

## LEGISLATURE MEETING

June 24, 2015

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Chairman Callard called the meeting to order at 2:00 PM. The Clerk called the roll. All Legislators were present.

Motion was made by Legislator Allport; second by Legislator Eick to move into executive session at 2:03 p.m. to discuss litigation on a matter with outside counsel per Open Meetings Law §105 (d). Motion Carried

Motion was made by Legislator Eick; second by Legislator DeFilipps to reconvene the meeting from Executive session at 2:56 p.m. Motion Carried. Motion to recess until 4:30 p.m. was made by Legislator DeRoller; second by Legislator Allport. Motion Carried.

Chairman Callard reconvened the meeting at 4:36 PM. After the pledge to the flag, the invocation was led by Veteran David Kusmierczak.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through 2015. Treasurer Heard also handed out the auction results from today's In Rem Auction. She reported that there were two no sales, which were properties we have had on the auction list before and didn't sell at that time also. Some of the properties sold for \$50, so it was surely a buyer's day. We did not lose as much as we have in the past, we received two-thirds. Legislator DeFilipps said we had a 20'x20' landlocked garden in the Village of Albion, a hard sell stated Treasurer Heard. Chairman Callard indicated that we had fewer properties in this auction 30 versus 55, which is also significant.

Chairman Callard called for comments from the Legislators. Legislator DeFilipps reported on the professionalism of Haroff Realty and stated that they did a great job during our sale today.

Legislator DeRoller shared his concerns, also amongst our other municipalities, as it related to unfunded mandates. A recent senate bill which has passed requiring our municipalities, including schools, to pay for programs. A Senate Bill, S03144, passed the Senate on May 27, 2015 with 55 out of 62 Senators voted in favor of this. The Assembly companion Bill, A04942, is now in the assembly and needs to be moved along. It has been stuck in committee since February 9<sup>th</sup>. Legislator DeRoller indicated that he introduced this to the WNY InterCounty with 15 out of the 19 in attendance to help push this concern forward. The bill is sponsored by Ray Walte and co-sponsored by our Assembly representatives Hawley and Corwin. Committee Chair William McNally has been contacted by Legislator DeRoller to step up. This is a three page bill that said that all future legislation of \$10,000 to \$1,000,000 aggregate would have to have funding. We are in the minority on this bill but in our best interest to support this moving forward. A presentation at InterCounty, indicated that about 15.3% to fund the state comes out of property tax. Chairman Callard said that Hugh Trust did a survey who objectively looked at each state across the nation. All states, except NYS, went from a plus figure up to a maximum of 4%. California only draws 2% of their revenues from Local government, all other states up to 4%, NYS now is at 15.3%.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Town of Yates, inquired about the purchase of the new dump truck. He asked what it will be replacing and why no county cost. Highway Superintendent Gray indicated it will be replacing the 1995 beyond repair truck and it is covered by CHIPS funding. Mr. Lauricella inquired about Resolution No. 220 for a contract with Amy Wolter and why that was not being covered by School Districts. Legislator Allport indicated that this is an unfunded mandate. She will be hired to attend school special education committee meetings to make sure county tax dollars are spent wisely for the best services for the 3-5 year olds. Health Director Paul Pettit indicated that this will be a new model due to the restructuring of staff due to retirements and this model has worked well in Genesee County. Staff has always been attending these meetings but now we will have a contractor attend to continue to help save tax payers dollars.

Mr. Lauricella inquired about Resolution No. 232 regarding equipment being purchased from Homeland Security. Legislator Johnson indicated that we already have been awarded this money. EMO Director Banker indicated that they will be purchasing overhead projectors, laptops, and other training materials for first responders. Mr. Lauricella expressed that Homeland Security is an unconstitutional agency that spies on us, “fondles us” at the airports, is buying up all the ammunition, militarizing our police departments and is strategically placing weapons of war throughout our county. Mr. Lauricella feels we should not be taking this money based on what is behind their agenda.

Mr. Lauricella inquired about Resolution No. 235 and asked if this microenterprise grant is for nonprofit and disadvantaged entrepreneurial groups. CAO Nesbitt explained it is a small business program organized by our IDA. He inquired about the full-time case managers in the Mental Health Department in Resolution No. 218 and if they are newly created? CAO Nesbitt responded that they will be revenue generating positions in excess of what they cost us and it is a response to the new health care models put together by the federal government. Mr. Lauricella asked if they are mandated. CAO Nesbitt indicated it is entrepreneurial government. With operating the only Mental Health Clinic in Orleans County, CAO Nesbitt explained the adjustment of our services to the funding models that are available. Chairman Callard stated that we are increasing our mental health needs for our residents in our county so we can have a healthy county. Mr. Lauricella asked about the pay grade increase from grade 21 to grade 22 in Resolution No. 223. CAO Nesbitt indicated that the increase in grade gets more pay but also goes to a higher level of supervision by that person. Mr. Lauricella asked if this is a new person. CAO Nesbitt advised that it is a restructuring of the duties of one person to allow them to supervise. We continue to restructure the Public Health Department saving \$330,000 a year. Mr. Lauricella approved money being saved but indicated he would like to see that in his tax bill. Mr. Lauricella asked (Resolution No. 228) if any properties were removed from the sale for upgrades by the county for re-sale. It was mentioned that there were some no-sales but none that fit within his inquiry. Lastly, Mr. Lauricella asked about the air-conditioning in the Jail control room. Scott Wilson, Jail Superintendent, explained that the control room is manned 24/7 and is the primary area which operates and controls all doors electronically, answer the phones, video surveillance and servers are there. It will replace the old air conditioning unit.

