

## LEGISLATURE MEETING

July 22, 2015

Chairman Callard called the meeting to order at 4:37 PM. After the pledge to the flag and invocation, the Clerk called the roll. All Legislators were present, with the exception of Legislator DeRoller.

The Clerk presented the following communications:

Town/Village resolutions that have been received

### Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Gaines	Urging State Representatives to Amend the New York State Electronic Equipment Recycling and Reuse Act.
T/Carlton	Requesting Legislature to modify sales tax distribution to Villages
T/Kendall	
T/Yates	Support Grant Application to update the KYC Local Waterfront Revitalization Program
T/Carlton	
T/Sommerset	Requesting State Elected Representatives to formally oppose the massive commercial wind generation project in their Town.

Legislator DeRoller forwarded a Memo supporting the Resolution authorizing a grant application to update the KYC Local Waterfront Revitalization Program on today's agenda. The Board approved the following three requests: 1) The Albion Merchants Association is requesting the use of the Courthouse lawn to place a banner August 3<sup>rd</sup> through August 15<sup>th</sup> to advertise their Albion Wine Walk – Sip & Stroll through History scheduled for August 15<sup>th</sup> in the Village of Albion. 2) The Albion Running Club is requesting use of the Courthouse lawn to place a banner August 8<sup>th</sup> through August 22<sup>nd</sup> to announce their Metro 10 Buffalo vs. Rochester Race in Albion on August 22<sup>nd</sup>. 3) The Department of Social Services is requesting use of the Courthouse lawn to place a banner August 17<sup>th</sup> through August 28<sup>th</sup> to recognize Child Support Awareness Month in Orleans County. The 4-H Fair Senior Luncheon will be held on Wednesday, July 29<sup>th</sup> from 10 a.m. - 1:30 p.m. at the 4-H Fairgrounds. Pot Roast Dinner, Music by Denny and her Escorts. Suggested price is \$3 over 60; under 60 \$6. The Town of Kendall held a Public Hearing on July 21, 2015 on their proposed Local Law to Rectify the Zoning Ordinance of the Town of Kendall. Susan Heard, Orleans County Treasurer, has forwarded a listing of Real Property Tax Refunds, in the amount of \$341.30, that has been reviewed and authorized by her office. Traffic Diversion Program has reported their Distribution of Revenue for the period of April 1, 2015 through June 1, 2015.

Chairman Callard requested Legislator Miller present a Proclamation for Child Support Awareness Month, as designated in the month of August, to the Commissioner of the Department of Social Services Tom Kuryla.

Chairman Callard called for open discussion as it related to the resolutions. Paul Lauricella, Yates, in Resolution NO. 262 with the Emergency Management Office in applying for the Critical Infrastructure Grant questioned when is enough, enough? Every year the county applies for more such like in the Homeland Security Grants expressed Mr. Lauricella. Chairman Callard indicated that this is a non renewable one time grant. Mr. Lauricella inquired about a Spanish interpreter under a Public Defender agreement which indicates there is no county cost but it comes out of a grant which comes out of our tax payer funds through the State level. Mr. Lauricella stated that we have non violent offenders in the county jail, why can't we use a Spanish speaking person in the jail as an interpreter. Mr. Nesbitt indicated that if someone goes through a case and does not win, then this will be used for the basis of the appeal which would cost us five-times more for that appeal if we pulled that person out of the jail with no translation experience. Mr. Lauricella figured there was some legal ease from the State in that but wanted to think out of the box to save money. Mr. Nesbitt indicated this is a federal regulation to have a certified interpreter. Chairman Callard stated that an interpreter is used on an as needed basis.

The Orleans County Legislature presented Legislator Bill Eick a birthday card and wished him a Happy Birthday today.

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

**RESOLUTION NO. 239-715**

**APPROVING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND NYS DOT CONCERNING THE WATERPORT BRIDGE OVER OAK ORCHARD CREEK IN THE TOWN OF CARLTON**

RESOLVED, that this Legislature approves a Supplemental Agreement #2 Contract #D033788 with the Orleans County Highway Department and NYS DOT, 1530 Jefferson Road, Rochester, NY 14623-3161. This supplemental agreement amends the previous Resolution No. 159-414 to add additional State Marchiselli funding for Waterport Road Bridge over West Branch of Sandy Creek Preventative Maintenance – Pin 475529, BIN: 1044370; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to sign the Supplemental #2 Agreement for Waterport Bridge over Oak Orchard Creek; total cost of \$1,927,000; reimbursement \$1,830,600; and County cost of \$96,400; effective through February 23, 2021.

Moved, Eick; second, Miller.

