also requesting use of power. This is their annual promotion event for motorcycle safety, awareness, and rider education along with alerting the public to the renewed presence of motorcycles on the highway. The Board approved this request. Orleans County Office for the Aging and The ARC of Orleans presents their Spring Jubilee celebrating Older Americans Month on Thursday, May 7, 2015 at the Trolley Building at the 4-H Fairgrounds. Doors open at 10:15 a.m.; entertainment begins at 11 a.m.; recognition program starts at Noon and lunch will begin to be served at 12:30 p.m. \$3 for anyone 60 or older and \$6 for anyone under 60 accompanying a Senior. Tickets available at the Nutri-fair site or by calling Office for the Aging at

589-3191. The Albion Strawberry Festival Committee, Sponsored by Albion Rotary Club, is requesting that a 5'x12' banner be hung on the courthouse lawn from May 30, 2015 to June 13, 2015 to advertise the Albion Strawberry Festival. The Board approved this request. The ARC of Orleans County would like to hold their Annual Chicken BBQ Fundraiser at the Albion Academy Nutri-fair site on Saturday, August 8, 2015 from 12:30 – 5:30 p.m. This fundraiser benefits the Nutrition Program in Partnership with the Office for the Aging. The Board approved this request.

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

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through February, 2015. She advised that our financials have improved over last month with tax money coming in. She indicated that she has been busy with the \$8 million bond and we maintained our A-1 rating with Moodies. Moodies pointed out that we have a modest but stable tax base, manageable debt burden, average reserve levels, and conservative budgeting were in our favor. Chairman Callard stated that A-1 is outstanding and Treasurer Heard confirmed that it was considering the size of our county.

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

Dawn Allen, Real Property Director, explained that in the Governor's Budget there is a proposal to transition any new STAR applications into a personal income tax credit going forward. Based on how it is written in the budget proposal, anyone they told March 1, 2014 through February 28, 2015 that they were granted an exemption based on their application, but based on the proposal, they would have to receive a denial letter and then have to wait until next year to see that credit on their income tax credit.

This would not affect any existing exemptions, only going forward because the state wants to take control. If a person is receiving it currently and wants to transition to the income tax credit that could be done for the future. The problem with going backwards is those that have escrow accounts. Mrs. Allen indicated that many were concerned with the transition timing if looking back in time. Mr. Kusmierczak questioned the income pertaining to the enhanced STAR. Traditionally when the senior goes over the income limit they revert back to the basic and then the following year can go back to the enhanced based on income changes. They see it often bouncing back and forth. Mrs. Allen stated that they will know more in the next few weeks if this will be moving forward.

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

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

**RESOLUTION NO. 73-315**

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

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

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

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

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

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

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

**RESOLUTION NO. 74-315**

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

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

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

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

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

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

**RESOLUTION NO. 75-315**

**AUTHORIZING PAYMENT FROM CENTRAL OFFICE EQUIPMENT REPAIR ACCOUNT**

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

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

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*Resolutions 73-120*

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

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

**RESOLUTION NO. 76-315**

**AUTHORIZING FILLING OF VACANCY IN BUILDINGS AND  
GROUNDS DEPARTMENT**

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

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

**RESOLUTION NO. 77-315**

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

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

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

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

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

**RESOLUTION NO. 78-315**

**APPROVING AGREEMENTS BETWEEN MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES**

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

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

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

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

Moved, Allport; second, Eick.

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

**RESOLUTION NO. 79-315**

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

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

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

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

Moved, Allport; second, Eick.

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

**RESOLUTION NO. 80-315**

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

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

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

Moved, Johnson; second, Allport.

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

**RESOLUTION NO. 81-315**

APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND DOHERTY COMMUNICATIONS

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

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

Moved, Eick; second, Miller.

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

**RESOLUTION NO. 82-315**

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

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

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

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

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

Moved, Johnson; second, Allport.

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

**RESOLUTION NO. 83-315**

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

RESOLVED, that this Legislature approves the Appendix X agreement extensions between the Orleans County Board of Elections and

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the New York State Board of Elections, 40 North Pearl St, Albany, NY extending the period effective April 1, 2015 through March 31, 2016 that funds are available to the local board of elections for the following:

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

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

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

Moved, Eick; second, Miller.

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

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

#### **RESOLUTION NO. 84-315**

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

RESOLVED, that this Legislature authorizes the Orleans County Jail Superintendent to apply for the State Criminal Alien Assistance Program (SCAAP) grant (FY15) through the Bureau of Justice Assistance, 810 Seventh St NW, Washington D.C., 20531 to provide federal payments to stated and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days.

Moved, Johnson; second, Allport.

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

**RESOLUTION NO. 85-315**

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

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

Moved, Johnson; second, Allport.

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

**RESOLUTION NO. 86-315**

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

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

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

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

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

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 87-315**

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

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

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

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

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 88-315**

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

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

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

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

Account Clerk Typist	6010.0809
Senior Account Clerk Typist	6010.2007

and be it

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

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

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

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

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 89-315**

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

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

Moved, Johnson; second, Allport.

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

**RESOLUTION NO. 90-315**

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

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

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

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

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

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

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

#### **RESOLUTION NO. 91-315**

#### **AUTHORIZING PURCHASE OF JAIL WALL LIGHTS FROM BUILDINGS AND GROUNDS BUDGET**

RESOLVED, that this Legislature approves the purchase of (20) Jail Wall Lights from I.D. Booth Inc./Booth Electric Supply, 620 William St, PO Box 579, Elmira, New York at a total cost of \$6,300 to be paid

from the Capital Project Account #H1620.403.222 Energy Performance. There is a \$4,000 reimbursable incentive program through National Grid; County cost \$2,300; and be it

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

Moved, Eick; second, Miller.

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

### **RESOLUTION NO. 92-315**

#### **AUTHORIZING PURCHASE FOR THE VMWARE HOST CAPITAL PROJECT BY COMPUTER SERVICES**

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

Moved, Johnson; second, Allport.

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

### **RESOLUTION NO. 93-315**

#### **APPROVING AGREEMENT BETWEEN ORLEANS COUNTY AND PARK STRATEGIES, LLC**

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

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

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

FROM:		
A7180.470	Capital Construction Projects	\$60,000
TO:		
A1990.435	Contingent Fund	\$60,000

and be it

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

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

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

**RESOLUTION NO. 94-315**

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

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

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

RESOLVED, that this Legislature authorizes an agreement for the Commissioner of Social Services to purchase one used 2011 Chevrolet Express van from the Orleans County Mental Health department at a cost

not to exceed \$15,000 for use by the Orleans County Department of Social Services; and be it

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

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 95-315**

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

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

FURTHER RESOLVED, that the Chairman is authorized to execute a lease agreement for a 2015 Chevrolet Cruze with First Niagara Leasing Inc, 726 Exchange St, Ste 900, Buffalo, NY 14210, authorizing four arrears lease payments of \$6,039.12 to be paid in 2016, 2017, 2018, and 2019 at an interest rate of 3.38% to be paid from Mental Health account A4310.270 – Capital Equipment subject to the review and approval of the County Attorney and the Chief Administrative Officer.

Moved, Allport; second, Eick.

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

**RESOLUTION NO. 96-315**

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

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

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

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

**RESOLUTION NO. 97-315**

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

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

RESOLVED, that the Director of Orleans County Office for the Aging is authorized to apply for a one time funding grant from NYSOFA through the Balancing Incentive Program(BIP) Caregiver Support Program, for \$20,000 from April 1, 2015 to March 31, 2016 at no county cost; and be it

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

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

**RESOLUTION NO. 98-315**

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

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

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

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

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

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

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

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

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

RESOLVED, that the Orleans County Legislature on recommendation of the Finance Committee petitions New York State to delay this transition to any STAR exemption that was granted after the

2015 Assessment Roll to more adequately inform the public of this important change in their taxes; and be it

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

Moved, Johnson; second, Allport.

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

### RESOLUTION NO. 99-315

#### APPOINTING MEMBERS TO FIRE ADVISORY BOARD

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

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
Albion Fire Department	Jeremy Graham
Barre Fire Department	Jerry Bentley
Carlton Fire Company	Andrew Niederhofer
Clarendon Fire Company	Robert Freida
East Shelby Fire Department	Allen Turner
Fancher-Hulberton-Murray Fire Co.	Joe Morlino
Holley Fire Company	Peter Hendrickson
Kendall Fire Company	Michael Schultz
Lyndonville Fire Company	Jason Gerety
Medina Fire Department	Jonathan Higgins
Morton (H-W-M Fire District)	Randy Davis
Ridgeway Fire Company	Francis Woodward
Shelby Fire Company	Andrew Benz
and be it	

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

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

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

#### **RESOLUTION NO. 100-315**

#### **APPOINTING MEMBERS TO EMERGENCY MEDICAL SERVICES COUNCIL**

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

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
<u>VOTING MEMBERS:</u>	
Albion Fire Department	Fred Piano
Barre Fire Department	Patrick Lamka
Carlton Fire Company	Lynn Miller/ Justin Niederhofer, Alt.
Clarendon Fire Company	Donald Mosier
East Shelby Fire Department	Michael Fuller
Fancher-Hulberton-Murray Fire Co.	Debbie Fiorito
Holley Fire Company	Peter Hendrickson
Kendall Fire Company	Sue Maslyn
Lyndonville Fire Company	Lee Kistner
Medina Fire Department	Steve Cooley/Mike Maak, Alt.
Ridgeway Fire Company	Kristin McAdoo
Shelby Fire Company	John L. Miller II

COVA	Jason Spencer/Laurie Schwab, Alt.
Orleans County Health Dept	Al Cheverie
Mutual Aid / EMS Coordinator	H. Dale Banker
Orleans County Sheriff	Scott Hess
Orleans County Dispatch	Allen Turner
Red Cross	Vacant
Mercy Flight of WNY	Lynne Ribbeck
<u>NON-VOTING MEMBERS</u>	
Co. Leg /Public Safety Committee	David Callard/Kenneth DeRoller
NYS Department of Health	James M. Mihalko

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

**RESOLUTION NO. 101-315**

**AUTHORIZING OUT OF STATE TRAVEL FOR SHERIFF’S OFFICE  
EMPLOYEE**

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

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

**RESOLUTION NO. 102-315**

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

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

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

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

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

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

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

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

Moved, Allport; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent, DeFilippis and DeRoller.

### **RESOLUTION NO. 103-315**

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

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Ronald Bierstine, 1764 Oak Orchard Rd, Albion, NY 14411, to provide dock worker and custodial services at Orleans County Marine Park from April 15, 2015 to September 27, 2015 at a cost not to

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exceed \$15,559 to be paid from Account A7180.432-Misc. Contracts/Agreements.

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

**RESOLUTION NO. 104-315**

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

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

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

**RESOLUTION NO. 105-315**

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

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

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

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

FURTHER RESOLVED, that this Legislature approves an amended agreement between the County of Orleans and Lynne Menz

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

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

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

Moved, Allport; second, Eick.

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

#### **RESOLUTION NO. 106-315**

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

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

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

Moved, Allport; second, Eick.

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

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

**RESOLUTION NO. 107-315**

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

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

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

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

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

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

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

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

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

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

Moved, Allport; second, Eick.

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

**RESOLUTION NO. 108-315**

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

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

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

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

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

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

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

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

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

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

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

Moved, Johnson; second, Allport.

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

**RESOLUTION NO. 109-315**

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

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

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

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

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

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

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

**RESOLUTION NO. 110-315**

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

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

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

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

**RESOLUTION NO. 111-315**

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

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

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

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

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

1. Orleans County acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings; and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water assessments are the responsibility of the purchaser, whether they are received or not; (d) the levied 2015 Town and County tax bill including any relieved taxes, 2014/2015 village taxes, 2014/2015 school tax, any village or town water and sewer rents and assessments, in addition to any other applicable charges (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.
4. The purchaser shall be solely responsible for the payment of: the levied 2015 Town and County tax bill including any relieved taxes; any Village taxes levied after May 31, 2015, the 2015/2016 school taxes, the 2016 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction.
5. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date of the auction. Upon delivery of the quitclaim deed by the County of Orleans to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.

6. No personal property is included in the sale of any of the parcels owned by Orleans County, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
7. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. THE COUNTY, THE AUCTIONEER, AND THE AUCTION SERVICE MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.
8. The County of Orleans reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.
9. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and sold subject to the provisions of law applicable thereto.
10. All bidders are required to register and provide suitable personal identification prior to the auction. Auctioneer reserves the right to decline registration if identification is not sufficient.
11. All bidders are required to use the bidder number issued to them for all purposes associated with the auction. A bidder may not bid on behalf of a party who is on the prohibited bidder list.
12. Bidder acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards, mold, asbestos or any other hazardous substances.
13. The former owner of the property, or his agent, shall not be deemed to be the successful bidder on the property or purchase same at the public auction, unless the bid amount exceeds the amount of the purchase price to affect the release of County's interest. If the former owner or his agent reacquires the property, all liens existing prior to the foreclosure, will be reinstated and the purchaser (former owner) must sign the deed to reinstate the liens.
14. Purchaser shall provide information necessary to complete, and shall execute, the necessary forms and documents required for

recording the deed in the Orleans County Clerk's Office. The purchaser executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid, unless the County agrees in writing. The deed prepared will be in the name of the successful bidder (and spouse) only. No third party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal.

15. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the proceeding bid.
16. The Purchaser will execute an Offer to Purchase form immediately upon being declared the high bidder. The approval of each bid by Resolution of the County Legislature *will not constitute a Contract of Sale* and the County reserves the right to reject any bid prior to the closing of title and the recording of the deed.
17. The Purchaser shall be responsible for the payment of an eleven percent (11%) buyer's premium should buyer be paying by credit card or a ten percent (10%) buyer's premium should the buyer be paying by cash or by bank check in addition to the accepted purchase price and the closing fees/costs. The "buyer's premium" is the fee/commission earned by the auctioneer. An additional one and one half percent (1.5%) of the purchase price will be added to each parcel for advertising expenses. Accepted purchase price is the amount bid by a perspective bidder, which has been approved by the Orleans County Legislature.
18. All required deposits must be paid in full for all successful bids immediately upon being declared the successful bidder. Any successful bidder, who fails to tender the deposit immediately upon being declared the successful bidder, will be forbidden to participate in this or any other auction. Any parcels which the County did not receive deposits for, as per these terms and conditions, will be considered to be defaulted, and resold and the bidder will be disqualified from further bidding.
19. 25% of the total contract price (total contract price is the combination of the high bid and the buyer's premium, as defined in section 17 of these terms and conditions), shall be paid as a down payment on the day of the auction upon execution of an Offer to Purchase Form. Total contract prices selling for \$250.00 or less must be paid in full at auction, including all closing costs which consist of the following will be paid with the down payment on the day of the auction for each parcel: (a) New York State Transfer Tax [\$4.00 for the first \$1,000; \$2.00 for each \$500 thereafter of the

purchase/bid price]; (b) Filing Fee for the Real Property Transfer Report [\$125.00 if the parcels classification code is 100-199, 200-299 or 411-C; \$250.00 for all parcels otherwise classified]; (c) Filing Fee for combined Gains Transfer Tax Affidavit [\$5.00]; (d) all fees required by the Orleans County Clerk for recording of the deed [\$50.00 to record a one page deed; \$5.00 for each additional page] *Closing costs may be subjected to an increase in fees as required by law, without notice.* All deposits must be made in cash or guaranteed funds payable to the “Orleans County Treasurer” and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions.

20. All bids shall be subject to approval by the Orleans County Legislature, which shall have the right, in the Legislature’s sole discretion, to reject any bid for any reason whatsoever.
21. All parcels for which you are the successful bidder for must be paid in full. No selective closings subsequent to the auction. Failure to remit full payment on all parcels for which you are the successful bidder will result in a default of all deposits tendered, and you will not be permitted to close on any other parcels for which you are the successful bidder.
22. The entire balance of the accepted purchase price, the buyer’s premium, as defined in section 17 of these terms and conditions, and all closing costs/fees must be paid by cash or guaranteed funds payable to received by the Orleans County Treasurer’s Office on or before July 31, 2015. The County is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the total contract price plus closing costs and fees as herein provided, the deposit shall be forfeited. The County reserves the right, in its sole discretion, to extend the time of payment upon such terms and conditions it deems appropriate.
23. If the successful bidder fails to tender such amount due by the close of business on July 31, 2015, then the County may, but is not obligated to offer any unsold property to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.
24. All sales shall be final, absolute and without recourse, once title has closed and the deed has been recorded. In no event, shall Orleans County and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc. be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or

- assigns, against Orleans County and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc. arising from this sale.
25. The County of Orleans will execute no warranties concerning the parcel or title thereto and will not deliver or be responsible for abstracts, title insurance, title searches, surveys, maps or other documents concerning a parcel whatsoever.
  26. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the accepted purchase price, buyer's premium, and closing fees/costs. POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE ORLEANS COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED. It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording the deed.
  27. A quitclaim deed issued as a result of the auction shall contain the following provisions: (a) "Nothing contained in any description herein is intended to convey more than the assessed owner owned at the time of the levy of the tax, the non-payment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein;" (b) Orleans County shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, or for any encroachments or disputed boundaries; and that no claim or demand of any nature shall ever be made against said Orleans County arising from such sale or conveyance or any proceedings leading thereto.
  28. Evictions, if necessary, are solely the responsibility of the successful purchaser after closing and recording of the deed.

Moved, Johnson; second, Allport.

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

#### **RESOLUTION NO. 112-315**

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

RESOLVED, that this Legislature approves an agreement between the Treasurer's Office and Haroff Auction and Realty, Inc. and Absolute

Auctions and Realty, Inc. for professional auction and licensed real estate broker services for the County In Rem Auction; for their professional services rendered through December 31, 2015 for the County In Rem Auction to be held on Wednesday, June 24, 2015; and be it

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

Moved, Johnson; second, Allport.

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

### **RESOLUTION NO. 113-315**

#### **AUTHORIZING AGREEMENT BETWEEN PROBATION AND MID ERIE COUNSELING AND TREATMENT SERVICES**

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

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

Moved, Johnson; second, Allport.

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

### **RESOLUTION NO. 114-315**

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

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

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

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

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

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 115-315**

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

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

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 116-315**

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

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

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

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

**RESOLUTION NO. 117-315**

**AUTHORIZING PAYMENT OF CLAIMS FOR APRIL AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for April 8, 2015:

Fund/Department	Check Number (s):	Amount:
General	11836-12000; 12008	\$430,068.01
Highway	516-524; 1247-1277	97,114.55
Nursing Home	No Claims	
Job Development	No Claims	
Self Insurance	55063-55066; 55120	\$4,527.75

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for April 22, 2015:

Fund/Department	Check Number (s):	Amount:
General	12018-12156	\$321,472.51

Highway	525-528; 1279-1295	\$7,432.36
Nursing Home	27709-27713	\$36,037.75
Job Development	No Claims	
Self Insurance	1085; 55121	\$13,254.53

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

The following add on resolutions were presented:

**RESOLUTION NO. 118-315**

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

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

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

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

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

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

**RESOLUTION NO. 119-315**

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

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

Moved, Allport; second, Eick.

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

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

**RESOLUTION NO. 120-315**

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

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

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

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

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

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

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

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

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

WHEREAS, federal highway and bridge funding available for use by counties in New York has been reduced significant by the emphasis placed on interstate highways under the Moving Ahead for Progress in the 21st Century (MAP-21) Act and further impacted by the New York State Department of Transportation decision to allocate available federal construction funding towards the preservation of the state highway and bridge system; now, therefore be it

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

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

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

Moved, Eick; second, Miller.

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

With there being no old business to be raised, Chairman Callard called for comments from the floor. Emerson “Tinker” Young, Past Chairman of Orleans County Chapter of SCOPE, retired as chairman effective March 9<sup>th</sup> and has been a member since 1988. He thanked the Board for passing a resolution last month to repeal the SAFE ACT. He also stated that he stands behind David Thom as the new Chairman of the Orleans County Chapter of SCOPE. He will continue with SCOPE as an endowment member along with Bud Schroeder, Herb Berry, and John Krauller, senior state wide members of this organization now in its 50<sup>th</sup> year in New York State. He expressed his continued support to this Board and what the Board has done for SCOPE.

Chairman Callard congratulated Mr. Young on his retirement. Chairman Callard also affirmed that this Legislature will continue to support our second amendment rights. Mr. Young stated that the Second Amendment is the most powerful and strongest amendment and it was put in place to keep our government in check. The constitution is to protect us from our government. He said it is encouraging that our county sticks together to support our second amendment rights and not every county does that.

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

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

**LEGISLATURE MEETING**

April 22, 2015

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Chairman Callard called the meeting to order at 4:30 PM. After the pledge to the flag, Chairman Callard called for a moment of silence to recognize the death of John J. McCarthy II who was a past Orleans County Legislator from 1990-1993. He also served as Orleans County Civil Defense Coordinator for six years. Veteran David Kusmierczak lead the invocation and then the Clerk called the roll. All Legislators were present. Chief Administrative Officer Charles Nesbitt was absent.

The Clerk presented the following communications:

Orleans County Town/Village Resolution Submissions

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

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Orleans County Department of Social Services is requesting use of the Courthouse lawn to place a banner from May 1, 2015 to May 15, 2015 for Foster Parent Month which the Board approved. Drug Take Back Day is scheduled for Saturday, April 25, 2015 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. Susan Heard, Orleans County Treasurer, has forwarded a listing of Real Property Tax Refunds, in the amount of \$395.48, that has been reviewed and authorized by her office. Reminder that the 33<sup>rd</sup> Annual Youth Recognition Banquet is Thursday, May 14<sup>th</sup> at Hickory Ridge Golf and Country Club.

Legislators DeRoller and Johnson presented special recognitions to Orleans County Sheriff Deputy James DeFilipps, Orleans County Sheriff Deputy Kevin Colonna, Orleans County Sheriff Deputy Brian Larkin, NYS Trooper Scott Gregson, NYS Trooper Kevin Bentley, Holley Village Police Officer Guy Burke, Albion Police Sergeant William Scribner, Orleans County Dispatcher Julie Vendetti, Orleans County Dispatcher Michael Schultz, and Clarendon Fire Department. (Orleans County Sheriff Deputy Joshua Narburgh was absent.) Certificates were presented to these individuals for their assistance in the early morning incident that occurred on March 21<sup>st</sup>, 2015 which they all were quick to react to what could have

been a very serious incident for our County. They all were shown appreciation by a standing ovation and applause.

Chairman Callard called upon Niagara County Legislative Chairman William Ross, Niagara County Legislator David Godfrey, Legislator Lynne Johnson and Legislator DeRoller. Chairman Callard recognized Chairman William “Coach” Ross as he will be retiring as a Niagara County Legislator. He was thanked for the relationship he developed with Chairman Callard in the development of NORA and the long lasting relationship had with our neighboring county. Chairman Ross stated that we are lucky to have a great partnership in working together for the benefit of our taxpayer. He shared many of the projects both counties are involved in and that these common goals show how in working together we may be able to make a better life for our communities. Chairman Callard thanked Chairman Ross for the personal and professional friendships held with all of us.

Legislators DeRoller and Johnson presented a proclamation designating April 19<sup>th</sup> through April 25<sup>th</sup>, 2015 as Crime Victim’s Week in Orleans County to Terrissa Drennan, Orleans County Crime Victim’s Services Coordinator and to Christi Waldron from Restore-Sexual Assault Services.

Legislators Eick and Miller presented a proclamation to Melissa Blonar, Orleans County Director of the Office for the Aging, to honor Older Americans Month in Orleans County in the month of May.

Legislators Eick and Miller presented a proclamation to Jeannine Larkin, Orleans County Foster Care Supervisor and to Holli Nenni, Deputy Commissioner of the Orleans County Department of Social Services, to celebrate in May Orleans County Foster Care Month.

Chairman Callard called upon Legislators Eick and Miller, who presented a proclamation to David Kusmierczak, an Orleans County Veteran, honoring the 55<sup>th</sup> Anniversary of Western New York Armed Forces Week; to be celebrated May 3 – 9, 2015. This special recognition is given this year in honor of the Gold Star Mothers of the Eight Western New York Counties.

Legislators DeRoller and Johnson presented a proclamation for Motorcycle Awareness and Safety Month held in the month of May in Orleans County. Chuck Persons, 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 3<sup>rd</sup> at the Orleans County Courthouse at 2 p.m.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through March of 2015. Treasurer Heard stated that finances look better this month over last month.

Chairman Callard called for open discussion as it related to the resolutions. Legislator Godfrey, Niagara County Legislator, spoke briefly of the two resolutions that NORA is advancing on the agenda today. One is in support of Congressman Collins in fighting back the IJC Plan 2014; and more specifically the E-waste resolution on today's agenda. Legislator Godfrey explained that Senator Ort's office reached out to them asking for NORA's involvement with this due to the recent complaints called in to his office and also the costs to our taxpayers and to our townships. He thanked Chairman Callard and Chairman Ross for seeing the importance of this and in taking on this initiative. It is a two part thing, thanks to Dawn Tim, from Niagara County and her Council, will work with NYS DEC to change the regulations. It is a fight that hopefully NORA can step into and persuade Albany to change these regulations. The second part of this is saving taxpayers money by working together with the tonnage to drive that cost to zero. We want to make sure this recycling is available to all of our taxpayers across our two counties at all times.

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

**RESOLUTION NO. 121-415**

**APPROVING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND NYS DOT CONCERNING THE HULBERTON ROAD BRIDGE OVER WEST BRANCH OF SANDY CREEK IN THE TOWN OF MURRAY**

RESOLVED, that this Legislature approves a Supplemental Agreement #3 Contract #D033855 with the Orleans County Highway Department and NYS DOT, 1530 Jefferson Road, Rochester, NY 14623-3161. This supplemental agreement amends the previous Resolution No. 236-714 to add additional funding for the Hulberton Road Bridge over West Branch of Sandy Creek Bridge Replacement – PIN 475542; BIN: 3319220; and be it

*April 22, 2015*  
*Resolutions 121-163*

FURTHER RESOLVED, the Chairman of the Legislature is authorized to sign the Supplemental #3 Agreement for Hulberton Road Bridge over West Branch of Sandy Creek Bridge Replacement; total cost of \$1,338,900; reimbursement \$1,271,955 and County cost \$66,945; effective through February 3, 2022.

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

#### **RESOLUTION NO. 122-415**

#### **AWARDING BIDS FOR VARIOUS MATERIALS AND COMMODITIES FOR HIGHWAY DEPARTMENT**

WHEREAS, the Orleans County Highway Department sought bids for various materials and commodities for the years 2015-2016; and

WHEREAS, such bids have been received, opened and reviewed to determine the lowest responsible bidder for each material and commodity; be it

RESOLVED, that the bids for the various materials and commodities be awarded to the low bidders named on schedules for the dollar amounts per unit shown on such schedules, subject to the approval of the County Attorney.

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

#### **RESOLUTION NO. 123-415**

#### **APPROVING AGREEMENT BETWEEN THE HIGHWAY DEPARTMENT AND LABELLA ASSOCIATES, P.C.**

RESOLVED, that this Legislature does hereby approve an agreement between the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Engineering Services for the design of Waterport Carlton Road Bridge over Beardsly Creek in the Town of Carlton; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives Labella Associates authorization to proceed, Labella Project

#2150154, Bin #3319100, at a cost not to exceed \$80,000 to be paid out of the Capital Project Infrastructure Project for Bridges account #H-5120.250.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 124-415**

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

RESOLVED, that this Legislature does hereby approve an agreement between the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Engineering Services for the design of Oak Orchard Road Bridge over Manning Muckland Creek in the Town of Barre; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives Labella Associates authorization to proceed, Labella Project #2150155, Bin #3319270, at a cost not to exceed \$96,000 to be paid out of the Capital Project Infrastructure Project for Bridges account #H-5120.250.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 125-415**

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

RESOLVED, that this Legislature does hereby approve an agreement between the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Services for the design of two (2) Knowlesville Road Culverts over Oak Orchard Creek Tributary in the Town of Ridgeway; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed, Labella Project #2150153, at a cost not to exceed \$40,000 and to be paid out of the Capital Project Infrastructure Project for Culvert Improvements Account #H-5120.251.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

*April 22, 2015  
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Chairman Callard noted that these last three adopted resolutions represent this year's first step in improving our infrastructure which includes two bridges and two culverts over three towns.

**RESOLUTION NO. 126-415**

APPROVING AGREEMENT WITH BUILDINGS AND GROUNDS  
AND GARLAND/DBS, INC

RESOLVED, that this Legislature does hereby approve an agreement with the Buildings and Grounds Department and Garland/DBS, Inc., 3800 East 91<sup>st</sup> St, Cleveland, OH 44105 to reroof the County Public Safety Building in 2015; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives Garland/DBS, Inc. authorization to proceed, Proposal #25-NY-150150, MICPA #14-5903, at a cost not to exceed \$476,820 to be paid out of the Capital Project Infrastructure Project for Roof Replacement account #H-5120.253.

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

**RESOLUTION NO. 127-415**

AUTHORIZING PURCHASE FROM CAPITAL PROJECT  
INFRASTRUCTURE PROJECTS FOR THE MENTAL HEALTH  
DEPARTMENT

RESOLVED, that this Legislature authorizes Buildings and Grounds to purchase an Outdoor Olympian Model G80 Natural Gas Emergency Packaged Generator Set from Southworth-Milton CAT Inc., PO Box 3851, Boston, MA 02241-3851 under NJPA Contract #092409 for the Mental Health Building, \$48,814 to be paid from the Capital Project Infrastructure Project Account H1520.254; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the Milton CAT Purchase Proposal to accept the price and installation terms in quote #ENPRO1448.

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

Chairman Callard noted that these last two adopted resolutions represent our first stage of improving our buildings infrastructure which covers two departments. Legislator Eick stated that the Public Safety Building roof has been leaking and it has come to the point that it needs to be repaired. The following resolution was adopted to begin payments toward our infrastructure projects:

**RESOLUTION NO. 128-415**

**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>
\$ 15,396.00	LaBella Associates, P.C.	Waterport Carlton Road Bridge – Project #2150154: Invoice #62456– Professional Services 12/20/14-2/20/15
\$ 11,269.00	LaBella Associates, P.C.	Oak Orchard Road Bridge – Project #2150155; Invoice #62455 – Professional Services 12/20/14-2/20/15
\$ 1,045.00	Source Media	Bond buyer legal ad
\$ 54.80	Northern NY Newspapers Corp.	Legal Notice
\$ 13,000.00	Moody’s Investor Service	Bond Rating
\$ 7,800.00	Fiscal Advisors & Marketing, Inc.	Professional Services
\$ 11,125.00	Orrick, Harrington & Sutcliffe	Bond Counsel
\$ 1,985.69	Premier Printing Inc	Official Statements

and be it

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

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<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$ 21,161.50	LaBella Associates, P.C	Knowlesville Culvert – Project #2150153 – Invoice No. 62457 - Professional Services 12/20/14-2/20/15

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

**RESOLUTION NO. 129-415**

**APPROVING APPOINTMENTS TO THE OFFICE FOR THE AGING ADVISORY COUNCIL**

RESOLVED, that this Legislature approves the following appointments to the Office for the Aging Advisory Council for a three year term, effective April 1, 2015 through March 31, 2018. (\* denotes final term)

Bill Newsome	13356 Ridge Road, Albion, NY 14411
*Florence Surdi	13919 Allen Road, Albion, NY 14411
*Abraham Rozman	115 Knapp Street, Albion, NY 14411

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

**RESOLUTION NO. 130-415**

**AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN OFFICE FOR THE AGING**

WHEREAS, a part-time Community Service Worker is retiring in the Office for the Aging; and

WHEREAS, the following position creation presented herewith will be contingent upon the availability of receiving additional Office for the Aging funding; now be it

RESOLVED, that this Legislature authorizes abolishing a part-time Community Service Worker position in the Office for the Aging due to a retirement and reorganization, effective May 29, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full-time Aging Services Specialist position at grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the abolishing of the part-time Aging Service Specialist position in the Office for the Aging effective upon the filling of the newly created full-time Aging Services Specialist position; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position, effective May 4, 2015.

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

**RESOLUTION NO. 131-415**

**APPROVING AGREEMENTS BETWEEN OFFICE FOR THE AGING AND VARIOUS AGENCIES**

RESOLVED, that this Legislature does hereby approve the following agreements between the Office for the Aging and various agencies:

Independent Living Services (ILS)-iCircle, 521 Fifth Avenue, 3rd Floor, New York, NY 10175 - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2015 to April 30, 2016 to clients needing services, iCircle will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one-year renewals, to be reviewed in 2020. County cost \$0 – Revenue Source.

Fidelis Care, 95-25 Queens Boulevard, Rego Park, NY 11374 - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2015 to April 30, 2016 to clients needing services, Fidelis will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one-year renewals, to be reviewed in 2020. County cost \$0 – Revenue Source.

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

**RESOLUTION NO. 132-415**

**AUTHORIZING OFFICE FOR THE AGING TO APPLY FOR THE  
MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS  
ACT (MIPPA) FUNDING**

RESOLVED, that this Legislature authorizes Office for the Aging to apply for the MIPPA grant in the amount of \$10,209 (first year allotment) to educate and assist Medicare beneficiaries with limited incomes, outreach and assistance with Medicare Part D for beneficiaries in rural areas, and assist with Low Income Subsidy and Medicare Savings Applications effective September 30, 2014 through September 29, 2017; County cost \$0; and be it

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

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

**RESOLUTION NO. 133-415**

**APPROVING ADDENDUM WITH ORLEANS COUNTY OFFICE  
WITH THE AGING AND ARC OF ORLEANS COUNTY**

WHEREAS, Resolution No. 23-114 approved an agreement with ARC of Orleans County, 122 Caroline St, Albion, NY 14411 to provide a renewal contract for the Nutrition Program; Contract effective January 1, 2014 through December 31, 2016.

RESOLVED, that this Legislature approves an addendum to this contract adding that the contractor will not enter into any agreement with any Managed Long Term Care entity for the provision of home delivered meals or congregate services without prior referral by Office for the Aging. Any request initially received by the Contractor for such services will be first referred to OFA which will then make referrals to Contractor for the requested services.

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

It was noted by Legislator Allport that the ARC of Orleans County is doing an outstanding job with the Nutrition Program since they have taken it over and it has actually expanded under their leadership.

**RESOLUTION NO. 134-415**

**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:

Angels in Your Home, Hilton, NY for the provision of Consumer Directed Personal Assistance Program (CDPAP); to be effective January 1, 2015 through December 31, 2015 at rates set by NYS Department of Health. County cost is \$0.

Angels in Your Home, Hilton, NY for the provision of Personal Care Aide services to eligible Medicaid clients; to be effective January 1, 2015 through December 31, 2015 at rates set by NYS Department of Health. County cost is \$0.

LabCorp Corporation, Burlington, NC for the provision of conducting blood tests to determine paternity for Child Support Unit, to be effective April 1, 2013 through March 31, 2018.

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

**RESOLUTION NO. 135-415**

**APPROVING THE 2015 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 2015 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, therefore be it

RESOLVED, that the Orleans County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2015 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. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 136-415**

**AUTHORIZING SETTING UP NEW MONIES IN THE MENTAL HEALTH DEPARTMENT BUDGET**

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget to set up revenue and expenses for Federal Medicaid Salary Sharing monies received as follows:

Revenue:

A4490	Mental Health Federal	\$4,000
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Appropriation:

A4310.411	Office Supplies	\$4,000
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Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 137-415**

**AUTHORIZING FILLING OF VACANCY IN THE MENTAL HEALTH DEPARTMENT**

RESOLVED, that this Legislature authorizes the filling of a full-time Supportive Case Manager position (4310.21) in the Mental Health Department at Grade 18 of the CSEA Salary Schedule, effective April 23, 2015.

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

**RESOLUTION NO. 138-415**

APPROVING AGREEMENT EXTENSION BETWEEN MENTAL HEALTH DEPARTMENT AND NEW YORK CARE COORDINATION PROGRAM, INC (NYCCP)

RESOLVED, that this Legislature approves an agreement extension between Mental Health and New York Care Coordination Program, Inc. (NYCCP), 1099 Jay Street, Bldg. J, Rochester, NY 14611 providing non-clinical consulting, management, and data analysis services to support the effort of behavioral health providers, consumers, and local governments to improve care and service outcomes for individuals diagnosed with serious mental illness, addictions, and co-occurring medical disorders. Health Homes of Upstate New York (HHUNY), on behalf of Huther Doyle Memorial Institute, Inc. will pay Orleans County Mental Health 94% of the monthly rate paid by the Department of Health with the extension of this agreement effective through December 31, 2019. County cost \$0.

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

**RESOLUTION NO. 139-415**

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 for the following:

To attend NACCHO Preparedness Summit at the Peach Tree Center in Atlanta, Georgia from April 14<sup>th</sup> through April 15<sup>th</sup>, 2015. All costs covered by NACCHO. County cost \$0.

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To attend NACCHO Epidemiology/ID Workshop in Person Meeting at Peach Tree Center, Atlanta, Georgia from May 18<sup>th</sup> through May 20<sup>th</sup>, 2015. All costs covered by NACCHO. County cost \$0.

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

**RESOLUTION NO. 140-415**

**AUTHORIZING FILLING OF VACANCY IN THE HEALTH DEPARTMENT**

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Registered Nurse (4010.47) in the Public Health Department at Grade 19, of the CSEA Salary Schedule effective April 23, 2015.

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

**RESOLUTION NO. 141-415**

**APPROVING AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND HEALTH RESEARCH, INC AND AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE PUBLIC HEALTH DEPARTMENT BUDGET**

RESOLVED, that this Legislature approves an agreement between Orleans County Health Department and Health Research, Inc. (HRI), 150 Broadway, Ste 560, Menands, NY 12204 to accelerate state and local public health preparedness planning and operational readiness for responding to Ebola Virus effective April 1, 2015 through September 30, 2016 contract cost is \$38,000. County cost \$0; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the 2015 Public Health Department budget as a result of the contract with Health Research, Inc. as follows:

<u>Revenue:</u>		
A4489	Bioterrorism Preparedness	\$ 38,000

Appropriations:

4010.220	Office Equipment	\$ 5,164
4010.250	Other Equipment	\$ 14,716
4010.411	Office Supplies	\$ 3,710
4010.460	Training & Education	\$ 2,040
4010.462	Travel - Mileage	\$ 400
4010.463	Travel – Other than Miles	\$ 200
4010.487	Environmental Health Supplies	\$ 5,991
4010.489	Nursing Supplies	\$ 5,779

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

**RESOLUTION NO. 142-415**

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

RESOLVED, that this Legislature does hereby approve the following agreements between the Health Department and the following agencies:

Orleans Community Health (MMH)-Lead Education 200 Ohio St, Medina, NY 14103 to provide lead poisoning education, information, sampling, and testing for the residents of Orleans County effective October 1, 2014 through September 30, 2015 at a contract amount of \$10,000. County cost \$0.

Oak Orchard Health a/k/a Oak Orchard Community Health-(Migrant Services) 300 West Ave, Brockport, NY 14420 to provide translation services and liaison between the Orleans County Health Department and the migrant population. Contract funded through NYS Migrant Grant and contract to run concurrent with the NYS contract from October 1, 2014 through September 30, 2015 at a contract amount of \$16,000. County cost \$0.

3D Delivery/dba Genesee Delivery, 58 Kingsbury Ave, Batavia, NY 14020 to provide delivery services for the Orleans County Health Department to the Erie County Public Health Lab for water and medical samples effective January 1, 2015 through December 31, 2015 at a contract rate of one dollar and sixty cents (\$1.60) per mile with reimbursement from State. County cost \$0.

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NYS Department of Health, Children with Special Health Care Needs: ESP Corning Tower —Rm 859, Albany, NY 12237 to provide funding for the operation of program services. The Health Department provides personnel, licenses, and facilities to provide the required services. This is to be disbursed at \$17,380 per year payable in 2015, 2016, and 2017 at a total three contract cost of \$52,140. County cost \$0.

NYS Department of Health/Migrant Health to provide funding for migrant health services, supplies, education & training effective October 1, 2014 through December 31, 2019 (in order to align with the start of the other state contracts) in the amount of \$60,204 per year at a total five year contract cost of \$301,024. County cost \$0.

Medical Group, 300 Meridian Centre Blvd, Rochester to allow for billing of public health nursing clinics effective for an initial term of three years effective May 1, 2015 through April 30, 2018 with the option to renew automatically for two additional one year terms through April 30, 2020. County cost \$0.

AMENDMENT – TERM OF CONTRACT Eric Harty, 6 Tanglewood Drive, Lancaster, NY 14086 for the provision of software creation and development for a graphic interface for already existing databases effective November 24, 2014 through December 31, 2015 at a cost not to exceed \$4,000 or more than 100 hours. Reimbursement from NYS Dept of Health Water and ATUPA Grants. County cost \$0.

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

#### **RESOLUTION NO. 143-415**

#### **APPROVING PROPOSAL FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION**

RESOLVED, that this Legislature hereby approves the proposal for household hazardous waste collection by Environmental Enterprises, Inc., 4650 Spring Grove Ave., Cincinnati, OH at the following waste unit costs, payment to be made from the Solid Waste Fund:

Aerosol Cans	\$ .75 per pound
Anti-Freeze	\$ .16 per pound
Chemicals (labpacks)	\$1.00 per pound
Corrosive Acids	\$1.00 per pound
Corrosive Bases	\$1.00 per pound
Fluorescent Tubes	\$ .75 per pound
Household Cleaners	\$1.00 per pound
Miscellaneous Chemicals (reactives)	\$2.95 per pound
Oil Base Paints (liquids)	\$ .20 per pound
Oil Base Paints & Varnishes (sludges)	\$ .19 per pound
Oil Filters	\$ .09 per pound
Organic Liquids	\$ .19 per pound
Oxidizers	\$1.00 per pound
Pesticides/Insecticides	\$1.05 per pound
Pesticides/Insecticide (dioxin precursors)	\$1.05 per pound
Poisons	\$1.00 per pound
Resins & Adhesives	\$ .35 per pound
Waste Oil	\$ .09 per pound

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

**RESOLUTION NO. 144-415**

**APPROVING HOUSEHOLD HAZARDOUS WASTE COLLECTION AGREEMENT**

WHEREAS, this Legislature desires to conduct a Household Hazardous Waste Collection on June 20, 2015 to provide County residents safe and convenient disposal of household hazardous wastes; and

WHEREAS, this Legislature approved a proposal for household hazardous waste collection at unit costs stipulated in Resolution No. 142-415; be it

RESOLVED, that upon the approval of the County Attorney, this Legislature approves an agreement with Environmental Enterprises, Inc., 4650 Spring Grove Ave, Cincinnati, OH for the 2015 Orleans County Household Hazardous Waste Collection Program.

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

**RESOLUTION NO. 145-415**

APPROVING APPOINTMENT TO THE COUNTY PLANNING BOARD

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

NAME & MAILING ADDRESS	REPRESENTS	EXPIRATION DATE
William Camann 14829 W Brighton Cliffe Dr. Kent, New York 14477	Town of Carlton (Alternate)	12-31-17

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

**RESOLUTION NO. 146-415**

APPROVING RENEWAL LEASE AGREEMENT BETWEEN ORLEANS COUNTY AND ROY W. AND SCOTT A. SALMON

WHEREAS, Resolution No. 158-410 approved a five year lease agreement with Roy W. and Scott A. Salmon to provide public access to Oak Orchard Creek; now be it

RESOLVED, that this Legislature approves the lease renewal agreement between Orleans County and Roy W. and Scott A. Salmon of 1701 Park Avenue, Waterport, NY 14571, for the County of Orleans to lease from the Salmons 15.8 acres along the Oak Orchard Creek to provide public access to Oak Orchard Creek and its banks for recreational fishing and boating, to preserve vegetative cover in a riparian buffer so as to protect water quality and riparian habitat and to provide sites for fishery and habitat management, research and educational programs effective August 22, 2015 through August 21, 2020 at a cost of \$60,000, to be paid in yearly installments of \$12,000; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the Lease Agreement and any other documents in order to effectuate the terms of the Lease.

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

**RESOLUTION NO. 147-415**

**AUTHORIZING PAYMENT OF TOURISM MATCHING FUNDS TO  
GREATER NIAGARA REGION**

WHEREAS, Resolution No. 368-1014 authorized application for, and receipt of, State I Love New York Matching Funds which, in part, are committed to regional tourism promotion; now be it

RESOLVED, that this Legislature hereby authorizes payment of \$42,040 to the Greater Niagara Region, 210 E. Main St., Batavia, NY 14020, to be paid from Tourism Account 6410.468 - I Love New York Matching Funds with said amount to be expended for regional tourism promotion programs which may include the following:

- 4-County Country Byways
- 2-County Genesee/Orleans Program
- 5-County Greater Niagara Region
- 8-County Peace Garden Trail
- Lake Ontario Sportfishing Promotion
- Canal New York Business Alliance
- 26-County Haunted History Trail

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

**RESOLUTION NO. 148-415**

**AUTHORIZING COMPUTERS TO BE ADDED TO THE DELL  
MASTER LEASE**

WHEREAS, this Legislature approved a Dell Master Lease # 810-6457612 by Resolution No. 72-212 between Orleans County and Dell Financial Services, PO Box 6547, Carol Stream, IL 60197-6547; now be it

RESOLVED, that the Orleans County Legislature authorizes 49 desktop computers and 2 laptops to be added to the Dell Master Lease as # 810-6457612-08 throughout the County effective May 9, 2015 through May 8, 2019, four (4) annual payments of \$8,708.09 with a \$1 buyout option at the end; and be it

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FURTHER RESOLVED, that the Chairman authorized to sign the lease agreement with Dell Financial Services subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 149-415**

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY SELF INSURANCE PLAN AND COVENTRY HEALTH CARE WORKERS COMPENSATION, INC

WHEREAS, the Orleans County Self Insurance Plan continuously reviews procedures to improve the quality of care to injured workers of the Plan's members; and

WHEREAS, the Orleans County Self Insurance Plan has determined that providing injured workers with a 24 hours a day, 7 days a week on-call registered nurse to respond to a claimant's telephone call to assist claimants in the decision making process regarding appropriate timing for receipt of a particular level of medical care appropriate to the injury or illness experienced by the claimant; now be it

RESOLVED, that this Legislature authorizes the agreement with Coventry Health Care Workers Compensation, Inc. for on-call registered nurse response for the Orleans County Self Insurance Plan claimants, effective June 1, 2015 through May 31, 2016 at a cost of \$85 per call with an option to an annual extension to a maximum of four (4) Renewal Terms which would end May 31, 2020 with an annual fee adjustment equal to the CPI (Consumer Price Index), to be billed monthly, which will be a direct expense to the Orleans County Self Insurance Plan.

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

Legislator Johnson moved to fill vacancy of the Deputy Clerk of the Legislator. She announced that Onnalee took a position of growth within the County and she will be missed; seconded by Legislator DeRoller. The following resolution was adopted:

**RESOLUTION NO. 150-415**

**AUTHORIZING FILLING VACANCY IN THE OFFICE OF THE  
CLERK OF THE LEGISLATURE**

WHEREAS, the Deputy Clerk of the Legislature will be taking another position within the County in the Department of Social Services; now, therefore be it

RESOLVED, that this Legislature authorizes the filling of the vacant full-time Deputy Clerk of the Legislature position (1040.3) in the office of the Clerk of the Legislature at a Grade 3 of the Management Compensation Plan effective upon the filling of the said vacant position in the Department of Social Services.

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

**RESOLUTION NO. 151-415**

**AUTHORIZING TREASURER TO SET UP FUNDS FROM RESERVE  
ACCOUNT TO CENTRAL REPAIR ACCOUNT**

WHEREAS, funds in the amount of \$29,395.28 from the 2014 Central Repair Account have been reverted to the County's Reserve Account; and

WHEREAS, said funds must be segregated and carried forward to meet state auditing requirements; be it

RESOLVED, that the County Treasurer is hereby authorized to set up funds from the reserve account in the amount of \$20,164.08 to Central Repair Account A1615.443 – Central Repairs to Office Equipment, and \$9,231.20 to Account A1615.453 – Central Repair Telephone & Communications.

