



**CONFERENCE SESSION**  
September 28, 2015

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NO CONFERENCE SESSION

## **AGENDA**

**LEGISLATURE MEETING**

Monday, September 28, 2015

**9:00 a.m.**



Call to Order

Pledge to the Flag and Invocation - Veteran David Kusmiersczak

Roll Call

Presentation of Communications

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

- 299. Approving Agreement with the Highway Department and LaBella Associates (Eick)
- 300. Approving Agreement with the Highway Department and LaBella Associates (Eick)
- 301. Approving Cellular Phone Use Agreement for the Highway Department (Eick)
- 302. Authorizing Purchase of Camera Upgrades and Setting Up of New Money in the Fuel Farm Budget (Eick)
- 303. Authorizing Transfer of Funds within the Highway/Fuel Farm Budget (Eick)
- 304. Authorizing Payments from Capital Project Infrastructure Projects Account (Eick)
- 305. Approving GLOW Workforce Development Board Certification and Membership Roster (Miller)
- 306. Authorizing Filling Vacancy in the Job Development Agency (Miller)
- 307. Authorizing Abolishing, Creating and Filling Positions in the Department of Social Services (Miller)
- 308. Authorizing Filling Position in the Mental Health Department (Miller)
- 309. Authorizing Setting up New Money in the Mental Health Department Budget (Allport)
- 310. Approving Agreements between the Health Department Various Agencies (Allport)
- 311. Authorizing Purchase from Health Department Budget (Allport)
- 312. Authorizing Out of State Travel for Health Department Employee (Allport)
- 313. Approving Advertising for Orleans County Tourism (DeFilipps)
- 314. Establishing a Policy Setting Minimum Standards for County Participation in Litigation Involving Challenges to Real Property Assessments (Johnson)
- 315. Approving Software Subscription Service Between the Treasurer's Office and KVS Information (Johnson)
- 316. Authorizing Treasurer to Set Up New Money in the Sheriff's Budget and Authorizing Purchase of Livescan System from Grant Funds (DeRoller)
- 317. Authorizing Treasurer to Transfer Funds within the Sheriff's Budget (DeRoller)
- 318. Authorizing Payment from the Capital Projects Account (DeRoller)

- 319. Setting Date of Public Hearing on Local Law No. 1-Intro of 2015 (DeRoller)
- 320. Authorizing Expending Grant Funds in Emergency Management (Johnson)
- 321. Authorizing Setting Salary for the Chief Administrative Officer (Johnson)
- 322. Repealing Resolution No. 289-815 Concerning the Sales and Compensating Use Tax (Johnson)
- 323. Amending Resolution No. 164 of the Year 1967 in Relation to Orleans County Sale 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 (Johnson)
- 324. Approving Contract Agreement Between the Orleans County Board of Elections and Dominion Voting Systems Corporation (DeFilipps)
- 325. Authorizing Payment of Claims for October Against the County (DeFilipps)

Old Business

Adjournment

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## RESOLUTIONS

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### 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 Street, Suite 201, Rochester, NY 14614 to perform Professional Services 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 \$120,000.00 and to be paid out of the Capital Project Infrastructure for Bridge Replacements Account #H-5120.250.

Moved, Eick; second,

### 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 Street, Suite 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 \$40,000.00 and to be paid out of the Capital Project Infrastructure for Culvert Improvements Account #H-5120.251.

Moved, Eick; second,

**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 passed by Resolution #70-213 by our local Legislature.

Moved, Eick; second,

**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 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 \$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,

**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,

**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	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,

**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:

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)
Paul Fricano	Oxbo Internatinal Corp (Private Sector)
Geoffrey Buell	Lapp Insulaor (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)
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
Anthony DiPerna	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,

**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, therefore 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,

**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 effective September 29, 2015; and be it

FURTHER RESOLVED, that this Legislature does hereby create a full time Supervisory Social Welfare Examiner 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,

**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,

**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,

**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 Street, 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,

### **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,

### **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,

### **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, DeFilipps; second

**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,

**RESOLUTION NO. 315-714**

**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,

**RESOLUTION NO. 316-915**

**AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE SHERIFFS BUDGET AND AUTHORIZING PURCHASE OF LIVSCAN SYSTEM FROM GRANT FUNDS**

RESOLVED, that this Legislature authorizes the Treasurer to set up Homeland Security/SLETPP (LE15) grant funds as follows:

<u>REVENUE:</u>		
A4308.5315	Homeland Security/SLETPP (15)	\$26,250
<u>APPROPRIATION:</u>		
A3110.486.5315	Special Grants/LE15-1009-D00	\$26,250

And be it

FURTHER RESOLVED, that this Legislature authorizes the purchase of Livescan System from Morpho Trust USA, 5705 Old Shakopee Road, Suite 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,

**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:

<u>From:</u>		
A3110.486.7412	Special Grant/SG12-1004-D01	\$1,47056
A3110.486.7413	Special Grant/SG13-1004-D00	\$11,148.42
<u>To:</u>		
A3110.101	Overtime	\$12,618.98

Moved, DeRoller; second,

### **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 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,

### **RESOLUTION NO. 319-915**

#### **SETTING DATE OF PUBLIC HEARING ON LOCAL LAW NO. 1-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,

### **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 FY15	\$7,791

Appropriation		
3640.486.2015	Special Grants – SHSP FY15	\$ 7,791

Moved, Johnson; second,

**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 therefore 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	\$1,695
 <u>TO</u>		
1020.100	Personal Services	\$1,343
1020.810	State Retirement	\$249
1020.820	Medicare	\$83
1020.830	Social Security	\$19

Moved, Johnson; second,

**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,

**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 tax 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,  
Roll Call:

### **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 Avenue, 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,

### **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		
Highway		
Nursing Home		
Job Development		
Self Insurance		

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the 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		
Highway		
Nursing Home		
Job Development		
Self Insurance		

Moved, DeFilipps; second,