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

**RESOLUTION NO. 240-715**

**AMENDING RESOLUTION NO. 31-114 CONCERNING ACCOUNTING OF THE PURCHASE OF THE HIGHWAY PAVER**

WHEREAS, Resolution No. 31-114 approves an agreement with the Highway Department and Caterpillar Financial Services Corporation to purchase a paver for \$390,309.10 to be paid in five annual payment installments of \$78,061.82; and

WHEREAS, the Highway Department was audited by EPF Rotenberg in June 2015 and was informed that the lease payments need to be considered an outstanding debt in the Highway budget; therefore be it

RESOLVED, that the accounts for the debt will be expensed out of the DM9785.601 -outstanding principal debt and DM9785.701 — outstanding interest debt starting 2015; and be it

FURTHER RESOLVED, that the Treasurer is authorized to Transfer Funds within the Highway Department budget as to follow through with the auditor’s recommendation:

<u>From</u>		
DM5130.270	Capital Equipment	\$78,061.62
<u>To:</u>		
DM9785.601	Outstanding Principal	\$72,116.85
DM9785.701	Outstanding Interest	\$5,944.77

Moved, Eick; second, Miller.

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

**RESOLUTION NO. 241-715**

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

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.250, Capital Project – Infrastructure Project – Bridge Replacement Program:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$38,416.90	LaBella Associates P.C.	Professional Services – Oak Orchard Rd Bridge Replacement – Inv #64110
\$32,567.28	LaBella Associates P.C.	Professional Services – Waterport Carlton Rd Bridge Replacement – Inv #64109

and be it

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.251, Capital Project – Infrastructure Project – Culvert Improvements:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$4,653.00	LaBella Associates P.C.	Professional Services – Knowlesville Culvert Replacements – Inv #64108

and be it

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

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$11,042.20	Barre Stone Products	Pole Barn Materials
\$ 156.89	Barre Stone Products	Pole Barn Materials

Moved, Eick; second, Miller.

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

**RESOLUTION NO. 242-715**

**APPROVING AMENDED RENEWAL AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND NYS UNIFIED COURT SYSTEM**

WHEREAS, Resolution No. 355-1014 approved an agreement in the amount of \$128,570 for the county to clean and maintain the Court Facility; now be it

RESOLVED, that this Legislature approves a one (1) year amended renewal agreement between the Buildings and Grounds Department and the Unified Court System, which provides for the county to clean and maintain the Court Facility, Contract #C300357, at a cost of \$143,312 for the period of April 1, 2014 through March 31, 2015, with 100% reimbursement to be made to the county by the state; and be it

FURTHER RESOLVED, that the Unified Court system is requesting an amendment in the amount of \$76,706 to the County of Orleans's five-year contract, as approved by Resolution No. 465-1213; to more closely reflect expenditures for the remainder of the five-year contract period totaling \$746,299.

Moved, Eick; second, Miller.

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

### **RESOLUTION NO. 243-715**

#### **APPROVING APPOINTMENT TO THE AGING ADVISORY COUNCIL**

RESOLVED, that this Legislature approves the following appointment to the Office for the Aging Advisory Council for a three year term, effective April 1, 2015 through March 31, 2018.

David Gaudioso 2287 Petersmith Road Kent, NY 14477

Moved, Miller; second, Eick.

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

### **RESOLUTION NO. 244-715**

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

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

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

Orleans County Sheriff's Department, Albion, NY for safe transportation of youth to out-of-county detention facilities; to be effective September 1, 2015 through August 31, 2016 at a cost of \$15,000. County cost is \$7,650.

Orleans County Office for the Aging, Albion, NY for the provision of outreach activities for Low Income Home Energy Assistance Program (HEAP) recipients; to be effective August 28, 2015 through August 27, 2016 at a cost of \$17,500. County cost is \$0.

Moved Miller; second, Eick.

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

### **RESOLUTION NO. 245-715**

#### **AUTHORIZING CREATING TEMPORARY POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES**

RESOLVED, that this Legislature authorizes the creation of temporary positions in the Department of Social Services for implementation of the Home Energy Assistance Program (HEAP) to be reimbursed with 100% federal funds, as follows:

Full time Social Welfare Examiner effective August 17, 2015 – March 31, 2016 at Grade 13 of the CSEA Salary Schedule;

Full time Social Welfare Examiner effective November 2, 2015 – April 30, 2016 at Grade 13 of the CSEA Salary Schedule;

Full time Clerk effective November 2, 2015 – May 31, 2016 at Grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of these newly created temporary vacant positions.

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 246-715**

AUTHORIZING THE CREATION AND FILLING OF POSITION IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the creation of a Clinic Therapist position in the Mental Health Department at Grade 22 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created position, effective July 23, 2015.