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

**RESOLUTION NO. 152-415**

DESIGNATING DEPOSITORIES AND AMOUNTS ALLOWED

RESOLVED, that pursuant to Section 212 Subdivision 3 of the County Law, the following institutions be, and hereby are, designated as depositories of all monies received by the County Treasurer, and be it further

RESOLVED, that the maximum amount which may be on deposit at any time in each depository shall not exceed that listed below:

Five Star Bank	\$ 30,000,000
Bank of America	\$ 5,000,000
M & T Bank	\$ 10,000,000
JPMorgan Chase	\$ 5,000,000
First Niagara Bank	\$ 5,000,000
Bank of Castile	\$ 15,000,000
Citizens Bank	\$ 5,000,000

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

**RESOLUTION NO. 153-415**

APPROVING CLOSING-OUT OF NURSING HOME CAPITAL PROJECT

WHEREAS, all capital project work for the County Nursing Home has been completed, and the Nursing Home has been sold; and

WHEREAS, the Capital Project Nursing Home has an unspent balance of \$128,077.06, which is due to the Debt Service Fund per NY State Comptroller; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to close out this Capital Project and transfer the unspent balance of \$128,077.06 to the Debt Service Fund.

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

**RESOLUTION NO. 154-415**

APPROVING RENEWAL OF AGREEMENT BETWEEN COUNTY TREASURER AND EFP ROTENBERG, LLP FOR INDEPENDENT AUDIT

WHEREAS, it is the recommendation of the County Treasurer to renew the auditing contract with EFP Rotenberg, LLP for three extension years; and be it

RESOLVED, that this Legislature approves a three-year agreement between the County of Orleans and EFP Rotenberg, LLP, 280 Kenneth Dr., Ste 100, Rochester, NY 14623, to provide auditing services for the fiscal years 2014, 2015, and 2016 at a cost of \$30,750 per year, including the Department of Transportation audit, Sheriff and Jail audit, and all out of pocket costs. Cost of Audit will be billed to maximize reimbursement to Treasurer, Department of Social Services, Workforce Investment Act (WIA), and the Highway Department.

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

**RESOLUTION NO. 155-415**

DETERMINING TAX MAP PARCEL NO. 42.-1-45 IN THE TOWN OF KENDALL SHOULD BE RESTORED TO THE TAXABLE PORTION OF THE ASSESSMENT ROLL AND AUTHORIZING THE ENFORCING OFFICER TO PERMIT CANCELLATION OF INTEREST AND PENALTIES

WHEREAS, Legislature Resolution No. 130-389 removed Tax Map Parcel No. 42.-1-45 from an In Rem Proceeding; and

WHEREAS, Legislature Resolution No. 63-201 withdrew Tax Map Parcel No. 42.-1-45 from an In Rem Proceeding pursuant to RPTL § 1138(1)(d) and directed the County Treasurer as enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, RPTL § 1138(6)(d) provides that a parcel shall remain exempt until the governing body determines that the parcel should be restored to the taxable position of the assessment roll, and the enforcing officer files a certificate of restoration; and

WHEREAS, Tax Map Parcel No. 42.-1-45, formerly known as the Kendall Landfill, is a parcel with no road frontage served by 30 foot right of way or ingress and egress which was listed on the DEC registry because there was some concern that there was hazardous waste there; and

WHEREAS, Dennis Bauer and Barbara Bauer, owners of Tax Map Parcel No. 42-1-43.1 which adjoins Tax Map Parcel No. 42.-1-45 on its northerly boundary, have conducted their independent due diligence with respect to the environmental condition of Tax Map No. 42.-1-45 and are now desirous of acquiring title to Tax Map Parcel No. 42.-1-45 from the current owners, Donald Bauch and Lynn Bauch; and

WHEREAS, Dennis Bauer and Barbara Bauer have requested the County of Orleans restore Tax Map Parcel No. 42.-1-45 to the taxable portion of the assessment roll and in consideration thereof, the Bauer's will pay the principal amount of taxes due on the said parcel; and

WHEREAS, the County of Orleans, its officers and employees, have made no representations or warranties with respect to the environmental condition of Tax Map Parcel No. 42.-1-45 and that the Bauer's have had full and ample opportunity to conduct their own independent due diligence and investigation of Tax Map Parcel No. 42.-1-45; and

WHEREAS, it appears that there is no practical method to collect the unpaid interest and penalties accrued to Tax Map Parcel No. 42.-1-45 and that it is in the best interests of the County of Orleans to cancel same upon payment in full of the principal amount of the taxes due on the said parcel; now, therefore be it

RESOLVED, upon the payment by Dennis Bauer and Barbara Bauer of the principal amount of the taxes due, pursuant to RPTL § 1138(6)(d), this Legislature hereby determines that Tax Map Parcel No. 42.-1-45 shall be restored to the taxable portion of the assessment roll upon the filing of a certificate of restoration by the County Treasurer as enforcing officer; and be it

FURTHER RESOLVED, that there being no practical method to collect the unpaid interest and penalties, and it being in the best interests of the tax district, this Legislature hereby authorizes the County Treasurer as enforcing officer to permit the cancellation in whole of any interest, penalties, or other charges imposed on Tax Map Parcel No. 42.-1-45.

Moved, Johnson; second, Allport.

Adopted. 6 ayes; 0 nays; 0 absent. Legislator DeRoller recused himself from deliberations and vote.

**RESOLUTION NO. 156-415**

**AUTHORIZING CONTINUATION OF 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 \$36,537 effective July 1, 2015 through June 30, 2016; and be it

FURTHER RESOLVED, that this Legislature approves the following appointments to the Alternatives to Incarceration Board, term expiring June 30, 2016

<b>NAME</b>	<b>REPRESENTATION</b>
James P. Punch	Supreme Court Judge
David B. Callard	Chairman of Legislature
Joseph Cardone	District Attorney
Sanford Church	Public Defender
Dawn Keppler	Magistrates
Lucille Welch	Probation Director
Scott D. Hess	Sheriff
Kenneth DeRoller	Legislator
Thomas Drennan	Chief Deputy/ATI Coordinator
Bonnie Ruhlen	Crime Victim
Mark O'Brien	Director of Community Services
Kathy Hodgins	GCASA
Charles Nesbitt, Jr	Chief Administrative Officer

Moved, DeRoller; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 157-415**

**APPROVING AGREEMENT BETWEEN PROBATION DEPARTMENT  
AND AUTOMON CORPORATION**

RESOLVED, that this Legislature approves an agreement between Probation Department and Automon Corporation, 10450 N. 74<sup>th</sup> St, Scottsdale, AZ 85258, for a maintenance contract to maintain the Probation Case Management System (Caseload Explorer) for the term of June 21, 2015 through June 20, 2016 at a cost of \$6,862.19.

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

**RESOLUTION NO. 158-415**

**APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY  
DISTRICT ATTORNEY AND JOAN WEET**

RESOLVED, that this Legislature approves an agreement between the District Attorney and Joan H. Weet, 9772 Mountain Rd, Middleport, NY 14105, to provide Court Stenography services for the Orleans County for Justice Court appearances, hearings and trial effective January 1, 2014 through December 31, 2018 at a contract amount of \$100 per appearance for hearings or other special court appearances and printed transcripts for Justice Court cases shall be provided at the request of the District Attorney's Office at a cost of \$3.50 per page. County cost 100%.

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

**RESOLUTION NO. 159-415**

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

WHEREAS, new funding opportunities have become available in the amount of \$105,000 to continue participation in the State Homeland Security Program grant cycle (SHSP/LETTP) for FY2015; now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant SH15-1040-D00; contract #C972450 in the amount of \$78,750 for the Emergency Management Office to use towards planning, equipment purchase, training, exercises and management to support core capabilities as allowed under FY2015 SHSP allocation effective September 1, 2015 through August 31,2018; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant LE15-1009-D00; contract #T972452 in the amount of \$26,250 for the Sheriff's Office to use towards law enforcement terrorism prevention activities under FY2015 SLETPP allocation effective September 1, 2015 through August 31, 2018.

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

**RESOLUTION NO. 160-415**

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

RESOLVED, that this Legislature authorizes the filling of the following vacancies in the Sheriff's Office/Jail:

Full-time Deputy Sheriff (3110.20), grade 1 of the Orleans County Deputy Sheriff's contract (OCDSA), effective April 27, 2015

Full-time Deputy Sheriff (3110.30), grade 1 of the Orleans County Deputy Sheriff's contract (OCDSA), effective April 23, 2015

Part-time Correction Officer (3150.24) at the Jail at an hourly rate of \$13.92, effective April 23, 2015.

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

Legislator Johnson moved to urge state representatives to amend the NYS Electronic Equipment Recycling and Reuse Act. She explained that the original equipment manufacturers were to take back a percentage of what they sell in New York State. Each year that percentage is met at an earlier time in the year. She shared the example in that in 2012 they met their quota in October, in 2013 in September, and in 2014 it was in June. At that

point they stopped paying for the collection and placing that cost burden on the towns. We are asking the State DEC to have these equipment manufacturers collect this electronic recycling waste year round. That is what NORA is trying to accomplish. Legislator DeRoller seconded the motion. The following resolution was adopted:

**RESOLUTION NO. 161-415**

**URGING STATE REPRESENTATIVES TO AMEND THE NEW YORK STATE ELECTRONIC EQUIPMENT RECYCLING AND REUSE ACT**

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) was to assist local governments with managing the fast growing end-of-life electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

WHEREAS, the Act has succeeded in significantly increasing electronics recovery and recycling in the state, but unfortunately the collection infrastructure is rapidly shrinking as governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

WHEREAS, the consequence, specifically following the January 2015 Disposal Ban, is significant as a growing number of municipalities such as Orleans County are faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

WHEREAS, the Act requires, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, once manufacturers meet their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their programs, thus shifting management costs to unsuspecting and cash strapped local governments; and

WHEREAS, the issue is exasperated by the fact that electronics currently sold today are much lighter than the obsolete CRT devices that make up about 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage. As a result, many local governments across the state have grappled with the burden to fund or cease e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; now be it

RESOLVED, that the Orleans County Legislature does hereby call upon Governor Cuomo, the New York State Assembly, the New York State Senate, and the State Department of Environmental Conservation to improve the current law intended to build toward the long-term goals of creating a more stable and comprehensive, manufacturer implemented electronics recycling infrastructure by implementing actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of the Proposed Statutory Changes to the Act to provide for year round, no-cost collection of electronics, consistent with convenience standards for both rural and urban populations—that help alleviate the immediate financial pressures faced by local governments; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Cuomo, Environmental Conservation Committee Chairman Thomas O'Mara, State Senator Robert G. Ort, Assemblyman Hawley, Assemblywoman Corwin, NYSAC, InterCounty Association, and all others deemed necessary and proper.

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

#### **RESOLUTION NO. 162-415**

#### **AUTHORIZING PAYMENT OF CLAIMS FOR MAY AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

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RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for May 13, 2015:

Fund/Department	Check Number (s):	Amount:
General	12170-12362	\$678,082.64
Highway	529-536; 1296-1329	\$196,289.82
Nursing Home	27714-27718	\$48,248.51
Job Development	1777-1778	\$12,821.79
Self Insurance	1086; 55176, 55233-55235	\$22,266.97

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for May 27, 2015:

Fund/Department	Check Number (s):	Amount:
General	12378-12479	\$341,657.96
Highway	537-540; 1330-1346	\$56,927.43
Nursing Home	27719-27720	\$20,333.99
Job Development	1779-1792	\$14,097.82
Self Insurance	1087-1088; 55287-55290	\$8,400.04

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

Legislator Johnson tabled the resolution REQUESTING THE ENACTMENT OF A SPECIAL LAW AUTHORIZING AND EMPOWERING THE COUNTY OF ORLEANS TO EXTEND THE EXPIRATION OF THE IMPOSITION OF AN ADDITIONAL 1% SALES AND COMPENSATING USE TAX due to the Assembly Bill has yet to be assigned and this resolution needs to be passed after that bill number is assigned to make our resolution valid. The Clerk of the Legislature would like to move this forward as soon as we get a bill

number so we can prepare Home Rule documents and get it on the floor for approval or at least filed before they go on spring recess.

**RESOLUTION NO. 163-415**

**NORA INITIATIVE IN SUPPORTING CONGRESSMEN COLLINS  
FIGHT AGAINST IJC PLAN 2014**

WHEREAS, In June of last year, the International Joint Commission introduced Lake Ontario St. Lawrence River Plan (Plan 2014); and

WHEREAS, the U.S. Department of State is currently conducting and inter-agency review of Plan 2014, seeking information specifically from the Environmental Protection Agency, the Army Corps of Engineers and the Department of Transportation; and

WHEREAS, Plan 2014 will have a devastating impact on the communities along the Lake's southern shoreline. The Plan will increase the frequency of raising and lowering the water levels in Lake Ontario. The fluctuation in water levels will result in increased erosion damage to the shoreline, including the properties of businesses and homeowners; and

WHEREAS, Plan 2014 would also raise the current water maximum by 2.4 inches and will increase the annual cost of shoreline maintenance and protections by 13 percent. The plan offers no means of compensation to the stakeholders who will be negatively impacted by this man made property damage; and

WHEREAS, the IJC received over 5,000 letters from organizations and constituents opposing the plan, yet the IJC has done nothing to address the negative impacts that increasing frequency of water level fluctuation will have on these communities; and

WHEREAS, the Plan spans six counties in Upstate New York and would cause damage to land assessed at nearly four billion dollars; and

WHEREAS, U.S. Representatives Chris Collins (NY-27) and John Katko (NY-24) jointly sent a letter to the House Committee on Appropriations Subcommittee on State, Foreign, Operations and Related Programs requesting language be included in the House Budget preventing any use of federal funding to implement IJC Plan 2014; now be it

RESOLVED, that the Orleans County Legislature supports NORA's initiative in supporting Congressman Collins fight to eliminate the IJC's ability to implement Plan 2014 which will provide certainty to the communities who have seen repeated efforts by the IJC to disrupt the current shoreline protections; and now be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to the International Joint Commission, the New York Department of State, the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation, U.S. Secretary of State John Kerry, U.S. Senator Charles E. Schumer, U.S. Senator Kirsten E. Gillibrand, U.S. Congressman Chris Collins, Governor Andrew M. Cuomo, Senator Robert Ortt, Assemblyman John D. Ceretto, Assemblyman Steve Hawley, Assemblywoman Jane Corwin, Senate Environmental Conservation Committee Chairman Thomas O'Mara, Assembly Environmental Conservation Committee Chairman Steven Englebright, EPA Region II Administrator Judith Enck, Orleans County Legislature Chairman David Callard, Niagara County Legislature Chairman William L. Ross, NYSAC, InterCounty of Western NY, Towns in Orleans County, and all others deemed necessary and proper.

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

Chairman Callard requested comments from the Legislators. Legislator Eick reported on attending the Peace Garden ceremony last Friday on Routes 104 and 98. Legislator Johnson and he were impressed to see nearly 250 Santa Clauses during their convention. It was a wonderful event held in Orleans County.

Chairman Callard asked from comments from the floor. Allen Lofthouse, Kendall, inquired on what Park Strategies has produced for the County and if they have been paid since approval at the last meeting. Chairman Callard reported that we have not paid anything to them to date. A strategy meeting was held with our Park Strategies representative. At that meeting a plan was outlined for action items that are intended to be presented to Department Heads in New York State and also an intent to meet with the Lieutenant Governor. Other counties have been doing this as a normal course of business. We are beginning the process now here in our county. One of the highlights would be our interaction with the Department of Transportation. A plan is being put together on our bridges and how we

could collaborate together with the state. This will plant the seed with collaboration and hopeful we can reach an accord. If the state reduces bridge weights during the winter months, it will prevent us from plowing them. This is one example to positively approach our issues of concern. Chairman Callard announced that a delegation from here will be traveling to Albany before the session ends in June. In conjunction with one of our bullet points, is our Broadband plan, Legislator Johnson and Niagara County Legislator Godfrey will also be speaking before a Broadband summit representing both of our counties in putting us in the forefront of this. We are also working on a grant pertaining to the enhancement of our radio system. In the schools we realize that we may not have coverage inside our buildings. This could also include our BOCES and our local hospital. Our lobbyists are helping in this grant opportunity. We are doing a better job in planning ahead and we need to do this face to face with our elected representatives and their peers and State Department Heads. Chairman Callard expresses that he is hopeful in seeing very positive results in this process.

Mr. Lofthouse also thanked the Legislators for the Gold Star Mothers Proclamation because his grandmother was a Gold Star Mother.

Legislator Johnson also requested that the Clerk of the Legislature also forward the E-waste resolution to our Towns in Orleans County.

With no further business, Legislator DeRoller moved to adjourn; second by Legislator Allport. Meeting adjourned at 5:30 p.m.

**SPECIAL LEGISLATURE MEETING**

May 13, 2015

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Chairman Callard called the special meeting to order at 1:03 PM. After the pledge to the flag, the Clerk called the roll. All Legislators were present, with the exception of Legislators Allport, Eick, and Johnson.

Legislator Miller moved to add two resolutions to the agenda; second by Legislator DeRoller. Motion carried. The following resolutions were presented for adoption.

**RESOLUTION NO. 164-515**

**AUTHORIZING THE MODIFICATION OF RESOLUTION NO. 55-215  
FOR THE PLANNING AND DEVELOPMENT DEPARTMENT**

WHEREAS, Resolution 55-215 authorized the filling of a vacant full time Senior Planner position in the Planning and Development Department, and

RESOLVED, that this Legislature authorizes the abolishing of this vacant full time Senior Planner position (8020.02) in the Planning and Development Department, Grade 22 in the CSEA Salary Schedule effective May 20, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a permanent full time Planner position (8020.02) in the Planning and Development Department, Grade 20 in the CSEA Salary Schedule effective May 21, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of a permanent full time Planner position (8020.02) in the Planning and Development Department, Grade 20 in the CSEA Salary Schedule effective May 21, 2015.

Moved, DeFilipps; second, DeRoller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

**RESOLUTION NO. 165-515**

**AUTHORIZING THE MODIFICATION OF RESOLUTION NO. 150-415  
FOR THE OFFICE OF THE CLERK OF THE LEGISLATURE**

WHEREAS, Resolution No. 150-415 authorized filling vacancy of the Deputy Clerk in the Office of the Clerk of the Legislature; now be it

RESOLVED, that this Legislature authorizes filling the vacant Deputy Clerk of the Legislature position at Grade 3, Step 5 of the Management Salary Plan effective May 18, 2015.

Moved, DeFilippis; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

**RESOLUTION NO. 166-515**

**AUTHORIZING ABOLISHING, CREATING, AND FILLING  
POSITIONS IN THE JOB DEVELOPMENT AGENCY**

RESOLVED, that this Legislature authorizes the abolishment of a full-time Account Clerk Typist position effective May 18, 2015 in the Job Development Agency and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full time Senior Account Clerk Typist position in the Job Development Agency, at grade 10 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant position in the Job Development Agency effective May 18, 2015.

Moved, Miller; second, DeFilippis.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

**RESOLUTION NO. 167-515**

**APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE  
AND ERNST'S LAKE BREEZE MARINA**

RESOLVED, that this Legislature does hereby approve an agreement between the Orleans County Sheriff's Office and Ernst's Lake Breeze Marina, 990 Point Breeze Road, Kent, New York, for the pre-

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purchase of gasoline in the amount of \$5,000, for use by the navigation patrol, to be paid from FY2011 and FY2012 Operation Stonegarden Grant Funds.

Moved, DeRoller; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

### **RESOLUTION NO. 168-515**

AMENDING RESOLUTION NO. 306-814 REGARDING PURCHASE OF A MARINE PATROL VESSEL FOR THE SHERIFF MARINE PATROL

WHEREAS, Resolution No. 306-814 authorized the purchase of a Marine Patrol Vessel and to obtain funding through Municipal Leasing Consultants; now be it

RESOLVED, that this Legislature amends Resolution No. 306-814 to purchase a 27' Walk Around Cabin Marine Vessel from SAFE Boats International and authorizes the total payment of \$233,984.47 (invoice 004695) - an increase as a result of Change Order #1 which includes the purchase and installation of the FLIR Thermal Imaging Camera as authorized in Resolution No. 412-1214 at the cost of \$14,826.36; and Change Order #2 for the purchase and installation of an Alpine Radio and Harris Mobile Radio at the cost of \$1,489.90; and be it

FURTHER RESOLVED, that this Legislature amends Resolution No. 306-814 to change the leasing provider to First Niagara Leasing Inc, 726 Exchange Street, Ste 900, Buffalo, NY 14210 to be paid by annual payments of \$17,765.29, including, interest through 2021 with a total lease amount of \$115,000; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute a lease agreement with Niagara Leasing Inc.

Moved, DeRoller; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

Legislator DeRoller moved to set up funds to pay for the new Sheriff's boat; second by Legislator Miller. Chief Administrative Officer Chuck Nesbitt noted that the county will save \$2,077.22 if payment is sent to

SAFE Boat International as soon as possible that is why this was presented for adoption today. The following resolution was adopted:

**RESOLUTION NO. 169-515**

**AUTHORIZING THE TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET FOR THE PURCHASE OF THE MARINE PATROL VESSEL AND ACCESSORIES**

RESOLVED, that this Legislature authorizes the Treasurer to set up Homeland Security Operation Stonegarden grant and SLETPP grant funds to be used towards the purchase of the Marine Patrol Vessel, the FLIR Thermal Imaging Camera; and the Alpine and Harris Radios as authorized in Resolution No. 412-1214 as follows:

Revenue:

A4308.7411	Homeland Security/Operation Stonegarden FY2011	\$14,526.46
A4308.5313	Homeland Security/SLETPP (LE 13)	\$20,236.14
A4308.5314	Homeland Security /SLETPP (LE 14)	\$19,395.51
A4308.7414	Homeland Security/Operation Stonegarden FY2014 (FLIR)	\$14,826.36
A3808	NYS Parks and Recreation (Boat)	\$50,000.00

Appropriations:

A3110.486.7411	Special Grants/SG11-1000-D02	\$14,526.46
A3110.486.5313	Special Grants/LE13-1036-D01	\$20,236.14
A3110.486.5314	Special Grants/LE14-1035-D01	\$19,395.51
A3110.486.7414	Special Grants/SG14-1002-D00 (FLIR)	\$14,826.36
A3110.486	Special Grants	\$50,000.00

Moved, DeRoller; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

**RESOLUTION NO. 170-515**

**APPROVING EXTENSION OF FY12 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT**

WHEREAS, Resolution No. 212-613 approved the acceptance of funding in the amount of \$2,000,000 for the FY12 Statewide Interoperable Communications Grant (SI12-1016-D00) effective February 4, 2013

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through February 3, 2014 and Resolution No. 55-214 extended it through February 3, 2015; now be it

RESOLVED, that this Legislature approves the extension of this grant through February 3, 2016; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to e-sign all related documents associated with the extension of this grant (SI12-1016-D02).

Moved, DeRoller; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

The following add on resolutions were presented:

Legislator Miller moved to approve purchase of a new 2014 International Dump Truck for the Highway Department; second by Legislator DeFilipps. CAO Nesbitt reported that this would be a \$9,600 budget savings with going with a 2014 model. The following resolution was adopted:

**RESOLUTION NO. 171-515**

**AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE A NEW 2014 INTERNATIONAL DUMP TRUCK**

RESOLVED, that this Legislature authorizes the Highway Department to purchase (1) 2014 International Dump Truck, Model #4300 SBA 4X2 (MA025) from Navistar Inc., 399 Shaker Road, Suite 202, Loudonville, NY 12211 for \$82,331 to be purchased off the Onondaga County Contract #7823; to be paid from account #DM5130.270. County cost \$0

Moved, Miller; second, DeFilipps.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

Legislator DeRoller moved to approve the five year agreement with CSEA, second by Legislator Miller. Chuck Nesbitt reported that with the approval of this contract the county could see a minimum savings of \$75,000 and could be more with the current 0% raise. The following resolution was adopted:

**RESOLUTION NO. 172-515**

**APPROVING FIVE-YEAR AGREEMENT WITH CSEA**

RESOLVED, that this Legislature approves an agreement with the Civil Service Employees Association, agreement covering a five-year period beginning January 1, 2015 and ending December 31, 2019, including the following provisions:

Provides for salary increases of 0% in 2015; 2% in 2016; 2% in 2017; 2% in 2018; 2% in 2019.

Includes health insurance benefit reductions including: increased cost sharing and increased deductibles.

FURTHER RESOLVED, this Legislature approves modification of the Management Compensation Plan to reflect changes to the dates of summer hours to reflect those contained in the CSEA Agreement.

Moved, DeRoller; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

Legislator DeRoller moved and Legislator Miller seconded the motion to remove the resolution concerning empowering Orleans County to extend the expiration of the imposition of an additional 1% sale and compensating use tax off the table for consideration for adoption. Motion Carried. The following resolution was adopted:

**RESOLUTION NO. 173-515**

**REQUESTING THE ENACTMENT OF A SPECIAL LAW AUTHORIZING AND EMPOWERING THE COUNTY OF ORLEANS TO EXTEND THE EXPIRATION OF THE IMPOSITION OF AN ADDITIONAL 1% SALES AND COMPENSATING USE TAX**

WHEREAS, the enactment of a special law amending the tax law in relation to extending the expiration of the provisions authorizing the County of Orleans to impose an additional 1% sales and compensating use tax is in the best interests of the County of Orleans; be it

RESOLVED, that pursuant to Article IX of the Constitution, the County of Orleans requests the enactment of Senate Bill S.4696, sponsored by Senator Ortt, and Assembly Bill A.7071, sponsored by Assemblyman

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Hawley entitled “An Act to amend the tax law in relation to extending the expiration of the provisions authorizing the County of Orleans to impose an additional one percent sales and compensating use tax”; said bills to extend the sales tax increase through November 30, 2017.

Moved, DeRoller; second, Miller.

Adopted. 4 ayes; 0 nays; 3 absent – Allport, Eick, and Johnson.

With there being no further business, Legislator DeFilipps moved to adjourn; second by Legislator Miller. Meeting adjourned at 1:12 p.m.

**SPECIAL LEGISLATURE MEETING**

May 19, 2015

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Chairman Callard called the special meeting to order at 1:02 PM. After the pledge to the flag, the Clerk called the roll. All Legislators were present.

The following resolutions were presented for adoption:

**RESOLUTION NO. 174-515**

RESCINDING RESOLUTION NO. 173-515 CONCERNING THE SPECIAL LAW TO EXTEND THE EXPIRATION OF THE ADDITIONAL 1% SALES AND COMPENSATING USE TAX

RESOLVED, that this Legislature rescinds Resolution No. 173-515 concerning the Special Law to Extend the Expiration of the Additional 1% Sales and Compensating Use Tax as a result that it did not meet the required two-thirds vote of our Legislative membership.

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

**RESOLUTION NO. 175-515**

REQUESTING THE ENACTMENT OF A SPECIAL LAW AUTHORIZING AND EMPOWERING THE COUNTY OF ORLEANS TO EXTEND THE EXPIRATION OF THE IMPOSITION OF AN ADDITIONAL 1% SALES AND COMPENSATING USE TAX

WHEREAS, the enactment of a special law amending the tax law in relation to extending the expiration of the provisions authorizing the County of Orleans to impose an additional 1% sales and compensating use tax is in the best interests of the County of Orleans; be it

RESOLVED, that pursuant to Article IX of the Constitution, the County of Orleans requests the enactment of Senate Bill S.4696, sponsored by Senator Ortt, and Assembly Bill A.7071, sponsored by Assemblyman Hawley entitled "An Act to amend the tax law in relation to extending the expiration of the provisions authorizing the County of Orleans to impose an additional one percent sales and compensating use tax"; said bills to extend the sales tax increase through November 30, 2017.

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

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With there being no further business, Legislator Eick moved to adjourn; second by Legislator Allport. Meeting adjourned at 2:04 p.m.

**LEGISLATURE MEETING**

May 27, 2015

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

The Clerk presented the following communications:

Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Gaines T/Ridgeway T/Shelby	Support of Orleans County Legislature Resolution No. 107-315 Opposing New State's Plan to Close Skill Development Centers and Work Centers
T/Gaines T/Ridgeway T/Shelby	Support of Orleans County Legislature Resolution No. 120-315 The New York State County Highway Superintendent's Association's Identified Need to Immediately Fund Highway and Bridge Funding
T/Gaines T/Ridgeway	Support of Orleans County Legislature Resolution No. 108-315 Opposing Part W of Governor's Proposed 2015 Budget Concerning Local Industrial Development Agencies
T/Albion T/Gaines T/Ridgeway	Support of Orleans County Legislature Resolution No. 98-315 Petitioning Governor Cuomo and the State Legislature to Delay Proposed Legislation which would move the Star Exemption from a Real Property Tax Exemption to Personal Income Tax Credit
T/Carlton	NORA Initiative in Supporting Congressmen Collins Fight Against IJC Plan 2014
V/Medina	Requesting Legislature to modify sales tax distribution to Villages
V/Albion	Urging State Representatives to Amend the New York State Electronic Equipment Recycling and Reuse Act

Community Action of Orleans and Genesee is requesting use of the Courthouse lawn to place a banner from June 15, 2015 to June 26, 2015 in celebration of their 50<sup>th</sup> Anniversary. The Board approved this request. The Annual Financial Report Update Document for the County of Orleans for the Fiscal Year ending December 31, 2014 has been filed by the Orleans County Treasurer. Jack Welch, Director of Personnel and Self Insurance, has filed six resolutions with the New York State Civil Service Commission to update the Orleans County Civil Service Rules. As of this date, the Commission has approved two resolutions which now have been incorporated within our Orleans County Civil Service Rules and have been filed in the office of the Clerk of the Legislature. These include adding Medical Director to Appendix B – Non Competative Class and updating the Probationary Term under Rule XIV. Land Use Training for Municipal Officials will be presented by Orleans County Department of Planning and

*May 27, 2015  
Resolutions 176-204*

Development and Niagara County Department of Economic Development on Wednesday, June 17, 2015 at the Hoag Library from 5 p.m. – 9:30 p.m. In-service credit will be given

Legislator Johnson presented a special recognition certificate to Iroquois Job Corps celebrating the 50<sup>th</sup> Anniversary of Job Corps. Melinda Maedel, Business and Community Liaison from the Iroquois Job Corps Center in Medina along with students Ibrihim Abdul-Aleem and Keyanna Mitchell accepted the recognition.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through April of 2015. Treasurer Heard said that she will get the report to them sooner. In April the Tobacco funds were received. Sales tax cash is up \$220,000 over last year's numbers.

Chairman Callard asked for comments from the Legislators. Legislator Allport updated the board on a resolution previously adopted concerning the center based employment centers. He indicated that representatives from the ARC of Orleans were sent to Albany to meet with OPWDD about the center based employment centers so the conversations have been started in the right place. Chairman Callard also stated that the Inter County Association was interested in the information that was given at their meeting.

Legislator Johnson shared a letter to the board from the Terry Woodworth, Superintendent of Public Works for the Village of Lyndonville. Mr. Woodworth shared his appreciation for several county employees for the job that they performed. He mentioned Michael Cliff, Deputy Superintendent of Orleans County Highway Department, for saving tax dollars by providing equipment or direction. Sid Lovell, Orleans County Work Experience Crew Leader, was also commended for his work on baseball fields to bring them back into playing condition for opening day for the Lyndonville Baseball League. Mr. Woodworth concluded that both of these gentlemen have a servant's heart and should be commended for what they have done for the Village of Lyndonville.

Chairman Callard recognized Onnalee O'Connor, who was hired as the Deputy Clerk of the Legislature in December of 2010. She is moving on and was hired as the Assistant Director of Administrative Services at the Department of Social Services. The Board wished her the best in her new position. Chairman Callard introduced Lisa Stenshorn as the New Deputy Clerk of the Legislature.

Chairman Callard announced that this month marks the 10th anniversary of service of our Chief Administrative Officer, Chuck Nesbitt. Previous to that he worked for the Empire State Development of Finger Lakes Regional Office. Besides administrative responsibilities, Chuck also assumes oversight of the budget, records management, and risk management.

During this tenure he has become designated Credential Manager from the ICMA, the International City/County Management Association. At that time he was one of only 20 from New York State. He is currently President of the New York State Association of County Administrators and Managers, Chairman of the Standing Committee on Taxation and Finance for the New York State Association of Counties, and Chairman of the Board of Trustees for the Healthcare Alliance of Western New York. Chuck also graduated from the Dennis A. Pelletier County Government Institute and is now accepted to begin his Masters of Public Administration from Valdosta State.

Chairman Callard expressed that significant to his credit is the upgrading of the radio system, implementation of the energy project, and the beginnings of an \$8 million infrastructure to replace six bridges, six culverts, two new pole barns, replacing roofs on the County Administration Building and the Public Safety Building, and a generator for the Mental Health Building.

He has endorsed short term and long term strategic planning in the county and helped in placing Orleans County's naming of the fourth best run county in the New York State Bar Association's study of New York State. Nesbitt is now giving great emphasis to shared services cooperation and service delivery innovation within across county lines.

“With twenty five years yet to go — who knows”, stated Chairman Callard. The Board congratulated Chuck Nesbitt for his ten years of service to Orleans County.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Town of Yates, questioned Resolution No. 180 as to why Highway Department staff could not install these air conditioners in their Department. Superintendent Gray stated that they do not have trained staff or equipment to get them in place and maintain them. Our Highway or Buildings and Grounds employees do not have HVAC training. Mr. Lauricella questioned Resolution No. 199 as to why these two were bundled together. Explanation led into the importance of both programs in protecting our children and safety of officers. We are continuing

participation with these programs based on the grant dollars already awarded to Orleans County.

Mr. Lauricella inquired about Resolution No. 201 and what these Operation Stonegarden funds are used for. Legislator Allport explained that Orleans County qualifies for this grant money because we need to patrol the shores of Lake Ontario which we have international borders to oversee. Mr. Allport also explained in depth of each grant funded year.

Mr. Lauricella also inquired about Resolution No. 188 regarding the creation of three positions in the Social Services Department. Mr. Nesbitt indicated that we are filling vacant positions due to retirement and resignations. Mr. Allport stated our Department of Social Services has done a tremendous job in making sure staffing numbers are for essential jobs or those that are required by the government rules. Mr. Lauricella finally questioned a previously held special meeting on May 19<sup>th</sup> concerning the sales tax extender. This special meeting was held to get the required 2/3 votes that we did not get initially on May 13<sup>th</sup>. There was no dissension on any of the votes pertaining to this issue.

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

**RESOLUTION NO. 176-515**

**APPROVING AGREEMENT WITH THE HIGHWAY DEPARTMENT  
AND BARTON AND LOGUIDICE**

RESOLVED, that this Legislature does hereby approve an agreement with the Highway Department and Barton and Loguidice, 290 Elwood Davis Rd, Syracuse, NY 14614 to perform Engineering Services for the East Scott Road Bridge over Fish Creek in the Town of Ridgeway; and be it

FURTHER RESOLVED, this agreement is effective as soon as County gives notice to proceed through December 31, 2016. Barton and Loguidice Project ID #780499, File #703.3013 Bin #3318920, at a cost not to exceed \$49,600 to be paid from Capital Project Account H-5120.250 – Bridge Replacement Program.

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

**RESOLUTION NO. 177-515**

APPROVING AGREEMENT BETWEEN THE HIGHWAY  
DEPARTMENT AND KEELER CONSTRUCTION

RESOLVED, this Legislature accepts the low bid submitted by Keeler Construction and authorizes the Chairman to execute an agreement with Keeler Construction, 13519 West Lee Rd, Albion, NY 14411 for the Replacement of Knowlesville Road Culverts over Oak Orchard Creek Tributary Project #2150153 at a bid cost of \$430,199; to be paid out of the Capital Infrastructure Project account #H-5120.250 – Bridge Replacement Program; and be it

FURTHER RESOLVED, that this Legislature authorizes to execute said agreement which will be effective as soon as County gives notice to proceed and is subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 178-515**

APPROVING AGREEMENT BETWEEN THE HIGHWAY  
DEPARTMENT AND REDMAN CONSTRUCTION

RESOLVED, this Legislature accepts the low bid submitted by Redman Construction and authorizes the Chairman to execute an agreement with Redman Construction, 6565 Redman Rd, Brockport, NY 14420 for the Replacement of Oak Orchard Road Bridge over Manning Muckland Creek Project #2150155 at a bid cost of \$322,935; to be paid out of the Capital Infrastructure Project account #H-5120.250 – Bridge Replacement Program; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute said agreement which will be effective as soon as County gives notice to proceed and is subject to review and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 179-515**

APPROVING AGREEMENT BETWEEN THE HIGHWAY DEPARTMENT AND C.P. WARD INC, GENERAL CONTRACTOR

RESOLVED, this Legislature accepts the low bid submitted by C.P. Ward Inc., General Contractor and authorizes the Chairman to execute an agreement with C.P. Ward Inc., General Contractor, 100 West River Road, P O Box 900, Scottsville, NY 14546 for the Replacement of Waterport Carlton Road Bridge over Beardsly Creek Project #2150154 at a bid cost of \$486,606.50; to be paid out of the Capital Infrastructure Project account #H-5120.250 – Bridge Replacement Program; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute said agreement which will be effective as soon as County gives notice to proceed and is subject to review and approval of the County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 180-515**

APPROVING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND M&T HEATING

RESOLVED, that this Legislature approves the agreement between the Highway Department and M&T Heating, 2777 Brown Rd, Albion, New York 14411 to provide materials and installation of (3) new air conditioners at the Highway Department. County cost is \$6,500; to be paid out of the DM5130.445 and DM5130.444 accounts. Agreement effective as soon as County gives notice to proceed.

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

**RESOLUTION NO. 181-515**

AUTHORIZING EMERGENCY REPAIR PAYMENT FROM HIGHWAY BUDGET

RESOLVED, that this Legislature approves an emergency repair payment to Southworth-Milton, Inc., P.O. Box 3851, Boston, MA 02241-

3851 for the repair of the 2007 Hurricane Chipper at a total cost of \$7,207.05 to be paid from the Highway Budget account #DM5130.444.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 182-515**

**AUTHORIZING FILLING OF VACANCY IN THE HIGHWAY DEPARTMENT**

RESOLVED, as a result of a retirement, this Legislature authorizes the filling of a vacant full-time Motor Equipment Operator Lead-Person position (5110.10) at Grade H4 of the CSEA Salary Schedule effective June 1, 2015; and be it

FURTHER RESOLVED, that should this position be filled with an existing Highway employee, this Legislature authorizes the filling of the vacant full-time Motor Equipment Operator in the Highway Department at Grade H2 of the CSEA Salary Schedule; effective upon filling of the Motor Equipment Operator Lead-Person position.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 183-515**

**APPROVING AGREEMENT WITH THE BUILDINGS AND GROUNDS DEPARTMENT AND GARLAND/DBS, INC.**

RESOLVED, that this Legislature does hereby approve an agreement with the Buildings and Grounds Department and Garland/DBS, Inc., 3800 East 91<sup>st</sup> St, Cleveland, OH 44105 to reroof the County Office Building in 2015; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives Garland/DBS, Inc. authorization to proceed. Proposal #25-NY-150231, MICPA #14-5903, at a cost not to exceed \$496,889 to be paid out of the Capital Infrastructure Project account #H-5120.253 – Roof Replacement Program.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 184-515**

**AUTHORIZING PURCHASE OF EXTERIOR LIGHTS FOR MARINE PARK AND POINT BREEZE**

RESOLVED, that this Legislature approves the purchase of 117 lights from I.D. Booth Inc./Booth Electric Supply, 620 William St, P O Box 579, Elmira, NY at a total cost of \$21,049.84 to be paid from Capital Project Account #A1620.403.222 – Energy Performance with \$8,390 to be reimbursed through the National Grid Incentive Program therefore making county cost \$12,659.84; and be it

FURTHER RESOLVED, that the Treasurer is authorized to return the reimbursable incentive monies of \$8,930 to the Energy Performance Capitol Project Account H1620.403.222 upon receipt.

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

**RESOLUTION NO. 185-515**

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

WHEREAS, the purpose of this funding is to expand the capacity of existing NY Connects programs and enhance its functionally. The populations served are broadened and new partners are being added to fully realize the No Wrong Door/Single Point of Entry reform required by the federal Balance Incentive Program (BIP) authorized under the Affordable Care Act; now be it

RESOLVED, that this Legislature authorizes the Director of Orleans County Office for the Aging to apply for a grant from NYSOFA through the Balancing Incentive Program(BIP), for \$223,711 from April 1, 2014 to December 31, 2016 at no county cost; and be it

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

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

**RESOLUTION NO. 186-515**

**AUTHORIZING COMPUTER PURCHASES FOR THE OFFICE FOR THE AGING DEPARTMENT**

RESOLVED, that this Legislature authorizes Computer Services to purchase ten (10) Opliplex Computers under contract 81AGQ and one (1) Dell Latitude Laptop under Contract #44ADD from Dell Services, 1 Dell Way, RR 8-23, Round Rock, TX 78682 for the Office for the Aging in the amount of \$6,220 for the computers and \$1,272.36 for the laptop at a total of \$7,492.36 to be paid from Office for the Aging Account A6772.270 – Capital Equipment. Covered by the BIP Grant therefore county cost \$0; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the Dell Services proposal and accept the price in quote #705608620 for the 10 computers, and quote #706058370 for the laptop.

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

**RESOLUTION NO. 187-515**

**APPROVING AGREEMENTS BETWEEN 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:

Greater Rochester Collaborative MSW Program, Rochester, NY for an intern agreement among Nazareth College, Brockport College, and Orleans County Department of Social Services; to be effective June 12, 2015 through June 11, 2016. County cost \$0.

Orleans County Job Development, Albion, NY for funding of summer employment for TANF eligible youth, ages 14 – 20; to be effective June 1, 2015 through September 30, 2015 at a cost of \$58,578. County cost \$0.

Ontario County Department of Social Services, Canandaigua, NY for the provision of Youth Care Facility for detention of PINS and JD youth; to be effective March 1, 2015 through December 31, 2015. County cost 51%.

Gustavus Adolphus C&FS Jamestown, NY for the provision of residential foster care services; to be effective May 6, 2015 through May 5, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Children's Home of Wyoming Conference, Binghamton, NY for the provision of residential foster care services; to be effective May 1, 2015 through April 30, 2016 at per diem rates 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.

ARC of Orleans County, Albion, NY for the provision of Consumer Directed Personal Care Assisted Program; to be effective May 1, 2015 through April 30, 2016 at rates established by the NYS Department of Health. County cost \$0.

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

#### **RESOLUTION NO. 188-515**

#### **AUTHORIZING FILLING VACANCIES IN THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services has three vacant positions as the result of a retirement and resignations within the department; now be it

RESOLVED, that this Legislature does hereby authorize the filling of the following vacancies in the Department of Social Services:

Full-time Caseworker position (6010.0216) at Grade 16 of the CSEA salary schedule, effective July 10, 2015.

Full-time Caseworker position (6010.0227) at Grade 16 of the CSEA salary schedule, effective May 28, 2015.

Full-time Social Welfare Examiner position (6010.0413) at Grade 13 of the CSEA Salary Schedule, effective May 28, 2015.

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

**RESOLUTION NO. 189-515**

APPROVING REAPPOINTMENT TO THE DEVELOPMENTAL  
DISABILITIES SUBCOMMITTEE

RESOLVED, that this Legislature approves the reappointment of Cindy Dowdall to the Developmental Disabilities Subcommittee of the Community Services Board to serve a second term to begin May 1, 2015 and ending April 30, 2019.

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

**RESOLUTION NO. 190-515**

APPROVING AGREEMENTS BETWEEN HEALTH DEPARTMENT  
AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby approve the following agreements between the Health Department and the following agencies:

New York State Department of Health, Bureau of Public Water Supply Protection, Corning Tower, Room 1110, Empire State Plaza; Albany, NY 12237 to provide \$107,516 to the Orleans County Health Department for the Public Water Supply Program. Contract period April 1, 2015 through March 31, 2016. Contract# C030116. County cost \$0.

Carol Heligenthaler to provide 'Related Services' in the form of Physical Therapy for the eligible children of Orleans County at \$54/hour. Services provided through the 3-5 pre-school program. Reimbursement from NYS Dept of Health Medicaid and some third party Insurances. To run from July 1, 2015 through June 30, 2018.

Monroe County Public Health (Medical Examiner) to provide fourteen (14) full autopsy examinations and five (5) blood description autopsy exams at a cost of \$37,400. All autopsy's over the approved 14 full autopsy's and the approved 5 blood description autopsy's for 2015 will be charged at a rate as approved by the Monroe County Legislature in the 2015 budget as listed in the Public Health Medical Examiner Fees and Charges schedule. If county does not utilize all autopsy services, county may use balance on other services. 2015 fees and charges attached. Full County Cost.

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National Association of County and City Health Officials, Modification to Agreement as approved under Resolution No. 52-215 (Original Contract #MRC15-2237); This Modification of Agreement amends the funding source to the following: ***Department of Health and Human Services, GRANT# 1 HITEP150026-01-00, CFDA #93.008; entitled "Promote, Support and Build Capacity in the Medical Reserve Corp.*** All terms and conditions will remain unchanged.

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

#### **RESOLUTION NO. 191-515**

AUTHORIZING FILLING OF VACANCY IN THE HEALTH DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Senior Account Clerk-Typist in the Public Health Department at Grade 10 of the CSEA Salary Schedule effective May 28, 2015.

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

#### **RESOLUTION NO. 192-515**

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEE

RESOLVED, that this Legislature approves Out of State travel for Brenden Bedard, Director of Community Health Services; to attend NACCHO preparedness summit at Peach Tree Center, Atlanta GA, from June 23 through June 25, 2015. All costs covered by NACCHO. County Cost \$0.

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

**RESOLUTION NO. 193-515**

APPROVING AGREEMENT BETWEEN COUNTY OF ORLEANS  
AND NEW YORK STATE DEPARTMENT OF STATE FOR PHASE  
TWO OF COUNTY MARINE BOATING ACCESS

RESOLVED, this Legislature approves Agreement #C1000543 between the County of Orleans and the New York State Department of State with a contract period of May 1, 2015 to April 30, 2018 in the amount of \$163,000 for capital improvements to the County Marine Park including replacement of north stairway/walkway, shore power for 36 docks, and playground at 50% County cost; and be it

FURTHER RESOLVED, that this Legislative body hereby authorizes the Chairman of the Legislature to execute this Agreement upon the review and approval by the Orleans County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 194-515**

AUTHORIZING TREASURER TO TRANSFER FUNDS INTO THE  
PLANNING BUDGET AND APPROVING AGREEMENT BETWEEN  
COUNTY OF ORLEANS AND J O'CONNELL AND ASSOCIATES

RESOLVED, that the County Treasurer is authorized to transfer funds into the Planning budget for the NORA Broadband Expansion Project and for a Local Government Efficiency Grant Application as follows:

From:

A1990.435	Contingency	\$8,750
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To:

A8020.418	Other Contractual Expenses – Local Government Efficiency Grant	\$5,000
A8020.418	Other Contractual Expenses – NORA Broadband Expansion Project	\$3,750

and be it

RESOLVED, that this Legislature approves an agreement between the County of Orleans and J. O'Connell & Associates, Inc. of 10646 Main

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St., Clarence, NY 14031, to provide professional services for the purpose of preparing and submitting a Local Government Efficiency Grant application at a cost not to exceed \$5,000; said funds to be paid from Planning Department Budget Account 8020.418 - Other Contractual Expenses.