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

#### **RESOLUTION NO. 205-615**

AMENDING RESOLUTION NO. 121-415 REGARDING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND NYS DOT CONCERNING THE HULBERTON ROAD BRIDGE OVER WEST BRANCH OF SANDY CREEK IN THE TOWN OF MURRAY

WHEREAS, that this Legislature approved a Supplemental Agreement #3 Contract #D033855 with the Orleans County Highway Department and NYS DOT in adoption of Resolution No. 121-415; now be it

RESOLVED, that Resolution No. 121-415 be amended to amend Supplemental Agreement #2 approved by passage of Resolution No. 236-714 to add additional funding for the Hulberton Road Bridge over West Branch of Sandy Creek Bridge Replacement – PIN 475542; BIN: 3319220 total cost of \$1,338,900; reimbursement \$1,271,955 and County cost \$66,945; effective through February 3, 2022 all remains unchanged. There is no supplemental agreement #3.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 206-615**

**AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE A NEW 2016 FORD SUPER DUTY F-550**

RESOLVED, that this Legislature authorizes the Highway Department to purchase (1) New and Unused 2016 Ford Super Duty F550 with dump body Truck from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 for \$45,898.00 to be purchased off the National Joint Powers Alliance Bid Number #102811; to be paid from account #DM5130.270. County cost \$0

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 207-615**

**APPROVING AN AGREEMENT BETWEEN THE BUILDINGS AND GROUNDS DEPARTMENT AND SECOR BUILDING SOLUTIONS**

RESOLVED, that this Legislature accepts the low bid submitted by Secor Building Solutions and authorizes the Chairman to execute an agreement with Secor Building Solutions, 13140 Route 31, Savannah, New York 13146-0248 for the Furnish and Construction of two Pole Barns at a bid cost of \$382,698 agreement effective as soon as County gives notice to proceed; to be paid out of the Capital Project Infrastructure Account H-5120.252 – Pole Barn Construction.

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

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 208-615**

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

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Custodial Worker (1620.12) position in the Buildings and Grounds Department at Grade 2 of the CSEA Salary Schedule, effective June 25, 2015.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 209-615**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT**

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
4,287.34	Chemung Corp.	Pole Barn Materials
12,712.15	Hanson Aggregates	Pole Barn Materials
164.00	Barre Stone Products	Pole Barn Materials

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 210-615**

**APPROVING RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND PHILIPS LIFELINE**

RESOLVED, that this Legislature approves the renewal agreement between the Office for the Aging Department and Philips Lifeline, 111 Lawrence Street, Framingham, MA 01701 to provide personal emergency response systems from August 1, 2015 through October 31, 2018 at a cost of \$34,344 (1st year, August 1, 2015-July 31, 2016). County cost \$0.

Moved Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 211-615**

**APPROVING EXTENSION OF AN AGREEMENT BETWEEN OFFICE FOR THE AGING AND PEERPLACE NETWORKS, LLC**

RESOLVED, that this Legislature approves an extension of Resolution No. 154-410(monthly user fee) and Resolution 193-513(yearly HIICAP fee) agreements between the Office for the Aging and PeerPlace Networks, 300 Main Street, Rochester, NY 14445, to provide client based software as required by New York State Office for the Aging and Administration on Aging for reporting requirements at a total cost of \$1,177.41 for July 1, 2015-September 30, 2015. No County cost for this time period.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 212-615**

**APPROVING MULTI-JURISDICTIONAL CHIEF ELECTED OFFICIALS AGREEMENT FOR INITIAL DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREA: GLOW**

RESOLVED, that this Legislature does hereby approve the Multi-Jurisdictional Chief Elected Officials Agreement for Initial Designation of Local Workforce Development Area: GLOW, for the purpose of organizing and implementing activities pursuant to the Workforce Innovation and Opportunity Act (herein referred to as WIOA) and as proposed by the Governor of the State of New York for the purpose of administering WIOA in Genesee, Livingston, Orleans, and Wyoming Counties; and be it

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 213-615**

**APPROVING AGREEMENT BETWEEN JOB DEVELOPMENT AND LIVINGSTON COUNTY FOR GLOW WORKFORCE DEVELOPMENT BOARD**

RESOLVED, that this Legislature approves the agreement between the Job Development Department and Livingston County on behalf of GLOW Workforce Development Board (WDB), 6 Court Street, Room 303,

Geneseo, NY, 14454, to implement the provisions of the Workforce Innovation and Opportunity Act (WIOA) for Youth from July 1, 2015 to June 30, 2016 at a cost of \$93,852.94. Contract# PY2015-3. County cost \$0; and be it