Moved, Allport; second, DeFilipps.

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

**RESOLUTION NO. 247-715**

AUTHORIZING TRANSFER OF FUNDS IN THE MENTAL HEALTH BUDGET

RESOLVED, that this Legislature authorizes a transfer of funds within the Mental Health budget for the purchase of computers, as follows:

<u>From</u>		
A4310.452	Personnel Service Contracts	\$5,340.46
<u>To:</u>		
A4310.220	Office Equipment	\$5,340.46

Moved, Allport; second, DeFilipps.

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

**RESOLUTION NO. 248-715**

APPROVING AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND OPALECKY PHYSICAL THERAPY SERVICES

RESOLVED, that this Legislature approves agreements between the Health Department and Opalecky Physical Therapy Services, PLLC Contract to provide 'Related Services' in the form of Physical Therapy for the eligible children of Orleans County at a rate of \$54/ ½ hour. Services provided through the 3-5 pre-school

program. Reimbursement from NYS Dept of Health Medicaid and some third party Insurances. To run from July 1, 2015 through June 30, 2018. No cost to county.

Moved, Allport; second, DeFilipps.

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

### **RESOLUTION NO. 249-715**

AMENDING RESOLUTION NO. 193-515 WHICH APPROVED AN AGREEMENT BETWEEN COUNTY OF ORLEANS AND NEW YORK STATE DEPARTMENT OF STATE FOR PHASE TWO OF COUNTY MARINE BOATING ACCESS

WHEREAS, Resolution No. 193-515 approved an agreement between the County of Orleans and the New York State Department of State effective May 1, 2015 to April 30, 2018 in the amount of \$163,000 for capital improvements to the County Marine Park including replacement of north stairway/walkway, shore power for 36 docks, and playground at 50% County cost; now be it

RESOLVED, that this Legislative does hereby amend the agreement changing the contract period to be effective September 1, 2015 to August 30, 2018; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute this amended agreement upon the review and approval by the Orleans County Attorney and Chief Administrative Officer.

Moved, DeFilipps; second, Allport.

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

### **RESOLUTION NO. 250-715**

ADOPTING ADDITIONS TO CERTIFIED AGRICULTURAL DISTRICTS

WHEREAS, Article 25AA of State Agricultural and Markets Law provides for the addition of predominantly viable agricultural land into existing, certified agricultural districts following an annual thirty day enrollment period and public hearing; and

WHEREAS, said enrollment period occurred in June 2015 and proper notice was provided and a public hearing was held on July 22, 2015 following the report and recommendation of the Orleans County Agricultural and Farmland Protection Board;

THEREFORE, BE IT RESOLVED, that additions to Agricultural Districts No. 2 and 3 of five (5) whole tax parcels of predominantly viable farmland be adopted as identified by numbers 62.00-1-6.1, 107.00-1-11.12, 120.00-1-65.3, 120.00-1-66.2, 120.00-1-67; and be it

FURTHER RESOLVED, that a Notice of Determination of Non-Significance - Negative Declaration shall be filed in the absence of a significant effect of this action on the environment, pursuant to Article 8 of Environmental Conservation Law.

Moved, DeFilipps; second, Allport.

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

### **RESOLUTION NO. 251-715**

**AUTHORIZING TREASURER TO TRANSFER FUNDS WITHIN THE PLANNING AND DEVELOPMENT BUDGET**

RESOLVED, that the Treasurer is authorized to transfer monies within the Planning and Development Department budget due to a temporary professional staff vacancy to fund grant application for update of Local Waterfront Revitalization Plan as follows:

<u>From:</u> A8020.100	Personal Services	\$1,500
<u>To:</u> A8020.418	Other Contractual	\$ 1,500

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

**RESOLUTION NO. 252-715**

**SUPPORTING GRANT APPLICATION TO UPDATE THE LOCAL WATERFRONT REVITALIZATION PROGRAM**

WHEREAS, Orleans County is situated on the south shore of Lake Ontario and is interested in maintaining and improving its waterfront assets in order to increase its quality of life, promote tourism, and preserve its resources and character; and

WHEREAS, in the 1990s the Towns of Kendall, Carlton and Yates partnered with each other along with Orleans County to create the Kendall-Yates-Carlton Local Waterfront Revitalization Program (LWRP); that plan was finally approved by the New York State Department of State in 2002; and

WHEREAS, over the past thirteen-plus years the LWRP has helped to advance coastal development projects and policies identified therein with varying degrees of success; and

WHEREAS, local leaders feel that given the completion of certain LWRP objectives, the passage of time, and the rise of new issues to address, the Towns of Kendall, Carlton and Yates along with Orleans County stand to benefit greatly from undertaking an update to the LWRP so it can best plan and prepare its waterfront for the future; and

WHEREAS, Orleans County, as it overarches the 24-mile length of Lake Ontario shoreline in the three towns, is leading an effort to update the LWRP; the County intends to submit a Consolidated Funding Application in Round V (2015) of New York State's Regional Economic Development Councils to secure grant dollars for that purpose; now therefore be it

RESOLVED, that the County of Orleans hereby expresses its general support for an LWRP update; and be it

FURTHER RESOLVED, that Orleans County wishes to act on its behalf to apply for a grant to perform an LWRP update from the New York State Department of State Local Waterfront Revitalization Program in Round V of the Regional Economic Development Councils.