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

**RESOLUTION NO. 195-515**

**AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS**

WHEREAS, this Legislature is in receipt of the Semi-Annual Mortgage Tax Report showing the amounts to be credited to each Tax District of Orleans County, of the money collected during the preceding six months ending March 31, 2015; and be it

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

Mortgage Tax Apportionment  
 October 1, 2014 through March 31, 2015

	Town Taxable	Double	Village Taxable	Rate	Due Town	Village share	Town share
Albion	202,806,015	405,612,030	115,776,874	28.54%	53,159.89	15,173.82	37,986.07
Barre	95,349,799				10,346.89		10,346.89
Carlton	191,339,371				8,972.26		8,972.26
Clarendon	154,831,192				17,020.98		17,020.98
Gaines	115,736,023	231,472,046	22,506,814	9.72%	7,366.97	716.32	6,650.65
Kendall	151,839,123				14,842.14		14,842.14
Murray	176,839,825	353,679,650	52,797,502	14.93%	14,383.04	2,147.11	12,235.93
Ridgeway	220,932,139	441,864,278	92,706,268	20.98%	26,806.08	5,624.11	21,181.97
Shelby	181,425,990	362,851,980	73,089,516	20.14%	30,744.95	6,192.98	24,551.97
Yates	<u>150,839,645</u>	301,679,290	<u>28,441,625</u>	9.43%	33,938.95	3,199.69	30,739.26
Total	1,641,939,122				217,582.15	33,054.03	184,528.12

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

**RESOLUTION NO. 196-515**

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY CLERK  
AND NEW YORK STATE DIVISION OF CRIMINAL JUSTICE  
SERVICES

WHEREAS, Resolution No. 457-1208 authorized a Use and Dissemination Agreement for the purposes of the issuance of EDL's (Enhanced Drivers Licences); and

WHEREAS, the Orleans County Clerk, in her capacity as agent for the NYS Department of Motor Vehicle, must again obtain an Originating Agency Identifier (ORI) for the purpose of conducting fingerprint/background checks for County employees who will be involved with the issuance of CDL's (Commercial Drivers Licenses); and

WHEREAS, the New York State DMV offered to use its identifier to fingerprint/background check the initial group of County employees to allow for the timely processing of Commercial Drivers Licenses; now that the initial group of County employees have been fingerprinted/background checked; therefore be it

RESOLVED, that this Legislature authorizes an updated Use and Dissemination agreement between the Orleans County Clerk and the New York State Division of Criminal Justice Services for Orleans County to obtain its own identifier from DCJS to process fingerprint/background checks for County employees who will be involved with the issuance of EDL's and CDL's.

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

**RESOLUTION NO. 197-515**

AUTHORIZING CREATING, FILLING, AND ABOLISHING  
POSITIONS IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature authorizes the creation of a full-time Deputy Sheriff Sergeant position at Grade 2 of the Orleans County Deputy Sheriff's Association Salary Schedule; and be it

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FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective May 28, 2015; and be it further

FURTHER RESOLVED, that a vacant full time Deputy Sheriff position (3110.43) be abolished upon the filling of the newly created Deputy Sheriff Sergeant position.

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

**RESOLUTION NO. 198-515**

**APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE  
AND BARRE ANIMAL HOSPITAL**

RESOLVED, that this Legislature approves the agreement with Barre Animal Hospital, 15445 East Lee Rd, Holley, NY 14470 for emergency veterinary services effective January 1, 2015 through December 31, 2015, as per contracted cost schedule.

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

**RESOLUTION NO. 199-515**

**AUTHORIZING SHERIFF TO CONTINUE PARTICIPATION IN THE  
GOVERNOR TRAFFIC SAFETY CHILD PASSENGER SAFETY AND  
BULLET PROOF PARTNERSHIP GRANTS AND APPROVING  
GRANT AGREEMENTS UPON ANNOUNCED GRANT AWARDS**

RESOLVED, that the Sheriff is authorized to apply for the New York State Governor's Traffic Safety Child Passenger Safety Grant in the amount of \$5,000 for the funding period October 1, 2015 through September 30, 2016 to purchase infant/toddler car seats for families in need and for the promotion of assisting at fitting stations to show proper installation of car seats; and be it further

RESOLVED, that the Sheriff is authorized to apply through the Bureau of Justice Assistance for grant funding from the Bullet Proof Vest Partnership through October 31, 2016, at a 50% reimbursement for the purchase of bullet proof vests; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute all documents necessary to accept grant funds subject to the review and approval of the County Attorney and the Chief Administrative Officer.

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

**RESOLUTION NO. 200-515**

APPROVING AGREEMENT WITH KEEFE COMMISSARY NETWORK AND THE ORLEANS COUNTY SHERIFF'S OFFICE/JAIL

RESOLVED, that this Legislature approves an agreement between Keefe Commissary Network L.L.C. d/b/a Access Corrections ("KCN"), 13675 Darice Parkway, Strongsville, OH 44149 and the Orleans County Sheriff's Office/Jail for the use of prepaid debit cards for inmate account balances effective through May 21, 2018. County cost \$0.

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

**RESOLUTION NO. 201-515**

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

RESOLVED, that this Legislature authorizes the Treasurer to set up Homeland Security Operation Stonegarden grant and SLETPP grant funds as follows:

<u>Revenue:</u>		
A4308.7411	Homeland Security/Operation Stonegarden FY2011	\$4,898.84
A4308.7412	Homeland Security/Operation Stonegarden FY2012	\$8,195.45
A4308.7413	Homeland Security/Operation Stonegarden FY2013	\$35,320.47
A4308.7414	Homeland Security/Operation Stonegarden FY2014	\$9,452.64
A4308.5314	Homeland Security/SLETPP (LE14)	\$5,604.49
		\$63,471.89

Appropriations:

A3110.486.7411	Special Grants/SG11-1000-D02	\$1,711.91
A3110.430.7411	Navigation Expenses	\$3,186.93
A3110.486.7412	Special Grants/SG12-1004-D01	\$5,333.98
A3110.430.7412	Navigation Expenses	\$2,861.47
A3110.486.7413	Special Grants/SG13-1004-D00	\$35,320.47
A3110.486.7414	Special Grants/SG14-1002-D00	\$9,452.64
A3110.486.5314	Special Grants/LE14-1035-D01	\$5,604.49
		\$63,471.89

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

**RESOLUTION NO. 202-515**

**AUTHORIZING PAYMENT OF CLAIMS FOR JUNE AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for June 10, 2015:

Fund/Department	Check Number (s):	Amount:
General	12480-12499; 01-131	\$195,749.54
Highway	541-561; 1347-1374	\$1,418,303.59
Nursing Home	No Claims	
Job Development	1795-1803	\$5,103.59
Self Insurance	1089-55351-55353	\$45,486.31

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance

Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for June 24, 2015:

Fund/Department	Check Number (s):	Amount:
General	151-270	\$360,467.05
Highway	562-568; 1375-1386	\$163,610.23
Nursing Home	27721-27724	\$686,751.27
Job Development	1806-1820	\$11,109.98
Self Insurance	1090-1091; 55422-55424	\$4,327.72

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

The following two add on resolutions were presented for adoption:

**RESOLUTION NO. 203-515**

**AUTHORIZING ABOLISHING, CREATING, AND FILLING POSITIONS IN THE HOUSING DEPARTMENT**

RESOLVED, that this Legislature authorizes the abolishing of the full-time Housing Assistance Coordinator position (8020.04) in the Housing Department effective May 31, 2015; and be it

FURTHER RESOLVED that this Legislature authorizes the creation of a part-time Housing Assistance Coordinator position (8020.04) in the Housing Assistance Department effective June 1, 2015; and be it

FURTHER RESOLVED, that this Legislature approves the filling of the newly created vacant part-time position with the full-time Director, Sheila Allport, effective June 1, 2015 with an hourly rate of \$32.39.

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

**RESOLUTION NO. 204-515**

**AUTHORIZING A REQUEST FOR PROPOSALS WITH RESPECT TO PHOTOVOLTAIC ALTERNATIVE POWER FOR INSTALLATION ON ORLEANS COUNTY PROPERTY**

*May 27, 2015*  
*Resolutions 176-204*

WHEREAS, the County of Orleans spends significant tax payer resources on energy costs; and

WHEREAS, incentives and lower start-up costs, along with potential environmental benefits, have made solar power more attractive; and

WHEREAS, this Legislature wishes to begin the process of considering solar power as an alternate energy source; now be it

RESOLVED, the County of Orleans' Chief Administrative Officer is hereby authorized to issue a Request for Proposals for design and installation of a Photovoltaic or Solar Electrical System at an appropriate County property location.

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

With there being no further business, Legislator DeFilipps moved to adjourn; seconded by Legislator Allport. Meeting was adjourned at 5:05 p.m.

## LEGISLATURE MEETING

June 24, 2015

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Chairman Callard called the meeting to order at 2:00 PM. The Clerk called the roll. All Legislators were present.

Motion was made by Legislator Allport; second by Legislator Eick to move into executive session at 2:03 p.m. to discuss litigation on a matter with outside counsel per Open Meetings Law §105 (d). Motion Carried

Motion was made by Legislator Eick; second by Legislator DeFilipps to reconvene the meeting from Executive session at 2:56 p.m. Motion Carried. Motion to recess until 4:30 p.m. was made by Legislator DeRoller; second by Legislator Allport. Motion Carried.

Chairman Callard reconvened the meeting at 4:36 PM. After the pledge to the flag, the invocation was led by Veteran David Kusmierczak.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through 2015. Treasurer Heard also handed out the auction results from today's In Rem Auction. She reported that there were two no sales, which were properties we have had on the auction list before and didn't sell at that time also. Some of the properties sold for \$50, so it was surely a buyer's day. We did not lose as much as we have in the past, we received two-thirds. Legislator DeFilipps said we had a 20'x20' landlocked garden in the Village of Albion, a hard sell stated Treasurer Heard. Chairman Callard indicated that we had fewer properties in this auction 30 versus 55, which is also significant.

Chairman Callard called for comments from the Legislators. Legislator DeFilipps reported on the professionalism of Haroff Reality and stated that they did a great job during our sale today.

Legislator DeRoller shared his concerns, also amongst our other municipalities, as it related to unfunded mandates. A recent senate bill which has passed requiring our municipalities, including schools, to pay for programs. A Senate Bill, S03144, passed the Senate on May 27, 2015 with 55 out of 62 Senators voted in favor of this. The Assembly companion Bill, A04942, is now in the assembly and needs to be moved along. It has been stuck in committee since February 9<sup>th</sup>. Legislator DeRoller indicated that he introduced this to the WNY InterCounty with 15 out of the 19 in attendance to help push this concern forward. The bill is sponsored by Ray Walte and co-sponsored by our Assembly representatives Hawley and

Corwin. Committee Chair William McNally has been contacted by Legislator DeRoller to step up. This is a three page bill that said that all future legislation of \$10,000 to \$1,000,000 aggregate would have to have funding. We are in the minority on this bill but in our best interest to support this moving forward. A presentation at InterCounty, indicated that about 15.3% to fund the state comes out of property tax. Chairman Callard said that Hugh Trust did a survey who objectively looked at each state across the nation. All states, except NYS, went from a plus figure up to a maximum of 4%. California only draws 2% of their revenues from Local government, all other states up to 4%, NYS now is at 15.3%.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Town of Yates, inquired about the purchase of the new dump truck. He asked what it will be replacing and why no county cost. Highway Superintendent Gray indicated it will be replacing the 1995 beyond repair truck and it is covered by CHIPS funding. Mr. Lauricella inquired about Resolution No. 220 for a contract with Amy Wolter and why that was not being covered by School Districts. Legislator Allport indicated that this is an unfunded mandate. She will be hired to attend school special education committee meetings to make sure county tax dollars are spent wisely for the best services for the 3-5 year olds. Health Director Paul Pettit indicated that this will be a new model due to the restructuring of staff due to retirements and this model has worked well in Genesee County. Staff has always been attending these meetings but now we will have a contractor attend to continue to help save tax payers dollars.

Mr. Lauricella inquired about Resolution No. 232 regarding equipment being purchased from Homeland Security. Legislator Johnson indicated that we already have been awarded this money. EMO Director Banker indicated that they will be purchasing overhead projectors, laptops, and other training materials for first responders. Mr. Lauricella expressed that Homeland Security is an unconstitutional agency that spies on us, “fondles us” at the airports, is buying up all the ammunition, militarizing our police departments and is strategically placing weapons of war throughout our county. Mr. Lauricella feels we should not be taking this money based on what is behind their agenda.

Mr. Lauricella inquired about Resolution No. 235 and asked if this microenterprise grant is for nonprofit and disadvantaged entrepreneurial groups. CAO Nesbitt explained it is a small business program organized by our IDA. He inquired about the full-time case managers in the Mental Health Department in Resolution No. 218 and if they are newly created?

CAO Nesbitt responded that they will be revenue generating positions in excess of what they cost us and it is a response to the new health care models put together by the federal government. Mr. Lauricella asked if they are mandated. CAO Nesbitt indicated it is entrepreneurial government. With operating the only Mental Health Clinic in Orleans County, CAO Nesbitt explained the adjustment of our services to the funding models that are available. Chairman Callard stated that we are increasing our mental health needs for our residents in our county so we can have a healthy county. Mr. Lauricella asked about the pay grade increase from grade 21 to grade 22 in Resolution No. 223. CAO Nesbitt indicated that the increase in grade gets more pay but also goes to a higher level of supervision by that person. Mr. Lauricella asked if this is a new person. CAO Nesbitt advised that it is a restructuring of the duties of one person to allow them to supervise. We continue to restructure the Public Health Department saving \$330,000 a year. Mr. Lauricella approved money being saved but indicated he would like to see that in his tax bill. Mr. Lauricella asked (Resolution No. 228) if any properties were removed from the sale for upgrades by the county for re-sale. It was mentioned that there were some no-sales but none that fit within his inquiry. Lastly, Mr. Lauricella asked about the air-conditioning in the Jail control room. Scott Wilson, Jail Superintendent, explained that the control room is manned 24/7 and is the primary area which operates and controls all doors electronically, answer the phones, video surveillance and servers are there. It will replace the old air conditioning unit.

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

**RESOLUTION NO. 205-615**

AMENDING RESOLUTION NO. 121-415 REGARDING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND NYS DOT CONCERNING THE HULBERTON ROAD BRIDGE OVER WEST BRANCH OF SANDY CREEK IN THE TOWN OF MURRAY

WHEREAS, that this Legislature approved a Supplemental Agreement #3 Contract #D033855 with the Orleans County Highway Department and NYS DOT in adoption of Resolution No. 121-415; now be it

RESOLVED, that Resolution No. 121-415 be amended to amend Supplemental Agreement #2 approved by passage of Resolution No. 236-

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*Resolutions 205-238*

714 to add additional funding for the Hulberton Road Bridge over West Branch of Sandy Creek Bridge Replacement – PIN 475542; BIN: 3319220 total cost of \$1,338,900; reimbursement \$1,271,955 and County cost \$66,945; effective through February 3, 2022 all remains unchanged. There is no supplemental agreement #3.

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

**RESOLUTION NO. 206-615**

**AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE A NEW 2016 FORD SUPER DUTY F-550**

RESOLVED, that this Legislature authorizes the Highway Department to purchase (1) New and Unused 2016 Ford Super Duty F550 with dump body Truck from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 for \$45,898.00 to be purchased off the National Joint Powers Alliance Bid Number #102811; to be paid from account #DM5130.270. County cost \$0

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

**RESOLUTION NO. 207-615**

**APPROVING AN AGREEMENT BETWEEN THE BUILDINGS AND GROUNDS DEPARTMENT AND SECOR BUILDING SOLUTIONS**

RESOLVED, that this Legislature accepts the low bid submitted by Secor Building Solutions and authorizes the Chairman to execute an agreement with Secor Building Solutions, 13140 Route 31, Savannah, New York 13146-0248 for the Furnish and Construction of two Pole Barns at a bid cost of \$382,698 agreement effective as soon as County gives notice to proceed; to be paid out of the Capital Project Infrastructure Account H-5120.252 – Pole Barn Construction.

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

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

**RESOLUTION NO. 208-615**

**AUTHORIZING FILLING OF VACANCY IN BUILDINGS AND  
GROUNDS DEPARTMENT**

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Custodial Worker (1620.12) position in the Buildings and Grounds Department at Grade 2 of the CSEA Salary Schedule, effective June 25, 2015.

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

**RESOLUTION NO. 209-615**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT  
INFRASTRUCTURE PROJECTS ACCOUNT**

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
4,287.34	Chemung Corp.	Pole Barn Materials
12,712.15	Hanson Aggregates	Pole Barn Materials
164.00	Barre Stone Products	Pole Barn Materials

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

**RESOLUTION NO. 210-615**

**APPROVING RENEWAL AGREEMENT BETWEEN OFFICE FOR  
THE AGING DEPARTMENT AND PHILIPS LIFELINE**

RESOLVED, that this Legislature approves the renewal agreement between the Office for the Aging Department and Philips Lifeline, 111 Lawrence Street, Framingham, MA 01701 to provide personal emergency response systems from August 1, 2015 through October 31, 2018 at a cost of \$34,344 (1st year, August 1, 2015-July 31, 2016). County cost \$0.

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

**RESOLUTION NO. 211-615**

**APPROVING EXTENSION OF AN AGREEMENT BETWEEN OFFICE FOR THE AGING AND PEERPLACE NETWORKS, LLC**

RESOLVED, that this Legislature approves an extension of Resolution No. 154-410(monthly user fee) and Resolution 193-513(yearly HIICAP fee) agreements between the Office for the Aging and PeerPlace Networks, 300 Main Street, Rochester, NY 14445, to provide client based software as required by New York State Office for the Aging and Administration on Aging for reporting requirements at a total cost of \$1,177.41 for July 1, 2015-September 30, 2015. No County cost for this time period.

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

**RESOLUTION NO. 212-615**

**APPROVING MULTI-JURISDICTIONAL CHIEF ELECTED OFFICIALS AGREEMENT FOR INITIAL DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREA: GLOW**

RESOLVED, that this Legislature does hereby approve the Multi-Jurisdictional Chief Elected Officials Agreement for Initial Designation of Local Workforce Development Area: GLOW, for the purpose of organizing and implementing activities pursuant to the Workforce Innovation and Opportunity Act (herein referred to as WIOA) and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Genesee, Livingston, Orleans, and Wyoming Counties; and be it

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

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

**RESOLUTION NO. 213-615**

APPROVING AGREEMENT BETWEEN JOB DEVELOPMENT AND  
LIVINGSTON COUNTY FOR GLOW WORKFORCE DEVELOPMENT  
BOARD

RESOLVED, that this Legislature approves the agreement between the Job Development Department and Livingston County on behalf of GLOW Workforce Development Board (WDB), 6 Court Street, Room 303, Geneseo, NY, 14454, to implement the provisions of the Workforce Innovation and Opportunity Act (WIOA) for Youth from July 1, 2015 to June 30, 2016 at a cost of \$93,852.94. Contract# PY2015-3. County cost \$0; and be it

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

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

**RESOLUTION NO. 214-615**

AUTHORIZING FILLING VACANCIES IN THE JOB DEVELOPMENT  
AGENCY

RESOLVED, due to a resignation, that this Legislature authorizes filling a full time Senior Account Clerk Typist position (6210.05) in the Job Development Agency, at grade 10 of the CSEA Salary Schedule effective June 25, 2015; and be it

FURTHER RESOLVED, due to a retirement, that this Legislature authorizes the filling of a vacant Employee and Training Counselor position (6210.07) in the Job Development Agency, at grade 15 of the CSEA Salary Schedule, effective June 25, 2015.

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

**RESOLUTION NO. 215-615**

**APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES**

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

Berkshire Farm Center, Canaan, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and 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, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

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

**RESOLUTION NO. 216-615**

**AUTHORIZING FILLING OF VACANCY IN THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the Department of Social Services has one vacant position as the result of an internal job promotion with the department; now be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Sr. Account Clerk Typist position (6010.0807) in the Department of Social Services at grade 10 of the CSEA salary schedule, effective June 25, 2015.

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

**RESOLUTION NO. 217-615**

APPROVING AGREEMENT BETWEEN MENTAL HEALTH AND AMANDA J. LEWIS, NPP.

RESOLVED, that this Legislature approves an agreement between Mental Health and Amanda J. Lewis, NPP, 56 Beresford Road, Rochester, NY 14610, providing services as a psychiatric nurse practitioner for up to 216 hours for the duration of this contract effective July 1, 2015 through December 31, 2015 at an hourly rate of \$97.93 per hour. County cost is \$1,481.

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

**RESOLUTION NO. 218-615**

AUTHORIZING CREATING AND FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the creation of two full-time Supportive Case Managers in the Mental Health Department at Grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of these newly created positions effective June 25, 2015.

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

**RESOLUTION NO. 219-615**

AUTHORIZING PURCHASE FOR MENTAL HEALTH AND AMENDING RESOLUTION NO. 468-1214

RESOLVED, that this Legislature authorizes the purchase of the QuicDoc Practice Management Module for the purpose of upgrading department billing, scheduling and electronic records maintenance at an initial cost of \$13,895 and a monthly cost after the first month of \$3,100, all to be paid from Medicaid Salary Sharing dollars; and be it

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FURTHER RESOLVED, that this Legislature does hereby amend Resolution No. 468-1214 to increase cost of agreement between the Mental Health Department and DocuTrac, Inc., 20140 Scholar Drive, Suite 218, Hagerstown, MD 21742 from \$5,754 with a county cost of \$403 to reflect an additional monthly cost of \$3,100 upon implementation of the QuicDoc Practice Management Module.

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

**RESOLUTION NO. 220-615**

APPROVING AGREEMENT BETWEEN HEALTH DEPARTMENT  
AND AMY WOLTER

RESOLVED, that this Legislature does hereby approve an agreement between the Health Department and Amy Wolter, 3652 Orangeport Rd, Gasport, NY 14067 to provide Municipal Representative Services for the Preschool Special Education program to ensure that each child being considered for Preschool Special Education receives appropriate services in the most normalized setting for the services effective July 1, 2015 through December 31, 2019. County Cost 100%.

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

**RESOLUTION NO. 221-615**

APPROVING INTERMUNICIPAL AGREEMENT AMENDMENT FOR  
THE HEALTH DEPARTMENT/ SHARED PUBLIC HEALTH  
ADMINISTRATIVE STAFF

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

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

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among

themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service; and

WHEREAS, the Orleans/Genesee County Public Health Director did present an amendment to the inter-municipal agreement with Genesee County and Orleans County to share a Public Health Administrative Staff, and

RESOLVED, that Resolution No. 432-1214 is hereby amended to include the position of Director – Children with Special Needs to serve Genesee and Orleans counties in a shared position, and include a \$6,000 stipend; and be it

FURTHER RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to execute an amendment to the agreement with the County of Orleans to add the Director – Children with Special Needs to the current shared service agreement between Genesee and Orleans County, effective July 20, 2015 subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

Legislator Allport moved to establish the Genesee Orleans Board of Health and he wanted to commend them in this last step in this shared effort; second by Legislator DeFilipps. Chairman Callard added that this would be the first merged two county Board of Health in New York State. The following resolution was adopted:

**RESOLUTION NO. 222-615**

**ESTABLISHMENT OF GENESEE AND ORLEANS COUNTY  
MERGED BOARD OF HEALTH/HEALTH DEPARTMENT**

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

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

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

WHEREAS, the Genesee and Orleans County Boards of Health are desirous of combining into one governing body overseeing both Genesee and Orleans County Health Departments; and

WHEREAS, The Committees on Human Service and Ways and Means in Genesee County and the Health Committee in Orleans County did review the request and do recommend approval at this time; now be it

RESOLVED, that the current Orleans County Board of Health be abolished, effective June 30, 2015; and be it

FURTHER RESOLVED, that a combined Board of Health consisting of common members from both the counties of Genesee and Orleans be established, effective July 1, 2015, with members appointed by the County Legislatures of both counties. The combined Board of Health shall consist of seven members, with one Legislative member from each county and at least three of whom shall be physicians licensed to practice in the State of New York; and be it.

FURTHER RESOLVED, that the term of office of each appointed member of the Board of Health shall be six years but established on a rotational basis, and the term of one of the members shall expire annually on a sequential rotating basis, except for the Legislative representatives whose term coincides with that of his/her membership on the County Legislature; and be it

FURTHER RESOLVED, that the Orleans County Legislature does hereby appoint the below named to serve on this newly established joint Genesee/Orleans Board of Health with each member be paid a \$20 stipend for each meeting they attend:

<u>MEMBER</u>	<u>REPRESENTING</u>	<u>TERM EXPIRATION</u>
John DeFilipps	Orleans County Legislator	12/31/2016
Edward DeJaneiro	Genesee County Legislator	12/31/2016
Paul Grout	At-Large Rep	12/31/2018
Kelly Rose Nichols, DO	Physician	12/31/2021

Mary Obear, MD	Physician	12/31/2019
Deanna Page	At-Large Rep	12/31/2017
Satya Sahukar, MD	Physician	12/31/2020

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

**RESOLUTION NO. 223-615**

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

RESOLVED, that this Legislature does hereby authorize the abolishing of a full-time Public Health Nurse (4010.27) in the Public Health Department at Grade 21 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a full-time Supervising Public Health Nurse in the Public Health Department at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created vacant Supervising Public Health Nurse, effective June 25, 2015.

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

**RESOLUTION NO. 224-615**

**AUTHORIZING BUDGET AMENDMENT FOR MARINE PARK  
BOATING ACCESS GRANT AND AUTHORIZING EXECUTION OF  
AN APPENDIX X**

WHEREAS, Resolution No. 233-610 authorized an Agreement (CE10021) with New York State Office of Parks, Recreation and Historic Preservation providing \$120,000 in state funding for the Marine Park Boating Access Project; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes modification of said Agreement CE10021 via Appendix X- Modification Agreement Form to modify the budget, at no added county cost, in order to close out

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the Marine Park Boating Access Project and receive final payment from New York State; and be it

FURTHER RESOLVED, that this Legislature hereby authorizes the Legislature Chairman to sign Appendix X for the approved modification.

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

Legislator DeFilipps moved to set a public hearing for additions in the Agricultural Districts; second by Legislator Allport. Chairman Callard inquired from Jim Bensley, Director of Planning, if the state has attempted to take over the decision making for Agricultural Districts. Mr. Bensley stated he was not aware of that and explained that it is a grass roots exercise. The property owner has to request enrollment then the County Planning Board has to pass a resolution to agree to the inclusions. The state then accepts our endorsement and agrees with it. Chairman Callard stated at one of the past InterCounty meetings a NYSAC representative from Albany reported that either the Senate or Assembly is entertaining a thought of taking over the process to make the decisions for the county. Chairman Callard indicated if this happens, we would have to fight this. The State does not understand what agricultural land is to begin with much less making decisions relative to it. Legislator Allport felt like they are stepping quite a bit on Home Rule here. The following resolution was adopted:

#### **RESOLUTION NO. 225-618**

#### **SETTING DATE FOR PUBLIC HEARING FOR ADDITIONS TO CERTIFIED COUNTY AGRICULTURAL DISTRICTS**

RESOLVED, that a public hearing will be held by this Legislature to consider requests for inclusion of additional agricultural lands in certified County Agricultural Districts on the 22<sup>nd</sup> day of July at 4:20 PM at the Legislative Chambers, 3 South Main Street, Albion, New York; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall publish notice of said hearing in the official County newspaper.

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

**RESOLUTION NO. 226-615**

**APPOINTING REPRESENTATIVE TO THE GENESEE FINGER LAKES REGIONAL PLANNING COUNCIL**

RESOLVED, that this Legislature appoints James Bensley to fill the unexpired term of Wayne Hale, Director of Planning, as an Orleans County representative on the Genesee Finger Lakes Regional Planning Council, for a two-year term ending December 31, 2015.

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

**RESOLUTION NO. 227-615**

**APPROVING AGREEMENT BETWEEN COMPUTER SERVICES AND TIME WARNER CABLE BUSINESS CLASS**

RESOLVED, that this Legislature approves an agreement between Computer Services and Time Warner Cable Business Class, 2620 West Henrietta Rd, Rochester, NY 14623 to provide a circuit to provide a more robust solution for the entire county DMZ/Guest High Speed network to stabilize the environment and remain up in times of overburdened stress effective July 1, 2015 through June 30, 2018 at a county cost of \$74.95 per month.

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

Legislator Johnson moved to approve the sale of the properties from today's county In Rem Auction; second by Legislator DeRoller. Legislator DeRoller thanked Treasurer Heard and County Attorney Schubel for all of their hard work to make this a success. County Attorney David Schubel wanted the Board to be aware of a few properties. Parcel #31, 525 Eagle Street, the Treasurer received a call earlier in the day from the prior owners requesting that approval not be granted for the sale of this property. This property was subject to injunctive relief to stay the county from auctioning it off. Judge Punch ruled against this and they did not appeal Judge Punch's decision. County Attorney Schubel felt it was his obligation to inform the board. Treasurer Heard said we followed the rules and did everything we were supposed to do. Chairman Callard agreed that we would then have to make an exception after the court ruled in favor of the

County. Also parcel #33 at 525 East Avenue, Medina, next to the old SA Cook Factory, which is a big brick building, received a successful bid of \$1,000. Last year when they tried to auction it off we received no bids. Legislator DeFilipps stated that a local young man hopefully will put new life into it. Best of luck to him because it will be a colossal undertaking. The roof alone will be a huge investment expressed County Attorney Schubel. The following resolution was adopted:

**RESOLUTION NO. 228-615**

**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 24, 2015; 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 24, 2015

		Sold To:	Amount:
<b>ALBION – VILLAGE</b>			
73.5-4-24.2 PC - 311 1	MCNEIL LATONYA C West State St; 29.00 x 20.58 Land Total – 200	No Sale	
73.6-2-1 PC - 210 2	Shaw Jack 134 West Bank St; 66.00 x 85.63 Land - 6,200 Total - 26,000	Zietz, Joseph M. 14 Brookside Court Lake Katrine, NY 12449	\$500
73.6-7-77 PC - 311 3	Hunt Charles H Jr. 106 Beaver St; 50.00 x 120.12 Land Total - 6,500	Elmer, William D. 48 Heritage Estates Albion, NY 14411	\$100

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73.7-2-11	Roach Rose Marie/Roach Carl	Dixon, John	\$5,000
PC - 210 4	443 East State St; 53.00 x 157.39 Land - 7,400 Total - 34,900	132 Wintergreen Cr POB 169 Greentown, PA 18426	
<b>BARRE</b>			
106.-1-26 PC - 210 8	County of Orleans (formerly Moore Robert Froman Corena) 5174 Oak Orchard Rd; 1.00 acres Land - 16,000 Total - 30,000	King, Michael J. 784 Gabbey Rd Corfu, NY 14036	\$500
<b>CARLTON</b>			
27.-1-60.2 PC - 105 9	Hejres Aaref Ashwood Rd; 10.10 acres Land Total - 18,600	Starr, Hattie B. 2050 Angling Rd Lyndonville, NY 14098	\$16,500
28.-1-59.2 PC - 330 10	County of Orleans (formerly Marcin Venture LLC) Waterport Rd; .35 acres Land Total - 7,000	Elmer, William D. 48 Heritage Estates Albion, NY 14411	\$100
<b>CLARENDON</b>			
98.13-1-6 PC - 220 11	Wohlers Bruce N 4536 Holley Byron Rd; .50 acres Land - 11,200 Total - 38,000	Rex, Crystal L. 14040 State Rte 31 Albion, NY 14411	\$4,000
120.-1-68 PC - 210 12	Ciccoline Linda J/ Burns Daniel J 16572 Boots Rd; 1.20 acres Land - 14,500 Total - 25,000	Rex, Crystal L. 14040 State Rte 31 Albion, NY 14411	\$3,000
<b>GAINES</b>			
74.-2-21.3 PC - 311 14	Swan Robert J/Swan Dorothy A 2400 Transit Rd; 100.00 x 200.00 (.45acres) Land Total - 7,000	Payton, Eugene A. 4729 Hall Rd, Lot 10 Holley, NY 14470	\$1,000
50.-1-80 PC - 314 15	Pahura Michael/Pahura, Carol Ann Gaines Waterport Rd; 1.70 acres Land Total - 2,900	Roberts, Paul T 2637 Gaines Waterport Rd Albion, NY 14411	\$800
50.2-1-40 PC - 210 16	County of Orleans (formerly Bannan Robert Jay) 2755 Gaines Rd; 124.08 x 91.74 Land - 5,900 Total - 20,000	Rex, Crystal L. 14040 State Rte 31 Albion, NY 14411	\$1,000
60.4-1-36 PC - 210 17	County of Orleans (formerly Searls) 3328 Eagle Harbor Waterport Rd; .31 acres Land - 5,200 Total - 26,500	Piazza, Carol Ann 7369 Wheeler Rd Gasport, NY 14067	\$750
60.4-1-49.1 PC - 210 18	Condoluci Nicholas 13458 School Ln; .50 acres Land - 7,700 Total - 65,400	Tower, Douglas A 13452 School Ln Albion, NY 14411	\$4,500
60.4-1-50 PC - 312 19	Condoluci Nicholas L Eagle Harbor Waterport Rd; .89 acres Land - 10,500 Total - 15,300	Tower, Douglas A 13452 School Ln Albion, NY 14411	\$1,350
61.-1-56 PC - 210 21	Torres Martin 3211 Eagle Harbor Waterport Rd; 1.29 acres Land - 11,500 Total - 30,200	CY Properties, LLC 6465 Transit Rd Elba, NY 14058	\$7,200
<b>KENDALL</b>			
32.12-2-43 PC - 210 22	Duel Kurt 16744 Kenmor Rd; 90.00 x 246.51 Land - 8,500 Total - 55,700	Stone, Heather L 15207 Brice Ln Kent, NY 14477	\$19,000

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**MURRAY - VILLAGE**

88.21-1-50 Rodriguez Salador Jr Lavender Lisa L No Sale  
(now known as Rodriguez Salvador Jr Lavender Lisa  
L)  
PC - 210 23 Thomas St; .12 acres  
25 Land - 9,000 Total - 71,900

**MURRAY - OUTSIDE**

54.-2-2 Burchfield Wayne C DCF Properties, LLC \$34,000  
PC - 240 2755 Kendall Rd; 18.40 acres 1061 West Kendall Road  
26 Land - 31,900 Total - 93,900 Kendall, NY 14476

64.-1-36 Furnace Michael Vendetti, Ronald A. \$20,500  
PC - 210 Forder Brian 26 Park Place  
27 3486 Hindsburg Rd; 1.50 acres Holley, NY 14470  
Land - 9,800 Total - 62,700

**RIDGEWAY-VILLAGE**

69.18-1-13 Tillinghast Martha L Whittier, Joan \$12,000  
PC - 210 167 North St; 48.00 x 107.25 12900 Roosevelt Hwy  
28 Land - 5,400 Total - 59,400 Waterport, NY 14571

79.8-1-66 Bailey Catherine M Whittier, Joan \$19,500  
PC - 210 Geoff & Joan Whittier 12900 Roosevelt Hwy  
29 509 Eagle St; 66.00 x 155.00 Waterport, NY 14571  
Land - 10,800 Total - 57,500 Whittier, Joan

79.8-1-69 Raymondjack Louis E Orleans Community Health \$500  
PC - 210 521 Eagle St; 66.00 x 155.00 200 Ohio St  
30 Land - 10,800 Total - 27,100 Medina, NY 14103

79.8-1-70 Keffer, Rachel & Livingston, Shannon Orleans Community Health \$7,500  
PC - 210 525 Eagle St; 61.71X155 200 Ohio St  
31 Land - \$10,100 Medina, NY 14103

79.35-1-28 Fuller Jeffrey D Whittier, Joan \$18,000  
PC - 210 308 Catherine St; 42.00 x 127.42 12900 Roosevelt Hwy  
32 Land - 5,100 Total - 63,100 Waterport, NY 14571

80.9-1-26.1 Seed America Property 54 LLC Snyder, Michael \$1,000  
PC - 449 525 East Ave; 3.80 acres 208 Mead Ave  
33 Land - 25,600 Total - 80,400 Medina, NY 14103

80.10-1-23 Smith Craig Stalker, David M. \$100  
PC - 311 Smith Joanne 493 E. Center St  
34 506 E Center St; 46.00 x 55.00 Medina, NY 14103  
Land Total - 1,800

**RIDGEWAY-OUTSIDE**

57.2-1-60 Schneider Edward Houseman, Daniel L. Jr \$200  
PC - 311 Schneider Antoinette 10649 Maple Ridge Rd  
35 11228 Ridge Rd; 152.00 x 179.52 Medina, NY 14103  
Land Total - 5,500

68.-2-19 Hill Kenneth Keppler, Whitney \$6,500  
PC - 210 11302 Slade Rd; 1.90 acres 709 Gweinn St  
36 Land - 13,600 Total - 22,500 Medina, NY 14103

69.-1-27 Johnson Robert Zietz, Joseph M \$700  
PC - 314 Johnson Tonya R 14 Brookside Court  
37 Horan Rd; 100.00 x 275.25 Lake Katrine, NY 12449

	Land Total - 1,200		
69.-1-63 PC - 270 38	County of Orleans (formerly Kinney Darlene) 3605 Horan Rd; 120.00 x 155.25 Land Total - 8,600	Parfitt, Elliott R. 11320 Slade Rd Medina, NY 14103	\$900
70.2-3-35 PC - 210 39	Groves James A 3652 Knowlesville Rd; 82.50 x 231.00 Land - 7,300 Total - 15,000	Quackenbush, Kathleen 3648 Knowlesville Rd Knowlesville, NY 14479	\$100
<b>SHELBY - VILLAGE</b>			
80.17-1-19.12 PC - 311 40	Robinson Carrie Brown Ave; 50.00 x 141.00 Land Total - 4,800	Quintern, Steven F 3 Brown Ave Medina, NY 14103	\$200
80.45-3-48 PC - 210 41	MVP Superfund 710 Church St; 24.50 x 165.00 Land - 2,500 Total - 4,400	Mundion, Matthew C. 536 Orient St Medina, NY 14103	\$50
80.45-3-49 PC - 210 42	Gekoski Eric J 712 Church St; 35.00 x 214.00 Land - 3,800 Total - 29,400	Mundion, Matthew C. 536 Orient St Medina, NY 14103	\$1000
80.45-3-57 PC - 210 43	Barhite Gregory R 732 Church St; 45.25 x 115.50 Land - 3,700 Total - 27,300	Schultz, Lyle E. 10497 W. Shelby Rd Middleport, NY 14105	\$4000
	TOTAL:		\$192,050

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

Legislator DeRoller moved to authorize a grant to obtain a 24/7 drug drop off box to be placed at the Public Safety Building; second by Legislator Johnson. Legislator DeRoller summarized that over the last six collection events, they have collected over 2,000 pounds. This will allow residents to drop off medications keeping them off the streets and out of our water supply. Chairman Callard thanked the Jail Superintendent and Sheriff staff for providing that service. Legislator Allport stated that an earlier regulation, an officer needed to be present to accept the medications, now this is a big advantage that people don't need to hold them till the next scheduled event and can drop them off at their convenience. The following resolution was adopted:

**RESOLUTION NO. 229-615**

**AUTHORIZING SHERIFF TO APPLY FOR GRANT TO CVS PHARMACY FOR MED RETURN DRUG COLLECTION UNIT**

RESOLVED, that this Legislature authorizes the Orleans County Sheriff to apply for a grant through CVS Pharmacy Inc who is teaming up with The Partnership at Drugfree.org to create an innovative community

donation program through our local Sheriff's Office to obtain a Med Return Drug Collection Unit to help safely dispose of unwanted medications, including controlled substances which will be available at all times for disposing of these medications at the Sheriff's Office. The Sheriff's Office will be responsible for weighing all of the collected medications and the disposal will be completed through local collection events. County Cost \$0.

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

**RESOLUTION NO. 230-615**

**AUTHORIZING CREATION AND FILLING OF TEMPORARY FULL TIME POSITION AT THE ORLEANS COUNTY SHERIFFS OFFICE.**

WHEREAS, a Corrections Officer employed at the Orleans County Jail has requested and has been placed on FMLA, and

WHEREAS, to help keep the cost of overtime at a minimum, it is requested that a temporary Correction Officer position be created until such time the full-time employee returns to full duty; now be it

RESOLVED, that this Legislature creates one (1) temporary full-time Correctional Officer position in the Sheriff's Office at grade 5 of the Orleans County Sheriff's Employees Association contract effective June 25, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created temporary position until such time as the fulltime Corrections Officer returns full-time at the Orleans County Jail.

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

**RESOLUTION NO. 231-615**

**APPROVING AGREEMENT BETWEEN ORLEANS COUNTY DISTRICT ATTORNEY'S OFFICE AND KEVIN ALLEN**

RESOLVED, that this Legislature authorizes the District Attorney's Office to enter into an agreement with Kevin R. Allen, 19 Hutchins St., Batavia, NY to provide legal services particularly with respect to research and drafting of appeal briefs effective January 1, 2015 through December

31, 2015 with rate of payment to be commensurate with assigned counsel rates.

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

**RESOLUTION NO. 232-615**

**AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2014 Grant Funds for purchase of IT equipment, at a cost not to exceed \$7,000, said equipment to be used at the Emergency Management Office; and be it

RESOLVED, that this Legislature authorizes the Director of Emergency Management to Expend SHSP FY2013 Grant Funds in the amount of \$3,803.00 for Harris accessory equipment; and be it

FURTHER RESOLVED, that this Legislature approves setting up Homeland Security Grant Funds as follows:

Revenue:

A4309.2014	State Homeland Security Grant Program FY2014	\$ 7,000
A4309.2013	State Homeland Security Grant Program FY2013	\$ 3,803

Appropriation:

3640.486.2014	Special Grants	\$ 7,000
3640.486.2013	Special Grants	\$ 3,803

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

**RESOLUTION NO. 233-615**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT RADIO ACCOUNT**

RESOLVED, that this Legislature authorizes the following payments to be made from account H3097.250, Capital Project – Radio Account:

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<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$81,443.20	Harris Corporation PSPC	Inv. #P000001316

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

### **RESOLUTION NO. 234-615**

#### **ENDORING THE 2014 AVIATION CAPITAL GRANT PROGRAM APPLICATION**

WHEREAS, the County of Orleans has received a request from applicant of the Vintage Aircraft Group, Inc., as Lessee and Operator of Pine Hill Airport, Town of Barre, County of Orleans, concerning the applicant's request for State grant funds under the 2013 Aviation Capital Grant Program for a project for the 2014 Aviation Capital Grant Program to purchase a lightweight utility tractor with a snowblower and flail mower; and

WHEREAS, the Vintage Aircraft Group desires to improve the airport to enhance aviation services for the citizens of Orleans County and the surrounding area and that the Vintage Aircraft Group, Inc. has committed all of the matching share of funds for the project; and

WHEREAS, the project, if awarded by the New York State Commissioner of Transportation shall have no immediate or long-term financial obligation to the County; and

WHEREAS, the New York State Department of Transportation, under Section 14-1 of the State Transportation Law requires that project applications made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located; be it

RESOLVED, that the County of Orleans endorses the project identified above at the Pine Hill Airport for the purpose of making the project eligible for State funding; and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation; and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

**RESOLUTION NO. 235-615**

CALLING FOR A PUBLIC HEARING REGARDING THE  
SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION

RESOLVED, that this Legislature hereby calls for a public hearing to allow citizen input regarding the community development and housing needs in the County and to comment on the County's potential submission of a microenterprise program grant application to the New York State Office of Community Renewal, such public hearing to be held at 4:15 p.m. on July 22, 2015 at 3 South Main Street, Suite 2, Courthouse Square, Albion, New York in the Legislative Chambers.

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

**RESOLUTION NO. 236-615**

AUTHORIZING PAYMENT OF CLAIMS FOR JULY AGAINST THE  
COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for July 8, 2015:

Fund/Department	Check Number (s):	Amount:
General	277-429	\$220,472.34
Highway	569-581; 1387-1398	\$262,257.02
Nursing Home	No Claims	
Job Development	1823-1828	\$1,011.73
Self Insurance	No Claims	

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for July 22, 2015:

Fund/Department	Check Number (s):	Amount:
General	447-590	\$670,365.19
Highway	582-590; 1399-1418	\$100,568.25
Nursing Home	27725-27726	\$54,458.67
Job Development	1831-1836	\$10,154.68
Self Insurance	1092-1093; 55495-55497; 55554-55555	\$11,972.70

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

The following add on resolutions were presented for adoption:

**RESOLUTION NO. 237-615**

**AUTHORIZING PURCHASE AND INSTALL OF AIR CONDITIONING SYSTEM IN THE JAIL FROM THE ENERGY PERFORMANCE CAPITAL PROJECT ACCOUNT**

RESOLVED, that this Legislature authorizes the purchase and installation of an air conditioning system in the Jail control room from Turnbull Heating and Air Conditioning, 50 Franklin St, Batavia, NY 14020 in the amount of \$7,226 (PO 56307) to be paid from the Energy Performance Capitol Project Account H1620.403.222.

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

**RESOLUTION NO. 238-615**

AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO REVIEW AND EXECUTE ANY NECESSARY CHANGE ORDERS CONCERNING CAPITAL INFRASTRUCTURE PROJECTS

WHEREAS, Resolution No. 350-1014 authorized five Capital Infrastructure Projects to upgrade our County infrastructure; and

WHEREAS, many of these projects may require changes due to unforeseen circumstances as progression is made through each project; now be it

RESOLVED, that this Legislature authorizes the Chief Administrative Officer to review and execute change orders not to exceed \$25,000 nor the budgeted amount for a specific bond funding category

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Callard announced that the New York State Broadband Program Office recognized Lynne Johnson for her participation in 2015 for the Most Collaborative Broadband Program. Chairman Callard expressed that this is a real honor for Orleans County because he believes the broadband issue began here on a town level. Our affiliation with Niagara County helped in this collaborative effort and has been noticed across the state for this project. Legislator Johnson was applauded for her recognition.

Chairman Callard opened the floor for questions. Paul Lauricella, Yates, stated that Supervisor Brian Napoli from Ridgeway started this broadband push nearly five years ago. Mr. Lauricella stated that more questions need to be answered such like who is going to get it first, the cost to the individual, who is going to control the content, what kind of line are they going to run, and/or what are the speeds going to be. Chairman Callard indicated that this is still in the development stage. It could be a few more years before all the details are worked out. Legislator Johnson replied to his questions. As to the cost to the resident, we asked for a vendor to be competitive if not cheaper than what is being offered now. The vendor has stipulated to that. The speed that the State is requiring is 25 megabits up and 3 megabits down but to have the ability of going 100 megabits up. She indicated we just want coverage – providing a minimum of what a resident would expect to move into a home and hook up to the internet. We want 100%

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accessibility stated Chairman Callard. CAO Nesbitt said we are not far enough along to determine what type of technology will service each house. Legislator Johnson said we are not going to own this. Legislator Allport said we will not have regulatory methods as to what people can see or not see.

Legislator Eick moved to enter into executive session at 5:22 p.m. per Open Meetings Law §105 (f) to discuss Salary Review; second by Legislator Allport. Motion Carried.

Legislator Eick moved to exit out of executive session and reconvene the regular meeting at 5:43 p.m.; second by Legislator Allport. Motion Carried.

Legislator DeFilipps moved to adjourn; second by Legislator Allport. Meeting adjourned at 5:44 p.m.

**LEGISLATURE MEETING**

July 22, 2015

Chairman Callard called the meeting to order at 4:37 PM. After the pledge to the flag and invocation, the Clerk called the roll. All Legislators were present, with the exception of Legislator DeRoller.

The Clerk presented the following communications:

Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Gaines	Urging State Representatives to Amend the New York State Electronic Equipment Recycling and Reuse Act.
T/Carlton	Requesting Legislature to modify sales tax distribution to Villages
T/Kendall T/Yates T/Carlton	Support Grant Application to update the KYC Local Waterfront Revitalization Program
T/Sommerset	Requesting State Elected Representatives to formally oppose the massive commercial wind generation project in their Town.

Legislator DeRoller forwarded a Memo supporting the Resolution authorizing a grant application to update the KYC Local Waterfront Revitalization Program on today's agenda. The Board approved the following three requests: 1) The Albion Merchants Association is requesting the use of the Courthouse lawn to place a banner August 3<sup>rd</sup> through August 15<sup>th</sup> to advertise their Albion Wine Walk – Sip & Stroll through History scheduled for August 15<sup>th</sup> in the Village of Albion. 2) The Albion Running Club is requesting use of the Courthouse lawn to place a banner August 8<sup>th</sup> through August 22<sup>nd</sup> to announce their Metro 10 Buffalo vs. Rochester Race in Albion on August 22<sup>nd</sup>. 3) The Department of Social Services is requesting use of the Courthouse lawn to place a banner August 17<sup>th</sup> through August 28<sup>th</sup> to recognize Child Support Awareness Month in Orleans County. The 4-H Fair Senior Luncheon will be held on Wednesday, July 29<sup>th</sup> from 10 a.m. - 1:30 p.m. at the 4-H Fairgrounds. Pot Roast Dinner, Music by Denny and her Escorts. Suggested price is \$3 over 60; under 60 \$6. The Town of Kendall held a Public Hearing on July 21, 2015 on their proposed Local Law to Rectify the Zoning Ordinance of the Town of Kendall. Susan Heard, Orleans County Treasurer, has forwarded a listing of Real Property Tax Refunds, in the amount of \$341.30, that has been reviewed and authorized by her office. Traffic Diversion Program has reported their Distribution of Revenue for the period of April 1, 2015 through June 1, 2015.