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 214-615**

#### **AUTHORIZING FILLING VACANCIES IN THE JOB DEVELOPMENT AGENCY**

RESOLVED, due to a resignation, that this Legislature authorizes filling a full time Senior Account Clerk Typist position (6210.05) in the Job Development Agency, at grade 10 of the CSEA Salary Schedule effective June 25, 2015; and be it

FURTHER RESOLVED, due to a retirement, that this Legislature authorizes the filling of a vacant Employee and Training Counselor position (6210.07) in the Job Development Agency, at grade 15 of the CSEA Salary Schedule, effective June 25, 2015.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 215-615**

#### **APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES**

RESOLVED, that this Legislature does hereby approve the following renewal agreements between the Orleans County Department of Social Services and the following agency:

Berkshire Farm Center, Canaan, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

New Directions Youth & Family Services, Randolph, NY for the provision of residential foster care services; to be effective July 1, 2015 through June 30, 2016 at per diem rates as established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and the financial eligibility of each child so placed.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 216-615**

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

WHEREAS, the Department of Social Services has one vacant position as the result of an internal job promotion with the department; now be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Sr. Account Clerk Typist position (6010.0807) in the Department of Social Services at grade 10 of the CSEA salary schedule, effective June 25, 2015.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 217-615**

APPROVING AGREEMENT BETWEEN MENTAL HEALTH AND AMANDA J. LEWIS, NPP.

RESOLVED, that this Legislature approves an agreement between Mental Health and Amanda J. Lewis, NPP, 56 Beresford Road, Rochester, NY 14610, providing services as a psychiatric nurse practitioner for up to 216 hours for the duration of this contract effective July 1, 2015 through December 31, 2015 at an hourly rate of \$97.93 per hour. County cost is \$1,481.

Moved, Allport, second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 218-615**

AUTHORIZING CREATING AND FILLING POSITIONS IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the creation of two full-time Supportive Case Managers in the Mental Health Department at Grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of these newly created positions effective June 25, 2015.

Moved, Allport; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 219-615**

AUTHORIZING PURCHASE FOR MENTAL HEALTH AND AMENDING RESOLUTION NO. 468-1214

RESOLVED, that this Legislature authorizes the purchase of the QuicDoc Practice Management Module for the purpose of upgrading department billing, scheduling and electronic records maintenance at an initial cost of \$13,895 and a monthly cost after the first month of \$3,100, all to be paid from Medicaid Salary Sharing dollars; and be it

FURTHER RESOLVED, that this Legislature does hereby amend Resolution No. 468-1214 to increase cost of agreement between the Mental Health Department and DocuTrac, Inc., 20140 Scholar Drive, Suite 218, Hagerstown, MD 21742 from \$5,754 with a county cost of \$403 to reflect an additional monthly cost of \$3,100 upon implementation of the QuicDoc Practice Management Module.

Moved, Allport; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

#### **RESOLUTION NO. 220-615**

## APPROVING AGREEMENT BETWEEN HEALTH DEPARTMENT AND AMY WOLTER

RESOLVED, that this Legislature does hereby approve an agreement between the Health Department and Amy Wolter, 3652 Orangeport, Rd, Gasport, NY 14067 to provide Municipal Representative Services for the Preschool Special Education program to ensure that each child being considered for Preschool Special Education receives appropriate services in the most normalized setting for the services effective July 1, 2015 through December 31, 2019. County Cost 100%.

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

### **RESOLUTION NO. 221-615**

## APPROVING INTERMUNICIPAL AGREEMENT AMENDMENT FOR THE HEALTH DEPARTMENT/ SHARED PUBLIC HEALTH ADMINISTRATIVE STAFF

WHEREAS, Genesee and Orleans County are committed to providing essential Public Health Services to their County residents; and

WHEREAS, the Genesee and Orleans County Health Departments have completed a successful two year PILOT project that has provided both programmatic and fiscal improvements to public health in both Genesee and Orleans County; and

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service; and

WHEREAS, the Orleans/Genesee County Public Health Director did present an amendment to the inter-municipal agreement with Genesee County and Orleans County to share a Public Health Administrative Staff, and

RESOLVED, that Resolution No. 432-1214 is hereby amended to include the position of Director – Children with Special Needs to serve Genesee and Orleans counties in a shared position, and include a \$6,000.00 stipend; and be it

FURTHER RESOLVED, that the Chairman of the Orleans County Legislature is hereby authorized to execute an amendment to the agreement with the County of Orleans to add the Director – Children with Special Needs to the current shared service agreement between Genesee and Orleans County, effective July 20, 2015 subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

Legislator Allport moved to establish the Genesee Orleans Board of Health and he wanted to commend them in this last step in this shared effort; second by Legislator DeFilipps. Chairman Callard added that this would be the first merged two county Board of Health in New York State. The following resolution was adopted:

### **RESOLUTION NO. 222-615**

## ESTABLISHMENT OF GENESEE AND ORLEANS COUNTY MERGED BOARD OF HEALTH/HEALTH DEPARTMENT

WHEREAS, Genesee and Orleans County are committed to providing essential Public Health Services to their County residents; and