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

**RESOLUTION NO. 253-715**

**APPROVING AN AGREEMENT ADDENDUM BETWEEN THE SHERIFF'S OFFICE AND ERNST'S LAKE BREEZE MARINA**

RESOLVED, that this Legislature does hereby approve an agreement addendum between Orleans County Sheriff and Lake Breeze Marina, 990 Point Breeze Road, Kent, NY 14477, for an additional pre-purchase of gasoline in the amount of \$5,000, for use by the navigation patrol, paid from account 3110.430 - Navigation Expenses; reimbursed by Stonegarden FY12 & FY 13. The cost of the fuel will be reduced by 5 % of the price at the pump; and be it

FURTHER RESOLVED, that this Legislature approves the addendum to also extend out the initial contract as approved in Resolution No. 167-515 through November 30, 2015

Moved, Johnson; second, Miller.

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

**RESOLUTION NO. 254-715**

**AUTHORIZING THE SHERIFF TO PARTICIPATE IN AND ACCEPT GRANT FUNDING THROUGH THE NEW YORK STATE CANAL CORPORATION**

RESOLVED, that the Sheriff is authorize to participate in and accept grant funding from the New York State Canal Corporation in an amount not to exceed \$8,018 for the purpose of funding marine patrols on the Erie Canal providing a 75% county reimbursement for expenses - County Cost 25%; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to sign an agreement with New York State Canal Corporation subject to County Attorney and Chief Administrative Officer approval; and be it.

FURTHER RESOLVED, the Legislature authorizes the Treasurer to set up new money in the Sheriff's 2015 budget to cover this vehicle purchases follows:

<u>Revenue:</u>		
A4308	NYS Canal Corporation Marine Patrol Grant	\$8,018
<u>Appropriation:</u>		
A3110.486	Special Grants	\$8,018

Moved, Johnson; second, Miller.

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

**RESOLUTION NO. 255-715**

**AUTHORIZING SETTING UP NEW MONEY IN THE SHERIFF'S BUDGET**

RESOLVED, that the County Treasurer is authorized to set up new money in the Sheriff's Budget to increase patrols and investigation to combat burglaries, as follows:

<u>Revenue:</u>		
A3323.4614	NYS DCJS Operation Impact Tools Grant FY14	\$23,900
<u>Appropriation:</u>		

Moved, Johnson; second, Miller.

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

### **RESOLUTION NO. 256-715**

**AMENDING RESOLUTION NO. 306-814 AS AMENDED BY RESOLUTION NO. 168-515 REGARDING PURCHASE OF A MARINE PATROL VESSEL FOR THE SHERIFF MARINE PATROL AND AUTHORIZING INTERDEPARTMENTAL INSTALLMENT OBLIGATION**

WHEREAS, Resolution No. 306-814 as amended by Resolution No. 168-515 authorized the purchase of a marine Patrol Vessel and to obtain funding through First Niagara Leasing, Inc.; and

WHEREAS, this Legislature now desires to obtain funding by means of an Interdepartmental Installment Obligation whereby the Orleans County Treasurer will finance \$115,000 of the purchase price of the Marine Patrol Vessel and related accessories by means of an Interdepartmental Installment Obligation in the principal amount of \$115,000 payable in annual installments of principal and interest in the amount of \$17,765.29 commencing on May 13, 2016 and with interest at the rate of 2.690% on the unpaid principal balance with the unpaid balance being due in full on May 13, 2022; now therefore be it

RESOLVED that this Legislature amends Resolution No. 168-515 to change funding in the amount of \$115,000 from the leasing provider of First Niagara Leasing, Inc. to an Interdepartmental Installment Obligation payable, commencing on May 13, 2016, in annual principal and interest installments of \$17,765.29 with interest at the rate of 2.690%, the final payment to be due on May 13, 2022 which payments shall be paid out of the Orleans County Sheriff's Department budget; and be it further