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Chairman Callard requested Legislator Miller present a Proclamation for Child Support Awareness Month, as designated in the month of August, to the Commissioner of the Department of Social Services Tom Kuryla.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Yates, in Resolution No. 262 with the Emergency Management Office in applying for the Critical Infrastructure Grant questioned when is enough, enough? Every year the county applies for more such like in the Homeland Security Grants expressed Mr. Lauricella. Chairman Callard indicated that this is a non renewable one time grant. Mr. Lauricella inquired about a Spanish interpreter under a Public Defender agreement which indicates there is no county cost but it comes out of a grant which comes out of our tax payer funds through the State level. Mr. Lauricella stated that we have non violent offenders in the county jail, why can't we use a Spanish speaking person in the jail as an interpreter. Mr. Nesbitt indicated that if someone goes through a case and does not win, then this will be used for the basis of the appeal which would cost us five-times more for that appeal if we pulled that person out of the jail with no translation experience. Mr. Lauricella figured there was some legal ease from the State in that but wanted to think out of the box to save money. Mr. Nesbitt indicated this is a federal regulation to have a certified interpreter. Chairman Callard stated that an interpreter is used on an as needed basis.

The Orleans County Legislature presented Legislator Bill Eick a birthday card and wished him a Happy Birthday today.

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

**RESOLUTION NO. 239-715**

**APPROVING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND NYS DOT CONCERNING THE WATERPORT BRIDGE OVER OAK ORCHARD CREEK IN THE TOWN OF CARLTON**

RESOLVED, that this Legislature approves a Supplemental Agreement #2 Contract #D033788 with the Orleans County Highway Department and NYS DOT, 1530 Jefferson Road, Rochester, NY 14623-3161. This supplemental agreement amends the previous Resolution No. 159-414 to add additional State Marchiselli funding for Waterport Road Bridge over West Branch of Sandy Creek Preventative Maintenance – Pin 475529, BIN: 1044370; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to sign the Supplemental #2 Agreement for Waterport Bridge over Oak Orchard Creek; total cost of \$1,927,000; reimbursement \$1,830,600; and County cost of \$96,400; effective through February 23, 2021.

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 240-715**

**AMENDING RESOLUTION NO. 31-114 CONCERNING ACCOUNTING OF THE PURCHASE OF THE HIGHWAY PAVER**

WHEREAS, Resolution No. 31-114 approves an agreement with the Highway Department and Caterpillar Financial Services Corporation to purchase a paver for \$390,309.10 to be paid in five annual payment installments of \$78,061.82; and

WHEREAS, the Highway Department was audited by EPF Rotenberg in June 2015 and was informed that the lease payments need to be considered an outstanding debt in the Highway budget; therefore be it

RESOLVED, that the accounts for the debt will be expensed out of the DM9785.601 -outstanding principal debt and DM9785.701 — outstanding interest debt starting 2015; and be it

FURTHER RESOLVED, that the Treasurer is authorized to Transfer Funds within the Highway Department budget as to follow through with the auditor's recommendation:

<u>From</u>		
DM5130.270	Capital Equipment	\$78,061.62
<u>To:</u>		
DM9785.601	Outstanding Principal	\$72,116.85
DM9785.701	Outstanding Interest	\$5,944.77

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 241-715**

**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>
\$38,416.90	LaBella Associates P.C.	Professional Services Oak Orchard Rd Bridge Replacement – Inv #64110
\$32,567.28	LaBella Associates P.C.	Professional Services Waterport Carlton Rd Bridge Replacement – Inv #64109

and be it

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$4,653.00	LaBella Associates P.C.	Professional Services Knowlesville Culvert Replacements – Inv #64108

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$11,042.20	Barre Stone Products	Pole Barn Materials
\$ 156.89	Barre Stone Products	Pole Barn Materials

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 242-715**

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

WHEREAS, Resolution No. 355-1014 approved an agreement in the amount of \$128,570 for the county to clean and maintain the Court Facility; now be it

RESOLVED, that this Legislature approves a one (1) year amended renewal agreement between the Buildings and Grounds Department and the Unified Court System, which provides for the county to clean and maintain the Court Facility, Contract #C300357, at a cost of \$143,312 for the period of April 1, 2014 through March 31, 2015, with 100% reimbursement to be made to the county by the state; and be it

FURTHER RESOLVED, that the Unified Court system is requesting an amendment in the amount of \$76,706 to the County of Orleans's five-year contract, as approved by Resolution No. 465-1213; to more closely reflect expenditures for the remainder of the five-year contract period totaling \$746,299.

Moved, Eick; second, Miller.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 243-715**

APPROVING APPOINTMENT TO THE AGING ADVISORY COUNCIL

RESOLVED, that this Legislature approves the following appointment to the Office for the Aging Advisory Council for a three year term, effective April 1, 2015 through March 31, 2018.

David Gaudioso 2287 Petersmith Road Kent, NY 14477

Moved, Miller; second, Eick.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 244-715**

**APPROVING AGREEMENTS BETWEEN 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, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

Orleans County Sheriff's Department, Albion, NY for safe transportation of youth to out-of-county detention facilities; to be effective September 1, 2015 through August 31, 2016 at a cost of \$15,000. County cost is \$7,650.

Orleans County Office for the Aging, Albion, NY for the provision of outreach activities for Low Income Home Energy Assistance Program (HEAP) recipients; to be effective August 28, 2015 through August 27, 2016 at a cost of \$17,500. County cost is \$0.

Moved Miller; second, Eick.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 245-715**

**AUTHORIZING CREATING TEMPORARY POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature authorizes the creation of temporary positions in the Department of Social Services for implementation of the Home Energy Assistance Program (HEAP) to be reimbursed with 100% federal funds, as follows:

Full time Social Welfare Examiner effective August 17, 2015 – March 31, 2016 at Grade 13 of the CSEA Salary Schedule;

Full time Social Welfare Examiner effective November 2, 2015 – April 30, 2016 at Grade 13 of the CSEA Salary Schedule;

Full time Clerk effective November 2, 2015 – May 31, 2016 at Grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of these newly created temporary vacant positions.

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 246-715**

**AUTHORIZING THE CREATION AND FILLING OF POSITION IN THE MENTAL HEALTH DEPARTMENT**

RESOLVED, that this Legislature authorizes the creation of a Clinic Therapist position in the Mental Health Department at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created position, effective July 23, 2015.

Moved, Allport; second, DeFilipps.

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

**RESOLUTION NO. 247-715**

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

RESOLVED, that this Legislature authorizes a transfer of funds within the Mental Health budget for the purchase of computers, as follows:

<u>From</u>		
A4310.452	Personnel Service Contracts	\$5,340.46
<u>To:</u>		
A4310.220	Office Equipment	\$5,340.46

Moved, Allport; second, DeFilipps.

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

**RESOLUTION NO. 248-715**

APPROVING AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND OPALECKY PHYSICAL THERAPY SERVICES

RESOLVED, that this Legislature approves agreements between the Health Department and Opalecky Physical Therapy Services, PLLC Contract to provide 'Related Services' in the form of Physical Therapy for the eligible children of Orleans County at a rate of \$54/ ½ hour. Services provided through the 3-5 pre-school program. Reimbursement from NYS Dept of Health Medicaid and some third party Insurances. To run from July 1, 2015 through June 30, 2018. No cost to county.

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

**RESOLUTION NO. 249-715**

AMENDING RESOLUTION NO. 193-515 WHICH APPROVED AN AGREEMENT BETWEEN COUNTY OF ORLEANS AND NEW YORK STATE DEPARTMENT OF STATE FOR PHASE TWO OF COUNTY MARINE BOATING ACCESS

WHEREAS, Resolution No. 193-515 approved an agreement between the County of Orleans and the New York State Department of State effective May 1, 2015 to April 30, 2018 in the amount of \$163,000 for capital improvements to the County Marine Park including replacement of north stairway/walkway, shore power for 36 docks, and playground at 50% County cost; now be it

RESOLVED, that this Legislative does hereby amend the agreement changing the contract period to be effective September 1, 2015 to August 30, 2018; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute this amended agreement upon the review and approval by the Orleans County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 250-715**

**ADOPTING ADDITIONS TO CERTIFIED AGRICULTURAL DISTRICTS**

WHEREAS, Article 25AA of State Agricultural and Markets Law provides for the addition of predominantly viable agricultural land into existing, certified agricultural districts following an annual thirty day enrollment period and public hearing; and

WHEREAS, said enrollment period occurred in June 2015 and proper notice was provided and a public hearing was held on July 22, 2015 following the report and recommendation of the Orleans County Agricultural and Farmland Protection Board;

THEREFORE, BE IT RESOLVED, that additions to Agricultural Districts No. 2 and 3 of five (5) whole tax parcels of predominantly viable farmland be adopted as identified by numbers 62.00-1-6.1, 107.00-1-11.12, 120.00-1-65.3, 120.00-1-66.2, 120.00-1-67; and be it

FURTHER RESOLVED, that a Notice of Determination of Non-Significance - Negative Declaration shall be filed in the absence of a significant effect of this action on the environment, pursuant to Article 8 of Environmental Conservation Law.

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

**RESOLUTION NO. 251-715**

**AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE PLANNING AND DEVELOPMENT BUDGET**

RESOLVED, that the Treasurer is authorized to transfer monies within the Planning and Development Department budget due to a temporary professional staff vacancy to fund grant application for update of Local Waterfront Revitalization Plan as follows:

<u>From:</u>		
A8020.100	Personal Services	\$1,500

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<u>To:</u>		
A8020.418	Other Contractual	\$ 1,500

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

**RESOLUTION NO. 252-715**

**SUPPORTING GRANT APPLICATION TO UPDATE THE LOCAL WATERFRONT REVITALIZATION PROGRAM**

WHEREAS, Orleans County is situated on the south shore of Lake Ontario and is interested in maintaining and improving its waterfront assets in order to increase its quality of life, promote tourism, and preserve its resources and character; and

WHEREAS, in the 1990s the Towns of Kendall, Carlton and Yates partnered with each other along with Orleans County to create the Kendall-Yates-Carlton Local Waterfront Revitalization Program (LWRP); that plan was finally approved by the New York State Department of State in 2002; and

WHEREAS, over the past thirteen-plus years the LWRP has helped to advance coastal development projects and policies identified therein with varying degrees of success; and

WHEREAS, local leaders feel that given the completion of certain LWRP objectives, the passage of time, and the rise of new issues to address, the Towns of Kendall, Carlton and Yates along with Orleans County stand to benefit greatly from undertaking an update to the LWRP so it can best plan and prepare its waterfront for the future; and

WHEREAS, Orleans County, as it overarches the 24-mile length of Lake Ontario shoreline in the three towns, is leading an effort to update the LWRP; the County intends to submit a Consolidated Funding Application in Round V (2015) of New York State's Regional Economic Development Councils to secure grant dollars for that purpose; now therefore be it

RESOLVED, that the County of Orleans hereby expresses its general support for an LWRP update; and be it

FURTHER RESOLVED, that Orleans County wishes to act on its behalf to apply for a grant to perform an LWRP update from the New York State Department of State Local Waterfront Revitalization Program in Round V of the Regional Economic Development Councils.

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

**RESOLUTION NO. 253-715**

APPROVING AN AGREEMENT ADDENDUM BETWEEN THE SHERIFF'S OFFICE AND ERNST'S LAKE BREEZE MARINA

RESOLVED, that this Legislature does hereby approve an agreement addendum between Orleans County Sheriff and Lake Breeze Marina, 990 Point Breeze Road, Kent, NY 14477, for an additional pre-purchase of gasoline in the amount of \$5,000, for use by the navigation patrol, paid from account 3110.430 - Navigation Expenses; reimbursed by Stonegarden FY12 & FY 13. The cost of the fuel will be reduced by 5 % of the price at the pump; and be it

FURTHER RESOLVED, that this Legislature approves the addendum to also extend out the initial contract as approved in Resolution No. 167-515 through November 30, 2015

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

**RESOLUTION NO. 254-715**

AUTHORIZING THE SHERIFF TO PARTICIPATE IN AND ACCEPT GRANT FUNDING THROUGH THE NEW YORK STATE CANAL CORPORATION

RESOLVED, that the Sheriff is authorize to participate in and accept grant funding from the New York State Canal Corporation in an amount not to exceed \$8,018 for the purpose of funding marine patrols on the Erie Canal providing a 75% county reimbursement for expenses - County Cost 25%; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to sign an agreement with New York State Canal Corporation

subject to County Attorney and Chief Administrative Officer approval; and be it.

FURTHER RESOLVED, the Legislature authorizes the Treasurer to set up new money in the Sheriff's 2015 budget to cover this vehicle purchases follows:

Revenue:  
A4308                    NYS Canal Corporation Marine Patrol Grant        \$8,018

Appropriation:  
A3110.486              Special Grants    \$8,018

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

**RESOLUTION NO. 255-715**

AUTHORIZING SETTING UP NEW MONEY IN THE SHERIFF'S BUDGET

RESOLVED, that the County Treasurer is authorized to set up new money in the Sheriff's Budget to increase patrols and investigation to combat burglaries, as follows:

Revenue:  
A3323.4614              NYS DCJS Operation Impact Tools Grant FY14        \$23,900

Appropriation:  
A3110.486.4614        Special Grants – Operation Impact Tools                        \$23,900

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

**RESOLUTION NO. 256-715**

AMENDING RESOLUTION NO. 306-814 AS AMENDED BY RESOLUTION NO. 168-515 REGARDING PURCHASE OF A MARINE PATROL VESSEL FOR THE SHERIFF MARINE PATROL AND AUTHORIZING INTERDEPARTMENTAL INSTALLMENT OBLIGATION

WHEREAS, Resolution No. 306-814 as amended by Resolution No. 168-515 authorized the purchase of a marine Patrol Vessel and to obtain funding through First Niagara Leasing, Inc.; and

WHEREAS, this Legislature now desires to obtain funding by means of an Interdepartmental Installment Obligation whereby the Orleans County Treasurer will finance \$115,000 of the purchase price of the Marine Patrol Vessel and related accessories by means of an Interdepartmental Installment Obligation in the principal amount of \$115,000 payable in annual installments of principal and interest in the amount of \$17,765.29 commencing on May 13, 2016 and with interest at the rate of 2.690% on the unpaid principal balance with the unpaid balance being due in full on May 13, 2022; now therefore be it

RESOLVED that this Legislature amends Resolution No. 168-515 to change funding in the amount of \$115,000 from the leasing provider of First Niagara Leasing, Inc. to an Interdepartmental Installment Obligation payable, commencing on May 13, 2016, in annual principal and interest installments of \$17,765.29 with interest at the rate of 2.690%, the final payment to be due on May 13, 2022 which payments shall be paid out of the Orleans County Sheriff's Department budget; and be it further

RESOLVED that the acquisition of the 27' Walk Around Cabin SAFE Boat, Hull Type Deep V, Model 27' FC, Dual 250 HP Mercury 250CXXL B Outboards and EZ Loader, Model TIEZSB 27 11500 Trailer (hereinafter the "Property") is hereby authorized and the County is hereby authorized to finance the acquisition of the Property by an Interdepartmental Installment Obligation, and that any action taken by the County in connection therewith is hereby ratified and confirmed; and be it further

RESOLVED that either the Chairman or the Vice-Chairman acting on behalf of the County is hereby authorized to enter into, execute, and deliver an Interdepartmental Installment Obligation in substantially the form set forth in the document presently before this Legislature; and be it further

RESOLVED that the County's obligations under the Interdepartmental Installment Obligation shall be subject to annual appropriation or renewal by this Legislature and the County's obligations under the Interdepartmental Installment Obligation shall not constitute

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general obligations of the County or indebtedness under the Local Finance Law or Constitution of New York State; and be it further

RESOLVED that it is hereby determined that the purpose of the acquisition of the Property is an object or purpose described in subdivision 26 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probably usefulness of said purpose is ten years; and be it further

RESOLVED that the Chairman or Vice-Chairman and the County Treasurer are authorized to take such actions and execute such documents as may be necessary to effectuate this Resolution; and be it further

RESOLVED that this Resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or General Municipal Law.

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

Legislator Johnson moved a resolution to voice non support for Legislation on an Assembly Bill concerning the treatment of pregnant incarcerated women and requesting to amend the bill so it would not cause another unfunded mandate; second by Legislator Miller. Legislator Johnson reviewed all of the requirements the Sheriff would be responsible for in the treatment of pregnant incarcerated women. She wanted this resolution also to be sent to Steve Acquario, Executive Director of NYSAC. The following resolution was adopted:

**RESOLUTION NO. 257-715**

URGING NON SUPPORT OF ASSEMBLY BILL A6430  
CONCERNING PREGNANT INCARCERATED WOMEN AND  
REQUESTING TO AMEND THE BILL TO AVOID AN UNFUNDED  
MANDATE

WHEREAS, in the waning days of the legislative session NYS Assembly Bill A6430 was discharged expeditiously through committees of both houses and various entities were never given an opportunity to make comments; and

WHEREAS, it makes amendments to the current law on security restraints for female pregnant prisoners on how and when they may be

used, as well as "no restraint" provisions, and that a sheriff must find extraordinary circumstances exist, must seek medical consultation, must justify use in writing, must not have correction staff present during birth yet be responsible for security, must give written notice to any female incarcerated and again if pregnant, must provide annual training for all correctional transport staff, and must report in writing annually to the (1) Governor, (2) the temporary president of the senate, (3) the minority leader of the senate, (4) the speaker of the assembly, (5) the minority leader of the assembly, (6) the chairperson of the senate crime victims, (7) crime and correction committee and (8) the chairperson of the assembly correction committee every time the use of restraints on a woman under this bill; and

WHEREAS, everyone involved in the custody of a pregnant female needs to understand the different medical issues involved and that she be dealt with accordingly and safely, however the language in this bill is excessive, overstated, and extraordinary burdensome in many ways resulting in an unfunded mandate, and an increase in the overtime of corrections costs to the counties, and in some circumstances will jeopardize safety, create escape possibilities, and security concerns of all involved, and this is not the time for such issues; now therefore be it

RESOLVED, that the Orleans County Legislature urges the nonsupport of this legislation, and that the extreme provisions be amended to avoid the unfunded mandate to counties while maintaining the safety of the female and the security of the incarceration for everyone; and

RESOLVED, that a copy of this resolution be sent to Governor Cuomo, Senator Robert Ortt, Assemblyman Steve Hawley, Assemblywomen Jane Corwin, The State Commission of Corrections, the NYS Association of Counties, the NYS Sheriffs' Association, and Sheriff Scott Hess.

Moved, Johnson; second, Miller.

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

#### **RESOLUTION NO. 258-715**

#### **APPROVING AGREEMENT BETWEEN THE PUBLIC DEFENDER AND SEAN BEMONT**

RESOLVED, that this Legislature does hereby approve an agreement between the Public Defender and Sean Bemont, 28 S. Main St,

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Holley, NY 14470 to provide as needed Spanish Interpreting services effective May 1, 2015 through April 30, 2016 in the amount not to exceed \$5,000; to be paid from the Indigent Legal Services Grant FY12-15. County cost \$0.

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

**RESOLUTION NO. 259-715**

**APPROVING EXTENSION OF AGREEMENT BETWEEN PUBLIC DEFENDER AND NYS OFFICE OF INDIGENT LEGAL SERVICES**

WHEREAS, Resolution No. 134-313 approved an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, State Capital Rm. 128, Albany, NY 12224 to provide funds in the amount of \$78,219 to assist the County in improving the quality of indigent legal services, initially effective June 1, 2012 through May 31, 2015; now be it

RESOLVED, that this Legislature approves extending the agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services to continue to provide funds in the amount of \$78,219 through November 30, 2015.

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

**RESOLUTION NO. 260-715**

**MODIFYING RESOLUTION NO. 273-814 TO ACCEPT ADDITIONAL FUNDING WITH THE NEW YORK STATE CRIME VICTIMS BOARD**

WHEREAS, Resolution No. 273-814 approved an agreement for the New York State Crime Victims Board for the 2015-2016 contract year in the amount of \$63,560.03; now be it

RESOLVED, that this Legislature authorizes modification of Resolution No. 273-814 to accept a 15% increase for the 2015-2016 contract year award in the amount of \$11,216.48 which provides for our new annual award for this 2015-2016 funding period of \$74,776.51; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute necessary paperwork to accept this grant award subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 261-715**

**AUTHORIZING DISTRICT ATTORNEY TO ACCEPT THE STATE AID TO PROSECUTION GRANT RENEWAL WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES**

WHEREAS, the District Attorney has previously obtained several grants for State Aid to Prosecution with the Division of Criminal Justice Services; and

WHEREAS, an application has been submitted to renew said State Aid to Prosecution grant for the year April 1, 2015 through September 30, 2016; be it

RESOLVED, that the District Attorney is authorized to accept the renewal of the State Aid to Prosecution Grant (e-grant #AP15-1036-D00) in the amount of \$43,800, with the Division of Criminal Justice Services to provide for an experienced 1<sup>st</sup> Assistant District Attorney.

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

**RESOLUTION NO. 262-715**

**AUTHORIZING EMERGENCY MANAGEMENT OFFICE TO APPLY FOR THE CRITICAL INFRASTRUCTURE GRANT FOR FY2015**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to apply for a new Critical Infrastructure Grant for up to \$50,000, for critical infrastructure protection; said grant, if approved, will run from October 1, 2015 through August 31, 2018.

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

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

**RESOLUTION NO. 263-715**

AUTHORIZING CONTINUED PARTICIPATION AND ACCEPT GRANT FROM NYS DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES WITH ORLEANS COUNTY OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, a new matching funds opportunity has become available in the amount of \$21,135 to continue participation in the Emergency Management Performance Grant (EMPG) for FY2015; now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant EM15-1032-D00; contract #T838755 in the amount of \$21,135 for the Emergency Management Office to use towards the replacement of the backup radio dispatch work station at the EMO, the continued lease of the multi-function copier and funding towards replacement of the EMO CBRNE vehicle under the FY2015 SHSP guidelines effective October 1, 2015 through September 30, 2016.

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

**RESOLUTION NO. 264-715**

APPROVING PAYMENT OF POSTAGE COSTS FOR ANNUAL POSTCARD MAILING TO REGISTERED VOTERS OF ORLEANS COUNTY

RESOLVED, that this Legislature approves the payment of postage costs in the amount of \$5,425 to be paid from Elections Account A1450.461- Postage for the mailing of the annual mail check postcards by NTS Data Services, 2079 Sawyer Dr, Niagara Falls, NY 14304 to all active registered voters of Orleans County advising them of the 2015 Primary and

General Election dates and other relevant voter information, as pursuant to New York State Election Law.

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

**RESOLUTION NO. 265-715**

CONFIRMING THE AMERICANS WITH DISABILITIES COORDINATOR FOR ORLEANS COUNTY; APPROVING THE NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT AND APPROVING THE GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

RESOLVED, that this Legislature confirms that the Chief Administrative Officer will act as the Americans with Disabilities Act Coordinator for Orleans County; and be it

FURTHER RESOLVED, that this Legislature approves the following Notice under the Americans with Disabilities Act:

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the County of Orleans will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: The County of Orleans does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The County of Orleans will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Orleans programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The County of Orleans will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the County of Orleans offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County Orleans, should contact the office of the Chief Administrative Officer/ADA Coordinator, Charles H. Nesbitt, Jr.; 3 South Main Street, Suite 2, Albion, NY 14411 at 585-589-7053 or e-mail at [cnesbitt@orleansny.com](mailto:cnesbitt@orleansny.com) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County of Orleans to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the County of Orleans is not accessible to persons with disabilities should be directed to Charles H. Nesbitt, Jr, Chief Administrative Officer/ADA Coordinator at 3 South Main Street, Suite 2, Albion, NY 14411; 585-589-7053 or at [cnesbitt@orleansny.com](mailto:cnesbitt@orleansny.com).

The County of Orleans will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

and be it

FURTHER RESOLVED, that this Legislature approves the following Grievance Procedure under the Americans with Disabilities Act:

## **GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County of Orleans. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the County of Orleans.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Charles H. Nesbitt, Jr  
ADA Coordinator and Chief Administrative Officer  
County of Orleans  
3 South Main Street, Suite 2, Albion, NY 14411

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County of Orleans and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her

designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the County of Orleans for at least three (3) years.

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

#### **RESOLUTION NO. 266-715**

**SUPPORTING A GRANT FOR THE BULLARD PARK PHASE I PROJECT THROUGH THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION.**

WHEREAS, the Orleans County Legislature supports the efforts of the Village of Albion to submit a grant application to the New York State Office Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located on the corner of East Avenue and Clarendon Street in the Village of Albion;

NOW, THEREFORE, be it resolved that the Orleans County Legislature hereby support the efforts of the Village of Albion, and be it further,

RESOLVED, that the Orleans County Legislature will review any request made by the Village of Albion on a need by need basis, beginning on the date of this resolution; and be it,

FURTHER RESOLVED that the Orleans County Legislature does hereby approve and endorse the application for a grant under the

Environmental Protection Fund for a park project known as Bullard Park Phase I.

Moved, Miller; second, Eick.  
Adopted. 6 ayes; 0 nays; 1 absent, DeRoller.

**RESOLUTION NO. 267-715**

**AUTHORIZING PAYMENT OF CLAIMS FOR AUGUST AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for August 12, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	606-802	\$320,447.58
Highway	591-605; 1419-1446	\$152,704.64
Nursing Home	No Claims	
Job Development	1839-1851	\$4,281.63
Self Insurance	55608-55609; 1094	\$3,938.70

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for August 26, 2015:

Fund/Department	Check Number (s):	Amount:
General	813-948	\$358,674.69
Highway	606-618; 1447-1455	\$143,261.16
Nursing Home	27727-27728	\$20,208.29
Job Development	1854-1861	\$10,239.45
Self Insurance	55662-55665; 1095	\$15,722.15

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

The following add on resolution was presented, discussed and adopted:

Legislator Johnson authorized a loan from the General Fund to the Capital Project Radio Account. She reported that she was at a Fire Advisory Board meeting on Monday and it was said very well from a Chief from the back of the room in that “we are in the cusp of total completeness with a radio project that has cost us a lot of money”. She said that the Chiefs are very happy. A very long term costly project but with the interest of public safety, stated Legislator Johnson. The following resolution was adopted:

**RESOLUTION NO. 268-715**

**AUTHORIZING TREASURER TO LOAN FUNDS TO THE CAPITAL PROJECT RADIO ACCOUNT FROM THE GENERAL FUND**

WHEREAS, Resolution 233-615 authorized payment to Harris Corporation PSPC in the amount of \$81,443.20; and

WHEREAS, the Capital Project Radio Account is awaiting revenue from Sprint/Nextel Rebanding which will be returned to the Capital Project Radio Account; and

WHEREAS, the Capital Project Radio account needs a loan from the General Fund to make the payment as authorized in Resolution No. 233-615 and that the General Fund will be repaid from the revenue received; now be it

RESOLVED, that this Legislature authorizes the Treasurer to loan funds from the General Fund to the Capital Project Radio Account in an amount not to exceed \$17,000 to pay Harris Corporation as authorized in Resolution No. 233-615, and be it

FURTHER RESOLVED, that said loan will be repaid upon receipt of the Sprint/Nextel reimbursement.

Moved, Johnson; second, Miller.

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

With there being no old business, Chairman Callard opened the floor for public comment. Bruce Schmidt, Town of Gaines, shared his appreciation with the Board in allowing him to make a presentation at the last meeting on behalf of the Historical Association. He stated at the last meeting, he heard something that should have been addressed by the board but heard no reply. The comment that was made at the last meeting was that the Department of Homeland Security was an unconstitutional agency. Mr. Schmidt further expressed in length his view on the importance and historical significance of the Department of Homeland Security. In 2001, on September 11<sup>th</sup>, a person from Orleans County responded to a federally de-mort volunteer unit spending nearly 20 days in New York City with eight days at the Ground Zero Morgue near the smoldering mess. Many days after 9-11 President Bush created the Office of Homeland Security. Governor Tom Ridge, from Pennsylvania, took office as the Director of this agency 30 days after 9-11. During those eight days, this person from Orleans County dealt with pathologists, anthropologists, priests and body remains. Congressman Thomas Reynolds memorialized these volunteers, one from Orleans County and two from Genesee County, in the congressional record for the type of services they performed and the volunteerism that they exhibited. About eleven months after 9-11, the Homeland Security Act was signed into law on November 25<sup>th</sup>, 2002 in a very unanimous style vote by congress. It was the greatest governmental re-organization in fifty years. It encompassed twenty-two different agencies such as Secret Service, US Customs, FEHMA and the Coast Guard amongst others. On or about January 20<sup>th</sup>, 2003, by a vote of 88 to 0, Tom Ridge was appointed a Secretary of the Homeland Security Department. On March 1<sup>st</sup> this department was placed in full effect and one of the first acts he did was to recognize many of those de-mort individuals who responded to major death disaster times and considered them by resolution and certificates to the Homeland Security Founders. Mr. Schmidt stated this man from Orleans County who was recognized is here today and when he mentioned that someone spoke that Homeland Security Department or Agency was an unconstitutional agency, Mr. Schmidt indicated you could imagine his state of mind in hearing this. Mr. Schmidt summarized that those that served at Ground Zero it is hard to say, with them valiantly responding, that their service was an unconstitutional

act or an illegal act. Their volunteer actions should be recognized as the highest degree of a humanitarian act. Mr. Schmidt encouraged the Board that if another false statement is made that this Legislative Board will use the civility of voice to note to the objections to wrong statements that have been made. Mr. Schmidt thanked the Board.

Paul Lauricella, Yates, stated that he knew that what Mr. Schmidt was speaking of was directed to him as to what he stated at a previous meeting. Mr. Lauricella agreed that the actions of 9-11 were horrible but believes what the Department of Homeland Security has become since that day is unconstitutional. He said much of what the Federal Government does is unconstitutional. There are only eighteen duties that they should be performing. He said the FBI could very well handle what Homeland Security does. He stated that he understands Mr. Schmidt's passion and he will not retract his statement because that is what he believes. Mr. Lauricella referenced how people are treated at checkpoints at airports and that the government is tracking phone calls and e-mails. This is not the country he was brought up in.

Mr. Lauricella commented on the IDA audit that was released and available for public review. He read a prepared statement. In summary, he felt that the IDA is mismanaged. He stated that there is no accountability with handling our tax payer money. He referenced the lack of recapture clauses of taxpayers' money should businesses not be performing or lacking of meeting their goals. He referenced no verification with job creation numbers or salaries of those jobs retained because only thing that needed to be reported was full time employees. He indicated that the Comptroller reviewed annual job reports from twenty-two businesses and they did not meet the requirements for jobs created or retained. He referenced the dollars lost to taxpayers based on companies pulling out of our area. He stated that since the audit, the IDA remains to insult the taxpayers by giving away taxpayers money without recapture clauses. He referenced many businesses that the IDA had provided tax abatements. He felt that the employees at the IDA should be replaced as a result of this humiliating audit. In summary, Mr. Lauricella felt that the Board has overlooked the problems of this agency. He asked Chairman Callard what is going to be done to resolve this. Chairman Callard thanked him for his statement.

Mr. Lauricella asked if the county is prepared for an EMP (Electro Magnetic Pulse) attack. Legislator DeFilipps indicated that he believes that Homeland Security is involved in this.

Legislator Johnson requested to respond to Mr. Lauricella's statements. She advised him, based on her opinion, that she will not allow him to come into the Orleans County Legislative Chambers and disrespect the Legislators, these chambers, or any Orleans County Employee and that is what he has done. She indicated that he has lied, and he has not done his homework. She requested that he respect the place that he stands in and should dress accordingly therefore not be wearing campaign t-shirts in the chambers.

Scott Schmidt, a Shelby resident and is a public servant serving as Chief Coroner for Orleans County for the past twenty-five years, stated that growing up in a household with a father being an attorney was not an easy thing to do. He stated his father commanded respect. He grew up to respect his elders, co-workers and people he works for, lawmakers, community members, friends, and family. To grow up in a profession that he is constantly dealing with people in their worst times of their lives, he also has to give them respect because sometimes their minds are not in it or are loose cannons, he explained. Scott stated today that he is humbled on many levels that he was able to go to 9-11. That currently he is a training officer for the Federal Mortuary Team. He is honored that his father, who taught him respect, has stood before you to express respect for his son. He said he can't put that into words; or can he put into words about the statement that the gentleman made as to how much is too much when it comes to the security of everyone in our country. He said to ask Sheriff Officer Papponetti here today or Officer DeFilipps how much is too much to secure their safety in performing in their line of duty. He thanked the board for listening and giving the floor to his dad, who continually at the age of 76, makes him proud every day.

Legislator DeFilipps moved to adjourn; second by Legislator Miller. Meeting adjourned at 5:20 p.m.

**SPECIAL LEGISLATURE MEETING**

July 28, 2015

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Chairman Callard called the meeting to order at 9:00 AM. After the pledge to the flag, the Clerk called the roll. All Legislators were present, with the exception of Legislators Allport and DeRoller.

The following resolution was presented for adoption:

**RESOLUTION NO. 269-715**

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR FUNDING TO IMPLEMENT A MICROENTERPRISE ASSISTANCE PROGRAM**

WHEREAS, The New York State Office of Community Renewal (the “OCR”) has invited applications for Community Development Block Grant funding for the implementation of a Microenterprise Program (the “Program”), through the Consolidated Funding Application (CFA) process, and

WHEREAS, the Program will include financial assistance to existing and prospective small businesses throughout Orleans County in the form of deferred loans to be administered by the Orleans County Local Development Corporation, and a continuation of the Downtown Commercial Rent Subsidy Program currently that was jointly administered by the Orleans County Local Development Corporation and the Orleans County Chamber of Commerce, and

WHEREAS, the County has held a public hearing to obtain citizen input regarding the community and economic development needs of Orleans County and to obtain the views of citizens regarding the Program; now be it

RESOLVED, that the County Chairman is hereby authorized to submit a Microenterprise grant application in the amount of \$200,000 to the OCR to fund the Program, and be it

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

Moved, DeFilipps; second, Eick.

Adopted. 5 ayes; 0 nays; 2 absent, Allport and DeRoller.

With there being no further business at 9:02 a.m., Legislator Eick moved to adjourn; second by Legislator DeFilipps.

**SPECIAL LEGISLATURE MEETING**

July 31, 2015

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Chairman Callard called the meeting to order at 9:00 AM. After the pledge to the flag, the Clerk called the roll. All Legislators were present, with the exception of Legislators Allport, DeRoller and Eick.

The following resolution was presented for adoption:

Legislator Johnson moved to approve a Memorandum of Understanding for the NORA Rural Broadband Initiative. She explained that this is signing a Memorandum of Understanding that we are going to work with Seneca Telecommunications for them to own, design, install, operate, and maintain a rural broadband network for both Niagara and Orleans Counties. She expressed that this has been a long time in fruition. They have risen to the occasion to own it and came in across both counties with a competitive rate. Legislator Miller seconded the motion. Chairman Callard stated we are in our sixth year with it being initiated - starting at a town level nearly six years ago. We are finally closing in on an initiative that we hope will do very well and will be on its way next year. Chairman Callard explained that broadband monies are becoming available through the State. NORA and Legislator Johnson's activity toward this initiative has helped make this near fruition. It may take a year or two for completion if we are able to push ahead but we are closer now than we have ever been before expressed Chairman Callard. Legislator Johnson stated that we are waiting for the New York State Broadband Office to clarify on the application process to apply for the funding. Legislator Johnson stated that this would never have happened if it wasn't for Chairman Ross (Niagara County) and Chairman Callard in pushing this joint effort forward. The following resolution was adopted:

**RESOLUTION NO. 270-715**

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

RESOLVED, that this Legislature approves a 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 180 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, Miller.

Adopted. 4 ayes; 0 nays; 3 absent: Allport, DeRoller and Eick.

With there being no further business at 9:08 a.m., Legislator DeFilipps moved to adjourn; second by Legislator Miller.

**LEGISLATURE MEETING**  
August 26, 2015

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

The Clerk presented the following communications: NYS State Department of Taxation and Finance - Office of Real Property Tax Services has informed Orleans County of the establishment of the final equalization rates to be used in the apportionment of the 2016 county tax levy pursuant to Title 2 of Article 8 of the Real Property Tax Law. Jack Welch, Director of Personnel and Self Insurance has provided notice that the New York State Civil Service Commission took action on two resolutions amending the appendices of the Orleans County Civil Service Rules to include adding the job title of Investigator of the Major Felony Crime Task Force (5) to Appendix X – Exempt Class; and adding the job title of Coroner’s Physician to Appendix B – Non Competitive Class. The American Legion will hold their 14<sup>th</sup> annual 911 Memorial Service on Friday, September 11<sup>th</sup> at the Albion Elks Lodge at 10:00 a.m. A candlelight vigil is also planned for 6 p.m. that same day at the courthouse square flag pole and memorial stone. A request to hang a banner on the courthouse lawn has been made for August 28<sup>th</sup> through September 11<sup>th</sup>. A request to use the courthouse grounds has also been made for the 6:00 p.m. to hold the candlelight vigil. The Board approved this request. Our Drug Take Back day has been announced for Saturday, September 26<sup>th</sup> from 10 a.m. until 2 p.m. at three drop of locations at the Holley Fire Department, Medina Fire Department and also the Orleans County Public Safety Building.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through July of 2015. She advised that June looks better because state and federal aid did not come in well for the month of July. Also there were three payrolls in the month of July.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Yates, inquired of Resolution No. 282 which appoints the Interim Director of Planning and Development. He asked if this is a new position. Chairman Callard stated that our Director retired and this is for his replacement appointment. He asked if the salary of \$64,326 is the outgoing salary that the last director had. The board indicated it is less.

CAO Nesbitt indicated that it is about \$7,000 to \$8,000 less. Mr. Nesbitt also added that our appointee is not new to the county; he is a 26 year veteran of the county. We went down from step 9 to step 3, stated CAO Nesbitt.

Mr. Lauricella also inquired of the E-waste collection with Sunnking. He asked why \$14,782 is being paid to Sunnking? Mr. Nesbitt stated that payment will be made to prevent these items from ending up in the ditches all over our county. Currently some of the Town Highway Superintendents (Gaines, Murray, Yates) have been collecting these items and the stock pile now has to be removed and disposed of. He asked if this is a onetime cost for the stockpile and if we will have other agencies taking this over. Mr. Nesbitt advised that there is no mechanism in NYS at this time under the new regulations passed by DEC as of January 1<sup>st</sup> that will allow free market collection of these items. We are creating a plan to eliminate this waste in the interim until the state gets their act together in the next year or two and we have to step up and take care of it or allow these be left in the ditches all over the county. CAO Nesbitt said we are taking responsibility for this issue. Chairman Callard stated that over 500 televisions have accumulated in the ditches, roadsides, creeks and in various other places since the beginning of the year. He said this is a very exciting plan and it has been a joint effort with our adjoining county to develop this system and it will be paid for out of our solid waste so the cost will be minimal on a parcel basis. We are excited to get this under control and televisions off people's front lawns.

Mr. Lauricella asked about Resolution No. 288 and said he is not in favor of free services that look to be offered through the modifications of the county Employee Handbook concerning the counseling services. CAO Nesbitt advised that we are a large employer who has an Employee Assistance Program and pay a contractor to provide counseling services for our employees so they have less problems in the workplace. This reduces the time of the CAO, County Attorney, Personnel Director and Department Heads that have to deal with situations. We provide this preventive measure that reduces expenses and we are in compliance of the law, stated Chairman Callard. Mr. Lauricella thinks that this could encourage poor behavior. Jack Welch, Personnel Director stated that we subsidize these programs through the revenue made in the vending machines that the county employees purchase soda and snacks from. Mr. Welch stated that employees get three sessions; it is not an unlimited program. These programs are to help with confidential issues such with family, work and

other counseling needs to continue for employees to be productive in the workplace.

Mr. Lauricella questioned the sales tax extender in Resolution No. 289. Mr. Schubel stated that this resolution allows continuing with the additional one percent sales tax by state statute which expires every two years. In order for it to continue, we need to amend the resolution of 1967. It currently recites that it will expire December 1, 2015 and the state has allowed us to extend it through November 30, 2017. This resolution is reviewed by the Office of Counsel at the State Department of Tax and Finance and this is what they want. They want all of the prior resolutions listed. Mr. Lauricella then summarized that we will remain at 8% sales tax with 4% each going to the state and county and the board affirmed this summary.

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

**RESOLUTION NO. 271-815**

**AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE A NEW HYDRAULIC ANGLE BROOM AND BRACKET**

RESOLVED, that this Legislature authorizes the Highway Department to purchase (1) SWL BA30 Hydraulic Angle Broom and Bracket from Southworth-Milton Inc, PO Box 3851 Boston, MA 02241-3851 for a total of \$13,345.70 to be purchased off the National Joint Powers Alliance Bid Number #060311 CAT; to be paid from account #DM5130.270. County cost \$0

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

**RESOLUTION NO. 272-815**

**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>
\$592.36	Barton & Loguidice, D.P.C	Engineering Services - East Scott Road Bridge Replacement Invoice #78437

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$258.80	Chemung Supply Corp.	Drainage pipe – Inv #7647292
\$5,441.13	Barre Stone Products	Crush and Run – Inv #4133
\$1,712.00	Kistner Concrete	Catch Basins – Inv. #125575
191,349.00	GUDABRI, Inc	Installation – 50% Progress – Inv #727-5680

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

**RESOLUTION NO. 273 -815**

APPROVING AGREEMENTS BETWEEN ORLEANS COUNTY AND  
UGI ENERGY SERVICES, INC.

RESOLVED, that this Legislature does hereby approve agreements between Orleans County and UGI Energy Services, Inc, 1100 Berkshire Blvd, Suite 205, Wyomissing, PA 19610 for the purchases of natural gas supplies for all Orleans County Buildings: COB, MH, Highway Garage, Highway Dept. and Jail at the discounted fixed city gate quote of \$2.983 per DTH effective November 1, 2015, through October 31, 2016. New rate is a budgetary savings of \$11,326.96 for all buildings over previous contract. Ref# 00019801-1-KO39A/00019806-1-KO36W, confirmation agreement.

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

**RESOLUTION NO. 274-815**

**AUTHORIZING OFFICE FOR THE AGING TO PURCHASE LIFELINE UNITS**

RESOLVED, that this Legislature authorizes the Orleans County Office for the Aging to purchase ten (10) 7000C emergency response system units from our current provider Philips Lifeline, 111 Lawrence Street, Framingham, MA 01701 at a discounted price of \$593 for each unit for a total of \$5,930. County cost \$0.

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

**RESOLUTION NO. 275-815**

**AUTHORIZING FILLING POSITION IN THE OFFICE FOR THE AGING**

RESOLVED, that this Legislature authorizes the filling of a vacant part-time clerk position (6772.26) in the Office for the Aging at Grade 7 of the CSEA Salary Schedule effective August 27, 2015.

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

**RESOLUTION NO. 276-815**

**APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES**

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

Hillside Children's Center, Rochester, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Snell Farm Children's Center, Bath, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

L. Woerner Inc. dba HCR, Rochester, NY for the provision of certified nursing assessments and nursing supervision for DSS Medicaid Personal Care Aide clients; to be effective September 1, 2015 through August 31, 2016.

Job Development Agency, Albion, NY for the provision of employment orientation, assessments, plans and services to Public Assistance clients; to be effective January 1, 2015 through December 31, 2015 at a cost of \$292,721. County cost is \$90,744.

Kids Peace National Center for Kids in Crisis, Schnecksville, PA for the provision of therapeutic foster care services; to be effective July 1, 2015 through June 30, 2016 at rates established by the New York State Office of Children and Family Services. Reimbursement will vary by child's eligibility for State and Federal funding.

Orleans County Attorney, Medina, NY for the provision of 2 part-time attorneys assigned to Social Services; to be effective January 1, 2015 through December 31, 2015 at a cost of \$88,770. County cost is \$29,294.

Moved, Miller; second, DeFilippis.  
Adopted. 6 ayes; 0 nays; 1 absent, Eick.

#### **RESOLUTION NO. 277-815**

#### **AUTHORIZING FILLING OF VACANCIES IN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that due to a transfer to another department, this Legislature does hereby authorize the filling of a vacant full-time Senior Account Clerk Typist position (6010.0131) in the Department of Social Services at Grade 10 of the CSEA salary schedule effective August 10, 2015; and be it

FURTHER RESOLVED, as a result of a resignation, that this Legislature does hereby authorize the filling of a vacant full-time Social

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Welfare Examiner position (6010.0249) at the Department of Social Services at Grade 13 of the CSEA Salary schedule effective August 27, 2015.

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

Legislator Allport moved to approve an agreement between Mental Health Association in Genesee County and Orleans County Mental Health to combine our mental health associations; second by Legislator DeFilipps. Legislator Allport stated that this is a great opportunity to provide more services in combining with Genesee County and will provide more collaboration. County Attorney Schubel added that the Orleans County Association will be dissolved and there is a Memorandum of Understanding to provide an equal board so it will be very similar as to what we are doing with Public Health. The following resolution was adopted:

**RESOLUTION NO. 278-815**

**APPROVING AGREEMENT BETWEEN MENTAL HEALTH AND MENTAL HEALTH ASSOCIATION IN GENESEE COUNTY**

RESOLVED, that this Legislature approves an agreement between Mental Health and Mental Health Association in Genesee County, 25 Liberty Street, Batavia, NY 14020 providing mental health support services and Drop-In Center for residents of Orleans County from September 1, 2015 to December 31, 2015 at a cost of \$21,220. County cost \$0.

Moved, Allport; second, DeFilipps.  
Adopted. 5 ayes; 0 nays; 1 abstention, Johnson; 1 absent, Eick.

**RESOLUTION NO. 279-815**

**AMENDING RESOLUTION NO. 468-1214 BETWEEN MENTAL HEALTH AND THE ARC OF ORLEANS COUNTY (FOR SUPPORTIVE EMPLOYMENT SERVICES)**

WHEREAS, Resolution No. 468-1214 approved an agreement between Mental Health and the Arc of Orleans County, 122 Caroline Street, Albion, NY 14411 providing supportive employment services at a cost of \$49,420 with no County cost; and

WHEREAS, there has been a COLA increase of \$392; be it

RESOLVED, that this Legislature authorizes the addition of the \$392 COLA increase to this agreement, now totaling \$49,812 at no County cost.

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

**RESOLUTION NO. 280-815**

**AUTHORIZING SETTING UP NEW MONIES IN THE MENTAL HEALTH DEPARTMENT BUDGET**

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget to set up revenue and expenses for Federal Medicaid Salary Sharing monies received as follows:

<u>Revenue:</u>		
A4490	Mental Health Federal	\$31,494.00
<u>Appropriation:</u>		
A4310.411	Supplies	\$4,171.54
A4310.418	Other Contractual	\$8,244.00
A4310.452	Personal Service Contracts	\$9,490.46
A4310.466	Consultant Fees	\$9,588.00

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

**RESOLUTION NO. 281-815**

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

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

Venesky and Company, 6114 Rte 31, Cicero, NY 13039 to prepare the required Medicaid Cost Report associated with the Preschool/School Supportive Health Services Program for the service periods of July 1, 2014

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through June 30, 2015 as required by New York State. Contract Period August July 1, 2015 – December 31, 2015. Contract amount \$4,500. County cost 100%.

Music Therapy Pathways, 80 South Main St, Oakfield, NY 14125 to provide music therapy services for children with disabilities placed under Section 4410 of the NYS Education Law as determined by the board. Music therapy shall be for one 30 minute session a month at the rate of \$51.50 per half hour. Contract period is September 1, 2015 – August 31, 2018. County cost 100%.

P2 Collaborative of WNY, 355 Harlem Road BLDG C 2<sup>nd</sup> Floor, West Seneca, NY 14224 is a five county collaborative to promote health in Western New York. The goal is to build marketing capacity to expand the reach of prevention activities outlined in the Community Health Improvement Plan. County will be reimbursed based on hours worked. Contract period is from June 1, 2015 through December 31, 2015. County cost \$0.

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

Oxford Immunotec, Inc., 700 Nickerson Road, Suite 200, Marlborough, MA 01752 to provide laboratory testing of specimens provided by the Orleans County Department Of Health. There is a \$20 DPH introductory price for 365 days for each specimen: thereafter the DPH price will be \$50 per specimen. Contract period is June 22, 2015 to December 31, 2020. County cost 100%.