WHEREAS, the Genesee and Orleans County Health Departments have completed a successful two year PILOT project that has provided both programmatic and fiscal improvements to public health in both Genesee and Orleans County; and

WHEREAS, Article 5-G of the General Municipal Law empowers municipal corporations to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative basis for the provision of a joint service; and

WHEREAS, the Genesee and Orleans County Boards of Health are desirous of combining into one governing body overseeing both Genesee and Orleans County Health Departments; and

WHEREAS, The Committees on Human Service and Ways and Means in Genesee County and the Health Committee in Orleans County did review the request and do recommend approval at this time; now be it

RESOLVED, that the current Orleans County Board of Health be abolished, effective June 30, 2015; and be it

FURTHER RESOLVED, that a combined Board of Health consisting of common members from both the counties of Genesee and Orleans be established, effective July 1, 2015, with members appointed by the County Legislatures of both counties. The combined Board of Health shall consist of seven members, with one Legislative member from each county and at least three of whom shall be physicians licensed to practice in the State of New York; and be it.

FURTHER RESOLVED, that the term of office of each appointed member of the Board of Health shall be six years but established on a rotational basis, and the term of one of the members shall expire annually on a sequential rotating basis, except for the Legislative representatives whose term coincides with that of his/her membership on the County Legislature; and be it

FURTHER RESOLVED, that the Orleans County Legislature does hereby appoint the below named to serve on this newly established joint Genesee/Orleans Board of Health with each member be paid a \$20 stipend for each meeting they attend:

<u>MEMBER</u>	<u>REPRESENTING</u>	<u>TERM EXPIRATION</u>
John DeFilipps	Orleans County Legislator	12/31/2016
Edward DeJaneiro	Genesee County Legislator	12/31/2016
Paul Grout	At-Large Rep	12/31/2018
Kelly Rose Nichols, DO	Physician	12/31/2021
Mary Obear, MD	Physician	12/31/2019
Deanna Page	At-Large Rep	12/31/2017
Satya Sahukar, MD	Physician	12/31/2020

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

#### **RESOLUTION NO. 223-615**

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

RESOLVED, that this Legislature does hereby authorize the abolishing of a full-time Public Health Nurse (4010.27) in the Public Health Department at Grade 21 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a full-time Supervising Public Health Nurse in the Public Health Department at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created vacant Supervising Public Health Nurse, effective June 25, 2015.

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

### **RESOLUTION NO. 224-615**

**AUTHORIZING BUDGET AMENDMENT FOR MARINE PARK BOATING ACCESS GRANT AND AUTHORIZING EXECUTION OF AN APPENDIX X**

WHEREAS, Resolution No. 233-610 authorized an Agreement (CE10021) with New York State Office of Parks, Recreation and Historic Preservation providing \$120,000 in state funding for the Marine Park Boating Access Project; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes modification of said Agreement CE10021 via Appendix X- Modification Agreement Form to modify the budget, at no added county cost, in order to close out the Marine Park Boating Access Project and receive final payment from New York State; and be it

FURTHER RESOLVED, that this Legislature hereby authorizes the Legislature Chairman to sign Appendix X for the approved modification.

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

Legislator DeFilipps moved to set a public hearing for additions in the Agricultural Districts; second by Legislator Allport. Chairman Callard inquired from Jim Bensley, Director of Planning, if the state has attempted to take over the decision making for Agricultural Districts. Mr. Bensley stated he was not aware of that and explained that it is a grass roots exercise. The property owner has to request enrollment then the County Planning Board has to pass a resolution to agree to the inclusions. The state then accepts our endorsement and agrees with it. Chairman Callard stated at one of the past InterCounty meetings a NYSAC representative from Albany reported that either the Senate or Assembly is entertaining a thought of taking over the process to make the decisions for the county. Chairman Callard indicated if this happens, we would have to fight this. The State does not understand what agricultural land is to begin with much less making decisions relative to it. Legislator Allport felt like they are stepping quite a bit on Home Rule here. The following resolution was adopted:

### **RESOLUTION NO. 225-618**

**SETTING DATE FOR PUBLIC HEARING FOR ADDITIONS TO CERTIFIED COUNTY AGRICULTURAL DISTRICTS**

RESOLVED, that a public hearing will be held by this Legislature to consider requests for inclusion of additional agricultural lands in certified County Agricultural Districts on the 22<sup>nd</sup> day of July at 4:20 PM at the Legislative Chambers, 3 South Main Street, Albion, New York; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall publish notice of said hearing in the official County newspaper.

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

**RESOLUTION NO. 226-615**

**APPOINTING REPRESENTATIVE TO THE GENESEE FINGER LAKES REGIONAL PLANNING COUNCIL**

RESOLVED, that this Legislature appoints James Bensley to fill the unexpired term of Wayne Hale, Director of Planning, as an Orleans County representative on the Genesee Finger Lakes Regional Planning Council, for a two-year term ending December 31, 2015.

