

## 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 Sommerset 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 Sommeret, 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 Sommerset 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:

Revenue:

D2655	Minor Sales	\$150
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<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**

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 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 1½			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 1½			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 1½			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, DeFilipps; 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, DeFilipps; 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

Daily:

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]**

**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:

<u>Revenue:</u>		
A2665	Sales of Equipment	\$12,125
<u>Appropriations:</u>		
A3110.270	Capital Equipment	\$12,125

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, DeRolller.

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, DeFilipps, 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 DeFilipps. 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 Ortt, 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 idiotsy 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 Ortt, 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 DeFilipps. 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.