National Association of County and City Health Officials, Modification to Agreement as approved under Resolution No. 52-215 (Original Contract #MRC15-2237C); This Modification of Agreement amends the funding source to the following: Department of Health and Human Services, GRANT# 1 HITEP150026-01-00, CFDA#93.008; entitled "Promote, Support and Build Capacity in the Medical Reserve Corp. All terms and conditions will remain unchanged.

Stacey Aliasso to provide Municipal Representative Services for the Preschool Special Education program to ensure that each child being

considered for Preschool Special Education receives appropriate services in the most normalized setting for the services. Contract to commence on August 1, 2015 and terminate December 31, 2016. County cost 100%.

Inter-Municipal Agreement, Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming: Contract/agreement to provide for services in the event of a public health problem. If the Orleans County Health Department (receiving county) determines that it is unable to respond to the problem, they may request mutual aid from one or more of the other Western New York Counties (sending counties). In such an event all costs associated with the aid are at the expense of the “receiving county”. Agreement effective July 1, 2015 through June 30, 2020. County cost 100%.

Monroe County Public Health, 111 Westfall Rd, Rochester, NY 14620 for an Inter-Municipal Agreement to provide lab services when testing is needed for lead level investigations, contract amount not to exceed \$8,000 effective September 28, 2015 through September 27, 2016. County Cost \$0.

Genesee Community College, 1 College Road, Batavia NY 14020 to secure Genesee Community College to assist Orleans County Health Department in opening a POD (Point of Distribution), to administer treatment should an accident occur. Also to allow for staff training/and preparation should an incident occur. Agreement effective September 1, 2015 through December 31, 2019. County cost \$0.

New York State Department of Health, Bureau of Early Intervention, ESP Corning Tower Room 287, Albany NY 12237 to provide monies for Early Intervention Administration. Contract Period from October 1, 2015 through September 30, 2016. Contract #C027498. Contract amount \$29,985. Contract amount paid in full by NYS Department of Health. County cost \$0.

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

Legislator DeFilipps moved to appoint James Bensley as Director of Planning and Development; second by Legislator Allport. Legislator DeRoller stated that with almost thirty years of being a county employee, he is pleased to support this resolution and his performance and is looking forward to working with the new director of planning. The following

resolution was adopted and Mr. Bensley was applauded for his appointment.

**RESOLUTION NO. 282-815**

**APPOINTING DIRECTOR OF PLANNING AND DEVELOPMENT**

WHEREAS, Resolution 23-115 authorized the appointment of an Interim Director of Planning and Development effective January 15, 2015; and

WHEREAS, the Director is essential in achieving the Department's work program, including, among others, community planning, training of land use officials, farmland protection, grant administration, Marine Park management and the implementation of the Geographic Information System; now be it

RESOLVED, that this Legislature appoints James R. Bensley of Medina, NY as Director of Planning and Development at Grade 10, Step 3 of the Management Compensation Schedule at 35 hours per week effective August 27, 2015; and be it

FURTHER RESOLVED, that the salary will be \$64,326.

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

Legislator DeFilipps moved to approve an e-waste agreement with Sunnking at an estimated yearly cost of \$14,782 with a tentative start date of September 15<sup>th</sup>; second by Legislator Allport. Legislator DeRoller advised that the state changed the ground rules and no longer can it go through our solid waste system. This is a work in progress and the details need to be worked out. In getting things started there are going to be three drop off points in the county which will include the Town of Murray, Town of Shelby and also the Orleans County Highway Department. Legislator DeRoller also explained that Sunnking also offers an "E-scrap for Camp" opportunity in April. They have organized this for four consecutive years and have collected over 1,500,000 pounds of e-waste and have donated over \$42,000 of profits to Camp Good Days. He hopes to incorporate our Towns in this program and it is a work in progress. Chairman Callard stated that the Town of Kendall did take advantage of this program. Legislator DeRoller did report that in April they collected

eleven pallets were collected and Sunnking covers the cost of that program. Chairman Callard asked that when we took hold of this project, back in January through April, how many pallets of e-waste we sent off. Legislator DeRoller reported that 180 pallets were collected throughout the county involving e-waste that was sitting around since the state changed the ground rules. He said that CAO Nesbitt was instrumental in getting some contracts and getting that waste moved out. The following resolution was adopted:

**RESOLUTION NO. 283-815**

**APPROVING E-WASTE COLLECTION AND RECYCLING AGREEMENT WITH SUNNKING, INC**

WHEREAS, effective January 1, 2015 New York State prohibited the disposal of electronic waste through curbside trash pickup; and

WHEREAS, this Legislature is aware of the subsequent lack of opportunities within the County for its residents to properly dispose of cathode ray tube televisions, monitors, computers, peripheral devices, and other household electronics, and

WHEREAS, this Legislature desires to establish a convenient and reliable drop-off program so that said electronics do not accumulate in locations that are a detriment to the environment and public safety; now be it

RESOLVED, this Legislature approves an agreement with Sunnking, Incorporated of 4 Owens Rd, Brockport, NY 14420 for the collection and recycling of electronic waste dropped off by residents at multiple sites within the County with such agreement effective August 26, 2015 and shall be reviewed yearly. The yearly estimated county cost is \$14,782. Agreement is subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

Chairman Callard reviewed that the program will be begin September 15<sup>th</sup> and the drop off sites will be in the Town of Shelby (west end), County Highway Department (center), and Town of Murray (east end) but all sites are open for county residents to drop off their e-waste. The Chairman

further stated that Legislator DeRoller would like to establish the volunteer program that Sunnking offers across the northern part of the county incorporating the assistance of the Towns of Kendall, Yates, and Carlton to help make that program happen.

Chairman Callard stated that the state methodology is a mess and even getting worse. That they only allow so much to be picked up each year but the quantity of e-waste has been growing so there is a shorter span to have things picked up. Orleans County has been cleaned up and we can keep it under control.

Legislator DeRoller explained that the sale of televisions has been calculated and they only allow so much poundage to go into the waste stream. We have been cut off in the months of April, then June of this year. They offer a solution to go to the DEC website and look up the make and model and try to ship that from your home address, but that process just breaks down stated Legislator DeRoller. Chairman Callard further explained that they are suppose to pick up the TV's free through UPS or FedEx but if it is of a certain weight or dollar amount, they won't pick it up. So they have made it such that they won't get collected but they are complying with the law. Chairman Callard stated this is what the State needs to work on.

**RESOLUTION NO. 284-815**

**AUTHORIZING TRANSFER OF FUNDS INTO THE PLANNING AND DEVELOPMENT BUDGET**

RESOLVED, that this Legislature authorizes the Treasurer to transfer funds into the Planning and Development Budget for the county Rural Broadband Study by BP Greene & Associates as approved in Resolution No. 91-214:

From:	Miscellaneous Reserve	\$11,192
Appropriation:		
A8020.418	Other Contractual Expenses	\$11,192

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

**RESOLUTION NO. 285-815**

**AUTHORIZING TRANSFER OF FUNDS IN AND PURCHASE FROM  
THE PLANNING AND DEVELOPMENT BUDGET**

RESOLVED, that this Legislature authorizes a transfer of funds within the Planning and Development budget to purchase the replacement of a specialized desktop computer optimized for Geographic Information System software, as follows:

From:		
A8020.100	Personal Services	\$1,493.90
Appropriation:		
A8020.411	Office Supplies and Materials	\$1,493.90

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

**RESOLUTION NO. 286-815**

**AMENDING RESOLUTION NO. 430-1213 CONCERNING  
AGREEMENT BETWEEN ORLEANS COUNTY AND TOSHIBA  
BUSINESS SOLUTIONS**

WHEREAS, Resolution No. 430-1213 approved a lease agreement for the County Clerk's office to obtain a leased e-Studio 2505F B&W copier to be housed at the DMV which has not been operating properly and Toshiba Business Solutions would like to do an equipment exchange amendment to the current lease agreement with no changes to the monthly lease cost; now be it

RESOLVED, that this Legislature authorizes the Chairman to execute an Equipment Exchange Amendment to agreement #500-0386528-000 to remove the Toshiba e-STUDIO 2505 (Serial #SC8 JC34040) and replace with a Lexmark XS463DE (Serial # 35P75G0) in the DMV with the \$43.31 monthly lease payment to remain and a bill per copy of \$.0194, which includes the yearly 2.5% bill per copy increase up to the current billing year.

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

**RESOLUTION NO. 287-815**

**AUTHORIZING PURCHASE AND APPROVING BUSINESS AGREEMENT WITH LA DELL MARKETING LP**

RESOLVED, that this Legislature authorizes the purchase and installment from LA Dell Marketing of Microsoft Exchange 2013 in a virtualized environment which will include 250 Client Access Licenses for use by Orleans County Employees to manage and administer their email at a cost of \$12,492.08 to be paid from Computer Services Account A1680.270 – Capital Equipment; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute the Business Agreement (#8124850) with LA Dell Marketing LP, One Dell Way, Round Rock, TX 78682 effective November 1, 2015 through the end of its extended service life of April 11, 2023.

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

**RESOLUTION NO. 288-815**

**APPROVING MODIFICATIONS TO THE EMPLOYEE HANDBOOK**

WHEREAS from time to time it becomes necessary to update the Orleans County Employee Handbook; now be it

RESOLVED, that this Legislature approves the following changes to the Orleans County Employee Handbook effective August 25, 2015:

**CREDIT UNION**

Cobblestone Country Federal Credit Union, 299 West Avenue, Albion, NY 14411 (585) 589-5286.

**EMPLOYEE ASSISTANCE PROGRAM**

In an effort to promote the health and welfare of our employees, Orleans County offers a program to those who could use some help in solving personal problems, which in many cases affect their on-the-job performance. The Employee Assistance Program is designed primarily to assist employees or their family members troubled by alcoholism, drug dependency, emotional stress, family or financial problems. Assessment, referral services and counseling is available for employees or their family

members - free of charge. The County strongly encourages those who feel they need to seek this assistance to do so through the County's Employee Assistance Program. Employees can seek assistance voluntarily, but where indicated by performance or attendance problems, may be referred by their immediate supervisor. Confidentiality will be strictly adhered to.

To maintain the confidentiality, Orleans County has contracted these services with Royal Employer Services which is a company of GCASA. All services through Royal Employer Services are confidential, your privacy is their priority. Employee Assistance counseling services are available to Orleans County employees and the families of Orleans County employees at no cost to the employee.

In addition to the counseling services, the E.A.P. seeks to promote many other activities throughout the year on behalf of county employees. Ticket discounts, group outings, Employee of the Year, Employee of the Month Recognition program, and annual Employee Picnic. The E.A.P. manages the vending machines located in the county buildings. The commissions generated provide the funds to promote these services.

You may contact Royal Employer Services at (888) 244-0680 to schedule an initial evaluation, counseling and referral for any variety of problems which may be affecting you and your family.

To assist Orleans County employees with an understanding of these services Royal Employer Services offers, Orleans County will provide an orientation to each employee upon the employee's initial employment. Then to ensure that employees maintain an awareness of these services, Orleans County will offer a refresher orientation every five years for employees.

#### PROBATIONARY PERIOD

The probationary term is per the Orleans County Civil Service Rules.

#### PROMOTION

During this probationary period which is per the Orleans County Civil Service Rules,

#### TRANSFERS

Transfers are subject to a probationary period which is per the Orleans County Civil Service Rules.

## AMERICANS WITH DISABILITIES ACT (A.D.A.)

This Federal Law prohibits discrimination against people with disabilities. Two sections of the law apply to local governments. The first (Title I) section prohibits discrimination against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process.

An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business.

The second (Title II) section of the act requires that County programs, services and activities are accessible to handicapped individuals.

The provisions of the A.D.A. are extensive and complex. Anyone with questions or concerns about this Act should contact the Chief Administrative Officer, who is the County's A.D.A. Compliance Officer.

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the County of Orleans will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: The County of Orleans does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The County of Orleans will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Orleans programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The County of Orleans will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of

its programs, services, and activities. For example, individuals with service animals are welcomed in the County of Orleans offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County Orleans, should contact the office of the Chief Administrative Officer/ADA Coordinator; 3 South Main Street, Suite 2, Albion, NY 14411 at 585-589-7053 or e-mail to the Chief Administrative Officer as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County of Orleans to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the County of Orleans is not accessible to persons with disabilities should be directed to the Chief Administrative Officer/ ADA Coordinator at 3 South Main Street, Suite 2, Albion, NY 14411; 585-589-7053 or by e-mail to the Chief Administrative Officer.

The County of Orleans will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

### **GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County of Orleans. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the County of Orleans.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of

filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator and Chief Administrative Officer  
County of Orleans  
3 South Main Street, Suite 2, Albion, NY 14411

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County of Orleans and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the County of Orleans for at least three (3) years.

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

## **RESOLUTION NO. 289-815**

AMENDING RESOLUTION NO. 164 OF THE YEAR 1967 IN RELATION TO ORLEANS COUNTY SALES AND COMPENSATING USE TAXES, INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND ON CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

**REPEALED/RE-ADOPTED – SEE RESOLUTION NO. 322-915 & 323-915**

**RESOLUTION NO. 290-815**

APPROVING AGREEMENTS BETWEEN SHERIFF’S OFFICE AND VARIOUS AGENCIES

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

EM Systems, Inc., 4043 Maple Rd, Ste 211, Amherst, NY 14226 and the Sheriff’s Office for the 2015/16 Software Maintenance agreement covering CAD, AVL and Mobile Data Systems in Dispatch, effective July 1, 2015 through June 30, 2016, at a cost of \$15,000 to be paid from account A3020.486, Public Safety Communications Special Grants.

Wyoming County Sheriff, 151 N Main St, Warsaw, NY 14569 for the housing of Orleans County inmates in the Wyoming County Jail at a cost of \$85 per inmate/per day, effective upon signature through December 31, 2015.

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

**RESOLUTION NO. 291-815**

APPROVING A RENEWAL AGREEMENT BETWEEN THE SHERIFF’S OFFICE AND NYS UNIFIED COURT SYSTEM

WHEREAS, Resolution No. 125-310 approved a five-year agreement between the Sheriff’s Office and the New York State Unified Court System to reimburse the county for security personnel in the courthouse; now, therefore be it

RESOLVED, that this Legislature approves a one year renewal with the New York State Unified Court System and the Orleans County Sheriff's Office for Contract No. C200493; with a maximum reimbursement of \$328,900 for the term of April 1, 2015 through March 31, 2016, an increase of \$5,900.

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

Legislator DeRoller moved to accept a Marine Patrol Vessel from the NYS Office of Parks, Recreation and Historic Preservation; second by Legislator Johnson. Legislator DeRoller stated that due to this being a smaller vessel it will be used to patrol Lake Alice and the Canal corridor. This is a long term loan agreement with no cost to the county. The following resolution was adopted:

**RESOLUTION NO. 292-815**

AUTHORIZING THE SHERIFF TO ACCEPT A MARINE PATROL VESSEL FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

RESOLVED, that the Sheriff's Office is authorized to accept a 2015 Boston Whaler vessel on long term loan from the New York State Office of Parks, Recreation, and Historic Preservation; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute an Intergovernmental Agreement with New York State Office of Parks, Recreation, and Historic Preservation, 625 Broadway, Albany, NY 12207 for a long term loan of a 2015 Boston Whaler Vessel, Mercury Outboard Engine and a BoatMaster Trailer. County Cost \$0.

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

**RESOLUTION NO. 293-815**

APPROVING AGREEMENT WITH THE SHERIFF'S OFFICE AND NEW YORK DEPARTMENT OF CRIMINAL JUSTICE SERVICES

WHEREAS, New York Senator Robert Ortz has secured funding in the amount of \$10,000 for the Orleans County Sheriffs' Office for the enhancement of Anti-Crime Initiatives; now be it

RESOLVED, that this Legislature approves an agreement with the New York State Department of Criminal Justice Services for the acceptance of this grant money.

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

**RESOLUTION NO. 294-815**

**APPROVING AGREEMENT EXTENSION BETWEEN SHERIFFS OFFICE AND NYS DIVISION OF CRIMINAL JUSTICE SERVICES**

WHEREAS, Resolution No. 196-514 authorized participation and acceptance FY2013/14 Operation Impact Tools Grant, through July 1, 2015; now be it

RESOLVED, that this Legislature does hereby approve an agreement extension between Orleans County Sheriff's Office and NYS Division of Criminal Justice Services, providing extension on the drawdown of funds in the amount of \$23,900 to increase law enforcement patrols, effective through October 31, 2015; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute the Appendix X for Contract No. T464231 approving this agreement extension.

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

**RESOLUTION NO. 295-815**

**AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET**

RESOLVED, that the County Treasurer is authorized to set-up new monies in the Sheriff's budget:

August 26, 2015  
Resolutions 271-298

Revenue:

A4308.7412	Homeland Security/Operation Stonegarden (FY2012)	\$6,782.38
A4308.7411	Homeland Security/Operation Stonegarden (FY2011)	\$3,186.93

Appropriations:

A3110.486.7412	Special Grants	\$6,782.38
A3110.486.7411	Special Grants	\$3,186.93

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

Legislator Johnson moved to authorize an inspection of the non-gas fired fire training tower at the Emergency Management Training Facility which was brought to our attention by Dale Banker, Director of Emergency Management, which needed to be addressed swiftly to protect our volunteer firemen who practice in this building. Legislator DeRoller seconded the motion and the following resolution was adopted:

**RESOLUTION NO. 296-815**

**AUTHORIZING AN INSPECTION OF NON-GAS-FIRED FIRE TRAINING TOWER AT THE EMERGENCY MANAGEMENT TRAINING FACILITY**

WHEREAS, NFPA 1403 requires that the structural integrity of a live fire training structure be evaluated, including the removal and reinstallation of a representative area of thermal linings; now be it

RESOLVED, that this Legislature accepts the proposal for inspection services by LaBella Associates, D.P.C., 300 State Street, Rochester, NY 14614 at a cost not to exceed \$6,500, to be paid from account Emergency Management account A3640.418 Other Contractual; and be it

FURTHER RESOLVED, that the Chairman is authorized to sign the Notice-To-Proceed.

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

**RESOLUTION NO. 297-815**

**AUTHORIZING PAYMENT OF CLAIMS FOR SEPTEMBER AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for September 9, 2015:

Fund/Department	Check Number (s):	Amount:
General	950-1101	\$307,608.58
Highway	619-627; 1456-1474	\$203,665.95
Nursing Home	27729	\$11,246.76
Job Development	1866-1884	\$4,909.30
Self Insurance	55725-55728	\$8,718.28

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for September 23, 2015:

Fund/Department	Check Number (s):	Amount:
General	1124-1280	\$317,405.61
Highway	628-632; 1475-1483	\$26,235.64
Nursing Home	27730	\$15,152.00
Job Development	1885-1890	\$606.95
Self Insurance	55783-55784; 1096	\$44,661.91

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

The following add on resolution was presented and adopted:

**RESOLUTION NO. 298-815**

**AUTHORIZING RESCHEDULING THE SEPTEMBER ORLEANS COUNTY LEGISLATURE MEETING**

WHEREAS, the New York State Association of Counties Fall Seminar is scheduled Monday, September 21st through Wednesday, September 23<sup>rd</sup> in Lake Placid and four of our Legislators and the Chief Administrative Officer plan to attend; now, be it

RESOLVED, that this Legislature authorizes rescheduling the regular 4:30 p.m. Wednesday, September 23<sup>rd</sup> Legislature Meeting to Monday, September 28<sup>th</sup> at 9:00 a.m. to resolve any conflicts of timing in the return from the NYSAC Conference and Training School in Lake Placid.

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

Chairman Callard opened the floor for public comment, limiting the statements to three minutes each relative to any subject related to the County. Anne Smith, Lyndonville, stated her opposition to the Lighthouse Wind Project proposed for the Town of Yates. She asked the board to stand in solidarity with the Niagara County Legislature in their opposition to the Industrial Wind Turbine Project. She also stated that she was against Governor Cuomo's Article 10 that takes away Home Rule not allowing her town or county to vote on these large energy projects that affect their towns. She hopes, as a majority of republicans, that this board will stand ground and send a loud message to Governor Cuomo, that along with Niagara County, that they oppose these Industrial Wind Turbines.

Paul Laricella, Yates, stated at the last meeting he spoke concerning the IDA and at that time it wasn't the time to discuss the audit. He asked it has been a month now and that this board had time to think about the recapture clauses, job requirements, and other things in the audit that were not followed per the Comptroller's office. Chairman Callard stated that the IDA has an independent board. Those types of discussions occur within the IDA itself, which their meetings are open to the public. It is up to the IDA Board as to what actions will be taken. Mr. Lauricella stated that the County does give the IDA money. Chairman Callard stated that the policy

direction is established by the Board of Directors. Chairman Callard stated that any issue he has with the IDA that he should work with the IDA.

Mr. Lauricella stated he felt that his 1<sup>st</sup> amendment rights were violated by Legislator Johnson at the last meeting. Chairman Callard stated that he was not going to allow this personal discussion and felt it was inappropriate on his part at the last meeting. Chairman Callard asked Mr. Lauricella to take his seat.

Deb Holt, Murray, stated her opposition to the Industrial Wind project proposed by APEX. She stated it is a poorly sited area for the wind project. It is on the Southern shore of Lake Ontario which has a major migratory bird group of the Atlantic Flyway. Secondly, she stated, that there is documented health effects to humans and to any wildlife that live in the area due to the flicker and the low frequency turbulence sound that emanates from the wind turbines. She also hopes that this board votes against this wind project if the opportunity arises.

Cynthia Hellert, Yates, advised the Board that she is a supporting member of Save Ontario Shores and stands adamantly opposed to APEX's Lighthouse Wind project. She has attended most Yates Town Board meetings since this project was brought to the attention of residents and they have implored our board to take a stand against the project, as has the Town of Somerset and the Niagara County Legislature. She has researched thoroughly the devastating health effects that are consistent worldwide with industrial wind turbines being sited too close to residents, and have concluded that a project such as this would be far more detrimental to our health and safety than any financial gain could possibly justify. She asked county legislature to please stand in solidarity with the Niagara County Legislature and say NO to APEX and Lighthouse Wind.

Allen Lofthouse, Kendall, inquired how the County is making out with the lobbying firm that we are paying \$5,000 per month for. Chairman Callard stated he feels that it has been a very valuable asset. At this time we have not published results from some of the funding requests but a number of them have initially been approved. We will continue to move forward as they are keeping us well informed and they are helping us to lobby for what we have requested from the State entities. Mr. Lofthouse asked when they will publish the results. Chairman Callard advised that awards are not announced until December. He believes there maybe public discussion before then or as the Regional Economic Development Council meetings

take place, there are two in September, but right now they are in review sessions.

Agnes LaPorte, Somerset, stated that they are bombarded by this windmill project. She felt it was going to destroy our area. She said if you go to the SOS website, they are fighting for these windmills all over the world. She indicated she is originally from Germany where it is devastating over there. They are stopping these projects all over the world due to the health effects. She said we don't need them, with Niagara Falls being so close and not at full capacity. Any of the little bit of power not being used around here will go to New York City. The farmland will be forever destroyed and the Medina stone that will be left when they are probably decommissioned and just standing there will be will be ruins forever. She does not have any grandchildren but knows many here do so she begged them to persevere the world for the next generation.

Chairman Callard stated that APEX was brought into the picture by the Town of Sommerset and that board was actively promoting it and we are just a small piece of it to the right. Now the Town Board of Sommerset has done a "180" having done a survey realizing that their people are against it. He stated it is a learning process and appreciates the mailings so we can understand the issues. He thinks Niagara County didn't really do things in a proper manner to deal with this and he thinks it is ironic that we have to deal with it now because a proper format was not followed. Again, ironically, they brought this topic to the area to being with and now it has become a contentious issue.

Chris Crafts, Ridgeway, (also owns property in Hartland and Yates) stated that he grew up in this area and believes it could be one of the finest places in the world to grow crops and for people to live. He feels it is ironic at times that it looks like that this part of the world would be sold away to energy production. When looking into the problems with wind projects, it is financed at very high levels through legislative initiatives and there is an accelerated appreciation cycle that will allow "these folks" to come in and build these wind towers and be gone within a few years. He wishes a condition could be placed on them, thinking their wind towers are so great, if they are willing to live her among the towers, they would be welcome to build them. Mr. Crafts hopes upon the completion of the Town of Yates survey, hoping it reports negative results, that this body would also put out a message similar to Niagara County that we don't want these wind towers here.

Jim Bansbach, Yates, echoes what everyone else has said to this point. He further said that in April at the Medina GCC APEX presentation, Taylor Corals (an APEX representative) said during one of their closing statements that building this wind turbine complex would help preserve the rural agricultural characteristics of the towns of Somerset and Yates. Mr. Gransbach said the reply was, “huh”? Then he went on to say, that no developer would want to build anything near them. Mr. Bransbach said this is our argument today and he opposes this project. Chairman Callard stated he would have shook his head to that also.

Erik Sinkora, Yates, agrees with all of the statements made here today. He is concerned not only for the health effects of humans but also what documented effects in livestock are. He is also concerned with the major migratory path for our birds, for the Bald Eagles that he sees in his yard and concerned for the bats that eat the insects in our yards. Mr. Sinkora is concerned with his property values which he pays an absorbent amount of property taxes as a lake front property owner; or if he will receive any benefit for this project which no one has explained. He encourages this Legislature to visit the SOS website and research for themselves the impacts. He asked to join with the Niagara County Legislature opposing this project.

Chairman Callard expressed that the Niagara County situation is different than Orleans County because they conducted a formal survey and determined that the people were against the project. The County does not make decisions here and we would not want to tell the Town of Yates what it has to do or should do, just like we would not want the State of New York tell Orleans County what to do, stated Chairman Callard. He stated that we have a record for having opposed legislation for the inclusion of the siting of windmills, per Article X of the Public Service Law. We do not want home rule replaced by State directives. We are patiently waiting for a bonafid survey that represents the people of the Town of Yates. Chairman Callard stated that we can have more discussion once we know of those survey results. He has spoken with Assemblyman Hawley, Assemblywoman Corwin and Senator Ortt who indicate that they have written letters to the Governor for review of Article X. Orleans County has no decision making capabilities in this, it is the Town that has that.

Chairman Callard stated that APEX has requested to come to a conference session and also to meet individually with our Legislators and he has not allowed that to happen. He said he will continue to work with our State representatives and continue the Article X fight. He appreciated them

visiting today and stated that he will never give up the fight for our rights. Chairman Callard was applauded.

Peg Schwable, Somerset, thanked the Chairman for his comments. She stated that this project goes right through the center of their town, dividing village from Lake Front. This company has an outer boundary along the lakeshore, in fact right through her living room, she explained. This project considers 145 properties in the Town of Somerset and more through the Town of Yates. American Wind Energy companies spend millions of dollars lobbying their point. She thanked the board for fighting the Home Rule issue.

Chairman Callard also reminded many that for two years we have been fighting the war on lake levels. Legislator Johnson, through a NORA initiative, has been fighting the Canadians and the Federal Government; and even the Governor of New York State who can elect not to raise the levels if he wished to take a stand on it. This could be devastating to our lakeshore property owners. We have fought successfully against the 2014 IJC Plan and were following due process. But now due process is not being followed and this Legislature sent a representative from here, and also a representative went from Niagara County, to Washington D.C. to meet with representatives from the Department of State. Chairman Callard stated that we constantly fight battles behind the scenes and they are not used to representatives from our county, and Niagara, meeting face to face on the issues. Chairman Callard expressed that we have more than one concern here to protect our county's future. This Legislature is willing to do what it takes to fight the battle.

Legislator Allport reported that at last weeks ARC of Orleans Board of Directors meeting an unanimous vote took place to join with the Genesee County ARC. We have already been sharing services for years. With the Affordable Health Care Act and Managed Care having forced smaller ARC's to combine. Legislator Allport believes that this will be a trend in pulling services together. NYSARC and OPWDD are enthusiastic that more ARC's will be combining services. He said that the ARC of Orleans will continue to provide great services in Orleans County and they continue to look for a bright future.

Legislator DeFilipps moved to enter into executive session at 5:29 p.m. per Open Meetings Law §105 (d) to discuss potential litigation on an assessment matter; second by Legislator Allport. Motion Carried. After a brief recess, the executive session began at 5:36 p.m.

Legislator Johnson moved to exit out of executive session and reconvene the regular meeting at 5:58 p.m.; second by Legislator Allport. Motion Carried.

Legislator DeRoller moved to adjourn; second by Legislator Miller. Meeting adjourned at 5:59 p.m.

**LEGISLATURE MEETING**  
September 28, 2015

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Chairman Callard called the meeting to order at 9:00 AM. 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: Making Strides against Breast Cancer Orchard Walk will take place at Watt Farms on October 24<sup>th</sup>. A request has been made to place a 3x10 banner on the courthouse lawn from October 10<sup>th</sup> through October 24<sup>th</sup> to advertise this event. The Board approved this request. Our third annual Family Game Night in Orleans County has been scheduled and plans are underway. This event is sponsored by the Orleans County Youth Bureau and Orleans County Legislature. The event will take place on Thursday, October 15<sup>th</sup> from 5:30-7:30 pm at the Trolley Building, Cornell Cooperative Extension 4-H Fairgrounds, 12690 Route 31, Albion. This event will feature dinner, games to play, displays to visit and a FREE board game to every family. The booths will provide information on a wide array of services for youth and families that are available in Orleans County. Cost, including dinner, is \$5 for a family of four or \$3 for individuals. We will also have prizes, promotions and activities throughout the night. To register or for more information you can contact the Legislative Office at 589-7053.

Legislator Johnson recognized the Orleans/Genesee Community Action by reading a proclamation in celebration of their 50<sup>th</sup> Anniversary. Ed Fancher, Executive Director and Annette Finch, Director of Community Services were present to accept the proclamation. Mr. Fancher thanked the Board for their continuous involvement by them for the whole fifty years, including their predecessors the Board of Supervisors who started this agency. He stated that a Supervisor, and now a Legislator, has always served on their board and thanked Legislator Johnson for her current service on their board.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through August, 2015. Treasurer Heard indicated that it looks better this year than where we were at this time last year.

Chairman Callard announced that David Kusmierczak attended Assemblyman Hawley's 8<sup>th</sup> Annual Patriot Trip and had the honor of being a part of the Honor Guard at the Tomb of the Unknown Soldier. Mr. Kusmierczak stated that there were four attendees that were picked to lay

the wreath on the Tomb of the Unknown Soldier. This year the wreath was dedicated to the Vietnam Veterans. He indicated it was a great honor. Chairman Callard thanked Mr. Kusmierczak for his continuous presence at our meetings in providing our invocation.

Chairman Callard called for open discussion as it related to the resolutions and advised to keep it to two individual resolutions. Paul Lauricella, Yates, questioned Resolution No. 321 concerning setting the salary for the Chief Administrative Officer. Chairman Callard indicated it is part of his annual review and the additional duties for the e-waste program were also considered. Chairman Callard again reviewed the e-waste program. Mr. Lauricella said he was concerned that he already gets a salary for the county to run smoothly now why more for this. Chairman Callard reviewed the salary terms and conditions as requested.

Mr. Lauricella inquired as to the scope of the purchase of the Live Scan upgrade in Resolution No. 316. Mr. Nesbitt explained that it is an upgrade of the existing Live Scan System which has become outdated. This is the fingerprinting system at the jail. This system will be of the quality that we can generate revenue from in performing background checks and obtaining fingerprint services at the Jail, therefore there will be no need to locate these services elsewhere for pistol permits, job applications, etc.. Mr. Lauricella stated he has researched this system and asked if they will be doing facial scans or retinal identifications with this system. Mr. Nesbitt indicated that there are no plans for that.

Chairman Callard reviewed the privilege of the open comment portion of the Legislature meeting in response to Mr. Lauricella comment that his speech was being limited. Chairman Callard also stated that many counties do not offer a time for the public to interact with the Board.

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

**RESOLUTION NO. 299-915**

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

RESOLVED, that this Legislature does hereby approve an agreement with the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Services

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for the design and construction phase of the Carton Road Bridge over Sandy Creek in the Town of Kendall; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$120,000 and to be paid out of the Capital Project Infrastructure for Bridge Replacements Account #H-5120.250.

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

**RESOLUTION NO. 300-915**

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

RESOLVED, that this Legislature does hereby approve an agreement with the Highway Department and Labella Associates, P.C., 300 State St, Ste 201, Rochester, NY 14614 to perform Professional Services for the design and construction phase of the Platten Road Culverts over Oak Orchard Creek Tributaries in the Town of Yates; and be it

FURTHER RESOLVED, this agreement is effective as soon as the County gives notice to proceed at a cost not to exceed \$40,000 and to be paid out of the Capital Project Infrastructure for Culvert Improvements Account #H-5120.251.

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

**RESOLUTION NO. 301-915**

APPROVING CELLULAR PHONE USE AGREEMENT FOR THE HIGHWAY DEPARTMENT

RESOLVED, that this Legislature approves the Cellular Phone Use Agreement for the Highway Department for data charges due to a need for online traffic sign software for the National Sign Retroreflectivity Policy required by the Federal Government that was approved by the Orleans County Legislature by passage of Resolution #70-213.

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

**RESOLUTION NO. 302-915**

**AUTHORIZING PURCHASE OF CAMERA UPGRADES AND  
SETTING UP OF NEW MONIES IN THE FUEL FARM BUDGET**

RESOLVED, that this Legislature authorizes the Orleans County Fuel Farm to purchase camera upgrades located at 225 West Academy St, Albion, NY 14411 from SI Technologies, Inc. d/b/a Security Integrations, 81 Benbro Dr, Ste 100, Cheektowaga, NY 14225 at a cost of \$5,147.68, to be paid from the Account of DM5140.250 – Fuel Farm; Project #Y3905, NYS Contract #PT63302, Award #20191; and be it

FURTHER RESOLVED, that the County Treasurer is authorized to set up new monies in the Fuel Farm Budget as follows:

<u>Revenue:</u>		
	Fuel Farm Capital Reserve Account	\$ 5,147.68
<u>Appropriations:</u>		
DM5140.250	Other Equipment	\$ 5,147.68

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

**RESOLUTION NO. 303-915**

**AUTHORIZING TRANSFER OF FUNDS WITHIN THE  
HIGHWAY/FUEL FARM BUDGET**

RESOLVED, that the Treasurer is authorized to transfer monies within the Highway/Fuel Farm Budget to cover the cost of personal services and benefits as follows:

<u>From:</u>		
DM5140.449	Fuel Oil	\$8,082
<u>To:</u>		
DM5140.100	Personal Services	\$7,600
DM5140.820	Medicare	\$92
DM5140.830	Social Security	\$390

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

**RESOLUTION NO. 304-915**

**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>
\$5,946.50	Labella Associates	Prof. Services:6/20/15-7/24/15 for Waterport Carlton Bridge-Inv#64852
\$5,169.50	Labella Associates	Prof. Services: 6/20/15-7/24/15 for Oak Orchard Bridge-Inv#64850
\$80,475.60	CP Ward	Construction for Waterport Carlton Bridge – Payment #1
\$13,716.76	Labella Associates	Prof. Services: 7/25/15-8/21/15 for Waterport Carlton Bridge-Inv #65300

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>
\$1,326.50	Labella Associates	Prof. Services:6/20/15-7/24/15 for Knowlesville Culverts- Inv #64854
\$1,512.00	Labella Associates	Prof. Services:7/25/15-8/21/15 for Knowlesville Culvert –Inv #65299

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$248.54	Barre Stone Products	Crush and Run- Inv #4356
\$191,349.00	Secor Building Solutions	Construction of Pole Barns

and be it

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$3,712.73	Houseman Refrigeration	PSB Roofing Project – Inv #0003783
\$462,185.20	Garland/DBS Inc.	PSB Roofing Project Draw 1 (Inv #2511027820) and 2 (Inv #2511027846)
\$479,007.00	Garland/DBS Inc.	COB Roofing Project Draw 1 (Inv #2511027822) and 2 (Inv #2511027843)

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

**RESOLUTION NO. 305-915**

**APPROVING GLOW WORKFORCE DEVELOPMENT BOARD CERTIFICATION AND MEMBERSHIP ROSTER**

RESOLVED, that this Legislature does hereby approve the Board Certification and Membership Roster for the GLOW (Genesee-Livingston-Orleans-Wyoming) Workforce Development Board, for the purpose of organizing and implementing activities pursuant to the Workforce Innovation and Opportunity Act (herein referred to as WIOA) and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Genesee, Livingston, Orleans, and Wyoming Counties. County Cost \$0.

FURTHER RESOLVED, that the Chairman is hereby authorized to execute the Agreement, this also approves the Board Certification and approves the following Membership Roster of the GLOW Workforce Development Board:

Name	Represents:
Norb Fuest	Appletree HR & Safety Consultant
Michael Sawyer	Western New York Energy (Private Sector)
Mary Williams	Medina Memorial Health Care System (Private Sector)
Tony Manucso	Mancuso Real Estate (Private Sector)
Merle “Skip” Draper	Employment & Training Resources
Paul Fricano	Oxbo International Corp (Private Sector)

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Geoffrey Buell	Lapp Insulator (Private Sector)
Janet Olivieri	FTT Manufacturing (Private Sector)
Tim Anderson	Don Allen Insurance Agency (Private Sector)
Tammy Underhill	Coastal Staffing
Gene Tonucci	Allen Bailey Tag and Label (Private Sector)
Karl Drasgow	Drasgow, Inc (Private Sector)
Anthony DiPerna	Brick Layers & Allied Contractors – Labor Org./Apprenticeship
Dennis Burke	Liberty Pump (Private Sector)

At Large seats:

Name	Represents:
Joseph Hamm	NYS Department of Labor
Christine Luly	ACCESS-VR
Kellie Kennedy	ARC of Livingston/Wyoming
RZ Lampley	Organized Labor
David Rumsey	Department of Social Services (Wyoming Co.)
Reid Smalley	Genesee Community College (Education)
Nathan Varland	Community Action of Orleans/Genesee
John Cima	Genesee Valley BOCES
Jim Pierce	Wyoming County Business Center

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

### **RESOLUTION NO. 306-915**

#### **AUTHORIZING FILLING VACANCY IN THE JOB DEVELOPMENT AGENCY**

WHEREAS, an employee has resigned from the position of Employee and Training Counselor effective October 1, 2015; now be it

RESOLVED, that this Legislature authorizes the filling of a vacant Employee and Training Counselor position (6210.07) in the Job Development Agency, at grade 15 of the CSEA Salary Schedule, effective October 2, 2015.

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

**RESOLUTION NO. 307-915**

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

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

WHEREAS, one employee has recently retired, while others have vacated positions as the result of possible promotions; now be it

RESOLVED, that this Legislature does hereby abolish a full-time Principal Social Welfare Examiner (6010.0103) position in the Department of Social Services effective September 29, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby create a full time Supervisory Social Welfare Examiner position in the Department of Social Services at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes filling this newly created full time position effective September 29, 2015.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 308-915**

**AUTHORIZING FILLING POSITION IN THE MENTAL HEALTH  
DEPARTMENT**

RESOLVED, that this Legislature authorizes the filling of a part-time Receptionist position (4310.40) in the Mental Health Department at Grade 7 of the CSEA Salary Schedule, effective September 29, 2015.

Moved Allport; second, DeFilippis.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 309-915**

**AUTHORIZING SETTING UP NEW MONEY IN THE MENTAL HEALTH DEPARTMENT BUDGET**

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget to set up revenue and expenses for Federal Medicaid Salary Sharing monies received as follows:

<u>Revenue:</u>		
A4490	Mental Health Federal	\$11,827.00
 <u>Appropriation:</u>		
A4310.220	Office Equipment	\$2,752.09
A4310.411	Office Supplies	\$9,074.91

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

**RESOLUTION NO. 310-915**

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

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

ACM Medical Lab at 160 Elmgrove Park, Rochester, NY 14624. Contract to provide for performing ALT and AST lab work for our TB Program. The cost will be \$5.00 per test. Contract period is July 1, 2015 through December 31, 2018. County cost 100%.

Genesee ARC, 64 Walnut St, Batavia, NY 14020 to provide busing for eligible children who reside in Orleans and Genesee Counties. Group 1 is approx 100 children at \$40.25 per child within Genesee /Orleans at a base price of \$4,025. Group 2 is approx 3 Genesee County Children at \$181.76 at a base price of \$545.28 and 10 Orleans County Children at \$222.43 at a base price of \$2,224.30 per round trip, with \$5.29 for each additional child – total base price is \$6,799.87 as per fee schedule. Reimbursement is 59.5% from State education. Cost to county is 40.5%.

Stericycle, 4010 Commercial Ave, Northbrook, IL 60062 to provide for the collection, transportation, and treatment of regulated medical waste.

Stericycle will not increase the monthly service fee by more than 6% annually for the duration of this contract which is effective September 1, 2015 through August 31, 2020. County cost is \$76 monthly (this represents a 27% decrease from 2014).

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

**RESOLUTION NO. 311-915**

**AUTHORIZING PURCHASE FROM HEALTH DEPARTMENT BUDGET**

RESOLVED, that this Legislature does hereby authorize the Orleans County Health Department to purchase from Dival Safety, 1721 Niagara St, Buffalo, NY 14207 (6) Portable Air Purifying Respirator (PAPR) kits with accessories in the amount of \$8,236.02 from Public Health account A4010.250 - Other Equipment as approved in the Health Research Inc, contract for readiness to the Ebola Virus. County cost \$0.

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

**RESOLUTION NO. 312-915**

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

RESOLVED, that this Legislature does hereby authorize out of state travel by Doris Delano to attend the 2015 East Coast Migrant Forum in Memphis, Tennessee from October 14 to October 17, 2015. All costs are budgeted and will be covered by the Migrant Health Services Grant. County Cost \$0.

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

**RESOLUTION NO. 313-915**

**APPROVING ADVERTISING FOR ORLEANS COUNTY TOURISM**

RESOLVED, that this Legislature approves advertising in the 2016 CONY Directory through Campground Owners of NY, Inc., 1 Grove St, Ste 200, Pittsford, NY 14534 for the purpose of placing a 3 page add in this directory for Orleans County Campgrounds in the amount of \$5,200 to be paid from Tourism Account A6410.468 – I Love New York. 50% Reimbursement from I Love NY Matching Funds.

Moved, Allport; second, Eick.

Adopted. 6 ayes; 0 nays; 0 absent.

Legislator DeFilippis recused himself from deliberations and vote.

**RESOLUTION NO. 314-915**

**ESTABLISHING A POLICY SETTING MINIMUM STANDARDS FOR COUNTY PARTICIPATION IN LITIGATION INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS.**

RESOLVED, that this Legislature adopts a Policy Establishing Standards for County Participation in Litigation Involving Challenges to Real Property Assessments (Article 7) as written by the members of the Administration and Finance Committee, attached hereto; and be it further

RESOLVED, the Director of Real Property Tax Services will forward a copy of this resolution to all of the Towns, Villages, and School Districts within Orleans County.

**POLICY ESTABLISHING MINIMUM STANDARDS FOR COUNTY PARTICIPATION IN LITIGATION INVOLVING CHALLENGES TO REAL PROPERTY ASSESSMENTS (ARTICLE 7)**

The County of Orleans may participate in providing financial assistance for litigation challenges to real property assessments provided the following Standards are met and the Process is adhered to:

**STANDARDS**

- The real property in question has a minimum assessed value of \$3,000,000 and the petitioner is desirous either of a change in assessment of ten (10) percent or a change of at least \$300,000 less than the assessed value.

- The Town, School District and, when applicable, Village in which the property resides have, by Resolution, agreed to share the cost of litigation, proportionate to their respective taxes due on the parcel in question, with the County.
- The County will share costs of Town Counsel or outside Counsel secured by the Town. (not both)
- Prior to the effective date of participation established by the Orleans County Legislature any accrued litigation charges will be the sole responsibility of the Town in which the property resides.
- The County Attorney and Real Property Tax Services Director will be consulted regarding appraisals or settlement strategies.
- The County reserves the right to decline to participate if the Town Assessor has not met the full NYS requirements for training and experience to be a qualified assessor.

#### PROCESS

- The Town will present a written request with a Town Resolution to the County Attorney and the Real Property Tax Services Director. The request will be accompanied by a Resolution from the relevant School District and, when applicable, the relevant Village.
- The request will be reviewed by the Director of Real Property Tax Services and the County Attorney for recommendation to the Administration and Finance Committee.
- A recommendation will be presented by the Real Property Tax Services Director, in Resolution transmittal form, to the Finance Committee.
- After the Resolution is approved and an effective participation date established by the County Legislature, the Attorney or the Town can then begin to submit litigation cost charges to the County Attorney seeking an apportioned payment from Orleans County.

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

**RESOLUTION NO. 315-915**

**APPROVING SOFTWARE SUBSCRIPTION SERVICE BETWEEN  
THE TREASURER’S OFFICE AND KVS INFORMATION SYSTEMS**

RESOLVED, that this Legislature approves the annual software subscription service between the Treasurer’s Office and KVS Information Systems, 821 Maple Rd, Williamsville, NY 14221 covering all programs relating to the Treasurer’s Office, Personnel Office, and Budget Officer at a cost of \$9,698; effective August 1, 2015 through July 31, 2016, to be paid from the respective budgets, as applicable.

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

**RESOLUTION NO. 316-915**

**AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE  
SHERIFFS BUDGET AND AUTHORIZING PURCHASE OF  
LIVESCAN SYSTEM FROM GRANT FUNDS**

RESOLVED, that this Legislature authorizes the Treasurer to set up Homeland Security/SLETPP (LE15) grant funds as follows:

REVENUE:

A4308.5315	Homeland Security/SLETPP (15)	\$26,250
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APPROPRIATION:

A3110.486.5315	Special Grants/LE15-1009-D00	\$26,250
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and be it

FURTHER RESOLVED, that this Legislature authorizes the purchase of Livescan System from Morpho Trust USA, 5705 Old Shakopee Rd, Ste 100, Bloomington, MN 55437-3107 in the amount of \$22,609 – Quote #12488-J6R7K9 (P O 56569) to be paid from Sheriff’s Budget account A3110.486.5315 Special Grants/LE15-1009-D00. County Cost \$0.

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

**RESOLUTION NO. 317-915**

**AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE SHERIFF'S BUDGET**

RESOLVED, the Treasurer is authorized to transfer funds within the Sheriff's Budget for reimbursement of overtime wages from Operation Stonegarden FY12 and FY13 as follows:

From:

A3110.486.7412	Special Grant/SG12-1004-D01	\$1,47056
A3110.486.7413	Special Grant/SG13-1004-D00	\$11,148.42

To:

A3110.101	Overtime	\$12,618.98
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Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 318-915**

**AUTHORIZING PAYMENTS FROM THE CAPITAL PROJECTS ACCOUNT**

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

<u>Amount</u>	<u>Vendor</u>	<u>Description</u>
\$372.20	Barre Stone Products	Blacktop parking lot

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

Legislator DeRoller moved to set up a public hearing for Local Law 2-Intro of 2015 concerning regulating the transfer of secondhand articles; second by Legislator Johnson. Attorney Schubel explained that this Local Law was requested by the District Attorney's Office. This would allow them to request information from second hand dealers concerning their sales. Unlike many counties that require licensure of second hand dealers, this does not. The District Attorney informs us that they will distribute this to applicable dealers which will help with law enforcement issues. Attorney

*September 28, 2015*  
*Resolutions 299-327*

Schubel informed the board that this is a similar law that Steuben County enacted which we will continue to keep track of. The following resolution was adopted:

**RESOLUTION NO. 319-915**

SETTING DATE OF PUBLIC HEARING ON LOCAL LAW NO. 2-  
INTRO OF 2015

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled “A Local Law Regulating the Transfer of Secondhand Articles”; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; now, therefore be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature on the 28<sup>th</sup> day of October 2015 at 4:25 p.m. at the Orleans County Legislature, 3 South Main Street, Suite 2, Albion, New York.

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

**RESOLUTION NO. 320-915**

AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY  
MANAGEMENT

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2015 Grant Funds for purchase of Personal Protective Equipment (PPE) for the Director, (3) Deputy Coordinators, and (3) Fire Investigators at a cost not to exceed \$7,791, according to the grant guidelines of DHSES; and be it

FURTHER RESOLVED, that this Legislature approves setting up 2015 Homeland Security Grant Funds as follows:

Revenue:

A4309.2015 State Homeland Security Grant Program \$7,791  
FY15

Appropriation:

3640.486.2015 Special Grants – SHSP FY15 \$ 7,791

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

Legislator Johnson said we lost a hero, Deputy Erin Fuller, this month who served Orleans County for many years and his passing was a terrific loss. A moment of silence was observed to remember Orleans County Sheriff's Deputy Erin Fuller.