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

**RESOLUTION NO. 227-615**

**APPROVING AGREEMENT BETWEEN COMPUTER SERVICES AND TIME WARNER CABLE BUSINESS CLASS**

RESOLVED, that this Legislature approves an agreement between Computer Services and Time Warner Cable Business Class, 2620 West Henrietta Rd, Rochester, NY 14623 to provide a circuit to provide a more robust solution for the entire county DMZ/Guest High Speed network to stabilize the environment and remain up in times of overburdened stress effective July 1, 2015 through June 30, 2018 at a county cost of \$74.95 per month.

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

Legislator Johnson moved to approve the sale of the properties from today's county In Rem Auction; second by Legislator DeRoller. Legislator DeRoller thanked Treasurer Heard and County Attorney Schubel for all of their hard work to make this a success. County Attorney David Schubel wanted the Board to be aware of a few properties. Parcel #31, 525 Eagle Street, the Treasurer received a call earlier in the day from the prior owners requesting that approval not be granted for the sale of this property. This property was subject to injunctive relief to stay the county from auctioning it off. Judge Punch ruled against this and they did not appeal Judge Punch's decision. County Attorney Schubel felt it was his obligation to inform the board. Treasurer Heard said we followed the rules and did everything we were supposed to do. Chairman Callard agreed that we would then have to make an exception after the court ruled in favor of the County. Also parcel #33 at 525 East Avenue, Medina, next to the old SA Cook Factory, which is a big brick building received a successful bid of \$1,000. Last year when they tried to auction it off we received no bids. Legislator DeFilipps stated that a local young man hopefully will put new life into it. Best of luck to him because it will be a colossal undertaking. The roof alone will be a huge investment expressed County Attorney Schubel. The following resolution was adopted:

**RESOLUTION NO. 228-615**

**APPROVING SALE OF COUNTY-OWNED PROPERTY**

WHEREAS, a public auction of various parcels of property owned by the County under the In Rem Foreclosure was held June 24, 2015; and

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

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

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

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

**ORLEANS COUNTY AUCTION**  
June 24, 2015

		Sold To:	Amount:
<b>ALBION – VILLAGE</b>			
73.5-4-24.2	MCNEIL LATONYA C	No Sale	
PC - 311	West State St; 29.00 x 20.58		
1	Land Total – 200		
73.6-2-1	Shaw Jack	Zietz, Joseph M.	\$500
PC - 210	134 West Bank St; 66.00 x 85.63	14 Brookside Court	
2	Land - 6,200 Total - 26,000	Lake Katrine, NY 12449	
73.6-7-77	Hunt Charles H Jr.	Elmer, William D.	\$100
PC - 311	106 Beaver St; 50.00 x 120.12	48 Heritage Estates	
3	Land Total - 6,500	Albion, NY 14411	
73.7-2-11	Roach Rose Marie/Roach Carl	Dixon, John	\$5,000
PC - 210	443 East State St; 53.00 x 157.39	132 Wintergreen Cr POB 169	
4	Land - 7,400 Total - 34,900	Greentown, PA 18426	
<b>BARRE</b>			
106.-1-26	County of Orleans	King, Michael J.	\$500
PC - 210	(formerly Moore Robert Froman Corena)	784 Gabbey Rd	
8	5174 Oak Orchard Rd; 1.00 acres	Corfu, NY 14036	
	Land - 16,000 Total - 30,000		
<b>CARLTON</b>			
27.-1-60.2	Hejres Aaref	Starr, Hattie B.	\$16,500
PC - 105	Ashwood Rd; 10.10 acres	2050 Angling Rd	
9	Land Total - 18,600	Lyndonville, NY 14098	
28.-1-59.2	County of Orleans (formerly Marcin Venture LLC)	Elmer, William D.	\$100
PC - 330	Waterport Rd; .35 acres	48 Heritage Estates	
10	Land Total - 7,000	Albion, NY 14411	
<b>CLARENDON</b>			
98.13-1-6	Wohlers Bruce N	Rex, Crystal L.	\$4,000
PC - 220	4536 Holley Byron Rd; .50 acres	14040 State Rte 31	
11	Land - 11,200 Total - 38,000	Albion, NY 14411	
120.-1-68	Ciccoline Linda J/ Burns Daniel J	Rex, Crystal L.	\$3,000
PC - 210	16572 Boots Rd; 1.20 acres	14040 State Rte 31	
12	Land - 14,500 Total - 25,000	Albion, NY 14411	
<b>GAINES</b>			
74.-2-21.3	Swan Robert J/Swan Dorothy A	Payton, Eugene A.	\$1,000
PC - 311	2400 Transit Rd; 100.00 x 200.00 (.45acres)	4729 Hall Rd, Lot 10	
14	Land Total - 7,000	Holley, NY 14470	
50.-1-80	Pahura Michael/Pahura, Carol Ann	Roberts, Paul T	\$800
PC - 314	Gaines Waterport Rd; 1.70 acres	2637 Gaines Waterport Rd	
15	Land Total - 2,900	Albion, NY 14411	