RESOLVED that the acquisition of the 27' Walk Around Cabin SAFE Boat, Hull Type Deep V, Model 27' FC, Dual 250 HP Mercury 250CXXL B Outboards and EZ Loader, Model TIEZSB 27 11500 Trailer (hereinafter the "Property") is hereby authorized and the County is hereby authorized to finance the acquisition of the Property by an Interdepartmental Installment Obligation, and that any action taken by the County in connection therewith is hereby ratified and confirmed; and be it further

RESOLVED that either the Chairman or the Vice-Chairman acting on behalf of the County is hereby authorized to enter into, execute, and deliver an Interdepartmental Installment Obligation in substantially the form set forth in the document presently before this Legislature; and be it further

RESOLVED that the County's obligations under the Interdepartmental Installment Obligation shall be subject to annual appropriation or renewal by this Legislature and the County's obligations under the Interdepartmental Installment Obligation shall not constitute general obligations of the County or indebtedness under the Local Finance Law or Constitution of New York State; and be it further

RESOLVED that it is hereby determined that the purpose of the acquisition of the Property is an object or purpose described in subdivision 26 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probably usefulness of said purpose is ten years; and be it further

RESOLVED that the Chairman or Vice-Chairman and the County Treasurer are authorized to take such actions and execute such documents as may be necessary to effectuate this Resolution; and be it further

RESOLVED that this Resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or General Municipal Law.

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

Legislator Johnson moved a resolution to voice non support for Legislation on an Assembly Bill concerning the treatment of pregnant incarcerated women and requesting to amend the bill so it would not cause another unfunded mandate; second by Legislator Miller. Legislator Johnson reviewed all of the requirements the Sheriff would be responsible for in the treatment of pregnant incarcerated women. She wanted this resolution also to be sent to Steve Acquario, Executive Director of NYSAC. The following resolution was adopted:

**RESOLUTION NO. 257-715**

**URGING NON SUPPORT OF ASSEMBLY BILL A6430 CONCERNING PREGNANT INCARCERATED WOMEN AND REQUESTING TO AMEND THE BILL TO AVOID AN UNFUNDED MANDATE**

WHEREAS, in the waning days of the legislative session NYS Assembly Bill A6430 was discharged expeditiously through committees of both houses and various entities were never given an opportunity to make comments; and

WHEREAS, it makes amendments to the current law on security restraints for female pregnant prisoners on how and when they may be used, as well as "no restraint" provisions, and that a sheriff must find extraordinary circumstances exist, must seek medical consultation, must justify use in writing, must not have correction staff present during birth yet be responsible for security, must give written notice to any female incarcerated and again if pregnant, must provide annual training for all correctional transport staff, and must report in writing annually to the (1) Governor, (2) the temporary president of the senate, (3) the minority leader of the senate, (4) the speaker of the assembly, (5) the minority leader of the assembly, (6) the chairperson of the senate crime victims, (7) crime and correction committee and (8) the chairperson of the assembly correction committee every time the use of restraints on a woman under this bill; and

WHEREAS, everyone involved in the custody of a pregnant female needs to understand the different medical issues involved and that she be dealt with accordingly and safely, however the language in this bill is excessive, overstated, and extraordinary burdensome in many ways resulting in an unfunded mandate, and an increase in the overtime of corrections costs to the counties, and in some circumstances will jeopardize safety, create escape possibilities, and security concerns of all involved, and this is not the time for such issues; now therefore be it

RESOLVED, that the Orleans County Legislature urges the nonsupport of this legislation, and that the extreme provisions be amended to avoid the unfunded mandate to counties while maintaining the safety of the female and the security of the incarceration for everyone; and

RESOLVED, that a copy of this resolution be sent to Governor Cuomo, Senator Robert Ort, Assemblyman Steve Hawley, Assemblywomen Jane Corwin, The State Commission of Corrections, the NYS Association of Counties, the NYS Sheriffs' Association, and Sheriff Scott Hess.

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

**RESOLUTION NO. 258-715**

**APPROVING AGREEMENT BETWEEN THE PUBLIC DEFENDER AND SEAN BEMONT**

RESOLVED, that this Legislature does hereby approve an agreement between the Public Defender and Sean Bemont, 28 S. Main St, Holley, NY 14470 to provide as needed Spanish Interpreting services effective

May 1, 2015 through April 30, 2016 in the amount not to exceed \$5,000; to be paid from the Indigent Legal Services Grant FY12-15. County cost \$0.

Moved, Johnson; second, Miller.

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

### **RESOLUTION NO. 259-715**

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

WHEREAS, Resolution No. 134-313 approved an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, State Capital Rm. 128, Albany, NY 12224 to provide funds in the amount of \$78,219 to assist the County in improving the quality of indigent legal services, initially effective June 1, 2012 through May 31, 2015; now be it

RESOLVED, that this Legislature approves extending the agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services to continue to provide funds in the amount of \$78,219 through November 30, 2015.