Legislator Johnson moved to set the salary for the CAO; second by Legislator DeRoller. Legislator DeRoller expressed that this is one example of many that the Chief Administrative Officer is stepping up for us. The following resolution was adopted:

**RESOLUTION NO. 321-915**

**AUTHORIZING SETTING SALARY FOR THE CHIEF ADMINISTRATIVE OFFICER**

WHEREAS, Section 3 part (b) of the Chief Administrative Officer's Employment Agreement calls for a good faith review of the employee's compensation and adjustment to the employee's base salary based on performance and the assignment of additional duties not in the current scope; and

WHEREAS, the employee's performance has been excellent and he has recently been assigned additional duties related to the E-Waste program; now be it

RESOLVED, that this Legislature places the new base for the Chief Administrative Officer at grade E12 step 8, of the Management Compensation Schedule effective September 1, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to make the following budget adjustments within the CAO's budget:

<u>FROM</u>		
1020.460	Training and Educational	\$1,694
<u>TO</u>		
1020.100	Personal Services	\$1,343
1020.810	State Retirement	\$249
1020.820	Medicare	\$19
1020.830	Social Security	\$83

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

**RESOLUTION NO. 322-915**

REPEALING RESOLUTION NO. 289-815 CONCERNING THE SALES AND COMPENSATING USE TAX

WHEREAS, the New York State Department of Taxation and Finance has requested that several minor revisions be made to Legislature Resolution No. 289-815 concerning the Sales and Compensating Use Tax as adopted by this Legislature on August 26, 2015, thereby necessitating its repeal and the subsequent re-adoption of a resolution as revised and clarified, now therefore be it

RESOLVED, that Legislature Resolution no. 289-815 be, and the same hereby is, repealed.

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

**RESOLUTION NO. 323-915**

AMENDING RESOLUTION NO. 164 OF THE YEAR 1967 IN RELATION TO ORLEANS COUNTY SALES AND COMPENSATING USE TAXES, INCREASING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND ON CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND

AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE  
TAX LAW OF THE STATE OF NEW YORK

BE IT RESOLVED, BY THE ORLEANS COUNTY  
LEGISLATURE AS FOLLOWS:

That Resolution No. 164 of the Orleans County Board of Supervisors adopted November 30, 1967, as amended by Resolution No. 17 of said Board, adopted February 6, 1969, Resolution No. 90 and 91 of said Board, both adopted June 4, 1970, and as further amended by the Orleans County Legislature by Resolution No. 547-1290, adopted December 12, 1990, of said Legislature, Resolution No. 264-593, adopted May 1, 1993, Resolution No. 388-795, adopted July 29, 1995, of said Legislature, Resolution No. 396-997, adopted September 24, 1997, Resolution No. 380-1099, adopted October 13, 1999, and Resolution No. 377-901, adopted September 12, 2001, and Resolution No. 387-903, adopted September 10, 2003, and Resolution No. 272-705, adopted July 27, 2005, and Resolution No. 361-807, adopted August 22, 2007 and Resolution No. 297-909, adopted on September 9, 2009, and Resolution No. 254-811, adopted on August 24, 2011, and Resolution No. 291-813, adopted on August 28, 2013 be amended in its several parts as follows:

SECTION 1. The first sentence of section 2 of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax.

On and after September 1, 1970, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing June 1, 1993 and ending November 30, 2017, there is hereby imposed and shall be paid an *additional* tax of one percent upon:

SECTION 2. Subdivision (g) of section three of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(g) With respect to the additional tax of one percent imposed for the period commencing June 1, 1993 and ending November 30, 2017, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to June 1, 1993, all references in said

subdivision (a) to the date four months prior to the effective date shall be read as referring to February 1, 1993, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to May 31, 1993. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to June 1, 1993 any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after June 1, 1993, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land, as defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible

personal property to the specification of an addition or capital improvement to such real property, property or land.

(f) For purposes of Clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing June 1, 1993, and ending November 30, 2017, the tax shall be at the rate of four percent, and on and after December 1, 2017, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Paragraph (B) of subdivision one of section eleven of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(B) With respect to the *additional* tax of one percent imposed for the period beginning June 1, 1993 and ending November 30, 2017, in respect to the use of property used by the purchaser in this County prior to June 1, 1993.

SECTION 5. Subdivision (b) of section fourteen of Resolution No. 164 as enacted in 1967, as amended, is amended to read as follows:

(b) Net collections attributable to the *additional* one percent sales and compensating use taxes imposed for the period beginning June

1, 1993, and ending November 30, 2017, are set aside for County purposes and shall be available for any County purpose.

SECTION 6. This resolution shall take effect on December 1, 2015.

Moved, Johnson; second, DeRoller.

Roll Call: 7 ayes: Allport, Callard, DeFilipps, DeRoller, Eick, Johnson, Miller; 0 nays; 0 absent.

Adopted.

### **RESOLUTION NO. 324-915**

#### **APPROVING CONTRACT AGREEMENT BETWEEN THE ORLEANS COUNTY BOARD OF ELECTIONS AND DOMINION VOTING SYSTEMS CORPORATION**

RESOLVED, that this Legislature approves the contract between Orleans County Board of Elections and Dominion Voting Systems Corporation, 215 Spadina Ave, Toronto, Ontario, Canada. The contract, with total cost of \$25,852.50, will provide for Software Maintenance for the Election Maintenance System (EMS), and also Firmware Maintenance and Extended Hardware Warranty for the county board's seven ICP Scanners. The Software Maintenance Term and Extended Hardware Warranty periods are September 1, 2015 through August 31, 2018.

Moved, DeFilipps; second, Allport.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 325-915**

#### **AUTHORIZING PAYMENT OF CLAIMS FOR OCTOBER AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the

Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for October 14, 2015:

Fund/Department	Check Number (s):	Amount:
General	1291-1505	\$472,812.35
Highway	633-642; 1484-1504	\$273,667.44
Nursing Home	27731	\$249,238.56
Job Development	1895-1911	\$11,736.13
Self Insurance	55846-55849; 1097	\$4,982.47

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for October 28, 2015:

Fund/Department	Check Number (s):	Amount:
General	1522-1671	\$520,813.19
Highway	643-649; 1505-1516	\$47,807.36
Nursing Home	27732-27733	\$17,551.63
Job Development	1915-1924	\$9,880.71
Self Insurance	55964-55966; 1098	\$4,039.82

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

Chairman Callard opened the floor for comments. Ken Schaal, Shelby Councilman, wanted to recognize and commend the Legislature for resolving the e-waste problem that the State created. He also wanted to commend CAO Nesbitt for doing an excellent job in creating a system that works. He also commended Jim Bensley for his efforts and cooperation and Sid Lovell's crew for their hard work. Councilman Schaal explained that a problem arose in the first day, after contact was made with CAO Nesbitt, it was corrected almost instantly. This was becoming a major issue with computers and televisions landing in our ditches. He said with the coordination with Niagara County it has saved our taxpayers a lot of money and he appreciates that.

Councilman Schaal also indicated that they need microphones in the chambers because it is very hard to hear people speak at times.

Councilman Schaal also referenced the assessing issue and thanked them for taking a stand on this. He said this has become a big problem because of the litigation involved in assessing. The Towns have the least to lose so at a financial point the towns would back out. Then these people will continue to sue, knowing that the Towns would fold. Now with the cooperation of our Schools, County and Villages hopefully we can curtail what is happening with litigation concerning assessments.

Chairman Callard thanked Councilman Schaal for his comments. On the E-waste the request originally came from Senator Ortt to NORA and asked us to find a solution to the problem for both counties. Now this is one of the best examples of shared service discussions. Legislators Godfrey and Johnson, along with CAO Nesbitt and this Legislature were all a part of moving this forward.

Chairman Callard also stated that the counties participation in assessment challenges is also a first for our county and it serves everyone well to meet the challenge together. It is also very important for the Villages and Schools to participate on a proportionate share. We all need to work together because the collective assessment evaluations for the county impact us all.

Chairman Callard asked Councilman Schaal how the e-waste collection efforts were going in the Town of Shelby. Mr. Schaal indicated that they had a huge amount collected and stored before the program began and he said CAO Nesbitt resolved this by bringing their e-waste to the county. Legislator DeRoller added that we were backed up 180 pallets of e-waste when this program began to take hold. Now we are 35 pallets into this new program and still going strong. We are using the Welfare Work Crew under the leadership of Sid Lovell for stacking, sorting and packing this e-waste.

Chairman Callard introduced Niagara County Legislator David Godfrey reviewed the many collaborations NORA has done including broadband and e-waste. He is here today to thank Chairman Callard, and many other Legislators, who took the time to meet with Congressman Collins on the 15<sup>th</sup> of this month at Fort Niagara concerning the Lake Levels. He was

also appreciative that Wayne and Monroe Counties also attended this event.

Chairman Callard stated that they fought the lake level plan back in 2012 through their due process and we were successful in not getting them to change the lake levels. IJC went back to repass their thoughts and make the changes now without due process. Our Congressman stated that this could be stopped through the funding process. Chairman Callard learned that President Obama changed the appointees of the committee whom now have changed their thinking and our NYS Governor has refused to make public comment either for or against our lake levels. It affects six counties on the south shore of Lake Ontario and one storm could make it very devastating for the owners along our Lake. Chairman Callard assured everyone that they will continue to fight these battles by traveling to Albany or Washington to meet with our Legislators that could make a difference.

Chris Crafts, Ridgeway, is a member of the SOS group and again spoke in opposition to the wind project. He is very glad to live in this area but has concerns when he looks around as to what is going on in Barker and Lyndonville, along with in and out of state organizations with these energy projects. He questions how an organization can come in through a seemingly benign and green process could put a facility up and make it look good. Then we are stuck with them when they leave that will damage our wildlife and human populations. This just came up last October, he does not feel safe anymore because anyone can come in with a process like this and he is totally defenseless.

Legislator Godfrey stated that the Niagara County Health Department has been engaged in looking into the health perspective with these wind turbines and Commissioner Dan Stapleton has made preliminary statements that there are some health issues. He also stated that our fight is with Albany and these are unjustified Article X issues.

Cindy Hellert, Yates, said a month ago she stood before this Board asking to stand in solidarity with the Niagara County Legislature in opposing APEX and Lighthouse Wind. She came again to plead for this and not wait for the complacent town board to take action. She continued on in discussions of the lack of a Yates Town Board issuance of a survey. She indicated that at the last Town of Yates board meeting they could not agree on the term "resident". Thus, the survey has been stalled Mrs. Hellert said, which is unacceptable. She expressed that the survey should be sent to

every tax payer in the town of Yates. Mrs. Hellert then pointed out that there has been initiatives that the Orleans County Legislature has presented town boards to support, which she shared many examples such as Opposing the SAFE ACT and STAR exemptions, to only list a few she presented. In presenting these examples, she respectively requested to at least take a stand and declare a moratorium on this project moving forward.

Mrs. Hellert continued in saying that while the issues drag on, there are many underhanded events happening in their community by the Apex Project Manager Taylor Quarles that this board should be aware of. He has been seen placing Fear Not the Wind and Harvest the Wind signs on property without authorization in their area and they are only in the public information phase of this project. She also said that APEX has blocked and deleted public comments if they dispute their views. In closing, again she asked the Orleans County Legislature to take a stance against their violation of rights as residents of the Town of Yates and she begged the Board to do so for their protection. She was not asking for this Legislature to go against the Yates Town Board but to protect them as citizens of Orleans County.

Chairman Callard said that this is a very difficult situation, because you are asking us as a county to do what we are fighting the State and what it is doing and that is Home Rule. He said we could be all against the wind turbines and it would not make any difference in the final determination, the state will. Chairman Callard said we will fight to protect all of the residents of this county in fighting for Home Rule. We have done that by resolution as it related to wind turbines in the past. We will continue, and step up the fight for Home Rule. But, to ask us now to do what we are fighting the State on what's it doing is wrong and we can't do it. It would be hypocritical because we can not tell the town what to do nor do we intend to, stated Chairman Callard. The determination has to be made at the lowest level, and that is with the people in the Town of Yates. He expressed to Mrs. Hellert that she has a very organized and strong group to fight the fight but it is wrong to ask this board to join in that fight to do what we are fighting the State of New York not to do.

Glen Maid, Yates, who addressed a few points regarding the proposed industrial wind turbine project. He stated back on July 25, 2014 the Yates Town Board was advised of the Lighthouse Wind project during a meeting with APEX representatives at the Town Hall. Through the end of the year the board failed to advise anyone about this including the community and from all indications the Legislature. Mr. Maid said that in December the

Town hired a prominent wind industry lawyer to advise them. It was not until neighbors began speaking to neighbors that the Yates community found out about this proposed project. Beginning in January of 2015 members of the community have spoken at board meetings, have met with them in person; and communicated by phone and e-mail to voice their opposition of this project. No response has been given to their community by the Yates Town Board. Since July 2014 until now, Mr. Maid indicated that the community has no idea where their leaders stand on this project, either for or against. They have stated that it is up to the state and it is out of our hands, which Mr. Maid said it is not completely true. Mr. Maid stated that he was aware of the reluctance of the Orleans County Legislature to act on this until the Town of Yates Board does. Mr. Maid said that from the history that he just described, this project, in theory, could be built and operational before the town does anything. Mr. Maid made his second and final point in that under the present circumstances, without intervention, this large developer from Virginia by way of private contracts with incorporation and private citizens will in essence dictate to this county and to the Town of Yates where its industrial development and industrial zones will be and this should never happen. The Town of Yates has had fourteen months to act and they have not. In the absence of any direction from the Town of Yates Mr. Maid requested the Legislature act in opposition of the Lighthouse Wind Project. Mr. Maid stated he is not requesting that the Legislature tell the Town of Yates what to do but as their own entity to take a stance and tell Albany that they are opposing this project because it is not good for our residents.

Ken Schaal, Shelby, stated that he sympathizes with these people in the wake of this energy issue. To provide some history, Councilman Schaal stated that about seven years ago the Towns of Shelby, Ridgeway, and Yates were approached by a different wind energy company. At this point, none of the three towns had any zoning regulations for or against, or how to regulate wind energy companies. The three towns collaborated and spent thousands of dollars in legal fees creating zoning laws to help control how these things were placed and allow the ability to prevent it if the populace so pleased. Councilman Schaal stated, to say that the town has not done anything is not totally correct. They have spent a lot of time and effort and then along came Article X. Councilman Schaal advised that the Orleans County Legislature passed a resolution against Article X and all ten towns, if he recollects correctly, also passed the same resolution against Article X and the loss of Home Rule. The Town Board has created zoning laws that would allow the town to control how these are sited and what would happen but Article X took this ability away. As Chairman Callard

has said, Councilman Schaal restated that the fight should be with Albany. He said there are a lot of negative issues with the Orleans County Legislature and local town boards but we all try to protect the majority of the people and the state and its wisdom has taken that ability away from local officials. The Orleans County Legislature should concentrate its efforts in collaboration with the Town Board against the State and ask our local elected state officials, Hawley, Ortt and Corwin, to sit and listen to these issues.

Paul Lauricella, Yates, stated he agrees with everything that has been said today but is concerned that we will be subsidizing this project forever. He also agrees with Mr. Schaal but in attending some of the board meetings eyes were rolling when people tried to talk to them. This is a dyer issue and there has been some disrespect seen. He is concerned with the tax issue and also the potential health issue. He does not support this project.

Sandy Lauricella, Yates, stated as far as she knows there is not a program in place in Orleans County for spaying or neutering animals. CAO Nesbitt indicated that every animal that comes into the county shelter is spayed or neutered. She stated she is concerned about feral cats. She indicated that Niagara County has a program in place to offer this for a lower cost to people. Chairman Callard stated there are some not for profits that help in facilitating this and he has asked for this to be discussed and program to be developed. Chairman Callard stated that Legislator DeRoller is the Chairman of Public Safety and for him to take the lead on this. Legislator DeRoller added that there has been a discussion with the Animal Control Officer who has attended educational opportunities in Genesee County on how to manage feral cats.

Legislator Eick moved to enter into executive session at 10:10 a.m. per Open Meetings Law §105 (d) to discuss pending litigation and (h) proposed sale or lease of real property second by Legislator Allport. Motion Carried.

Legislator Allport moved to exit out of executive session and reconvene the regular meeting at 10:49 a.m.; second by Legislator DeFilipps. Motion Carried.

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

**RESOLUTION NO. 326-915**

AUTHORIZING LEGISLATURE CHAIRMAN TO ACT AS SIGNATORY ON BEHALF OF LEGISLATURE WITH RESPECT TO LEGISLATURE RESOLUTION NO. 55-186 AS AMENDED BY RESOLUTION NO. 224-500

WHEREAS, this Legislature adopted a Defense and Indemnification Policy by Legislature Resolution No. 55-186 as amended by Legislature Resolution No. 224-500; and

WHEREAS, this Legislature wishes to authorize and designate the Legislature Chairman as a signatory for purposes of execution of the said Policy; now therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized and designated as a signatory on behalf of the Legislature to act in furtherance of the Defense and Indemnification Policy, and the Legislature Chairman be, and hereby is, authorized to execute pleadings, agreements, releases, and stipulations in connection therewith subject to the approval of the County Attorney and the Chief Administrative Officer. In the event of the absence or inability of the Chairman to act, the Vice-Chairman may act in the stead of the Chairman.

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

Legislator Johnson moved to approve purchase and sale contract for the sale of 46 State Street in the Village of Holley; seconded by Legislator DeRoller. Attorney Schubel advised that this was an in rem property from several years ago. It is a challenged property and the Village of Holley would like to see this be moved forward stated Attorney Schubel. Legislator DeRoller stated that this goes back to 2003. The following resolution was adopted:

**RESOLUTION NO. 327-915**

APPROVING PURCHASE AND SALE CONTRACT FOR THE SALE OF 46 STATE STREET (88.5-2-45), VILLAGE OF HOLLEY

WHEREAS, the parcel commonly referred to as 46 State Street (88.5-2-45), Village of Holley, was subject to an In Rem Tax Foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, the parcel is zoned as a commercial property; and

WHEREAS, the County of Orleans is authorized to sell commercial property via private treaty; and

WHEREAS, the County Legislature wishes to find a suitable and productive reuse of the property; now, therefore, be it

RESOLVED, that this Legislature approves a Real Estate Purchase and Sale Agreement with One Mechanic Street, LLC, with a sale price of \$5,000.00, subject to the approval of the County Attorney.

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to adjourn; second by Legislator Allport.  
Meeting adjourned at 10:54 a.m.

**LEGISLATURE MEETING**

October 28, 2015

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

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

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

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

Chairman Callard called for open discussion from the Legislators and then from the public as it relates to the resolutions. Legislator Allport stated that he contacted the Attorney General's office several weeks ago regarding the price differences in the sale of gasoline in surrounding counties. The Attorney General's Office did speak with Legislator Allport and also

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

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

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

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

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

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

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

Mr. Lofthouse questioned Resolution No. 355 as to what the Enterprise Fund is and how much is in it. CAO Nesbitt explained that the Nursing Home was run through the Enterprise Fund. Currently the county has dedicated funds including the General Fund, the Road Fund, the Machinery Fund, the Garbage and Refuge Fund and the Enterprise Fund. We are no

longer running the Nursing Home therefore we are closing down the Enterprise Fund. Those monies left in this fund will be transferred to the General Fund. Mr. Lofthouse asked how much money remains in that fund? CAO Nesbitt stated at the end of 2014 there was about \$3.3 million. Mr. Lofthouse asked how much is in there now? CAO Nesbitt stated that we probably have more than that because of taking in additional money and our expenditures that happened early on in the year to reconcile employee benefits and payouts have been paid so he can provide exact numbers at this time. Mr. Lofthouse asked what they will do now with the money. CAO Nesbitt stated that we are running below Comptroller's estimates on what we should have for fund balance. Part of this money that is in there now, referencing the Treasurer's Report, we put in \$1.5 million this year that was unbudgeted that needs to go back into General Fund. To answer the question, we do not have enough fund balance to manage cash flow for the expenditures we have in general fund at this point and will rectify this situation, expressed CAO Nesbitt.

The following resolutions were presented for adoption:

**RESOLUTION NO. 328-1015**

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

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

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

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 329-1015**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT  
INFRASTRUCTURE PROJECTS ACCOUNT**

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

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

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

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

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$84.20	Barre Stone Products	Invoice #4523 – Run of Crusher
\$20,595.08	Barre Stone Products	Invoice #454 – Black Top/Hot Mix

\$262.39	Barre Stone Products	Invoice #4600- Run of Crusher
\$2,009.01	Chemung Supply Corp	Invoice #7650814 RI –Drainage supplies

and be it

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

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

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

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

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

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

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

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

**RESOLUTION NO. 331-1015**

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

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

The William George Agency, Freeville, NY for the provision of residential foster care services; to be effective September 1, 2015 through August 31, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

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

Villa of Hope Youth and Family Services, Rochester, NY for the provision of residential foster care services; to be effective March 13, 2015 through March 12, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

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

**RESOLUTION NO. 332-1015**

**ESTABLISHING COUNTY INDIGENT BURIAL RATES**

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

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

RESOLVED, that this Legislature hereby establishes indigent burial rates paid by the Department of Social Services and the Veteran's

Department, for the period January 1, 2016 through December 31, 2016, with no increase from 2015 rates, as follows:

**COUNTY BURIAL RATES – 2016**

SERVICE	FEE SCHEDULE
Cremation – no services	\$1200
Cremation with Memorial Service	Additional \$400
Crematory Fee	\$265
Burial – No Services:	
Infant	\$600
6 months – 5 years	\$1000
6 years – adult	\$1900
Burial with Memorial Service	Additional \$400
Concrete Vault	\$500
Oversized Casket if needed	\$128
Transportation (when a cemetery plot is owned out of county)	\$1.77/mile (up to cost of a cemetery plot in County)
Cemetery Plot	
Child	\$350
Adult	\$500
Cremation grave if available	\$281
Internment of Casket*	
Child	\$225
Adult	\$480
Internment of Remains	\$200
Lowering Device if not owned by cemetery	\$94

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

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

**RESOLUTION NO. 333-1015**

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

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

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

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

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

**RESOLUTION NO. 334-1015**

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

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

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

RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized and directed to execute an agreement and all necessary documents between the County of Genesee and the County of Orleans for

the operation of the Orleans County Youth Bureau by Genesee County at a cost to Orleans County of \$3,787.50 per quarter effective January 1, 2016 through December 31, 2016 for a total of \$16,310.

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

**RESOLUTION NO. 335-1015**

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

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

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

**RESOLUTION NO. 336-1015**

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

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

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

*October 28, 2015*  
*Resolutions 328-365*

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

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

**RESOLUTION NO. 337-1015**

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

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

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

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

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

**RESOLUTION NO. 338-1015**

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

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

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

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

**RESOLUTION NO. 339-1015**

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

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

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

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

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

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

**RESOLUTION NO. 340-1015**

AUTHORIZING TRANSFER OF FUNDS IN THE MENTAL HEALTH BUDGET

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

October 28, 2015  
Resolutions 328-365

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

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

**RESOLUTION NO. 341-1015**

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

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

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

**RESOLUTION NO. 342-1015**

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

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

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

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

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

**RESOLUTION NO. 343-1015**

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

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

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

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

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

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

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

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

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

Legislator Johnson moved to approve an agreement with the ACS Enterprise Solutions and the County Clerk. Karen Lake-Maynard, County Clerk, explained earlier during public questioning that it is software that she uses to manage all the records that need to be filed in

her office. CAO Nesbitt also added that this software facilities revenue which is about \$537,000 per year. The following resolution was adopted:

**RESOLUTION NO. 344-1015**

**APPROVING AGREEMENT BETWEEN COUNTY CLERK AND ACS ENTERPRISE SOLUTIONS INC.**

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

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

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

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

**RESOLUTION NO. 345-1015**

**AUTHORIZING FILLING VACANCY IN THE COUNTY CLERK'S OFFICE**

RESOLVED, due to a retirement, that this Legislature authorizes the County Clerk to fill a vacant Keyboard Specialist position (1410.11) in

the County Clerk’s Office at grade 7 of the CSEA Salary Schedule effective November 9<sup>th</sup>, 2015.

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

**RESOLUTION NO. 346-1015**

**AUTHORIZING DISTRIBUTION OF MORTGAGE TAX RECEIPTS**

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

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

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

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

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

**RESOLUTION NO. 347-1015**

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

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

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

**RESOLUTION NO. 348-1015**

AUTHORIZING PAYMENT FROM THE REAL PROPERTY TAX SERVICES BUDGET

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

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

**RESOLUTION NO. 349-1015**

APPROVING APPOINTMENT TO THE EMPLOYEE ASSISTANCE PROGRAM COMMITTEE

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

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

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

**RESOLUTION NO. 350-1015**

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

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

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

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

**RESOLUTION NO. 351-1015**

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

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

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

**RESOLUTION NO. 352-1015**

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

RESOLVED, that pursuant to the request from the County Treasurer, she is hereby authorized to relevy the unpaid 2015 Solid

Waste/Recycling fees, to be added to the 2016 tax rolls for the respective towns as of November 1, 2015.

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

**RESOLUTION NO. 353-1015**

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

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

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

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

**RESOLUTION NO. 354-1015**

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

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

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

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

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

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

<u>From:</u>		
V5031	Revenue	\$42,774.50
 <u>To:</u>		
V9710.610	Principal	\$20,000.00
V9710.701	Interest	\$22,774.50

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

**RESOLUTION NO. 355-1015**

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

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

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

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

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

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

**RESOLUTION NO. 356-1015**

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

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

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

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

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

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

#### **RESOLUTION NO. 357-1015**

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

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

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

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

**RESOLUTON NO. 358-1015**

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

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

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

**RESOLUTION NO. 359-1015**

AUTHORIZING PAYMENTS FROM THE CAPITAL PROJECTS  
ACCOUNT

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

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

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

**RESOLUTION NO. 360-1015**

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

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

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

**RESOLUTION NO. 361-1015**

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

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

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

**RESOLUTION NO. 362-1015**

APPROVING AGREEMENT BETWEEN CRIME VICTIMS ASSISTANCE PROGRAM AND SHEILA MCWETHY

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

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

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

**RESOLUTION NO. 363-1015**

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

RESOLVED, that this Legislature authorizes the Director of Emergency Management Department to pursue an agreement with Tim Warth, dba Radio Technologies at 15 Pamda Dr, Rochester, NY 14617; as

a third party communications consultant to provide professional services as required under the Communications Governance Structure of the Statewide Interoperable Communications Grant at a cost not to exceed \$60,000; said services to be paid from the FY12 Statewide Interoperable Communications Grant, 3640.486.SI12, and be it

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

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

**RESOLUTION NO. 364-1015**

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

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

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

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

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

Moved, Johnson; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 365-1015**

**AUTHORIZING PAYMENT OF CLAIMS FOR NOVEMBER AGAINST THE COUNTY**

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for November 11, 2015:

Fund/Department	Check Number (s):	Amount:
General	1672-1891	\$190,491.81
Highway	650-656;1518-1539	\$38,862.75
Nursing Home	27734-27735	\$10,492.56
Job Development	1928-1937	\$2,658.00
Self Insurance	56032	\$16,649.52

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for November 25, 2015:

Fund/Department	Check Number (s):	Amount:
General	1925-2044	\$251,547.40
Highway	657-661; 1540-1551	\$71,118.31
Nursing Home	No Claims	
Job Development	1940-1946	\$8,346.40
Self Insurance	1099, 1100	\$58.21

Moved, Miller; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

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

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

Chairman Callard asked if Chief Deputy Drennan wanted to give an overview of the raid. Chief Drennan reported that a tremendous amount of work went into this from the Welfare Fraud Unit and the Major Felony

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

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

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

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

## LEGISLATURE MEETING

November 18, 2015

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Chairman Callard called the meeting to order at 4:32 p.m. After the pledge to the flag and invocation led by Veteran David Kusmierczak, the Clerk called the roll. All Legislators were present, with the exception of Legislators DeRoller, Eick, and Johnson.

Chairman Callard stated that Legislature Johnson is on assignment in Washington DC, with David Godfrey from Niagara County Legislature. They are the representatives for the Niagara Regional Alliance, at a meeting with other representatives about the State Department IJC Plans 2014, which deals with lake levels. It is astonishing what is being proposed. By IJC estimates, high water under plan 2014 will result in annual average damages of \$2.2 million to Lake Ontario Shoreline. By IJC estimates, low water will result in annual average damages \$570,000 damages to recreational boating. These figures are for annual average damages. These damages occur every 1-3 years during low or high water events that occur once every 10-15 years, therefore the resulting damages for an event \$20 to \$30 million to shore line properties for a high water event. \$6 to \$9 million to recreational boating for a low water event. In some cases this would be regarded as illegal, but we are dealing with the issue. Legislature Johnson is representing Orleans County in a meeting with Congressman Collins and Congressman Kato to fight this. We succeeded in 2013 and are going to do our very best to succeed in this.

The Clerk presented the following communications: Hospice of Orleans is requesting a banner be hung on the courthouse square lawn to recognize National Hospice Month. A 4'x6' banner has been requested to be placed on the square from November 19<sup>th</sup> through November 30<sup>th</sup>. The Village of Albion DPW has requested to erect the annual Christmas tree with lights on the lawn of the Courthouse. They are requesting permission to do this along with the use of electricity. They plan to install it on or about December 1, 2015 and take it down on or about January 9, 2016. The board approved this request.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through October, 2015. Treasurer Heard indicated that it does not look good due to closing the nursing home there were outstanding checks at the end of the month, next month's will look better.

Chairman Callard called for open discussion as it related to the resolutions and there were no comments.

Chairman Callard announced the appoint of Earl Schmidt of the Town of Ridgeway as the new Director of the Veteran's Services Agency.

Mr. Schmidt currently resides in the Town of Ridgeway with his wife Catherine. They have four children; Rebecca, Jeffrey, Rosalie, and Brittany. Earl has served the Western New York Veterans community since May 2012 as an accredited Veteran's Service Officer with the Niagara County Veteran's Services Agency.

Mr. Schmidt served in the United States Army and US Army National Guard over 23 years, retiring as a Sergeant First Class; Reconnaissance Platoon Sergeant. He has earned seventeen medals including The Bronze Star, Combat Infantry Badge, Meritorious Service Medal, Army Commendation Medal, and Air Force Commendation Medal. Mr. Schmidt served in combat in both the Persian Gulf and Afghanistan.

Mr. Schmidt is active with the American Legion as a service officer, the Veteran of Foreign Wars and sits on the VFWNYS Department service officer's committee as well as being a member of the Iraqi Afghan Veterans of America (IAVA).

Chairman Callard expressed that the Legislature is pleased to welcome Earl Schmidt to the team and think he will make a great addition. He's very passionate about veteran's issues and I'm sure his energy and dedication will make an immediate impact for our Orleans County veteran's community. Mr. Schmidt will start effective December 7, 2015.

Newly appointed Director Earl Schmidt thanked the Orleans County Legislature and the Orleans County leadership for accepting him in the leadership position. Quote from one of our past president on March 4<sup>th</sup> 1865 – “Those who borne the battle, shall we care for him, his widows and his orphans.” I will and always will, not matter where I reside take care of veterans, their dependents and the residents and their family within the community. I thank you with the support of the legislatures from the county, from the state department and the Federal Agencies. I wish to continue what has all ready been started today and strengthen it for future years to come. Thank you very much for the appointment.

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

**RESOLUTION NO. 366-1115**

**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>
\$3,484.58	Barton & Loguidice, D.P.C.	Engineering Services – E.Scott Road Bridge
\$56,775.40	C P Ward	Construction for Waterport Carlton Bridge – Payment #3 – 10/19/15-11/15/15
\$155,070.14	Redman Construction	Construction for Oak Orchard River Bridge – Payment #2 – 10/19/15-11/15/15

and be it

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>
\$64,763.00	Keeler Construction	Construction Knowlesville Culverts – Payment #2 – 10/19/15-11/15/15

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$250.63	VP Supply Corp.	Pole Barn drainage system materials
\$2,275.00	Oak Orchard Concrete	Concrete blocks for pole barns

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\$1,066.12	Barre Stone Products	Blacktop for pole barns
\$526.07	Barre Stone Products	Crusher run and Gabion for pole barns
\$1,090.00	Orleans Ready Mix, LLC	Concrete for pole barns

Moved Miller; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

#### **RESOLUTION NO. 367-1115**

#### **AUTHORIZING PURCHASE FROM THE OFFICE FOR THE AGING BUDGET**

RESOLVED, that this Legislature authorizes the purchase of a HP StoreEasy 1440 16TB Data Storage/Server in the amount of \$6,942.59 for the Office for the Aging from CDW-G, 75 Remittance Drive STE 1575, Chicago, IL 60675-1515 to be purchased from Office for the Aging budget account A6772-270 – Capital Equipment and reimbursed by the BIP Grant. County Cost \$0.

Moved, Miller; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

#### **RESOLUTION NO. 368-1115**

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

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

Elmcrest, Syracuse, NY for the provision of residential foster care services; to be effective October 1, 2015 through September 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

G4S Secure Solutions f/k/a The Wackenhut Corporation, Williamsville, NY for the provision of armed security services for the County Office Building; to be effective January 1, 2016 through December 31, 2016 at a cost of \$27.27 per hour. County cost is \$9.54 per hour.

Center for Disability Rights, Rochester, NY for the provision of Consumer Directed Personal Assistance Program; to be effective January 1, 2016 through December 31, 2016 at rates set by the New York State Department of Health. County cost is \$0.

Orleans County Office for the Aging, Albion, NY for the provision of assisting select public assistance clients in applying for SSI; to be effective January 1, 2016 through December 31, 2016 at a cost of \$5,000. County cost is dependent upon program for which the client is eligible.

Moved, Miller; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

### **RESOLUTION NO. 369-1115**

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

WHEREAS, the Department of Social Services continuously reviews staffing to provide more efficient operations of county business and reorganization to more effectively utilize positions; now be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Grade B Supervisor position (6010.0203) in the Department of Social Services at Grade 21 of the CSEA Salary Schedule effective November 19, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby create in the Department of Social Services a full-time Grade A Supervisor position at Grade 23 of the CSEA Salary Schedule and a full-time Director of Social Services position at Grade 7 in the Management Plan; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize filling these two (2) newly created full-time positions effective November 19, 2015; and be it

FURTHER RESOLVED, that the Commissioner has the discretion to hire a candidate for the Director of Social Services position at any step of Grade 7 of the Management Salary Plan; and be it

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FURTHER RESOLVED, that this Legislature does hereby abolish a full-time Grade B Supervisor position (6010.0202) and a full time Caseworker position (6010.0223) upon the positions being vacated.

Moved, Miller; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

### **RESOLUTION NO. 370-1115**

#### **APPROVING AGREEMENTS BETWEEN MENTAL HEALTH AND VARIOUS AGENCIES**

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

Ann P. Burbank, NPP, 32 Park View Drive, Pittsford, NY 14534 to provide services as a Psychiatric Nurse Practitioner for up to 468 hours at an hourly rate of \$100. County cost is \$3,276.

John G. Amos, Ph.D., 9 Woodrose Drive, Webster, NY 14580 to provide services as Consulting Psychologist for an average of 14 on-site hours per week at an hourly rate of \$117.51 per hour. County cost is \$5,528.

Patrick J. Stein, MD, 5627 Martha's Vineyard, Clarence Center, NY 14032 to provide services as Staff Psychiatrist for an average of 20 hours per month for annual total not to exceed 240 hours at \$185 per hour; contractor will provide an additional 260 hours per year at \$160 per hour. County cost is \$6,020.

Amanda J. Lewis, NPP, 56 Beresford Road, Rochester, NY 14610 to provide services as Psychiatric Nurse Practitioner for 480 hours for the duration of this contract at \$97.93 per hour. County cost is \$3,290.

Tulio Ortega, MD, 2 Featherstone Court, Pittsford, NY 14534 to provide services as Medical Director for an average of 11 on-site hours per week including seven additional service hours per month for ten months at \$150 per hour. County cost is \$6,279.

County Attorney, P.O. Box 606, Medina, NY 14103 to provide attorney services as need for matters regarding counsel at a cost of \$8,500. County cost is \$595.

Moved, Allport; second, DeFilipps.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 371-1115**

**APPROVING AMENDED AGREEMENTS BETWEEN MENTAL HEALTH AND CERTAIN PROVIDERS**

WHEREAS, Resolution No. 361-1014 approved an agreement with Ann Burbank, NPP and Resolution No. 427-1214 approved an agreement with Patrick J. Stein, MD for psychiatrist services for the 2015 calendar year; now be it

RESOLVED, that this Legislature approves the amended agreements as follows:

Ann P. Burbank, 32 Park View Drive, Pittsford, NY 14534 to provide services as Psychiatric Nurse Practitioner an additional 49.5 hours at \$100 per hour, an increase of \$4,950 from October 29, 2015 to December 31, 2015.

Patrick J. Stein, MD, 5627 Martha's Vineyard, Clarence Center, NY 14032 to provide services as Staff Psychiatrist an additional 95 hours at \$160.00 per hour, an increase of \$15,200 from October 13, 2015 to December 31, 2015.

Moved, Allport; second, DeFilipps.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 372-1115**

**APPROVING AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND GCASA**

RESOLVED, that this Legislature approves agreements between the Health Department and GCASA at 430 East Main St, Batavia, NY 14020 to provide counseling services for alcohol and drugs (substance abuse) for the migrant population. Contract of \$1,500 funded through New York State Migrant Grant. Contract period to run concurrent with NYS Contract, October 1, 2015 through September 30, 2016. County cost \$0.

Moved, Allport; second, DeFilipps.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 373-1115**

**AWARDING BID FOR PRINTING 2016 COUNTY TRAVEL GUIDE  
AND APPROVING AGREEMENT WITH DUAL PRINTING**

WHEREAS, advertisement for sealed bids occurred and four bids was publically opened on November 12, 2015; now, be it

RESOLVED, that this Legislature awards the bid for printing of the 2016 Orleans County Travel Guide to Dual Printing; and be it

FURTHER RESOLVED, that this Legislature approves an agreement with Dual Printing, 340 Nagel Dr, Cheektowaga, NY 14225 in the amount of \$8,330 for 40,000 Travel Guides to be printed which are to be paid from Account A6410.468 I Love New York Matching Funds; and be it

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

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 374-1115**

**SETTING UNIT CHARGE FOR 2016 COUNTY SOLID  
WASTE/RECYCLING PROGRAM**

RESOLVED, that this Legislature sets the unit charge for the 2016 County Solid Waste/Recycling Program at the following rate:

One unit of Service	\$ 195.00
One-half unit of Service	\$ 97.50

and, be it

FURTHER RESOLVED, that an Administrative Fee of \$2.00 shall be added to each unit of service, and a \$1.00 fee to each half unit of service.

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 375-1115**

**APPROVING AGREEMENTS BETWEEN COUNTY CLERK AND  
ABSTRACT COMPANIES**

RESOLVED, that this Legislature approves the lease agreements with the following Abstract Companies for the leasing of space in the County Clerk's Office, agreements effective for the calendar years 2016 and 2017 at an annual costs of \$2,760 per year per company:

Steward Title Insurance Company, 47 West Main Street, Rochester, NY 14614  
Orleans Abstract, P O Box 129, Albion, NY 14411  
Crossroads Abstract Corporation, 121 N. Main St, Suite 200, Albion, NY 14411

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 376-1115**

**AUTHORIZING TRANSFER OF FUNDS IN THE SELF INSURANCE  
FUND**

RESOLVED, that this Legislature authorizes a transfer of funds within the Self Insurance Fund, as follows:

<u>From</u>		
S1710.418	Other Contractual	\$500
<u>To:</u>		
S1710.210	Furniture and Furnishings	\$500

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 377-1115**

**AMENDING BY-LAWS OF THE EMPLOYEES ASSISTANCE  
PROGRAM COMMITTEE**

WHEREAS, the EAP committee is representative of the employees of Orleans County, and

WHEREAS, over the last five years the number of Orleans County employees have been reduced from 622 employees September 2009 to 400 employees September 2015, now be it

RESOLVED, that this Legislature amends Article III of the By-Laws to read:

Article III

Membership

The membership shall consist of seven voting members. One (1) member shall be appointed by the President of the CSEA bargaining unit. One (1) member shall be appointed by the President of the AFSCME bargaining unit and one (1) member shall be appointed by the President of the OCDSA bargaining unit. Four (4) members shall be appointed by the County Legislature, and one of these members shall be the County Liaison to our Employee Assistance vendor. Other County employees, as designated by the Legislature, may participate on the EAP committee in an ex-officio capacity.

The president of each union may appoint an alternate member to ensure that each union has a vote at each EAP committee meeting and that there are three voting EAP committee members represented by our three unions.

Should a union president fail to nominate a bargaining unit member to represent their membership, this constitutes an open seat on the EAP committee. As such, the alternate members appointed by the other unions shall have the following succession for voting at an EAP committee meeting: CSEA, AFSCME AND OCDSA. This order of succession is determined by total representation of Orleans County employees and may change based upon total representation of the three unions.

Committee members shall be appointed to serve two-year terms. EAP committee members may be reappointed for successive terms. Committee appointments will be staggered so that five new appointments will be required each year.

Any member may select a substitute from his/her department to represent him/her at any meeting which he/she is unable to attend. Such designee will not have voting privileges.

RESOLVED, that this Legislature amends Article IV of the By-Laws to add the language:

The same person may hold the secretary and treasurer's office.

RESOLVED, that this Legislature amends Article IX of the By-Laws to read:

Article IX

Quorum

A quorum for any regular or special meeting shall be 4 voting members

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 378-1115**

APPROVING AN AGREEMENT ADDENDUM BETWEEN THE SHERIFF'S OFFICE AND ERNST'S LAKE BREEZE MARINA

RESOLVED, that this Legislature does hereby approve an agreement addendum between Orleans County Sheriff and Lake Breeze Marina, 990 Point Breeze Road, Kent, NY 14477, for final purchases of gasoline; and winterization and maintenance in the amount not to exceed \$5,000, to be paid from account 3110.430 - Navigation Expenses; reimbursed by Stonegarden FY12 & FY 13. The cost of the fuel will be reduced by 5 % of the price at the pump; and be it

FURTHER RESOLVED, that this Legislature approves the addendum to also extend out the initial contract as approved in Resolution No. 167-515 through December 30, 2015

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 379-1115**

AUTHORIZING TRANSFER OF FUNDS IN THE SHERIFF'S BUDGET

RESOLVED, that this Legislature authorizes a transfer of funds within the Sheriff's budget due to not purchasing guns therefore will cover the Mobility XE Program that was not budgeted, as follows:

<u>From</u>		
A3110.250	Other Equipment	\$3,245
<u>To:</u>		
A3110.447	Misc Contracts	\$3,245

Moved, DeFilipps; second, Allport.  
Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 380-1115**

**APPROVING AGREEMENT BETWEEN PROBATION AND  
GOVERNMENT PAYMENT SERVICES, INC.**

RESOLVED, That this legislature approves an agreement between the Orleans County Probation Department and Government Payment Services Inc., for the provisions of collecting offender dues by credit card, at no cost to the county. Agreement effective for one year following execution date.

Moved, DeFilipps; second, Allport.  
Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 381-1115**

**APPROVING AGREEMENT BETWEEN PROBATION AND NEW  
YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**

RESOLVED, that this Legislature approves the following agreement with the Orleans County Probation Department and New York State Division of Criminal Justice Services, Alfred E. Smith Office Bldg., Albany, NY 12210 to provide monies from the Governor's Traffic Safety Council to implement and supervise Leandra's Law Ignition Interlock cases, which is a state mandated program, effective October 1, 2015 through September 30, 2016 at a claim rate of \$135 per monitoring order contingent upon availability of funds.

Moved, DeFilipps; second, Allport.  
Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 382-1115**

**AUTHORIZING FILLING OF VACANCY IN THE PROBATION DEPARTMENT**

WHEREAS, A Senior Probation Officer has resigned and the position is essential to the operations of the Probation Department; now, be it

RESOLVED, that this Legislature authorizes the filling of a vacant Probation Officer II position in the Probation Department (3140.03) at a grade 19 of the CSEA salary schedule effective December 1, 2015.

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 383-1115**

**AUTHORIZING TRANSFER OF FUNDS IN THE PROBATION DEPARTMENT BUDGET**

RESOLVED, that this Legislature approves the Orleans County Treasurer to transfer monies in the Probation Department budget to cover the cost of the Case Management System (Caseload Explorer) Enhancement as follows:

<u>From:</u>		
A3140.100	Personal Services	\$ 2,500
<u>To:</u>		
A3140.447	Contractual Services	\$ 2,500

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 384-1115**

**AUTHORIZING PURCHASE FROM THE PUBLIC DEFENDERS BUDGET AND AUTHORIZING TREASURER TO SET UP NEW MONEY**

RESOLVED, that this Legislature authorizes the purchase of four (4) MS Surface Pro 2 64 GB units and accessories for each; two (2) Lexmark MX310DN Printers, toner and accessories; and one (1) Fellowes PS-79CI Shredder (PO56710) in the amount of \$5,649.28 for the Public Defender's Office from CDW-G, 75 Remittance Drive STE 1515, Chicago, IL 60675-1515 to be purchased from the Public Defender's budget account A1170-411 – Office Supplies and Materials and will be reimbursed by the Indigent Legal Services Grant (Distribution 2). County Cost \$0; and

FURTHER RESOLVED, that the Treasurer is authorized to set up new money in the Public Defenders budget to cover the expense.

Revenue:

3088.1170	NYS Assigned Counsel – Public Defender	\$5,649.28
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Appropriations:

1170.411	Office Supplies & Materials	\$5,649.28
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Moved, DeFilippis; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 385-1115**

**APPROVING AGREEMENT BETWEEN THE OFFICES OF DISTRICT ATTORNEY AND ORLEANS COUNTY ATTORNEY**

WHEREAS, Resolution No. 409-1007 authorized the District Attorney to handle and prosecute juvenile delinquency proceedings and further authorized an agreement between the offices of the County Attorney and District Attorney; be it

RESOLVED, that this Legislature approves a renewal agreement between the offices of County Attorney and District Attorney for attorney and staff services in handling juvenile delinquency proceedings in the amount of \$10,810 for the 2015 calendar year.

Moved, DeFilippis; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 386-1115**

**APPROVING LEASE AGREEMENT BETWEEN ORLEANS COUNTY AND TOSHIBA BUSINESS SOLUTIONS**

RESOLVED, that this Legislature approves a lease agreement between Orleans County and Toshiba Business Solutions, 6000 N. Bailey Ave., Amherst, NY 14226 to provide three (3) Toshiba e-Studio multifunction machines for a 36 month lease effective January 1, 2016 through December 31, 2018 as follows:

County Clerk	e-Studio 357	\$123.00 per month
Bill per copy B&W .0075 per page, with an annual increase of 2.5%		
Public Health	e-Studio 5560CT	\$316.00 per month
Bill per copy B&W .0062 per page, Color .0441 per page with an annual increase of 2.5%		
Public Health	e-studio 4555C	\$281.00 per month
Bill per copy B&W .0075 per page, Color .0475 per page with an annual increase of 2.5%		

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

#### **RESOLUTION NO. 387-1115**

#### **SETTING DATE OF PUBLIC HEARING FOR COUNTY BUDGET FOR THE YEAR 2016**

RESOLVED, that the public hearing for the Tentative County Budget for 2016 will be held on Monday, November 30, 2015 at 7:00 p.m. at the Orleans County Courthouse, Albion, New York; and be it

FURTHER RESOLVED, that the notice for said public hearing be published in the officially designated County newspapers.

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

#### **RESOLUTION NO. 388-1115**

#### **SETTING DATE OF SPECIAL MEETING TO ADOPT THE 2016 ORLEANS COUNTY BUDGET AND VARIOUS RESOLUTIONS RELATED TO THE PREPARATION OF THE 2016 TOWN AND COUNTY TAX BILLS**

RESOLVED, that this Legislature will call a special meeting on Monday, November 30, 2015 immediately following the budget hearing at the Orleans County Legislative Chambers to adopt the 2016 Orleans County Budget and have various other resolutions presented for adoption that pertain to the preparation of the 2016 Town and County tax levy.