50.2-1-40 PC - 210 16	County of Orleans (formerly Bannan Robert Jay) 2755 Gaines Rd; 124.08 x 91.74 Land - 5,900 Total - 20,000	Rex, Crystal L. 14040 State Rte 31 Albion, NY 14411	\$1,000
60.4-1-36 PC - 210 17	County of Orleans (formerly Searls) 3328 Eagle Harbor Waterport Rd; .31 acres Land - 5,200 Total - 26,500	Piazza, Carol Ann 7369 Wheeler Rd Gasport, NY 14067	\$750
60.4-1-49.1 PC - 210 18	Condoluci Nicholas 13458 School Ln; .50 acres Land - 7,700 Total - 65,400	Tower, Douglas A 13452 School Ln Albion, NY 14411	\$4,500
60.4-1-50 PC - 312 19	Condoluci Nicholas L Eagle Harbor Waterport Rd; .89 acres Land - 10,500 Total - 15,300	Tower, Douglas A 13452 School Ln Albion, NY 14411	\$1,350
61.-1-56 PC - 210 21	Torres Martin 3211 Eagle Harbor Waterport Rd; 1.29 acres Land - 11,500 Total - 30,200	CY Properties, LLC 6465 Transit Rd Elba, NY 14058	\$7,200
<b>KENDALL</b>			
32.12-2-43 PC - 210 22	Duel Kurt 16744 Kenmor Rd; 90.00 x 246.51 Land - 8,500 Total - 55,700	Stone, Heather L 15207 Brice Ln Kent, NY 14477	\$19,000
<b>MURRAY - VILLAGE</b>			
88.21-1-50 PC - 210 25	Rodriguez Salador Jr Lavender Lisa L (now known as Rodriguez Salvador Jr Lavender Lisa L) 23 Thomas St; .12 acres Land - 9,000 Total - 71,900	No Sale	
<b>MURRAY - OUTSIDE</b>			
54.-2-2 PC - 240 26	Burchfield Wayne C 2755 Kendall Rd; 18.40 acres Land - 31,900 Total - 93,900	DCF Properties, LLC 1061 West Kendall Road Kendall, NY 14476	\$34,000
64.-1-36 PC - 210 27	Furnace Michael Forder Brian 3486 Hindsburg Rd; 1.50 acres Land - 9,800 Total - 62,700	Vendetti, Ronald A. 26 Park Place Holley, NY 14470	\$20,500
<b>RIDGEWAY-VILLAGE</b>			
69.18-1-13 PC - 210 28	Tillinghast Martha L 167 North St; 48.00 x 107.25 Land - 5,400 Total - 59,400	Whittier, Joan 12900 Roosevelt Hwy Waterport, NY 14571	\$12,000
79.8-1-66 PC - 210 29	Bailey Catherine M Geoff & Joan Whittier 509 Eagle St; 66.00 x 155.00 Land - 10,800 Total - 57,500	Whittier, Joan 12900 Roosevelt Hwy Waterport, NY 14571 Whittier, Joan	\$19,500
79.8-1-69 PC - 210 30	Raymondjack Louis E 521 Eagle St; 66.00 x 155.00 Land - 10,800 Total - 27,100	Orleans Community Health 200 Ohio St Medina, NY 14103	\$500
79.8-1-70 PC - 210 31	Keffer, Rachel & Livingston, Shannon 525 Eagle St; 61.71X155 Land - \$10,100	Orleans Community Health 200 Ohio St Medina, NY 14103	\$7,500
79.35-1-28 PC - 210 32	Fuller Jeffrey D 308 Catherine St; 42.00 x 127.42 Land - 5,100 Total - 63,100	Whittier, Joan 12900 Roosevelt Hwy Waterport, NY 14571	\$18,000
80.9-1-26.1 PC - 449 33	Seed America Property 54 LLC 525 East Ave; 3.80 acres Land - 25,600 Total - 80,400	Snyder, Michael 208 Mead Ave Medina, NY 14103	\$1,000
80.10-1-23 PC - 311 34	Smith Craig Smith Joanne 506 E Center St; 46.00 x 55.00 Land Total - 1,800	Stalker, David M. 493 E. Center St Medina, NY 14103	\$100
<b>RIDGEWAY-OUTSIDE</b>			
57.2-1-60 PC - 311 35	Schneider Edward Schneider Antoinette 11228 Ridge Rd; 152.00 x 179.52 Land Total - 5,500	Houseman, Daniel L. Jr 10649 Maple Ridge Rd Medina, NY 14103	\$200