Moved, DeRoller; second, Miller.

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

### **RESOLUTION NO. 260-715**

#### **MODIFYING RESOLUTION NO. 273-814 TO ACCEPT ADDITIONAL FUNDING WITH THE NEW YORK STATE CRIME VICTIMS BOARD**

WHEREAS, Resolution No. 273-814 approved an agreement for the New York State Crime Victims Board for the 2015-2016 contract year in the amount of \$63,560.03; now be it

RESOLVED, that this Legislature authorizes modification of Resolution No. 273-814 to accept a 15% increase for the 2015-2016 contract year award in the amount of \$11,216.48 which provides for our new annual award for this 2015-2016 funding period of \$74,776.51; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute necessary paperwork to accept this grant award subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved Johnson; second, Miller.

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

### **RESOLUTION NO. 261-715**

#### **AUTHORIZING DISTRICT ATTORNEY TO ACCEPT THE STATE AID TO PROSECUTION GRANT RENEWAL WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES**

WHEREAS, the District Attorney has previously obtained several grants for State Aid to Prosecution with the Division of Criminal Justice Services; and

WHEREAS, an application has been submitted to renew said State Aid to Prosecution grant for the year April 1, 2015 through September 30, 2016; be it

RESOLVED, that the District Attorney is authorized to accept the renewal of the State Aid to Prosecution Grant (e-grant #AP15-1036-D00) in the amount of \$43,800, with the Division of Criminal Justice Services to provide for an experienced 1<sup>st</sup> Assistant District Attorney.

Moved, Johnson; second, Miller.

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

**RESOLUTION NO. 262-715**

AUTHORIZING EMERGENCY MANAGEMENT OFFICE TO APPLY FOR THE CRITICAL INFRASTRUCTURE GRANT FOR FY2015

RESOLVED, that this Legislature authorizes the Director of Emergency Management to apply for a new Critical Infrastructure Grant for up to \$50,000, for critical infrastructure protection; said grant, if approved, will run from October 1, 2015 through August 31, 2018.

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

Moved, Johnson; second, Miller.

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

**RESOLUTION NO. 263-715**

AUTHORIZING CONTINUED PARTICIPATION AND ACCEPT GRANT FROM NYS DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES WITH ORLEANS COUNTY OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, a new matching funds opportunity has become available in the amount of \$21,135 to continue participation in the Emergency Management Performance Grant (EMPG) for FY2015; now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant EM15-1032-D00; contract #T838755 in the amount of \$21,135 for the Emergency Management Office to use towards the replacement of the backup radio dispatch work station at the EMO, the continued lease of the multi-function copier and funding towards replacement of the EMO CBRNE vehicle under the FY2015 SHSP guidelines effective October 1, 2015 through September 30, 2016.

Moved, Johnson; second, Miller.

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

**RESOLUTION NO. 264-715**

APPROVING PAYMENT OF POSTAGE COSTS FOR ANNUAL POSTCARD MAILING TO REGISTERED VOTERS OF ORLEANS COUNTY

RESOLVED, that this Legislature approves the payment of postage costs in the amount of \$5,425 to be paid from Elections Account A1450.461- Postage for the mailing of the annual mail check postcards by NTS Data Services, 2079 Sawyer Dr, Niagara Falls, NY 14304 to all active registered voters of Orleans County advising them of the 2015 Primary and General Election dates and other relevant voter information, as pursuant to New York State Election Law.

Moved, DeFilipps; second, Allport.

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

## **RESOLUTION NO. 265-715**

**CONFIRMING THE AMERICANS WITH DISABILITIES COORDINATOR FOR ORLEANS COUNTY; APPROVING THE NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT AND APPROVING THE GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

RESOLVED, that this Legislature confirms that the Chief Administrative Officer will act as the Americans with Disabilities Act Coordinator for Orleans County; and be it

FURTHER RESOLVED, that this Legislature approves the following Notice under the Americans with Disabilities Act:

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the County of Orleans will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

**Employment:** The County of Orleans does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** The County of Orleans will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County of Orleans programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The County of Orleans will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the County of Orleans offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County Orleans, should contact the office of the Chief Administrative Officer/ADA Coordinator, Charles H. Nesbitt, Jr.; 3 South Main Street, Suite 2, Albion, NY 14411 at 585-589-7053 or e-mail at [cnesbitt@orleansny.com](mailto:cnesbitt@orleansny.com) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County of Orleans to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the County of Orleans is not accessible to persons with disabilities should be directed to Charles H. Nesbitt, Jr, Chief Administrative Officer/ ADA Coordinator at 3 South Main Street, Suite 2, Albion, NY 14411; 585-589-7053 or at [cnesbitt@orleansny.com](mailto:cnesbitt@orleansny.com).