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 389-1115**

SETTING PUBLIC HEARING DATE ON LOCAL LAW NO. 4-INTRO OF 2015 REGARDING AMENDING LOCAL LAW NO. 2 OF 1956 AS AMENDED BY LOCAL LAW NO. 1 OF 1974

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled “A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1956 AS AMENDED BY LOCAL LAW NO. 1 OF 1974”; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; now therefore, be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature on the 16<sup>th</sup> day of December 2015 at 4:20 p.m. at the Orleans County Legislature, 3 South Main Street, Albion, New York.

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 390-1115**

SETTING PUBLIC HEARING DATE ON LOCAL LAW NO. 5-INTRO OF 2015 REGARDING SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS

WHEREAS, there has been duly presented and introduced to this Legislature, a proposed local law entitled “A LOCAL LAW

INCREASING THE SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS APPOINTED OR ELECTED FOR A DEFINITE TERM"; and

WHEREAS, no local law shall be adopted until a public hearing thereon has been held by the Orleans County Legislature upon at least five days notice; now therefore, be it

RESOLVED, that a public hearing shall be held on the said proposed local law by this Legislature on the 16<sup>th</sup> day of December 2015 at 4:25 p.m. at the Orleans County Legislature, 3 South Main Street, Albion, New York.

Moved, DeFilippis; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 391-1115**

AUTHORIZING PAYMENT OF CLAIMS FOR DECEMBER AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, the Nursing Home, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for December 9, 2015:

Fund/Department	Check Number (s):	Amount:
General	2045-2185	\$214,576.58
Highway	662-664; 1552-1566	\$6,179.33
Nursing Home	2195	\$100.00
Job Development	1949-1952	\$28,496.36
Self Insurance	1101-1102	\$6,068.81

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for December 23, 2015:

Fund/Department	Check Number (s):	Amount:
General	2196-2343	\$277,265.56
Highway	665-671; 1567-1587	\$107,836.06
Nursing Home	2344-2345	\$10,992.56
Job Development	1955-1967	\$26,170.33
Self Insurance	56234-56235; 56237; 56237; 1103	\$8,822.84

Moved, DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

The following add on resolutions were presented:

**RESOLUTION NO. 392-1115**

**AUTHORIZING FILLING VACANCY IN DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature due to a resignation, hereby authorizes the filling of a vacant full-time Administrative Secretary position (6010.2004) in the Department of Social Services at Grade 12 of the CSEA salary schedule effective December 3, 2015.

Moved, Miller; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 393-1115**

**DESIGNATING TOURIST PROMOTION AGENCY AND AUTHORIZING APPLICATION FOR 2016 STATE TOURISM MATCHING FUNDS**

RESOLVED, that this Legislature does hereby designate the Orleans County Tourism Office, within the Planning and Development

Department, as the official Orleans County Tourist Promotion Agency (TPA) to represent the county in tourism promotion efforts and for purposes of the 2016 New York State Matching Funds Program; and be it

FURTHER RESOLVED, that the TPA Project Director is hereby authorized to apply for 2016 State Matching Funds and to receive such funds to the extent that local matching funds are available.

Moved DeFilipps; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

**RESOLUTION NO. 394-1115**

**CONFIRMING APPOINTMENT BY THE CHAIRMAN OF THE LEGISLATURE TO THE POSITION OF DIRECTOR OF VETERANS' SERVICES**

RESOLVED, that this Legislature confirms the appointment of Earl Schmidt to the position of Director of Veterans' Services, at grade 5, step 4 of the Management Compensation Plan Salary Schedule, effective December 7, 2015.

Moved, Miller; second, Allport.

Adopted. 4 ayes; 0 nays; 3 absent: DeRoller, Eick, and Johnson.

Chairman Callard stated that there was no old business. Chairman Callard also opened the floor for any further discussions.

CAO Nesbitt stated that on November 11, 2015 he filed the 2016 Tentative Orleans County Budget with the Clerk of the Legislature. Copies have been made available to those that may want one. The public hearing is set for November 30, 2015 at 7:00pm at the county court house. CAO Nesbitt also noted that all department heads are expected to be there.

Legislator Allport moved to adjourn; second by Legislator Miller. Meeting adjourned at 4:57 p.m.

**SPECIAL LEGISLATURE MEETING**

November 30, 2015

Chairman Callard called the special meeting to order at 7:47 PM. The Clerk called the roll. All Legislators were present, with the exception of Legislator Miller.

Chairman Callard called for the following resolutions to be presented for adoption:

**RESOLUTION NO. 395-1115**

**ADOPTING THE 2016 ORLEANS COUNTY BUDGET**

WHEREAS, the 2016 tentative budget for Orleans County was presented to the general public at a public hearing held at 7:00 p.m. on November 30, 2015; and

WHEREAS, this Legislature has reviewed and discussed said tentative budget; now, be it

RESOLVED, that this Legislature does hereby adopt the 2016 tentative budget, as the Orleans County budget for 2016, with a tax levy of \$16,323,150.00.

Moved, Johnson; second, DeRoller.

Roll Call: 6 ayes: Allport, Callard, DeFilipps, DeRoller, Eick, Johnson; 0 nays; 1 absent, Miller.

Adopted.

**RESOLUTION NO. 396-1115**

**APPROVING APPORTIONMENT OF THE 2016 GENERAL COUNTY BUDGET**

RESOLVED, that the apportionment of the General County Budget for 2016, as prepared by the Director of Real Property Tax Services, be, and hereby is, in all respects approved by this Legislature.

Town	Adjusted Taxable Value	Taxable Value	Equal Rate	Value for Apportionment	Portion of Total Levy	2016 Tax Levy
Albion	212,328,591	208,781,251	100%	212,328,591	12.59949%	\$2,056,633.65
Barre	97,350,984	95,817,677	100%	97,350,984	5.77676%	\$942,949.20
Carlton	195,601,963	192,057,768	98%	199,593,840	11.84381%	\$1,933,282.87
Clarendon	158,328,637	154,890,451	100%	158,328,637	9.39515%	\$1,533,584.43
Gaines	118,201,827	115,967,457	100%	118,201,827	7.01404%	\$1,144,912.27
Kendall	153,057,838	150,477,652	100%	153,057,838	9.08239%	\$1,482,532.14
Murray	181,580,171	177,416,124	100%	181,580,171	10.77489%	\$1,758,801.46

<b>Ridgeway</b>	225,416,231	220,137,404	100%	225,416,231	13.37610%	\$2,183,400.87
<b>Shelby</b>	185,260,336	181,828,973	100%	185,260,336	10.99327%	\$1,794,447.95
<b>Yates</b>	154,097,906	151,958,946	100%	154,097,906	9.14410%	\$1,492,605.16
<b>Totals</b>	1,681,224,484	1,649,333,703		1,685,216,361	100.00%	\$16,323,150.00

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

**RESOLUTION NO. 397-1115**

**AUTHORIZING TOWN LEVIES**

WHEREAS, there has been presented to this Legislature a duly certified copy of the annual budget of each of the several towns in the County of Orleans for fiscal year beginning January 1, 2016; be it

RESOLVED, that there shall be assessed and levied upon and collected from the taxable real property situated in the following named towns outside of any incorporated village, wholly set partially located therein, the amounts indicated below, for the Highway - Townwide; Highway - Outside and Part-Town Outside purposes, as specified in the budgets of the respective towns:

TOWNS	HIGHWAY OUTSIDE	HIGHWAY TOWNWIDE	TOWN OUTSIDE
Albion	122,367.00	180,379.00	0
Barre		630,603.00	
Carlton		614,344.00	
Clarendon		380,067.79	
Gaines	71,320.00	186,171.00	19,297.00
Kendall		412,628.00	
Murray	190,913.00	205,509.00	32,717.00
Ridgeway	191,982.00	369,115.00	52,357.00
Shelby	278,916.00	214,604.00	21,230.00
Yates	220,000.00	106,500.00	14,825.00

and be it

FURTHER RESOLVED, that there shall be, and hereby is, assessed and levied upon and collected from the real property liable, therefore, with the respective Fire Protection and Improvement Districts in the following towns, as indicated, the amounts for the purpose of such districts as follows:

TOWN	DISTRICT	AMOUNT
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November 30, 2015  
Resolutions 395-406

Albion	Fire Protection	99,159.00
	Water District 1	18,000.00
	Water District 3	74,000.00
	Water District 4	28,569.00
	Water District 5	60,386.00
	Water District 6	22,800.00
	Water District 7	9,360.00
	Water District 8	14,733.00
	Water District 9	10,238.00
	Sewer District 1	50,765.00
Barre	Fire District	188,000.00
	Water District 1	22,077.00
	Water District 2	12,675.00
	Water District 3	10,653.00
	Water District 4	15,190.00
	Water District 5	36,083.00
	Water District 6	61,023.00
	Water District 7	16,054.00
Carlton	Fire Protection	154,335.00
	Light District I	6,500.00
	Light District II	9,200.00
	Water	365,470.00
Clarendon	Fire Protection	169,694.82
	Water District 2	39,831.40
	Water District 3	68,297.02
	Water District 4	52,253.12
	Water District 5	17,480.99
	Water District 6	29,033.14
	Water District 7	47,824.85
	Water District 8	8,916.28
	Water District 9	7,557.85
	Water District 10	63,520.28
	Water District 11	74,066.60
	Fire Protection	35,305.20
Gaines	Water District 2	8,271.00
	Water District 3	6,846.00
	Water District 5	2,815.00
	Water District 6	6,804.00
	Water District 7	6,359.00

	Water District 8	8,950.00
	Water District 9	9,295.00
	Water District 10	9,362.00
Kendall	Fire District 1 (Kendall)	163,900.00
	Fire District 2 (Morton)	69,972.00
	Light District 1	5,700.00
	Light District 2	3,385.00
	Light District 3	1,975.00
	Water District 1	3,983.00
	Water District 2	15,129.00
	Water District 3	21,237.00
	Water District 4	72,584.00
	Water District 5	17,492.75
	Water District 6	13,641.00
Murray	Fire Protection District 1	194,907.00
	Fire District 2 (FHM)	106,874.00
	Light District 1 (Fancher)	2,600.00
	Light District 2 (Hulberton)	3,900.00
	Light District 3 (Brockville)	1,200.00
	Water District 1	5,000.00
	Water District 2	31,000.00
	Water District 3	22,582.00
	Water District 4	6,000.00
	Water District 5	4,300.00
	Water District 6	12,000.00
	Water District 7	19,500.00
	Water District 8	16,440.00
	Water District 9	6,500.00
	Water District 10	7,000.00
	Water District 11	103,054.00
	Water District 12	12,000.00
	Water District 13	19,201.00
	Water District 14 (Gaines)	3,900.00
	Water District 15	59,000.00
	Fire Protection	188,700.00
Ridgeway	Light	3,277.00
	Water Improvement 31-E	9,200.00
	Water improvement 269	8,185.00
	Water District 2	19,675.00

	Water District 3	32,207.63
	Water District 4	72,218.75
	Water District 5	26,394.25
	Water District 6	13,971.26
	Water District 7	6,020.00
	Water District 8	8,883.95
	Water District 9	5,333.74
	Water District 10	14,492.50
	Water District 11	2,062.50
	Water District 12	11,525.72
	Knowlesville Sewer District	30,000.00
Shelby	Fire Protection District (Shelby & East Shelby)	281,625.00
	Light District 1 (Shelby)	2,550.00
	Light District 2 (Millville)	1,300.00
Yates	Fire Protection	65,000.00
	Water District 4	178,455.00

and be it

FURTHER RESOLVED, that the amount to be raised by tax for all other purposes, as specified in the said several annual budgets as presented to this Legislature, and which are now on file in the Office of the Clerk of the Legislature, shall be, and hereby are assessed, levied upon and collected from all the taxable property in the towns enumerated below, except as otherwise provided by law:

TOWN	REASSESSED WATER BILLS	REASSESSED SEWER BILLS	PROPERTY MAINTENANCE	GENERAL FUND
Albion	492.60			396,805.00
Barre	660.50			271,929.00
Carlton	4,527.81		2,475.00	288,047.00
Clarendon	8,069.04		682.50	362,410.02
Gaines	1,317.64			268,500
Kendall				257,982.00
Murray	949.98		2,014.00	348,221.00
Ridgeway	3,883.92			331,502.00
Shelby	19,080.98			425,700
Yates	2,269.44			273,198.00

and be it

FURTHER RESOLVED, that such taxes and assessments when collected shall be paid to the Supervisors of the several towns in the amounts as shown by this resolution for distribution to them in the manner provided by law.

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

**RESOLUTION NO. 398-1115**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID RECYCLING-SOLID WASTE PROGRAM FEES**

RESOLVED, that pursuant to a request from the County Treasurer, she be, and hereby is authorized to add the following 2015 Unpaid Solid Waste/Recycling Fees to the 2016 tax rolls of the several towns in Orleans County:

TOWN		AMOUNT
Albion	Inside	18,897.64
	Outside	5,054.02
Barre		6,152.72
Carlton		15,164.13
Clarendon		7,471.16
Gaines	Inside	1,318.44
	Outside	6,811.95
Kendall		7,251.42
Murray	Inside	6,811.94
	Outside	10,767.26
Ridgeway	Inside	13,184.40
	Outside	12,964.67
Shelby	Inside	12,525.18
	Outside	11,206.76
Yates	Inside	2,197.40
	Outside	9,338.96
Total		147,118.05

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

**RESOLUTION NO. 399-1115**

**AUTHORIZING COUNTY TREASURER TO RELEVY UNPAID SCHOOL TAXES**

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

TOWN		AMOUNT
Albion	Inside	118,178.49
	Outside	71,154.63
Barre		72,733.03
Carlton		268,997.76
Clarendon		195,411.92
Gaines	Inside	10,964.68
	Outside	80,541.38
Kendall		150,168.19
Murray	Inside	188,710.04
	Outside	210,017.41
Ridgeway	Inside	143,127.82
	Outside	154,353.01
Shelby	Inside	111,952.66
	Outside	178,169.90
Yates	Inside	24,392.95
	Outside	118,879.04
Total		2,097,752.91

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

**RESOLUTION NO. 400-1115**

**AUTHORIZING COUNTY TREASURER TO RELEVY CERTAIN UNPAID VILLAGE TAXES**

RESOLVED, that the Orleans County Treasurer, she be, and hereby is authorized to relevy certain unpaid village taxes to the 2016 tax bills, adding a 5% penalty, as follows:

VILLAGE	TOWNS:	AMOUNT
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Village of Albion	Town of Albion	159,146.39
	Town of Gaines	12,530.26
Village of Holley		67,121.91
Village of Lyndonville		20,037.22
Village of Medina	Town of Ridgeway	114,885.91
	Town of Shelby	94,197.65
<b>TOTAL</b>		<b>467,919.34</b>

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

**RESOLUTION NO. 401-1115**

**AUTHORIZING COUNTY TREASURER TO CHARGE BACK  
ERRONEOUS TAXES TO RESPECTIVE COUNTY, TOWN, AND  
SCHOOL DISTRICTS**

RESOLVED, that pursuant to the request of the County Treasurer by letter dated November 25, 2015, she be, and hereby is, authorized to charge back the following erroneous taxes to the respective towns and schools within the County, as follows:

TOWN	TAX MAP #	TAX YEAR	TO COUNTY	TO TOWN	TO SCHOOL	SOLID WASTE	TO VILLAGE	TOTAL
<b>ALBION</b>								
Billy Ray	72.-2-13		97.09	53.70				150.79
Mowing (LL3-2010)	Various						3433.50	3433.50
<b>CARLTON</b>								
Edward & Linda Beikirch	4.2-1-26	2014		125.00				125.00
Edward & Linda Beikirch	4.2-1-26	2015		125.00				125.00
Lynette Hartwig	5.-1-27.1	2015	265.19	105.03				370.22
World Sufi Foundation	16.-1-39	2013, 2014	2093.67	657.21	2315.28			5,066.16
Robert Carlson II	16.-1-45.2	2013-2015	223.15	118.15				341.30
World Sufi Foundation	28.-1-53.1	2013, 2014	5,615.70	1,822.61	6,204.20			13,642.51
Carl Costich	38.-1-41.112	2014	58.06	22.04	59.08			139.18
Carl Costich	38.1-54.1	2014	58.06	22.04	59.08			139.18
<b>CLARENDON</b>								
Thomas Estates	99.-2-39.21/954c	2015	96.73	48.75				145.48

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GAINES								
Jen Associates	62.-1-76.116	2015	474.55	247.19				721.74
Jen Developers	62.-1-76.117	2015	474.55	247.19				721.74
KENDALL								
Lawrence & Joan Weed	32.-1-11.11	2015		288.21				288.21
Leeland K. Weed	32.-1-11.12	2015		288.21				288.21
William Anderson	43.-2-50.212	2015	212.06	125.47				337.53
Gerard Meisenzahl	44.-1-21	2015	165.39		2,362.71			2,528.10
MURRAY								
Eric Collyer	65.-1-48	2015		565.94				565.94
RIDGEWAY								
County of Orleans	79.12-3-83	2005-2014	6,445.41	872.99	7,456.84	1,628.67	9,761.35	26,165.26
<b>DLS Investment Group LLC</b>	79.12-3-84	2010-2014	224.70	28.14	253.90		136.09	642.83
Virginia Mosher & Bruce Ribble	80.37-2-28	2003-2014	829.14	106.29	1,000.84		679.25	2,615.52
Virginia Mosher & Bruce Ribble	80.37-2-29	2003-2014	4,783.50	569.00	5,370.92	1,147.98	5,194.30	17,065.70
Mowing (LL3-2010)	Various						1,370.68	1,370.68
SHELBY								
Mowing (LL3-2010)	Various						884.26	884.26
<b>TOTALS</b>			22,116.95	6,438.16	25,082.85	2,776.65	21,459.43	77,874.04

Grand Total = \$ 77,874.04

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

**RESOLUTION NO. 402-1115**

**AUTHORIZING LEVYING CHARGE BACKS**

WHEREAS, the County Treasurer has reported to this Legislature that she has charged the several towns of Orleans County for erroneous and refunded taxes; be it

RESOLVED, that this Legislature authorizes the following amounts to be levied against the respective towns:

TOWN	OUTSIDE	INSIDE
Albion	53.70	
Barre		
Carlton	2,997.08	
Clarendon	48.75	
Gaines	494.38	
Kendall	701.89	
Murray	565.94	
Ridgeway		1,576.42
Shelby		
Yates		

Total amount charged to Towns: \$ 6,438.16

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

**RESOLUTION NO. 403-1115**

APPROVING CHARGE BACKS TO TOWNS FOR DATA MANAGEMENT SERVICES, USER FEES, TAX BILLS, AND RATE AND MAP FILES

RESOLVED, that this Legislature authorizes charge backs for Data Management Services, user fees, tax bills, and rate and map files to be levied on to the 2016 taxes, as follows:

**CHARGEBACKS TO TOWNS FOR 2015**

TOWN		NO. OF PARCELS	Real Property	Tax Collector User Fees	RATE & MAP Files	RPS User Fees	Total	Total Town
Albion	Inside	1604	2005.00				2,005.00	
	Outside	948	1185.00		150.00	1278.75	2,613.75	4,618.75
Barre		1401	1751.25	215.76	150.00	1226.05	3,343.06	3,343.06
Carlton		2455	3068.75	92.16	150.00	1596.10	4,907.01	4,907.01
Clarendon		1780	2225.00	213.60	150.00	1287.20	3,875.80	3,875.80
Gaines	Inside	232	290.00				290.00	
	Outside	1042	1302.50		150.00	638.55	2,091.05	2,381.05
Kendall		1683	2103.75		150.00	1271.54	3,525.29	3,525.29
Murray	Inside	688	860.00	26.76			886.76	
	Outside	1417	1771.25	56.52	150.00	1539.63	3,517.40	4,404.16
Ridgeway	Inside	1394	1742.50				1,742.50	
	Outside	1761	2201.25		150.00	1809.05	4,160.30	5,902.80

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Shelby	Inside	952	1190.00				1,190.00	
	Outside	1350	1687.50		150.00	1,226.42	3,063.92	4,253.92
Yates	Inside	384	480.00				480.00	
	Outside	1362	1702.50		150.00	926.71	2,779.21	3,259.21
Totals		20,453	25,566.25	604.80	1,500.00	12,800	40,471.05	40,471.05

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

Legislator DeFilipps moved to approve the abstract for the Solid Waste Recycling Program Fees for 2016; second by Legislator Allport. Legislator DeRoller inquired if the E-waste program costs are included in these, which CAO Nesbitt affirmed that they are included. The following resolution was adopted:

**RESOLUTION NO. 404-1115**

**APPROVING ABSTRACT OF 2016 SOLID WASTE/RECYCLING PROGRAM FEES**

RESOLVED, that the Abstract of 2016 Recycling - Solid Waste Program Fees, as prepared by the Clerk, be, and hereby is, approved by this Legislature as follows:

<b>Town</b>	<b>No. of Units</b>	<b>*Cost Per Unit</b>	<b>Total to be Collected</b>
Albion	2,099.00	\$197.00	\$413,503.00
Barre	775.50	\$197.00	\$152,773.50
Carlton	1569.50	\$197.00	\$309,191.50
Clarendon	1082.50	\$197.00	\$213,252.50
Gaines	1067.50	\$197.00	\$210,297.50
Kendall	1126.50	\$197.00	\$221,920.50
Murray	1586.00	\$197.00	\$312,442.00
Ridgeway	2505.00	\$197.00	\$493,485.00
Shelby	1713.50	\$197.00	\$337,559.50
Yates	1165.00	\$197.00	\$229,505.00
Totals	14,690.00	\$197.00	\$2,893,930.00

\*Includes \$2.00 Administrative charge per unit.

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

**RESOLUTION NO. 405-1115**

APPROVING ABSTRACTS OF TAX ROLLS

RESOLVED, that the Abstract of Taxes, as prepared by the Clerk, they being Abstract of Tax Rolls (1) Assessments, Tax Rates and Levies; (2) Amount and Purpose of Taxes for Town Expenditure; (3) Amount and Purpose of Taxes for County Expenditure and all other matters therein contained, be and hereby are, adopted by this Legislature and that the several items of taxes and levies set forth be levied upon respective tax districts of the county and be fixed as the tax rates for the extension of taxes in such districts.

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

**RESOLUTION NO. 406-1115**

APPROVING COMPLETED TAX ROLLS AND DIRECTING THE EXECUTION AND DELIVERY OF WARRANTS

WHEREAS, upon the tax rolls of the several Towns the several taxes have been duly extended as provided by law; it is

RESOLVED, that the tax rolls be approved as so completed, and that the taxes so extended against each parcel of property upon the said rolls are hereby determined to be the taxes due thereon as set forth therein; and it is

FURTHER RESOLVED, that there be annexed to each of said rolls, a tax warrant under seal of the Legislative Body in the form prepared by the Clerk as provided by Section 904 of the Real Property Tax Law; that such warrants shall be in the respective amounts heretofore authorized to be levied upon each of said rolls; and that said rolls with said warrants annexed are to be forthwith delivered to the respective collectors of the several tax districts of the County.

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

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Chairman Callard called for any old business, which there was none therefore he called for a motion to conclude this special meeting.

Legislator Allport moved to adjourn; second by Legislator DeFilipps.  
Meeting adjourned at 7:56 p.m.

## **LEGISLATURE MEETING**

December 16, 2015

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Chairman Callard called the meeting to order at 4:30 PM. After the pledge to the flag and invocation, led by Veteran David Kusmierczak, the Clerk called the roll. All Legislators were present. The Clerk did not have communications to present at this meeting.

Legislature DeFilipps presented a Special Recognition Certificate to the St. Mary's Archer's Club to recognize their 70 years of dedication to fishermen on the Oak Orchard River. They were also recognized for their hospitality for the last 13 years by serving meals for the six week fishing derby. Legislator DeFilipps stated that Legislator DeRoller, Legislator Miller, and Mike Waterhouse were down to see the action happening during their fishing derby. Legislator DeFilipps shared a story of a father and son, about age 8, weighing in their catches and the pride the young man had in his daily catch. Mike Waterhouse shared a story of an Archer Club Member handing out his brand new rod and reel after seeing a teenager trying to fix his for the longest time. The member just told him to bring it back when he was done. These are the kind of people that are part of this club, expressed Mr. Waterhouse.

Legislator DeRoller presented a proclamation to Scott Wilson, Orleans County Jail Superintendent for the Stepping Up Initiative in the Orleans County Jail to help with Mental Illness. Legislator DeRoller stated that the Board appreciates Superintendent's Wilson's good vision in his efforts in moving forward with this initiative. Chairman Callard advised Superintendent Wilson that they already committed verbally to his initiative but through putting it in writing Superintendent Wilson knows how fully they support his efforts.

Chairman Callard stated that there are several resolutions on the agenda today for some very important issues. For the benefit of some guests that were invited here today, Chairman Callard called upon Wendy Jacobson, CEO of Orleans Community Health to speak of a resolution that is on today's agenda.

Wendy Jacobson, CEO of the Orleans Community Health, thanked them for the opportunity to speak today. She said as CEO of Orleans Community Health they are faced with government mandated staffing ratios. This is concerning to them and would be financially devastating to their organization. Already, nursing homes and hospitals in New York

State are among the most difficult hit in the nation. An additional \$3 billion cost annually is unconscionable. In California, where this is law, it has resulted in the elimination of services, the disruption of services, longer waits in the emergency department and also diversion from one emergency department to another which will decrease care outcomes for those patients. CEO Jacobson stated that doesn't it make sense to have folks that have clinical judgment that understand patient acuity, who knows the qualifications of their nurses to make the decisions for safe staffing numbers. It is the RN's responsibility to provide safe patient care. Mandated staffing ratios will result in increased mandated overtime, which will lead to decreased employee satisfaction and increase turnover rates. It could also lead into increased usage of agency staff which would decrease the continuity of care for patients also increasing the cost to their facility, she explained in detail. Lastly, CEO Jacobson expressed that there is no link between quality care and the use of mandated staff ratios. As she reported in the spring, their scores for quality care are at or above national averages. Patient satisfaction scores have increased by 30 percentage points in the last ten months. They have had six unannounced surveys this year in 2015 and every surveyor and regulatory body has confirmed that their staffing levels are safe if not generous for their patients. She thanked Lynne Johnson, who is a member of their board who has tirelessly advocated for this locally and in Albany on this very important issue that impacts the only Hospital in Orleans County. Chairman Callard assured her that they understand the issue and are supportive of her efforts.

Chairman Callard announced that we will have resolutions on today concerning Home Rule, Article X, and the direct applicability to the Wind Turbine project in Orleans County specifically in the Town of Yates. Chairman Callard introduced Russell Martino, former Town of Yates Supervisor.

Russell Martino, stated that he and his wife have lived in the Town of Yates for 48 years and he is the Yates Republican Committee Chairman. He expressed over these forty eight years he has never seen so much commotion that the siting of wind turbines has caused in his community. It has turned neighbor against neighbor and it is a mess. He advised the board that four surveys have been completed and the fifth one is being completed now. He quickly reviewed them. The first one performed by the Town Somerset was against the project at 64%; the Save our Shores survey, which he tabulated in October, was at 77% against; Batavia Daily News did one in October reporting 72% against; in November Buffalo Evening News through their Business First reported 71% against the siting

of turbines. Mr. Martino said that the Town of Yates asked Daryl Oakes and himself to tabulate their survey of over 1,000 surveys received of the 2600 surveys sent. They will report to the Town of Yates Town Board on December 28<sup>th</sup>. He said this has not been good to his community and he is here to encourage this board to pass a proposition against the siting of wind turbines in the Town of Yates.

Chairman Callard introduced Richard Pucher, who is the former Superintendent of Schools in Lyndonville. Mr. Pucher advised the Board that he is a member of Save Ontario Shores which was formed about a year ago to keep on top of this project. He encourages the Board to join with the Town of Somerset, Niagara County, and State Senator Robert Ortt in opposing the project that has potential to bring harm to the residents of the Town of Yates. We have no idea what effect it might have on our greatest resource, Lake Ontario. Mr. Pucher said, we have seen this lake go bad which took years to get it back to where it is. He said unlike many of his colleagues that were superintendents that moved south, he stayed here because he loves his community and does not want to see it destroyed.

Chairman Callard offered an opportunity for Town of Yates Supervisor Elect Jim Simon to speak. Mr. Simon also was appreciative to see the resolution on today's agenda. He wanted to highlight the December 4<sup>th</sup> letter that the Genesee-Orleans Board of Health, as well as the Niagara County Board of Health sent to the Public Service Commission. He said it is a very powerfully worded letter that is now an official record in New York State. He said it enforces that we have no base line studies in New York State and more specifically in the Towns of Somerset and Yates as to what health impacts this project can cause. This is the minimum requirement in order to understand what other health impacts there might be with wind turbine projects. He encourages all the area Board of Health's to stick to their guns in their positions to the health issues this could cause.

Chairman Callard opened the floor to more specific questions that pertain to resolutions. Paul Lauricella, Yates, had a serious concern with Section 6 of the adoption of Local Law as presented in Resolution No. 449-1215 concerning the regulation of secondhand articles. After he read the section, he expressed that these are private businesses and it does not say in Section 6 that a judge issued warrant is needed to search the business for these type of articles. He felt this entire law, he was opposed to, was conjured up by the District Attorney and the Sheriff candidate as an election ploy. He hopes the new Sheriff will get a warrant before they walk in to search a private business on a suspicion that an article might be there. Chairman

Callard said they will consider his comments. He was concerned that Legislator Allport, as a constitutional supporter, would go along with this.

Allen Lofthouse, Kendall, questioned Resolution No. 459-1215 as to what grade and step the current Sheriff was at. CAO Nesbitt reported he is at grade 11, step 9 which is the highest step in that grade.

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

**RESOLUTION NO. 407-1215**

**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>
\$31,212.81	C P Ward	Construction for Waterport Carlton Bridge – Payment #4 – 11/16/15-12/15/15
98,905.51	Redman Construction	Construction for Oak Orchard River Bridge – Payment #3 – 11/16/15-12/15/15

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

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

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

**RESOLUTION NO. 408-1215**

**AUTHORIZING SETTING UP NEW MONEY IN THE HIGHWAY BUDGET**

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

<u>Revenue:</u>		
D3501.5112	CHIPS Revenue Account	\$96,482.65

<u>Appropriation:</u>		
D5112.436	Road Construction Materials	\$96,482.65

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

**RESOLUTION NO. 409-1215**

**AUTHORIZING SETTING UP NEW MONEY IN THE HIGHWAY BUDGET**

RESOLVED, that the Treasurer is authorized to set up new money in the Highway Budget to cover the cost of printer purchase:

<u>Revenue:</u>		
D2655	Minor Sales	\$150

<u>Appropriation:</u>		
D5010.220	Equipment purchase	\$150

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

**RESOLUTION NO. 410-1215**

**APPROVING AN AGREEMENT WITH THE HIGHWAY AND BUILDINGS AND GROUNDS DEPARTMENT**

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

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

**RESOLUTION NO. 411-1215**

**AUTHORIZING FILLING VACANCY IN THE JOB DEVELOPMENT AGENCY**

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

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

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

**RESOLUTION NO. 412-1215**

**APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR THE AGING AND VARIOUS AGENCIES**

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

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

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

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

**RESOLUTION NO. 413-1215**

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

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

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

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

**RESOLUTION NO. 414-1215**

**APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES**

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

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

Angels in Your Home, Hilton, NY for the provision of Personal Care Aide services to eligible Medicaid clients; to be effective January 1, 2016

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through December 31, 2016 at rates set by NYS Department of Health. County cost is \$0.

Albion Central School, Albion, NY for the provision of preventive services to children and families through the assignment of two(2) Social Service Caseworkers to the School District; to be effective August 30, 2015 through August 29, 2016. Said services are to be funded 50% Federal, 31% State, and 19% School.

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

**RESOLUTION NO. 415-1215**

**AUTHORIZING FILLING OF VACANCY IN THE  
DEPARTMENT OF SOCIAL SERVICES**

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

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

**RESOLUTION NO. 416-1215**

**ESTABLISHING DAY CARE RATES IN THE DEPARTMENT OF  
SOCIAL SERVICES**

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

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

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

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

REGISTERED FAMILY DAY CARE												
Age of Child	Under 1 ½			1 ½ - 2			3-5			6-12		
	Current	Market	2016	Current	Market	2016	Current	Market	2016	Current	Market	2016
Hourly	\$3.50	\$4.75	\$3.50	\$3.50	\$4.50	\$3.50	\$3.50	\$4.50	\$3.50	\$4.25	\$5.00	\$4.25
Part-Day	\$19	\$20	\$19	\$19	\$20	\$19	\$19	\$20	\$19	\$19	\$19	\$19
Daily	\$29	\$30	\$29	\$28	\$30	\$28	\$27	\$30	\$27	\$27	\$29	\$27
Weekly	\$145	\$150	\$145	\$140	\$140	\$140	\$135	\$140	\$135	\$135	\$140	\$135

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

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

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

**RESOLUTION NO. 417-1215**

**APPROVING APPOINTMENTS TO ORLEANS COUNTY YOUTH BOARD**

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

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

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

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

and be it

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

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

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

**RESOLUTION NO. 418-1215**

APPROVING AGREEMENTS BETWEEN THE MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES.

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

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

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

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

**RESOLUTION NO. 419-1215**

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

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

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

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

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

**RESOLUTION NO. 420-1215**

**AUTHORIZING FILLING POSITION IN THE MENTAL HEALTH DEPARTMENT**

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

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

**RESOLUTION NO. 421-1215**

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

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

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

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

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

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

**RESOLUTION NO. 422-1215**

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

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

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

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

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

**RESOLUTION NO. 423-1215**

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

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

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

Orleans County; and

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

WHEREAS, the Orleans /Genesee County Public Health Director did present an amendment to the inter-municipal agreement with Genesee County and Orleans County to share Public Health Administrative Staff, be it

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

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

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

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

**RESOLUTION NO. 424-1215**

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

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

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

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

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

Legislature Allport moved to approve purchases from the Public Health Department Budget. However, he requested to amend the resolution to remove the purchase of the EOC Ready App License with Spanish translation from QuickSeries Publishing, Inc in the amount of \$5,970 (PO# 56633) and wished to move as amended; second by Legislator DeFilipps. The following resolution was adopted:

**RESOLUTION NO. 425-1215**

**AUTHORIZING PURCHASES FROM PUBLIC HEALTH DEPARTMENT BUDGET**

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

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

**RESOLUTION NO. 426-1215**

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

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

WHEREAS, a budget amendment of this contract is necessary because the Orleans County Planning Director services were needed more

than originally anticipated to effectively coordinate this regional planning effort; now be it

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

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

**RESOLUTION NO. 427-1215**

**APPROVING APPOINTMENTS TO THE COUNTY PLANNING BOARD**

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

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

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

**RESOLUTION NO. 428-1215**

APPROVING AGREEMENT WITH LYNNE MENZ FOR TOURISM  
MANAGEMENT SERVICES

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

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

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

**RESOLUTION NO. 429-1215**

APPROVING AGREEMENT WITH MICHAEL R. WATERHOUSE  
FOR TOURISM COORDINATOR SERVICES

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

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

**RESOLUTION NO. 430-1215**

AUTHORIZING CREATING AND FILLING POSITION IN THE  
TOURISM DEPARTMENT

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

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of this newly created vacant part-time Senior Account Clerk Typist position effective January 1, 2016.

Moved, DeFilipps; second, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 431-1215**

SETTING UP NEW MONIES IN THE TOURISM DEPARTMENT BUDGET

RESOLVED, that this Legislature authorizes the setting up of new monies in the Tourism Department budget due to funds received from advertisement revenue and disbursed for the Design and Photography for the 2016 Travel Guide as follows:

<u>Revenue:</u>		
A2000	Culture and Recreation	\$5,087.50
 <u>Appropriation:</u>		
A6410.0441	Printing	\$5,087.50

Moved, DeFilipps; second, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 432-1215**

APPROVING RE-APPOINTMENT TO THE SOIL AND WATER DISTRICT BOARD

RESOLVED, that this Legislature approves the following re-appointment to the Soil and Water District Board:

<u>Name</u>	<u>Representation</u>	<u>Term</u>
Edward Morgan	At Large Non-Farmer	1/1/2016-12/31/2018

Moved, DeFilipps; second, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 433-1215**

**APPROVING RE-APPOINTMENTS TO THE OAK ORCHARD  
WATERSHED BOARD**

RESOLVED, that the following individuals are re-appointed to the Oak Orchard Watershed Board for a two-year term, effective January 1, 2016 through December 31, 2017.

Ed Morgan, Chairman, Soil and Water  
Guy Smith – Albion  
Gary Smith – Albion  
Jon Peglow – Barre

Moved, DeFilipps; second, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to fill a vacancy as a result of a retirement in the Office of Personnel and Self Insurance; second by Legislator DeRoller. Legislator Johnson thanked Kathy Case for her many years of serving Orleans County very well and wished her well in her retirement. The following resolution was adopted:

**RESOLUTION NO. 434-1215**

**AUTHORIZING ABOLISHING, CREATING AND FILLING OF  
POSITIONS IN PERSONNEL AND SELF INSURANCE  
DEPARTMENT**

RESOLVED, as a result of a retirement, that this Legislature authorizes the filling of a vacant full time Personnel Assistant (1430.06) in the Personnel and Self Insurance Department effective December 28, 2015 and be it

FURTHER RESOLVED, that this Legislature authorizes the abolishing of a part-time Secretary I (1430.07) position in the Personnel and Self Insurance Department effective December 31, 2015 and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a part-time Personnel Assistant position in the Personnel and Self Insurance Department at a Grade 3 of the Orleans County Management Compensation Plan and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant part-time Personnel Assistant position effective January 4, 2016.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 435-1215**

**AUTHORIZING SALARY SCHEDULES FOR MANAGEMENT,  
CERTAIN PART-TIME, AND UNCLASSIFIED EMPLOYEES**

WHEREAS, the Orleans County Legislature approved the 2015/2016 Management Compensation Plan by passing Resolution No. 257-714; now be it

RESOLVED, that employees are also authorized to receive any increments they are entitled to under the plan; and be it

FURTHER RESOLVED, that the following salaries, effective January 1, 2016, are authorized for certain part-time and unclassified employees:

<u>Annual:</u>	<u>1/1/16-12/31/16</u>
Administrative Assistant – MFCTF	\$ 2,788
Corporate Compliance Officer (County)	4,601
Deputy Budget Officer	4,667
Deputy Fire Coordinator	2,135
Fire Investigator	2,135
Historian	8,160
Parole Denial Attorney	21,698
Insurance Program Assistant	1,051
Director of Computer Services	72,930
IT Operations Analyst I	58,383
Secretary to the Highway Superintendent	49,410
Director of Community Health Services	68,372
Director of Emergency Management	30,588
<u>Daily:</u>	
Court Attendant	69.69
Examination Monitor (Full Day)	120.74
Examination Monitor (Half Day)	60.38

Hourly (Part-Time Employees)

Animal Control Officer	13.92
Clerk (Elections)	10.13
Correctional Officer (Jail)	13.92
Crew Leader (Sheriff)	13.02
Deputy Sheriff (Marine Patrol)	13.41
Dispatchers	11.59
Medical Director	97.00
Voting Machine Technician	15.92

and be it

FURTHER RESOLVED, that the Chairman of the Legislature will be paid an annual salary of \$17,087 for 2016; the Vice-Chairperson will be paid an annual salary of \$12,920 for 2016; with the remaining members of the Legislature to be paid an annual salary of \$11,390 each for 2016.

Moved Johnson, second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to approve the Employee Assistance Program Budget and Plan for 2016; second by Legislator DeRoller. Legislator Johnson thanked Jack Welch and the members of the EAP team for providing the incredibly well attended Holiday Luncheon. Chairman Callard said well noted. The following resolution was adopted:

**RESOLUTION NO. 436-1215**

**APPROVING THE EMPLOYEE ASSISTANCE PROGRAM BUDGET AND PLAN FOR 2016**

WHEREAS, the Employee Assistance Program (EAP) Committee has been authorized to operate an Employee Assistance Program (EAP) and other related programs for the County; and

WHEREAS, the Legislature requires the EAP Committee to submit for approval a plan of operations, together with a proposed budget for the year 2016; be it

RESOLVED, that this Legislature authorizes the Orleans County Employee Assistance Program budget and plan of operations for the year 2016 as follows:

EMPLOYEE ASSISTANCE PROGRAM BUDGET AND PROGRAM PLAN

Program Revenues:	
Commissions/Deposits 2016	\$ 3,550.00
Raffles	\$100.00
Total	\$ 3,650.00

Program Expenditures:	
GCASA Contract	\$1,500.00
Employee of the Month Program	\$450.00
Summer Picnic	\$800.00
Holiday Luncheon	\$900.00
Miscellaneous	\$0.00
Total	\$3,650.00

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 437-1215**

AUTHORIZING COUNTY TREASURER TO MAKE YEAR END ADJUSTMENTS FOR YEAR ENDING DECEMBER 31, 2015

WHEREAS, the independent auditors have recommended that the County Treasurer request a “blanket resolution” to allow for any budget adjustments that may be required at year end; be it

RESOLVED, that this Legislature authorizes the Treasurer to make the necessary budget adjustment and inter-fund transfers, and furnish copy of said adjustment to the Clerk of the Legislature when completed.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 438-1215**

APPROVING APPORTIONMENT OF 2016 SALES TAX TO TOWNS AND VILLAGES

RESOLVED, that the apportionment of the 2016 Sales Tax to Towns and Villages as presented below by the Clerk of the Legislature in the foregoing warrants be, and hereby is approved by this Legislature.

2016 Sales Tax Apportioned to Towns and Villages

Town	Apportioned To Town	% Due Village	Amount Due Village	Amount Due Town Outside
Albion	\$269,873.14	55.30%	\$149,244.48	\$120,628.66
Barre	\$64,536.27			
Carlton	\$95,418.07			
Clarendon	\$116,260.89			
Gaines	\$107,656.06	19.28%	\$20,753.95	\$86,902.11
Kendall	\$86,813.23			
Murray	\$158,966.37	30.01%	\$47,706.84	\$111,259.53
Ridgeway	\$216,076.99	41.63%	\$89,950.38	\$126,126.61
Shelby	\$169,515.26	40.27%	\$68,257.42	\$101,257.84
Yates	\$81,554.72	18.78%	\$15,316.57	\$66,238.15
Totals	\$1,366,671.00		\$391,229.64	\$612,412.90

The percentage due to the village is determined by dividing the village taxable value by the town taxable value

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 439-1215**

APPROVING AGREEMENTS BETWEEN THE ORLEANS COUNTY SHERIFF'S OFFICE AND THE MONROE COUNTY SHERIFF'S OFFICE

RESOLVED, that this Legislature approves an agreement between the Orleans County Sheriff's Office and the Monroe County Sheriff, 130 South Plymouth Avenue, Rochester, NY 14614, for the provision of in-patient forensic services for mentally ill inmates at a cost of \$140 per day; agreement effective from January 1, 2016 through December 31, 2020.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 440-1215**

AUTHORIZING SHERIFF TO APPLY FOR 2015-16 PUBLIC SAFETY ANSWER POINTS (PSAP) OPERATIONS GRANT PROGRAM FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

RESOLVED, that this Legislature authorizes the Sheriff to apply for a Public Safety Answering Point (PSAP) Operations Grant, which provides reimbursement to counties for costs related to the operations of a PSAP; at no cost to the county, for fiscal years 2015/16.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 441-1215**

AUTHORIZING ABOLISHING AND FILLING POSITIONS IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature does hereby abolish a full-time Lieutenant Deputy Sheriff (3110.09) position in the Sheriff's Office effective January 1, 2016; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation and filling a full-time Deputy Sheriff Position in the Sheriff's Office at grade Grade 1 of the Orleans County Deputy Sheriff's Association Salary Schedule effective January 1, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes filling the vacant Chief Deputy Sheriff position (3110.03) in the Sheriff's Office at Grade 7 of the Orleans County Management Compensation Plan with position to work 40-hour week and is eligible for compensation time and overtime, effective December 21, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the following full-time vacancies in the Sheriff's Office:

Undersheriff (3110.02), grade 9 of the Orleans County Management Compensation Plan, effective January 1, 2016

Confidential Secretary (3110.12), grade 4 of the Orleans County Management Compensation Plan, effective January 1, 2016

Civilian Dispatcher (3020.02), grade 4 of the Orleans County Sheriff's Employees Association contract, effective January 1, 2016

Deputy Sheriff (3110.17), grade 1 Orleans County Deputy Sheriff's Association contract, effect December 17, 2015

Deputy Sheriff (3110.28), grade 1 Orleans County Deputy Sheriff's Association contract, effect December 17, 2015

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 442-1215 – A [(\*) SEE BELOW – Page 381]**

**AUTHORIZING SHERIFF'S DEPARTMENT TO PURCHASE A NEW 2016 CHRYSLER TOWN AND COUNTRY MINI VAN AND AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE SHERIFF'S DEPARTMENT BUDGET**

RESOLVED, that this Legislature authorizes the Sheriff's Department to purchase (1) 2016 Chrysler Mini Van, Model Town & Country from Doan Dodge Chrysler Jeep, 4477 Ridge Road West, Rochester, NY 14626 in the amount of \$30,924.95 to be paid from Sheriff's Account A3110.270 – Capital Equipment; and be it

FURTHER BE RESOLVED, that the Treasurer is authorized to transfer money into the Sheriff's Department Capital Equipment Budget to provide the additional funds needed to pay for the 2016 Chrysler Town and Country Suburban Van as follows:

<u>From:</u>		
A3110.413	Gas and Oil	\$5,142
<u>To:</u>		
A3110.270	Capital Equipment	\$5,142

FURTHER RESOLVED, that the Treasurer is authorized to set up new money in the Sheriff's Department Budget as a result of selling the Baja Sheriff's Boat as follows:

Revenue:

A2665	Sales of Equipment	\$12,125
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Appropriations:

A3110.270	Capital Equipment	\$12,125
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Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 443-1215**

**AUTHORIZING CREATING, FILLING AND ABOLISHING POSITION  
IN THE PUBLIC DEFENDERS OFFICE**

WHEREAS, resolution 65-215 approved an agreement between the Public Defender and the NYS Office of Indigent Legal Services; and

WHEREAS, this resolution provided funds to create a Case Manager position, therefore be it

RESOLVED, that this Legislature authorizes the creation of a part-time Case Manager position in the Public Defender's Office at Grade 11 of the CSEA Salary Schedule, effective December 17, 2015; and be it

FURTHER RESOLVED, that this Legislature approves the filling of this part-time Case Manager position at the Public Defender's Office at Grade 11 of the CSEA Salary Schedule, effective December 17, 2015; and be it

FURTHER RESOLVED, that this Legislature shall abolish this part-time position of Case Manager (Public Defender) at the Public Defender's Office effective with the ending of the funding from the NYS Office of Indigent Legal Services as agreed in resolution 65-215.

Moved, DeFilipps; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 444-1215**

**APPOINTING PUBLIC DEFENDER**

RESOLVED, that Sanford Church be appointed Public Defender for Orleans County for a term of two years, effective January 1, 2016 through December 31, 2017, at grade 9, step 9 of the Management Compensation Salary Schedule; and, that in addition thereto, the reasonable disbursements and expenses of Public Defender incurred in the conduct of County business shall be paid upon the usual monthly vouchers and be audited by this County Legislature.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 445-1215**

**APPROVING EXTENSION OF FY12 STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT**

WHEREAS, Resolution No. 212-613 approved the acceptance of funding in the amount of \$2,000,000 for the FY12 Statewide Interoperable Communications Grant (SI12-1016-D00) effective February 4, 2013 through February 3, 2014, Resolution No. 55-214 extended it through February 3, 2015 and Resolution No. 170-15 extended it through February 3, 2016; now be it

RESOLVED, that this Legislature approves the extension of this grant through February 3, 2017; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to e-sign all related documents associated with the extension of this grant (SI12-1016-D03).