68.-2-19 PC - 210 36	Hill Kenneth 11302 Slade Rd; 1.90 acres Land - 13,600 Total - 22,500	Keppler, Whitney 709 Gweinn St Medina, NY 14103	\$6,500
69.-1-27 PC - 314 37	Johnson Robert Johnson Tonya R Horan Rd; 100.00 x 275.25 Land Total - 1,200	Zietz, Joseph M 14 Brookside Court Lake Katrine, NY 12449	\$700
69.-1-63 PC - 270 38	County of Orleans (formerly Kinney Darlene) 3605 Horan Rd; 120.00 x 155.25 Land Total - 8,600	Parfitt, Elliott R. 11320 Slade Rd Medina, NY 14103	\$900
70.2-3-35 PC - 210 39	Groves James A 3652 Knowlesville Rd; 82.50 x 231.00 Land - 7,300 Total - 15,000	Quackenbush, Kathleen 3648 Knowlesville Rd Knowlesville, NY 14479	\$100
<b>SHELBY - VILLAGE</b>			
80.17-1-19.12 PC - 311 40	Robinson Carrie Brown Ave; 50.00 x 141.00 Land Total - 4,800	Quintern, Steven F 3 Brown Ave Medina, NY 14103	\$200
80.45-3-48 PC - 210 41	MVP Superfund 710 Church St; 24.50 x 165.00 Land - 2,500 Total - 4,400	Mundion, Matthew C. 536 Orient St Medina, NY 14103	\$50
80.45-3-49 PC - 210 42	Gekoski Eric J 712 Church St; 35.00 x 214.00 Land - 3,800 Total - 29,400	Mundion, Matthew C. 536 Orient St Medina, NY 14103	\$1000
80.45-3-57 PC - 210 43	Barhite Gregory R 732 Church St; 45.25 x 115.50 Land - 3,700 Total - 27,300	Schultz, Lyle E. 10497 W. Shelby Rd Middleport, NY 14105	\$4000
TOTAL:			\$192,050

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

Legislator DeRoller moved to authorize a grant to obtain a 24/7 drug drop off box to be placed at the Public Safety Building; second by Legislator Johnson. Legislator DeRoller summarized that over the last six collection events, they have collected over 2,000 pounds. This will allow residents to drop off medications keeping them off the streets and out of our water supply. Chairman Callard thanked the Jail Superintendent and Sheriff staff for providing that service. Legislator Allport stated that an earlier regulation, an officer needed to be present to accept the medications, now this is a big advantage that people don't need to hold them till the next scheduled event and can drop them off at their convenience. The following resolution was adopted:

### **RESOLUTION NO. 229-615**

#### **AUTHORIZING SHERIFF TO APPLY FOR GRANT TO CVS PHARMACY FOR MED RETURN DRUG COLLECTION UNIT**

RESOLVED, that this Legislature authorizes the Orleans County Sheriff to apply for a grant through CVS Pharmacy Inc who is teaming up with The Partnership at Drugfree.org to create an innovative community donation program through our local Sheriff's Office to obtain a Med Return Drug Collection Unit to help safely dispose of unwanted medications, including controlled substances which will be available at all times for disposing of these medications at the Sheriff's Office. The Sheriff's Office will be responsible for weighing all of the collected medications and the disposal will be completed through local collection events. County Cost \$0.

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

### **RESOLUTION NO. 230-615**

**AUTHORIZING CREATION AND FILLING OF TEMPORARY FULL TIME POSITION AT THE ORLEANS COUNTY SHERIFFS OFFICE.**

WHEREAS, a Corrections Officer employed at the Orleans County Jail has requested and has been placed on FMLA, and

WHEREAS, to help keep the cost of overtime at a minimum, it is requested that a temporary Correction Officer position be created until such time the full-time employee returns to full duty; now be it

RESOLVED, that this Legislature creates one (1) temporary full-time Correctional Officer position in the Sheriff's Office at grade 5 of the Orleans County Sheriff's Employees Association contract effective June 25, 2015; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created temporary position until such time as the fulltime Corrections Officer returns full-time at the Orleans County Jail.

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

**RESOLUTION NO. 231-615**

**APPROVING AGREEMENT BETWEEN ORLEANS COUNTY DISTRICT ATTORNEY'S OFFICE AND KEVIN ALLEN**

RESOLVED, that this Legislature authorizes the District Attorney's Office to enter into an agreement with Kevin R. Allen, 19 Hutchins St., Batavia, NY to provide legal services particularly with respect to research and drafting of appeal briefs effective January 1, 2015 through December 31, 2015 with rate of payment to be commensurate with assigned counsel rates.

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

**RESOLUTION NO. 232-615**

**AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2014 Grant Funds for purchase of IT equipment, at a cost not to exceed \$7,000, said equipment to be used at the Emergency Management Office; and be it

RESOLVED, that this Legislature authorizes the Director of Emergency Management to Expend SHSP FY2013 Grant Funds in the amount of \$3,803.00 for Harris accessory equipment; and be it

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

<u>Revenue</u>		
A4309.2014	State Homeland Security Grant Program FY2014	\$ 7,000
A4309.2013	State Homeland Security Grant Program FY2013	\$ 3,803
 <u>Appropriation</u>		
3640.486.2014	Special Grants	\$ 7,000
3640.486.2013	Special Grants	\$ 3,803

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

**RESOLUTION NO. 233-615**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT RADIO ACCOUNT**

RESOLVED, that this Legislature authorizes the following payments to be made from account H3097.250, Capital Project – Radio Account:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$81,443.20	Harris Corporation PSPC	Inv. #P000001316