The County of Orleans will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

and be it

FURTHER RESOLVED, that this Legislature approves the following Grievance Procedure under the Americans with Disabilities Act:

### **GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County of Orleans. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the County of Orleans.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Charles H. Nesbitt, Jr  
ADA Coordinator and Chief Administrative Officer  
County of Orleans  
3 South Main Street, Suite 2, Albion, NY 14411

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County of Orleans and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the County of Orleans for at least three (3) years.

Moved, Johnson; second, Miller.

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

**RESOLUTION NO. 266-715**

SUPPORTING A GRANT FOR THE BULLARD PARK PHASE I PROJECT THROUGH THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION.

WHEREAS, the Orleans County Legislature supports the efforts of the Village of Albion to submit a grant application to the New York State Office Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located on the corner of East Avenue and Clarendon Street in the Village of Albion;

NOW, THEREFORE, be it resolved that the Orleans County Legislature hereby support the efforts of the Village of Albion, and be it further,

RESOLVED, that the Orleans County Legislature will review any request made by the Village of Albion on a need by need basis, beginning on the date of this resolution; and be it,

FURTHER RESOLVED that the Orleans County Legislature does hereby approve and endorse the application for a grant under the Environmental Protection Fund for a park project known as Bullard Park Phase I.

Moved, Miller; second, Eick.

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

**RESOLUTION NO. 267-715**

AUTHORIZING PAYMENT OF CLAIMS FOR AUGUST AGAINST THE COUNTY

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

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for August 12, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	606-802	\$320,447.58
Highway	591-605; 1419-1446	\$152,704.64
Nursing Home		
Job Development	1839-1851	\$4,281.63
Self Insurance	55608-55609; 1094	\$3,938.70

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the CAO on behalf of the Nursing Home, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for August 26, 2015:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General		

Highway  
Nursing Home  
Job Development  
Self Insurance

Moved, Johnson; second, Miller.

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

The following add on resolution was presented and adopted:

Legislator Johnson authorized a loan from the General Fund to the Capital Project Radio Account. She reported that she was at a Fire Advisory Board meeting on Monday and it was said very well from a Chief from the back of the room in that “we are in the cusp of total completeness with a radio project that has cost us a lot of money”. She said that the Chiefs are very happy. A very long term costly project but with the interest of public safety, stated Legislator Johnson. The following resolution was adopted:

**RESOLUTION NO. 268-715**

**AUTHORIZING TREASURER TO LOAN FUNDS TO THE CAPITAL PROJECT RADIO ACCOUNT FROM THE GENERAL FUND**

WHEREAS, Resolution 233-615 authorized payment to Harris Corporation PSPC in the amount of \$81,443.20; and

WHEREAS, the Capital Project Radio Account is awaiting revenue from Sprint/Nextel Rebanding which will be returned to the Capital Project Radio Account; and

WHEREAS, the Capital Project Radio account needs a loan from the General Fund to make the payment as authorized in Resolution No. 233-615 and that the General Fund will be repaid from the revenue received; now be it

RESOLVED, that this Legislature authorizes the Treasurer to loan funds from the General Fund to the Capital Project Radio Account in an amount not to exceed \$17,000 to pay Harris Corporation as authorized in Resolution No. 233-615, and be it

FURTHER RESOLVED, that said loan will be repaid upon receipt of the Sprint/Nextel reimbursement.

Moved, Johnson; second, Miller.

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

With there being no old business, Chairman Callard opened the floor for public comment. Bruce Schmidt, Town of Gaines, shared his appreciation with the Board in allowing him to make a presentation at the last meeting on behalf of the Historical Association. He stated at the last meeting, he heard something that should have been addressed by the board but heard no reply. The comment that was made at the last meeting was that the Department of Homeland Security was an unconstitutional agency. Mr. Schmidt further expressed in length his view on the importance and historical significance of the Department of Homeland Security. In 2001, on September 11<sup>th</sup>, a person from Orleans County responded to a federally de-mort volunteer unit spending nearly 20 days in New York City with eight days at the Ground Zero Morgue near the smoldering mess. Many days after 9-11 President Bush created the Office of Homeland Security. Governor Tom Ridge, from Pennsylvania, took office as the Director of this agency 30 days after 9-11. During those eight days, this person from Orleans County dealt with pathologists, anthropologists, priests and body remains. Congressman Thomas Reynolds memorialized these volunteers, one from Orleans County and two from Genesee County, in the congressional