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 446-1215**

**APPROVING EXTENSION OF FY14 EMERGENCY PLANNING GRANT**

WHEREAS, Resolution No. 198-514 approved the acceptance of funding in the amount of \$21,183 for the FY14 Local Emergency Planning Grant (EM14-1029-D00) effective October 1, 2013 through September 30, 2015; now be it

RESOLVED, that this Legislature approves the extension of this grant through September 30, 2016; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to e-sign all related documents associated with the extension of this grant.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 447-1215**

**AUTHORIZING FILLING OF VACANCY IN EMERGENCY MANAGEMENT OFFICE**

WHEREAS, a current part time Keyboard Specialist submitted her resignation from the Emergency Management Office effective December 31, 2015, be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Keyboard Specialist position in the Emergency Management Office at Grade 7, Step 1 of the CSEA Salary Schedule, effective January 1, 2016.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 448-1215**

AWARDING BID AND APPROVING AGREEMENT BETWEEN THE COUNTY OF ORLEANS AND INDOFF, INCORPORATED FOR WHITE COPY PAPER

WHEREAS, advertisement for sealed bids for white copy paper occurred and a bid was publically opened on November 6, 2015; therefore be it

RESOLVED, that this Legislature awards the bid and approves an agreement between the County of Orleans and Indoff, Incorporated, 11257 Jamison Rd, East Aurora, NY 14052 to provide Universal #91200 8.5” x 11” white copy paper, 20 lb, 92 bright, at a cost of \$31.75 per carton and shall include any all additional fees. Contract term will be effective January 1, 2016 through June 30, 2016 with an option to renew the contract for three (3) additional six (6) month periods with the written approval of the Chief Administrative Officer; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute this agreement and further renewal contracts if needed effective through December 31, 2017 subject to the review and approval by the County Attorney and the Chief Administrative Officer.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeRoller moved to adopt Local Law No. 2 of 2015 concerning the regulation of the transfer of secondhand articles; second by Legislator Johnson. Legislator DeRoller asked if further discussion was warranted on Section 6. Sheriff Elect Bower was asked if he wished to comment. He did not wish to make comment at this time. Legislator DeRoller was comfortable with the process of going through the Public Hearing therefore, he was still comfortable in moving this forward. Chairman Callard stated that with making revisions in response to public comment, he called for a vote and the following resolution was adopted:

**RESOLUTION NO. 449-1215**

ADOPTING LOCAL LAW NO. 2 OF 2015, ENTITLED A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES

WHEREAS, Local Law No. 2-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on September 28, 2015 and a Public Hearing was held on October 28, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 2 of 2015:

A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES

**SECTION 1: SECONDHAND DEALER DEFINED**

As used in this Local Law, a secondhand dealer is any person, partnership, corporation, association, joint venture, trustee, court-appointed representative or agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, coins or any precious metals which may have been previously owned by a consumer; or which derives more than thirty five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including but not limited to, furniture, appliances, clothing, automobile accessories, books, magazines and athletic cards and memorabilia or metals, whether in bulk or manufactured state. The term secondhand dealer shall include businesses commonly known as pawnbrokers, swap shop operators, stamp dealers, coin dealers, jewelers and auction houses who purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership.

Advertising in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs whether on the exterior or interior of the business;

Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.

**SECTION 2: EXEMPTIONS**

The following are exempt from the requirements of this Local Law:

Garage Sales: As used in this Section, a garage sale is defined as the sale at retail of used personal property by the lawful residents of residentially zoned property which garage sale is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than ten (10) days in any consecutive ninety (90) day period. Notwithstanding the foregoing, in the event a Town or Village has defined Garage Sales by a duly enacted local law or ordinance, the definition enacted by the Town or Village shall preempt the foregoing definition contained herein with respect to that municipality

Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale, or which are incorporated as a not for profit corporation by the State;

Sales or purchases which are regulated by the licensing laws of the State, including automobile dealers, used parts dealers and automotive parts recyclers;

Antique Dealers: As used in this Section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production which is at least fifty (50) years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items;

Licensed Firearm Dealers.

### **SECTION 3: PROHIBITED PURCHASES**

No secondhand dealer shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

Where the seller is less than the age of eighteen (18);

Where the seller fails to present at least one (1) form of identification which at least contains the seller's full name, date of birth, a photograph or full physical description, and an identification number.

Where the article to be purchased had an original manufacturer's serial number at the time it was new, but no longer legibly exhibits said number.

**SECTION 4: STATE AND FEDERAL LAWS COMPLIED WITH**

Secondhand dealers shall comply with all applicable state and federal laws and regulations that govern the same, This Local Law shall not be construed so as to preempt any state or federal laws.

**SECTION 5: RECORD OF PURCHASES**

Every secondhand dealer shall keep at the business location a register on forms provided or approved by the District Attorney in which shall be entered in a permanent manner the following information: a succinct and accurate description of all property taken, purchased or received in the course of the business licensed under this Local Law, including any number or inscription that may be in or on said property; the full legal name of the person from whom the property is received, including full first name and middle initial, if any; such person's current residential address, date of birth and physical description; the consideration and terms of the transaction; the signature of the employee who received the property; and the signed statement of the person from whom the property was obtained that he/she is over eighteen (18) years of age and the legal owner of same, clear of all attachments and with the legal right to sell. Entries made in the register shall be printed or typed and shall be legible. All entries shall be made immediately upon receipt or purchase of any property. The register shall be open to inspection by any police agency during normal hours of operation. Records of purchase shall be maintained for at least one (1) year.

No person shall be required to furnish such description of any new property purchased from manufacturers or wholesale dealers having an established place of business, or of any goods purchased at open sale, or from a bankrupt stock. Such goods must be accompanied by a bill of sale or other evidence of open and legitimate purchase and must be shown to police agencies or District Attorney, when demanded.

**SECTION 6: INSPECTION OF DEALER PREMISES: SEIZURES**

Every secondhand dealer and every person employed by the secondhand dealer in the conduct of business, shall admit to any and every part of the business premises, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession any article known or

for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this Section, and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall return same to the secondhand dealer within ten (10) days and obtain a receipt therefore, as aforesaid.

### **SECTION 7: WAITING PERIOD**

Every secondhand dealer, except auction houses, shall keep all property purchases or received from an individual for inspection for a period of at least five (5) calendar days before it can be sold or traded.

Every bonafide auction house shall maintain an accurate record of all transactions, listing the full first name, middle initial, and last name of all buyers, residential address or business name and address, date of birth and physical description. The buyer shall sign the record of transaction.

Every auction house operating a regular secondhand store for the sale of merchandise, other than at auction, shall comply with all provisions of this Local Law the same as a secondhand store or a secondhand dealer.

### **SECTION 8: PENALTY**

Any person who shall violate any of the provisions of this Local Law shall upon a civil adjudication be subject to a fine of not less than FIFTY (\$50.00) DOLLARS or more than FIVE HUNDRED (\$500.00) DOLLARS for each offense. Each day any violation of any provision of this Local Law shall continue shall constitute a separate offense. The secondhand dealer shall be fully responsible for any violation of this Local Law occasioned by or with the condonation of the secondhand dealer's partners, officers, shareholders, agents, or employees; any such violation shall be imputed to the secondhand dealer.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 450-1215**

ADOPTING LOCAL LAW NO. 3 OF 2015, ENTITLED AMENDING LOCAL LAW NO. 4 OF THE YEAR 2003 IMPOSING A HOTEL AND

**MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF ORLEANS  
WITH RESPECT TO THE EXPIRATION DATE THEREOF**

WHEREAS, Local Law No. 3-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on October 28, 2015 and a Public Hearing was held on November 18, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 3 of 2015:

A local law Amending Local Law No. 4 of the Year 2003 Imposing a Hotel and Motel Room Occupancy Tax in the County of Orleans With Respect to the Expiration Date Thereof

SECTION 1. Section 702 of Local Law No. 4 of the Year 2003 is hereby amended to read as follows:

702. Effective Date: This Local Law shall take effect on January 1, 2004, and expire December 31, 2017, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

SECTION 2 This Local Law shall take effect on January 1, 2016.

Moved, DeFilipps; second, Allport.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 451-1215**

**ADOPTING LOCAL LAW NO. 4 OF 2015, ENTITLED A LOCAL LAW  
AMENDING LOCAL LAW NO. 2 OF 1956 AS AMENDED BY LOCAL  
LAW NO. 1 OF 1974**

WHEREAS, Local Law No. 4-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on November 18, 2015 and a Public Hearing was held on December 16, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 4 of 2015:

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1956 AS  
AMENDED BY LOCAL LAW NO. 1 OF 1974

SECTION 1 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and specifically Section B. thereof, is hereby amended to read as follows:

B. ENTRY AND WITHDRAWAL

Participants as defined in Subsection A hereof and other than those in the plan at the time of its adoption, shall be admitted as of January first following the date of application for participation; provided, however, that a certified copy of a resolution of the governing body of the applicant shall be filed with the Committee by the preceding July first.

A participant may withdraw from the plan effective at the end of a fiscal year, by filing with the Committee by the preceding July first notice of such withdrawal. The actuarial report of the plan will be used to determine the member's liabilities at the date of withdrawal, to produce the amount payable by the participant.

The amount payable by a participant upon withdrawal shall be collected in full, or in such installments and at such dates as the County Legislature may determine.

SECTION 2 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and amended by Local Law No. 1 of 1974, and specifically Section E. thereof, is hereby amended to read as follows:

E. RESERVE

A reserve of \$5,000,000 is hereby established for the plan. Any balance in the contribution reserve of the mutual plan, after repayment of advances shall be transferred to the reserve hereby established.

The difference between the maximum amount hereby established and the balance transferred from the contributed reserve of the mutual plan shall be accumulated by including equal portions of such amount in each annual estimate.

SECTION 3 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of 1956 and amended by Local Law No. 1 of 1974, and specifically Section G. thereof, is hereby amended to read as follows:

#### G. REPORTS BY PARTICIPANTS

Each participant shall maintain a record of all injuries received by employees in the course of their employment. The following or equivalent reports required to be filed by the employer with the Workers' Compensation Board pursuant to the Workers' Compensation Law shall be filed promptly, within ten days after occurrence of injury or illness or sooner if directed by the Workers' Compensation Board and copies thereof shall be filed at the same time with the Administrator:

- Form C-2F Employer's Report of Work Related Injury Or Illness
- Form C-11 Employer's Report of Injured Employee's Change in Status or Return to Work
- Form C-240 Employer's Statement of Wage Earnings Preceding Date of Action

Reports shall be made annually by volunteer fire departments giving the name of the active members thereof. Such other reports as may be requested by the committee shall be filed promptly by the participants.

Forms for reports to be filed by participants pursuant to this subdivision shall be furnished by and be an expense of the plan.

The committee shall report to the County Legislature failure of a participant to file required reports and the County Legislature may take such action as it deems proper, as provided herein.

SECTION 4 – The Rules and Regulations for the administration of the Orleans Self-Insurance Plan as originally adopted by Local Law No. 2 of

1956 and amended by Local Law No. 1 of 1974, and specifically Section J. thereof, is hereby amended to read as follows:

**J. PENALTIES**

For failure to file reports. Fine not to exceed scheduled fine set by the Workers' Compensation Board for such a violation. In all other respects Paragraph J is hereby confirmed.

SECTION 5 – All prior inconsistent Local Laws, Rules and Regulations of the County of Orleans are hereby repealed.

SECTION 6 – This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 452-1215**

ADOPTING LOCAL LAW NO. 5 OF 2015, ENTITLED A LOCAL LAW INCREASNG THE SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS APPOINTED OR ELECTED FOR A DEFINITE TERM

WHEREAS, Local Law No. 5-Intro of the year 2015 was introduced at a regular meeting of the Orleans County Legislature held on November 18, 2015 and a Public Hearing was held on December 16, 2015, at which time all interested persons wishing to speak were heard; now be it

RESOLVED, that this Legislature enacts the following Local Law No. 5 of 2015:

**COUNTY OF ORLEANS  
LOCAL LAW NO. 5 of 2015**

A LOCAL LAW INCREASING THE SALARIES OF VARIOUS EMPLOYEES OF THE COUNTY OF ORLEANS APPOINTED OR ELECTED FOR A DEFINITE TERM

Be it enacted by the Legislature of the County of Orleans, as follows:

Section 1. Pursuant to the provisions of the Municipal Home Rule Law of the State of New York, the salaries of the following County Employees are raised as follows, at an annualized salary as set forth below:

<u>Employee</u>	<u>Proposed</u>	<u>Annual Longevity Bonus</u>
County Clerk	\$77,529	***\$1,075
County Treasurer	\$77,529	*****\$1,725
Director of Personnel	\$81,963	
Highway Superintendent	\$84,273	*****\$1,725
Real Property Tax Director	\$71,322	*\$200
Social Services Commissioner	\$84,273	
Coroners	\$1,892	
	Plus \$100 per case	
* Indicates 10 years of Service and at top of the grade		
** Indicates 20-24 years of service		
*** Indicates 25-29 years of service		
**** Indicates 30-34 years of service		
***** Indicates 35 and over years of service		

Section 2. This local law is adopted subject to referendum on petition pursuant to Section 24, Subdivision 2-h of the Municipal Home Rule Law of the State of New York.

Section 3. This local law shall take effect 45 days after adoption thereof or after approval by one affirmative vote of a majority of the qualified voters of the County of Orleans voting on a proposition for its approval, after petition, whichever event first occurs.

Moved, Johnson; second, DeRoller.

Roll Call: 7 ayes: Allport, Callard, DeFilippis, DeRoller, Eick, Johnson, Miller; 0 nays; 0 absent.

Adopted.

Legislator Allport explained that New York State was set up as a Home Rule state which is how local governments bought into a state rule. He said in 1963 New York State amended their constitution giving every town and village authority to control the use of their property close to where they live. Article X circumvented this Home Rule Law in regards to power plants. Every New Yorker should be against Article X because New York has shown how they will revamp this law by the change they made in power plants. Now that the State has been heading down the slippery slope

in removing Home Rule from the local municipalities of which the people should be the ones to decide through their elected officials as to how property should be zoned, and what local businesses should be allowed in the environment they live in. Legislator Allport moved to support the New York State's Constitutional Rule and opposing Article X; second by Legislator DeFilippis. Chairman Callard stated that this is a very important issue and have been discussing this as it relates to a specific issue in the Town of Yates. He said that this is paramount and this is where the fight must begin. No matter how a town or Legislature views an issue it is meaningless if we don't have Home Rule. We said we will fight this battle and fight it specifically as it relates to wind turbines which we had done previously before this issue was introduced by the Town of Somerset and Yates. Legislator Allport added that the Town of Albion, through their local laws, was able to stop the re-opening of the landfills because of them not being installed correctly. Their opposition to that Home Rule allows them to oppose the re-opening of that landfill. Legislator Allport stated that he has spoken with NYSAC who is going to support us by forwarding to all the counties for support. The following resolution was adopted:

**RESOLUTION NO. 453-1215**

**SUPPORTING NEW YORK STATE'S CONSTITUTIONAL HOME  
RULE**

WHEREAS, the New York State Constitution grants local governments, which include county, city, town or village, broad home rule powers to adopt local laws and where the powers of Article IX and those implemented by Municipal Home Rule give authority to local governments to act by law with respect to (1) its "property, affairs and government" and (2) other powers granted in statute whether related to its property, affairs and government or not, and

WHEREAS, in 1963 New York State adopted the present Article IX which guarantees Home Rule for all villages and towns in the state outside of New York City and also introduced the Bill of Rights for Local Governments; and

WHEREAS, Home Rule establishes a local government's authority as the source for zoning and planning power and gives municipality's great flexibility in dealing with local regulation of land use, keeping these decisions as close to the citizens as possible; and

WHEREAS, Article IX states that the State Legislature is prohibited from acting with respect to property, affairs and government of any local government except by general law or special law enacted by two-thirds of the membership of a local legislative body or at the request of the chief executive officer, concurred by a majority of the legislative body, or, except in the case of New York City; therefore be it

RESOLVED, that the Orleans County Legislature does hereby support the New York State's Constitutional right to Home Rule and denounce any attempt or effort to circumvent this constitutional right; and be it

FURTHER RESOLVED, that this Legislature denounces Article X and the attempt of New York State to circumvent Article IX by giving power to those appointed by Albany and not living in the local government jurisdiction the right to decide zoning and land use in the local community, and be it

FURTHER RESOLVED, that this Legislature supports the constitutional rights of local government to decide local laws for their jurisdiction, regardless of any state law, as per those elected by the citizens of that region; and be it

FURTHER RESOLVED, that this Legislature supports the constitutional rights of local government to decide how land will be used within its jurisdiction, which is closest to the citizens of that region.

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, InterCounty of Western New York, all Orleans County Towns and Villages, and all others deemed necessary and proper.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Allport stated that he spoke with the Attorney General's office to request an audit of the gas prices in Orleans County as opposed to our surrounding counties, especially Monroe County. He advised that the Speedway near the Eastman Kodak Park was at \$1.98/gallon. The Attorney General's Office forwarded Legislator Allport a report from 2011

which stated that the price differences in our area, as compared to counties around us, were due to Zone Pricing. They said Legislation had been passed in Albany that mentioned Zone pricing but did not mention to eliminate it. They were waiting for Albany to step forward on this and now a bill has passed in the Assembly and is sitting in the Senate which specifically to address Zone Pricing. Legislator Allport moved to support New York State Legislation Concerning Fuel Zone Pricing as amended; second by Legislator DeFilipps. Legislator DeRoller commented that Assembly Bill A.00103 passed in the Assembly June 16, 2015. Senate Bill S.322 has been hung up and has been read twice to be printed and now referred to the Consumer Protection Committee. Legislator DeRoller further stated that Legislator Allport is correct that the research shows that the current legislation and regulations, through the Attorney General, do not cover Zone Pricing. It is imperative that we level the playing field for our businesses in Orleans County, stated Legislator DeRoller. Chairman Callard also understands that NYSAC has taken a particular interest in this because Orleans County is one of the first to pass a resolution concerning Fuel Zone Pricing and they are going to help distribute this across the state. Chairman Callard advised that we all should be contacting our State Representatives to help facilitate the passage of this particular legislation. The following resolution was adopted:

**RESOLUTION NO. 454-1215**

**SUPPORTING NEW YORK STATE LEGISLATION CONCERNING  
FUEL ZONE PRICING.**

WHEREAS, the cost of a gallon of gasoline in Orleans County is higher than the bordering counties by as much as thirty cents a gallon, and

WHEREAS, this cost difference is a gallon of gas forms an unfair playing field in the same geographic area and is hurting Orleans County business by customer purchasing fuel outside of the county, and

WHEREAS, the NYS Attorney General Office, December 2011 'Report on New York Gasoline Prices, determined that no laws were being broken and Zone Pricing was the cause for the huge difference, and

WHEREAS, the legislature hereby finds and declares that for the past several years motor fuel prices have greatly fluctuated. In some cases, price fluctuations are caused by natural market conditions. In other cases, fluctuations result from artificial manipulation of the market. One such artificial pricing manipulation is zone pricing. Zone pricing is the setting of

different wholesale prices for retail motor fuel [that operate in different geographic areas] BASED ON GEOGRAPHIC LOCATION. Zone pricing increases the price of retail motor fuel for certain consumers, leading to inequities among consumers and regions around the state; now, therefore be it

RESOLVED that the Orleans County Legislature calls on the Governor and State Legislature to end zone pricing and other artificial changes in motor fuel prices that unfairly harm many consumers around the state; and be it

FURTHER RESOLVED that the Orleans County Legislature calls on the State Legislature to support Assembly Bill A.00103 and pass NY Senate Bill S.332 to address the issue of zone pricing and price differences in the same geographic; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, New York State Association of Counties, InterCounty of Western New York, all Orleans County Towns and Villages, and all others deemed necessary and proper.

Moved, Allport; second, DeFilipps.  
Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 455-1215**

SETTING DATE OF 2016 ORGANIZATIONAL MEETING

RESOLVED, that the Organizational Meeting of the Orleans County Legislature will be held on Tuesday, January 5, 2016 at 9:30 a.m.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

The following add on resolutions were presented for adoption:

**RESOLUTION NO. 456-1215**

**AUTHORIZING OFFICE FOR THE AGING TO APPLY FOR 2016  
ANNUAL IMPLEMENTATION PLAN GRANT**

RESOLVED, that the Office for the Aging is authorized to apply for the New York State Office for the Aging Annual Implementation Plan grant, in the amount of \$1,136,385 with a county cost of \$96,015; and be it

FURTHER RESOLVED, that the County Chairman is hereby authorized to execute the grant agreement and all related documents associated with this grant, subject to review by the County Attorney.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to oppose legislation which is for enacting the safe staffing for the Quality Care Act. She commended Wendy Jacobsen, the CEO of our local hospital for bringing this issue to the attention of the board, along with Sue Ellen Wagner who is the Executive Director of Healthcare Trustees of NYS and the Vice President of the Community Health HYNs organization. Legislator Johnson stated that what we have learned living in a small and rural county is that one size does not fit all. Also, flexibility for each hospital is critical and this one could close us down and bankrupt us. She said that CEO Jacobson has had the ability in her tenure to advance Orleans Community Health and see the hospital begin to bloom. This would be devastating coming in as a destructive financial impact when we have the measures in place. Safety measures need to be met now, therefore, Legislator Johnson moved this resolution to oppose this legislation; second by Legislator DeRoller. Chairman Callard stated that he can't emphasize enough the importance that Orleans County has its one hospital and its two nursing homes. The state is not doing enough to help these entities survive. He said it is ironic that previous discussions were had concerning our nursing homes and for this Legislation to upsize staffing it would be financially impossible for these entities to survive. Chairman Callard said it is idiocy on the part of the State of New York and we have to do our part to keep these health facilities. Legislator Johnson asked that the resolution also be sent to Orleans Community Health, the Healthcare Trustees of New York, Healthcare Association of NYS (HANYS). The following resolution was adopted:

**RESOLUTION NO. 457-1215**

**OPPOSING LEGISLATION A.8580 AND A.1548/S.782, ENACTING  
THE SAFE STAFFING FOR QUALITY CARE ACT**

WHEREAS, government-mandated staffing ratios are the wrong approach to providing the best care for patients in Medina, New York; and

WHEREAS, high quality patient centered care is the number one priority of the Orleans Community Health organization and all of New York's hospitals and Nursing Homes which currently maintains appropriate staffing to meet each patient's unique need; and

WHEREAS, Orleans Community Health nurses and other health care professions are vital to patient care and nursing assignments must be adapted to meet diverse patient/resident needs that can change rapidly; and

WHEREAS, hospitals and nursing homes are required to report numerous quality measures to the state and federal governments and make quality information publically available; and

WHEREAS, Hospitals and nursing homes have committed historic levels of resources to improve quality, implementing innovative approaches every day; and

WHEREAS, arbitrary staffing ratios would cost New York hospitals and nursing homes about \$3 billion annually, the largest every unfunded healthcare mandate on hospitals and nursing homes in New York State, at a time when health care facilities fiscal conditions statewide are already among the worst in the nation; now therefore be it

RESOLVED, that this Legislature opposes proposed legislation A.8580 and A.1548-S.782 which would impose arbitrary staffing ratios and would not improve patient care quality but would instead prevent our experienced staff from making appropriate staffing decisions at Orleans Community Health to meet changing patient needs-jeopardizing patient access to care, and adding \$3 billion to the cost of care across our state.

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, Orleans Community Health, Healthcare Trustees of New

York, Healthcare Association of NYS (HANYS) and all others deemed necessary and proper.

Moved Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved a resolution in its entirety concerning Orleans County Legislative position on commercial wind turbines in the Town of Yates. She said she is an elected official representing the Town of Yates and has heard the voices of her constituents. She said they took a position months ago that they were going to wait until the results were gathered of a survey administered by the Town of Yates Board and secondly the board was going to wait for a resolution from the Town of Yates Board. Legislator Johnson announced a new development in that the New York State Board on Electric Generation Siting in the Environment announced on December 1, 2015 to overrule its twenty-one day comment period's standard for the Lighthouse Wind application and allowing us to submit a comment by January 6<sup>th</sup>. Legislator Johnson said the time has come to go on record and have our comment submitted to the Public Service Commission that the State has not done their due diligence in getting base line studies, no SEQR study and now we are asking the State to do their due diligence. She expressed that it is imperative to listen and to have local involvement brought into this project in the review stage. Legislator Johnson stated that it was with the support of the majority of her constituents from the Town of Yates that she wished to move this resolution forward; second by Legislator DeRoller. Legislator Allport stated that a few years ago there was a wind turbine project proposed in the Town of Gaines. This would have included sixty-seven, 640' tall not ready for prime time green energy things. He stated that they moved forward by placing test sites to test the wind which still remain today with probably no intent to take them down. After a time period it was determined that there was not enough sustainable wind in the Town of Gaines for the project and they left. During this time, towns all over the state were rushing to amend their comprehensive plans to fight this push from Albany for these monsters to supply energy to New York City. Legislator Allport stated that the following year he met with officials from New York who shared their new plan in placing the turbines in the lake. The bed of the lake had to be at a certain angle and the water had to be at a certain depth. He stated that Lake Erie was going to be covered with them along with the south east corner of Lake Ontario and at the entrance to the Niagara River. There was no placement noted on the colored map along the shores of Orleans County. That plan failed because of the opposition by the people who

lived along Lake Erie, Article X arose to circumvent the towns' people having their say in this project. Legislator Allport shared his opinion if green energy is so great, that they should line the south side of every New York City building with solar panels and place these turbines on top of their buildings to produce their own power. Then they can leave the greatest green energy power, Niagara Falls, for us instead of taking the power away from us, and our economic growth, and moving our power down to New York City and selling it out of state.

Chairman Callard called upon Genesee/Orleans Public Health Director Paul Pettit for comment. Mr. Pettit stated that the Health Department has been very concerned with the health impact this type of project potentially could have on the residents in the Town of Yates and also in Niagara County. He has been working closely with his Niagara County counterparts and their Health Department to take a look at what their steps are and what can be done. Different members of the Save our Shores group presented to the Board of Health. The Board of Health also came to the decision, with the Article X implications, their inability to have due diligence, to have a SEQR review, and other environmental impact assessment reviews, they felt it was very important to take steps to make sure they were on record in opposition of not having due diligence done and making sure the processes were followed. Mr. Pettit stated that none of the board members are experts on wind energy and health impacts that it may have, but felt very strongly that it was important that the studies be completed. A letter was composed and signed by both the Genesee/Orleans and Niagara Counties Board of Health's and was forwarded on. The Board continues to examine data and look for different information to continue to educate the Board of Health on the health impacts these types of projects may have on our residents and our environment. At this time the Board of Health is very unanimously supportive that Article X and what it means and what it can do without going through the local process must be stopped and that we need to have the voice and the opportunities to have the studies done in order to protect the health of our residents and that our environment is taken care of.

Legislator Allport stated that he attended the meeting in Barker and shared a couple interesting points that he felt was important to share. The base of the turbines covers a half acre and go 36' deep and per the state regulations, if they are removed at the end of life they only have to take out 3' below ground of the cement pad and cover it with dirt therefore leaving the rest of it in the ground which he feels is anti-environmental. He also stated that a letter that was foiled and an attorney read it with questions

sent from the Town of Somerset concerning the effect of these turbines along the lake shore. The DEC opposed these structures as far as the impact of the migrating birds and the DEC opposed every question asked concerning wildlife and environmental impact.

Chairman Callard said all along that the Legislature would not enforce their opinion down to the town and to tell them what to do. He said the board has been listening to the people and Legislator Johnson has constantly been updating the board on the pulse of the community. Chairman Callard stated it is Legislator Johnson's recommendation to speak on behalf of the people. He said that Cindy Hellert brought up the health consequences and then spoke with the Board of Health to help fight the principal that this should be assessed in terms of health and this has been denied. The voice of the people needs to be heard and that why the Legislature will vote on the issue and carry this forward as a written declaration of where Orleans County stands on the issue. He said it is unfortunate, because of the timing, that the Town of Yates is unable to do it, and it may make an effort to extend the period so they could but Orleans County is doing it now because they agree with the people. The following resolution was adopted:

**RESOLUTION NO. 458-1215**

**ORLEANS COUNTY LEGISLATIVE POSITION ON COMMERCIAL WIND TURBINES IN THE TOWN OF YATES**

WHEREAS, a large scale wind energy developer, APEX Clean Energy of Charlottesville, Virginia has submitted a Public Involvement Plan with the NYS Public Service Commission for the potential siting of an Article 10 Commercial Wind Project within the Town of Yates otherwise known as Lighthouse Wind LLC; and

WHEREAS, Article 10 was enacted by Governor Cuomo in 2011 and summarily strips away the ability of any community in New York State with their constitutional right to make local "home rule" decisions about energy production projects being proposed within their community; and

RESOLVED, that the Orleans County Legislature shall hereby go on the record opposing this project to place commercial wind turbines within this quaint, beautiful Town of Yates; and be it further

FURTHER RESOLVED, that the Orleans County Legislature shall hereby go on the record opposing the Article 10 law, which removed the

authority of the local municipalities to carry the voices of their constituents and to make their own decisions regarding potential energy generation projects and instead places the ultimate authority for forcing and imposing these projects upon them, with unelected appointed officials of the State; and be it further

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, all Orleans County Towns and Villages, and all others deemed necessary and proper.

Moved, Johnson; second, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

(\*) Chairman Callard stated that we needed to back track to Resolution No. 442-1215 by rescinding it and make a correction for the record. CAO Nesbitt stated that there was a mistake on the Budget Adjustment Request Form in that we were missing revenue from the sale of the Sheriff Patrol boat, the Baja. An amount of \$12,125 needs to be set up in Sheriff's Budget account A3110.270 and will be added by a further resolved to authorize the Treasurer to set up new money in the Sheriff's Budget in the stated account. The first portion of the resolution will remain the same. Legislator DeRoller moved to rescind Resolution No. 442-1215; second by Legislator Johnson. Motion Carried. Chairman Callard requested to have this resolution resubmitted as amended. Legislator DeRoller moved to resubmit Resolution No. 442-1215 to include a further resolved to set up new money into the Sheriff's Budget account A3110.270 as a result of the sale of the Baja, the Sheriff's Patrol Boat in the amount of \$12,125; second by Legislator Johnson. Motion Carried. (Final Form is numbered Resolution No. 442-1215A – see above)

Legislator Eick moved to enter into executive session at 5:39 per Open Meetings Law §105 (f) to discuss the Sheriff-Elect Salary and (h) Property in the Village of Holley, second by Legislator Allport. Motion Carried.

Legislator Allport moved to exit out of executive session and reconvene the regular meeting at 6:15 p.m; second by Legislator DeFilippis. Motion Carried.

Chairman Callard stated that we have one more add on resolution to be

presented and adopted as follows:

**RESOLUTION NO. 459-1215**

**SETTING 2016 SALARY FOR THE ORLEANS COUNTY SHERIFF**

RESOLVED, that as of January 1, 2016, the salary for the Orleans County Sheriff shall be set at Grade 11, Step 3 of the Management Compensation Salary Schedule.

Moved, DeRoller; second, Johnson.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeFilipps moved to adjourn; second by Legislator Allport.  
Meeting adjourned at 6:16 p.m.

**END OF 2015**

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SALARIES OF TOWN OFFICERS - 2016					
		HIGHWAY	TOWN		
TOWN	SUPERVISOR	SUPER.	CLERK	JUSTICES	COUNCILMEN
Albion	\$ 5,750.00	\$54,815.00	\$36,330.00	\$17,146.00	\$ 3,704.00
Barre	\$ 7,500.00	\$55,000.00	\$28,400.00	\$ 6,000.00	\$ 2,250.00
Carlton	\$ 9,743.00	\$45,236.00	\$32,046.00	\$ 9,443.50	\$ 3,059.50
Clarendon	\$ 10,200.00	\$58,780.00	\$37,350.00	\$13,500.00	\$ 3,731.25
Gaines	\$ 5,500.00	\$50,962.00	\$24,112.00	14,878.00	\$ 2,800.00
Kendall	\$ 8,400.00	\$49,750.00	\$28,428.00	\$ 7,725.00	\$ 3,120.00
Murray	\$ 8,500.00	\$62,063.00	\$29,273.00	\$12,416.00	\$ 3,400.00
Ridgeway	\$ 9,882.00	\$56,504.00	\$40,016.00	\$25,750.00	\$ 3,560.00
Shelby	\$ 10,250.00	\$63,291.00	\$30,550.00	\$21,700.00	\$ 4,441.00
Yates	\$ 8,000.00	\$62,922.00	\$39,900.00	\$ 8,500.00	\$ 3,575.00

**SUMMARY OF THE TOWN BUDGETS FOR THE YEAR 2016**

	Expenditures	Estimated Revenue	Unexpended Balance	Amount to be Raised by Tax
<b>ALBION</b>				
General	\$ 610,948.00	\$ 180,680.00	\$ 33,463.00	\$ 396,805.00
General Outside Village	\$ 110,727.00	\$ 115,900.00		
Highway Townwide	\$ 308,133.00	\$ 105,700.00	\$ 22,054.00	\$ 180,379.00
Highway Outside Village	\$ 216,168.00	\$ 61,024.00	\$ 32,777.00	\$ 122,367.00
Fire District	\$ 105,000.00		\$ 5,841.00	99,159.00
Water District #1	\$ 45,917.00	\$ 27,917.00	\$ -	\$ 18,000.00
Water District #2	\$ 26,119.00	\$ 25,170.00	\$ 949.00	\$ -
Water District #3	\$ 131,469.00	\$ 57,469.00	\$ -	\$ 74,000.00
Water District #4	\$ 62,257.00	\$ 28,770.00	\$ 4,918.00	\$ 28,569.00
Water District #5	\$ 112,269.00	\$ 42,372.00	\$ 9,511.00	\$ 60,386.00
Water District #6	\$ 32,800.00	\$ 10,000.00	\$ -	\$ 22,800.00
Water District #7	\$ 12,380.00	\$ 3,020.00	\$ -	\$ 9,360.00
Water District #8	\$ 22,783.00	\$ 8,050.00		\$ 14,733.00
Water District #9	\$ 12,784.00	\$ 2,546.00	\$ -	\$ 10,238.00
Sewer District #1	\$ 61,981.00	\$ 10,000.00	\$ 1,216.00	\$ 50,765.00
<b>TOTALS</b>	<b>\$1,871,735.00</b>	<b>\$ 678,618.00</b>	<b>\$ 110,729.00</b>	<b>\$ 1,087,561.00</b>
<b>BARRE</b>				
General	\$ 416,910.00	\$ 124,724.00	\$ 20,257.00	\$ 271,929.00
Highway Townwide	\$ 919,394.00	\$ 265,951.00	\$ 22,840.00	\$ 630,603.00
Barre Fire District	\$ 188,000.00			\$ 188,000.00
Water District #1	\$ 201,374.00	\$ 192,320.00	\$ 9,054.00	\$ -
Water District #2	\$ 14,954.00	\$ 13,966.00	\$ 988.00	\$ -
Water District #3	\$ 15,894.00	\$ 15,392.00	\$ 502.00	\$ -
Water District #4	\$ 18,034.00	\$ 17,592.00	\$ 442.00	\$ -
Water District #5	\$ 10,754.00	\$ 9,300.00	\$ 1,454.00	\$ -
Water District #6	\$ 62,412.00	\$ 19,650.00	\$ -	\$ 42,762.00
Water District #7	\$ 19,247.00	\$ 8,890.00	\$ -	\$ 10,357.00
WD#1 Debt Service	\$ 22,077.00	\$ -	\$ -	\$ 22,077.00
WD#2 Debt Service	\$ 12,675.00	\$ -	\$ -	\$ 12,675.00

*Town Budgets - 2016*

WD#3 Debt Service	\$ 10,653.00	\$ -	\$ -	\$ 10,653.00
WD#4 Debt Service	\$ 15,190.00		\$ -	\$ 15,190.00
WD#5 Debt Service	\$ 36,083.00	\$ -	\$ -	\$ 36,083.00
WD#6 Debt Service	\$ 18,261.00			\$ 18,261.00
WD#7 Debt Service	\$ 5,697.00			\$ 5,697.00
TOTALS	\$1,987,609.00	\$ 667,785.00	\$ 55,537.00	\$ 1,264,287.00

**CARLTON**

General	\$ 468,627.00	\$ 180,580.00		\$ 288,047.00
Highway Townwide	\$1,023,494.00	\$ 369,150.00	\$ 40,000.00	\$ 614,344.00
Light District 1	\$ 7,500.00		\$ 1,000.00	\$ 6,500.00
Light District 2	\$ 10,200.00		\$ 1,000.00	\$ 9,200.00
Carlton Water District	\$ 629,470.00	\$ 264,000.00		\$ 365,470.00
Carlton Fire District	\$ 154,335.00			\$ 154,335.00
TOTALS	\$2,293,626.00	\$ 813,730.00	\$ 42,000.00	\$ 1,437,896.00

**CLARENDON**

General	\$ 670,910.02	\$ 240,500.00	\$ 68,000.00	\$ 362,410.02
Highway Fund Townwide	\$ 746,567.79	\$ 306,500.00	\$ 60,000.00	\$ 380,067.79
Water District No. 1	\$ 57,723.00	\$ 62,720.00		\$ -
Water District No.2	\$ 62,081.40	\$ 22,250.00		\$ 39,831.40
Water District No. 3	\$ 99,797.02	\$ 31,500.00		\$ 68,297.02
Water District No. 4	\$ 77,803.12	\$ 25,550.00	\$ -	\$ 52,253.12
Water District No. 5	\$ 25,580.99	\$ 8,100.00		\$ 17,480.99
Water District No. 6	\$ 39,153.14	\$ 10,150.00		\$ 29,003.14
Water District No. 7	\$ 58,436.88	\$ 10,612.03	\$ -	\$ 47,824.85
Water District No. 8	\$ 12,491.28	\$ 3,575.00		\$ 8,916.28
Water District No. 9	\$ 9,742.85	\$ 2,185.00		\$ 7,557.85
Water District No. 10	\$ 77,144.20	\$ 13,623.92		\$ 63,520.28
Water District No. 11	\$ 83,066.60	\$ 9,000.00		\$ 74,066.60
Fire District	\$ 169,694.82			\$ 169,694.82
TOTALS	\$2,190,193.11	\$ 746,265.95	\$ 128,000.00	\$ 1,320,924.16

Town Budgets - 2016

GAINES				
General	\$ 435,498.60	\$ 147,081.00	\$ 19,917.60	\$ 268,500.00
General Outside Village	\$ 29,823.00	\$ 10,526.00	\$ -	\$ 19,297.00
Highway Townwide	\$ 318,698.44	\$ 127,650.00	\$ 4,877.44	\$ 186,171.00
Highway Outside Village	\$ 204,894.00	\$ 130,200.00	\$ 3,374.00	\$ 71,320.00
Water District No.1	\$ 95,000.00	\$ 95,000.00	\$ -	\$ -
Water District No.2	\$ 31,266.00	\$ 22,995.00	\$ -	\$ 8,271.00
Water District No. 3	\$ 27,846.50	\$ 21,000.50		\$ 6,846.00
Water District No. 4	\$ 75,350.00	\$ 75,350.00		\$ -
Water District No. 5	\$ 34,965.00	\$ 32,150.00		\$ 2,815.00
Water District No. 6	\$ 9,654.50	\$ 2,850.50		\$ 6,804.00
Water District No. 7	\$ 14,109.00	\$ 7,750.00	\$ -	\$ 6,359.00
Water District No. 8	\$ 19,800.00	\$ 10,850.00	\$ -	\$ 8,950.00
Water District No. 9	\$ 12,525.00	\$ 3,230.00		\$ 9,295.00
Water District No. 10	\$ 16,612.00	\$ 7,250.00	\$ -	\$ 9,362.00
Fire District	\$ 35,305.20			\$ 35,305.20
TOTALS	\$1,361,347.24	\$ 693,883.00	\$ 28,169.04	\$ 639,295.20

KENDALL				
General	\$ 550,491.00	\$ 227,009.00	\$ 65,500.00	\$ 257,982.00
Highway	\$ 689,980.00	\$ 267,352.00	\$ 10,000.00	\$ 412,628.00
Library	\$ 2,000.00	\$ 1,730.00	\$ 270.00	\$ -
Water District No.1	\$ 4,503.00	\$ 20.00	\$ 500.00	\$ 3,983.00
Water District No.2	\$ 15,641.00	\$ 12.00	\$ 500.00	\$ 15,129.00
Water District No.3	\$ 21,767.00	\$ 30.00	\$ 500.00	\$ 21,237.00
Water District No. 4	\$ 73,084.00	\$ -	\$ 500.00	\$ 72,584.00
Water District No. 5	\$ 32,984.00	\$ 14,991.25	\$ 500.00	\$ 17,492.75
Water District No. 6	\$ 20,841.00	\$ 7,200.00	\$ -	\$ 13,641.00
Light District No. 1	\$ 5,700.00	\$ -	\$ -	\$ 5,700.00
Light District No. 2	\$ 3,385.00	\$ -	\$ -	\$ 3,385.00
Light District No. 3	\$ 1,975.00	\$ -	\$ -	\$ 1,975.00
Fire District No. 1	\$ 165,000.00	\$ 100.00	\$ 1,000.00	\$ 163,900.00
Fire District No. 2	\$ 69,972.00	\$ -	\$ -	\$ 69,972.00
TOTALS	\$1,657,323.00	\$ 518,444.25	\$ 79,270.00	\$ 1,059,608.75

Town Budgets - 2016

MURRAY				
General	\$ 490,071.00	\$ 141,850.00	\$ -	\$ 348,221.00
General Outside Village	\$ 57,359.00	\$ 17,500.00	\$ 7,142.00	\$ 32,717.00
Highway Townwide	\$ 552,311.00	\$ 339,000.00	\$ 7,802.00	\$ 205,509.00
Highway Outside Village	\$ 370,885.00	\$ 161,997.00	\$ 17,975.00	\$ 190,913.00
Light District No. 1 (Fancher)	\$ 2,800.00	\$ -	\$ 200.00	\$ 2,600.00
Light Dist. #2 (Hulberton)	\$ 4,100.00	\$ -	\$ 200.00	\$ 3,900.00
Light Dist. #3 (Brockville)	\$ 1,500.00	\$ -	\$ 300.00	\$ 1,200.00
Murray Fire District	\$ 194,907.00	\$ -	\$ -	\$ 194,907.00
FHM Fire District	\$ 106,874.00	\$ -	\$ -	\$ 106,874.00
Water District No. 1	\$ 20,201.00	\$ 9,300.00	\$ 5,901.00	\$ 5,000.00
Water District No. 2	\$ 106,638.00	\$ 67,000.00	\$ 8,638.00	\$ 31,000.00
Water District No. 3	\$ 69,611.00	\$ 38,500.00	\$ 8,529.00	\$ 22,582.00
Water District No. 4	\$ 13,210.00	\$ 4,400.00	\$ 2,810.00	\$ 6,000.00
Water District No. 5	\$ 7,382.00	\$ 2,300.00	\$ 782.00	\$ 4,300.00
Water District No. 6	\$ 70,108.00	\$ 46,100.00	\$ 12,008.00	\$ 12,000.00
Water District No. 7	\$ 37,966.00	\$ 16,000.00	\$ 2,466.00	\$ 19,500.00
Water District No. 8	\$ 27,853.00	\$ 10,600.00	\$ 813.00	\$ 16,440.00
Water District No. 9	\$ 14,067.00	\$ 7,500.00	\$ 67.00	\$ 6,500.00
Water District No. 10	\$ 12,655.00	\$ 5,500.00	\$ 155.00	\$ 7,000.00
Water District No. 11	\$ 158,219.00	\$ 37,000.00	\$ 18,165.00	\$ 103,054.00
Water District No. 12	\$ 16,883.00	\$ 3,100.00	\$ 1,783.00	\$ 12,000.00
Water District No. 13	\$ 25,031.00	\$ 5,761.00	\$ 69.00	\$ 19,201.00
Water District No. 14	\$ 5,401.00	\$ 1,000.00	\$ 501.00	\$ 3,900.00
Water District No. 15	\$ 69,726.00	\$ 8,000.00	\$ 2,726.00	\$ 59,000.00
Water District No. 20	\$ 5,959.00	\$ 5,500.00	\$ 459.00	\$ -
TOTALS	\$2,441,717.00	\$ 927,908.00	\$ 99,491.00	\$ 1,414,318.00

  

RIDGEWAY				
General	\$ 698,257.00	\$ 268,120.00	\$ 98,635.00	\$ 331,502.00
General Outside Village	\$ 95,860.00	\$ 32,520.00	\$ 10,983.00	\$ 52,357.00
Highway Townwide	\$ 578,966.00	\$ 145,400.00	\$ 64,451.00	\$ 369,115.00
Highway Outside Village	\$ 460,034.00	\$ 210,100.00	\$ 57,952.00	\$ 191,982.00
Fire Protection District	\$ 188,700.00	\$ 25.00	\$ (25.00)	\$ 188,700.00

*Town Budgets - 2016*

Knowlesville Light District	\$ 3,277.00	\$ 10.00	\$ (10.00)	\$ 3,277.00
Knowlesville Sewer District	\$ 36,554.00	\$ 10.00	\$ 6,544.00	\$ 30,000.00
Water Debt Service 31E	\$ 9,200.00			\$ 9,200.00
Water Debt Service 269	\$ 8,185.00			\$ 8,185.00
Water #2 Debt Service	\$ 19,675.00			\$ 19,675.00
Water #3 Debt Service	\$ 32,207.63			\$ 32,207.63
Water #4 Debt Service	\$ 72,218.75			\$ 72,218.75
Water #5 Debt Service	\$ 26,394.25			\$ 26,394.25
Water #6 Debt Service	\$ 13,971.26			\$ 13,971.26
Water #7 Debt Service	\$ 6,020.00			\$ 6,020.00
Water #8 Debt Service	\$ 8,883.95			\$ 8,883.95
Water #9 Debt Service	\$ 5,333.74			\$ 5,333.74
Water #10 Debt Service	\$ 14,492.50			\$ 14,492.50
Water #11 Debt Service	\$ 2,062.50			\$ 2,062.50
Water #12 Debt Service	\$ 11,525.72			\$ 11,525.72
Total Water Improvement Areas				\$ -
TOTALS	\$2,291,818.30	\$ 656,185.00	\$ 238,530.00	\$ 1,397,103.30

**SHELBY**

General	\$1,059,548.00	\$ 263,625.00	\$ 370,223.00	\$ 425,700.00
General Outside Village	\$ 85,780.00	\$ 62,617.00	\$ 1,843.00	\$ 21,320.00
Highway Townwide	\$ 538,073.00	\$ 168,700.00	\$ 154,769.00	\$ 214,604.00
Highway Outside Village	\$ 515,329.00	\$ 222,005.00	\$ 14,408.00	\$ 278,916.00
Shelby Center Light	\$ 3,000.00	\$ -	\$ 450.00	\$ 2,550.00
Millville Light	\$ 1,500.00	\$ -	\$ 200.00	\$ 1,300.00
Shelby Fire Co.	\$ 281,625.00			\$ 281,625.00
Cemetery	\$ 10,000.00	\$ 9,200.00	\$ 800.00	\$ -
Water District No. 1	\$ 103,109.00	\$ 103,109.00		\$ -
Water District No. 2	\$ 28,444.00	\$ 28,444.00		\$ -
Water District No. 3	\$ 77,728.00	\$ 77,728.00		\$ -
Water District No. 4-A	\$ 61,563.00	\$ 61,563.00		\$ -
Water District No. 4-B	\$ 58,944.00	\$ 58,944.00		\$ -
Water District No. 5	\$ 5,106.00	\$ 5,106.00		\$ -
Water District No. 6	\$ 63,190.00	\$ 63,190.00		\$ -
Water District No. 7	\$ 64,128.00	\$ 64,128.00		\$ -

*Town Budgets - 2016*

Water District No. 8	\$ 69,182.00	\$ 69,182.00		\$ -
Water District No. 9	\$ 61,623.00	\$ 61,623.00		\$ -
Water District No. 10	\$ 4,565.00	\$ 4,565.00		\$ -
Water District No. 11	\$ 34,357.00	\$ 34,357.00		\$ -
TOTALS	\$3,126,794.00	\$ 1,358,086.00	\$ 542,693.00	\$ 1,226,015.00

YATES				
General	\$ 450,370.00	\$ 94,600.00	\$ 82,572.00	\$ 273,198.00
General Outside Village	\$ 25,680.00	\$ 10,050.00	\$ 805.00	\$ 14,825.00
Highway Townwide	\$ 394,600.00	\$ 210,500.00	\$ 77,600.00	\$ 106,500.00
Highway Outside Village	\$ 430,300.00	\$ 140,000.00	\$ 70,300.00	\$ 220,000.00
Fire Protection District	\$ 65,000.00	\$ -	\$ -	\$ 65,000.00
Water District No. 2	\$ 53,100.00	\$ 53,100.00	\$ -	\$ -
Water District No. 4	\$ 339,535.00	\$ 120,900.00	\$ 40,180.00	\$ 178,455.00
TOTALS	\$1,758,585.00	\$ 629,150.00	\$ 271,457.00	\$ 857,978.00

**A**

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