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

**RESOLUTION NO. 234-615**

**ENDORISING THE 2014 AVIATION CAPITAL GRANT PROGRAM APPLICATION**

WHEREAS, the County of Orleans has received a request from applicant of the Vintage Aircraft Group, Inc., as Lessee and Operator of Pine Hill Airport, Town of Barre, County of Orleans, concerning the applicant's request for State grant funds under the 2013 Aviation Capital Grant Program for a project for the 2014 Aviation Capital Grant Program to purchase a lightweight utility tractor with a snowblower and flail mower; and

WHEREAS, the Vintage Aircraft Group desires to improve the airport to enhance aviation services for the citizens of Orleans County and the surrounding area and that the Vintage Aircraft Group, Inc. has committed all of the matching share of funds for the project; and

WHEREAS, the project, if awarded by the New York State Commissioner of Transportation shall have no immediate or long-term financial obligation to the County; and

WHEREAS, the New York State Department of Transportation, under Section 14-1 of the State Transportation Law requires that project applications made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located; be it

RESOLVED, that the County of Orleans endorses the project identified above at the Pine Hill Airport for the purpose of making the project eligible for State funding; and be it

FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation; and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

**RESOLUTION NO. 235-615**

**CALLING FOR A PUBLIC HEARING REGARDING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

RESOLVED, that this Legislature hereby calls for a public hearing to allow citizen input regarding the community development and housing needs in the County and to comment on the County's potential submission of a microenterprise program grant application to the New York State Office of Community Renewal, such public hearing to be held at 4:15 p.m. on July 22, 2015 at 3 South Main Street, Suite 2, Courthouse Square, Albion, New York in the Legislative Chambers.

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

**RESOLUTION NO. 236-615**

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

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

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

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	277-429	\$220,472.34
Highway	569-581; 1387-1398	\$262,257.02
Nursing Home		
Job Development	1823-1828	\$1,011.73
Self Insurance	No Claims	

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

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General		
Highway		
Nursing Home		
Job Development		
Self Insurance	1092-1093; 55495-55497; 55554-55555	\$11,972.70

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

The following add on resolutions were presented for adoption:

**RESOLUTION NO. 237-615**

**AUTHORIZING PURCHASE AND INSTALL OF AIR CONDITIONING SYSTEM IN THE JAIL FROM THE ENERGY PERFORMANCE CAPITAL PROJECT ACCOUNT**

RESOLVED, that this Legislature authorizes the purchase and installation of an air conditioning system in the Jail control room from Turnbull Heating and Air Conditioning, 50 Franklin St, Batavia, NY 14020 in the amount of \$7,226 (PO 56307) to be paid from the Energy Performance Capitol Project Account H1620.403.222.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 238-615**

**AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO REVIEW AND EXECUTE ANY NECESSARY CHANGE ORDERS CONCERNING CAPITAL INFRASTRUCTURE PROJECTS**

WHEREAS, Resolution No. 350-1014 authorized five Capital Infrastructure Projects to upgrade our County infrastructure; and

WHEREAS, many of these projects may require changes due to unforeseen circumstances as progression is made through each project; now be it

RESOLVED, that this Legislature authorizes the Chief Administrative Officer to review and execute change orders not to exceed \$25,000 nor the budgeted amount for a specific bond funding category

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Callard announced that the New York State Broadband Program Office recognized Lynne Johnson for her participation in 2015 for the Most Collaborative Broadband Program. Chairman Callard expressed that this is a real honor for Orleans County because he believes the broadband issue began here on a town level. Our affiliation with Niagara County helped in this collaborative effort and has been noticed across the state for this project. Legislator Johnson was applauded for her recognition.

Chairman Callard opened the floor for questions. Paul Lauricella, Yates, stated that Supervisor Brian Napoli from Ridgeway started this broadband push nearly five years ago. Mr. Lauricella stated that more questions need to be answered such like who is going to get it first, the cost to the individual, who is going to control the content, what kind of line are they going to run, and/or what are the speeds going to be. Chairman Callard indicated that this is still in the development stage. It could be a few more years before all the details are worked out. Legislator Johnson replied to his questions. As to the cost to the resident, we asked for a vendor to be competitive if not cheaper than what is being offered now. The vendor has stipulated to that. The speed that the State is requiring is 25 megabits up and 3 megabits down but to have the ability of going 100 megabits up. She indicated we just want coverage – providing a minimum of what a resident would expect to move into a home and hook up to the internet. We want 100% accessibility stated Chairman Callard. CAO Nesbitt said we are not far enough along to determine what type of technology will service each house. Legislator Johnson said we are not going to own this. Legislator Allport said we will not have regulatory methods as to what people can see or not see.

Legislator Eick moved to enter into executive session at 5:22 p.m. per Open Meetings Law §105 (f) to discuss Salary Review; second by Legislator Allport. Motion Carried.

Legislator Eick moved to exit out of executive session and reconvene the regular meeting at 5:43 p.m.; second by Legislator Allport. Motion Carried.

Legislator DeFilipps moved to adjourn; second by Legislator Allport. Meeting adjourned at 5:44 p.m.