record for the type of services they performed and the volunteerism that they exhibited. About eleven months after 9-11, the Homeland Security Act was signed into law on November 25<sup>th</sup>, 2002 in a very unanimous style vote by congress. It was the greatest governmental re-organization in fifty years. It encompassed twenty-two different agencies such as Secret Service, US Customs, FEHMA and the Coast Guard amongst others. On or about January 20<sup>th</sup>, 2003, by a vote of 88 to 0, Tom Ridge was appointed a Secretary of the Homeland Security Department. On March 1<sup>st</sup> this department was placed in full effect and one of the first acts he did was to recognize many of those de-mort individuals who responded to major death disaster times and considered them by resolution and certificates to the Homeland Security Founders. Mr. Schmidt stated this man from Orleans County who was recognized is here today and when he mentioned that someone spoke that Homeland Security Department or Agency was an unconstitutional agency, Mr. Schmidt indicated you could imagine his state of mind in hearing this. Mr. Schmidt summarized that those that served at Ground Zero it is hard to say, with them valiantly responding, that their service was an unconstitutional act or an illegal act. Their volunteer actions should be recognized as the highest degree of a humanitarian act. Mr. Schmidt encouraged the Board that if another false statement is made that this Legislative Board will use the civility of voice to note to the objections to wrong statements that have been made. Mr. Schmidt thanked the Board.

Paul Lauricella, Yates, stated that he knew that what Mr. Schmidt was speaking of was directed to him as to what he stated at a previous meeting. Mr. Lauricella agreed that the actions of 9-11 were horrible but believes what the Department of Homeland Security has become since that day is unconstitutional. He said much of what the Federal Government does is unconstitutional. There are only eighteen duties that they should be performing. He said the FBI could very well handle what Homeland Security does. He stated that he understands Mr. Schmidt's passion and he will not retract his statement because that is what he believes. Mr. Lauricella referenced how people are treated at checkpoints at airports and that the government is tracking phone calls and e-mails. This is not the country he was brought up in.

Mr. Lauricella commented on the IDA audit that was released and available for public review. He read a prepared statement. In summary, he felt that the IDA is mismanaged. He stated that there is no accountability with handling our tax payer money. He referenced the lack of recapture clauses of taxpayers' money should businesses not be performing or lacking of meeting their goals. He referenced no verification with job creation numbers or salaries of those jobs retained because only thing that needed to be reported was full time employees. He indicated that the Comptroller reviewed annual job reports from twenty-two businesses and they did not meet the requirements for jobs created or retained. He referenced the dollars lost to taxpayers based on companies pulling out of our area. He stated that since the audit, the IDA remains to insult the taxpayers by giving away taxpayers money without recapture clauses. He referenced many businesses that the IDA had provided tax abatements. He felt that the employees at the IDA should be replaced as a result of this humiliating audit. In summary, Mr. Lauricella felt that the Board has overlooked the problems of this agency. He asked Chairman Callard what is going to be done to resolve this. Chairman Callard thanked him for his statement.

Mr. Lauricella asked if the county is prepared for an EMP attack (Electro Magnetic Pulse). Legislator DeFilipps indicated that he believes that Homeland Security is involved in this.

Legislator Johnson requested to respond to Mr. Lauricella's statements. She advised him, based on her opinion, that she will not allow him to come into the Orleans County Legislative Chambers and disrespect the Legislators, these chambers, or any Orleans County Employee and that is what he has done. She indicated that he has lied, and he has not done his homework. She requested that he respect the place that he stands in and should dress accordingly therefore not be wearing campaign t-shirts in the chambers.

Scott Schmidt, a Shelby resident and is a public servant serving as Chief Coroner for Orleans County for the past twenty-five years, stated that growing up in a household with a father being an attorney was not an easy thing to do. He stated his father commanded respect. He grew up to respect his elders, co-workers and people he works for, lawmakers, community members, friends, and family. To grow up in a profession that he is

constantly dealing with people in their worst times of their lives, he also has to give them respect because sometimes their minds are not in it or are loose cannons, he explained. Scott stated today that he is humbled on many levels that he was able to go to 9-11. That currently he is a training officer for the Federal Mortuary Team. He is honored that his father, who taught him respect, has stood before you to express respect for his son. He said he can't put that into words; or can he put into words about the statement that the gentleman made as to how much is too much when it comes to the security of everyone in our country. He said to ask Sheriff Officer Papponetti here today or Officer DeFilipps how much is too much to secure their safety in performing in their line of duty. He thanked the board for listening and giving the floor to his dad, who continually at the age of 76, makes him proud every day.

Legislator DeFilipps moved to adjourn; second by Legislator Miller. Meeting adjourned at 5:20 p.m.