

## LEGISLATURE MEETING

January 27, 2016

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Chairman Callard called the meeting to order at 4:35 PM. After the pledge to the flag and invocation, led by Veteran David Kusmierczak the Clerk called the roll. All Legislators were present.

The Clerk presented the following communications:

Town/Village resolutions that have been received

### Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Shelby	Supporting New York State's Constitutional Home Rule
T/Shelby	Supporting New York State Legislation Concerning Fuel Zone Pricing
T/Yates	Resolution of Yates Town Board to Formally Oppose the APEX Clean Energy Lighthouse Wind LLC Project within the Town of Yates

Town of Somerset will be holding a Public Hearing on February 1, 2016 at 6:30 p.m. on the adoption of a proposed Local Law entitled "A Local Law Amending the Code of the Town of Somerset Chapter 205 Zoning. Town of Somerset will be holding an additional Public Hearing on February 10, 2016 at 6:30 p.m. on the adoption of a proposed Local Law entitled, "A Local Law Amending the "Violations; Penalties for Offenses" Provision (Chapter 205) of the Code of the Town of Somerset. Both Public Hearings will be held at the Town of Somerset Town Hall located at 8700 Haight Road, Barker. The Albion Strawberry Festival Committee, under the authority of the Village of Albion, is requesting permission to hold its 30<sup>th</sup> annual festival on the Courthouse Lawn on Friday, June 10<sup>th</sup> and Saturday, June 11<sup>th</sup>, 2016. Hours of operation will be 11 a.m. to 9 p.m. on Friday and 9 a.m. to 9 p.m. on Saturday. As in the past, the Courthouse grounds will be used for the same purposes which include arts and crafts and entertainment. The Board approved this request.

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

The employees of the months for the past year were: The employees of the months for the past year were: Katherine Marks (Probation), October 2014; Diana Kephart, (Social Services), January 2015; Nicole Spohr, (Sheriff's Department) February 2015; Claire Haulk, (Social Services) March 2015; Michael Mele (Sheriff's Department), April 2015; James DeFilipps (Sheriff's Department), May 2015; Julie Vendetti (Sheriff's Department), June 2015;

From this pool of candidates, a Department Head must make a recommendation to a separate committee to determine the Employee of the Year. The committee looked for additional service that an employee has performed since the individual was recognized as an Employee of the Month. Then the Employee of the Year is selected.

The Employee of the Year has been a representative for her union since 2006; including being on the union's negotiating committee and continues in that role. She has been on the EAP Committee since January 2004, as the union's representative. She has been the Treasurer of EAP since January 2006; and now since January 2014 has been the Secretary Treasurer of EAP. In 2015 she chaired the subcommittee for the Summer Picnic and the

Holiday Luncheon which are both for the County employees. She was instrumental in the EAP committee's ability to hold these two events without using the Nursing Home staff for the base for these two events.

What is impressive with this employee is that during her service with the County the last five years, her real job is to prepare the payroll for the largest department in the County every two weeks. To do that properly, this employee is required to know two union contracts as well as the Management Compensation Plan. Jack mentioned this because as complicated as those agreements are, there are no issues with that Department's payroll.

This employee is able to perform her duties and is willing to take on additional service to the County and to the County employees, always cheerfully with a can do attitude. This year's Employee of the Year is Nicole Spohr. Ms. Spohr was escorted by Undersheriff Bourke and Chief Deputy Mele along with Legislator DeFilippis and Legislator Johnson, who make up the Public Safety Committee, who all presented Nicole her award.

Legislator Eick presented special recognition, along with Legislator Miller and Johnson, to retiring Republican Commissioner Dennis Piedimonte for his nineteen years of service to Orleans County in the Board of Elections Office. Janice Grabowski, Democrat Commissioner; and Sylvia Shoemaker, incoming Republican Commissioner, also joined in on the presentation. He was applauded for his years of service and dedication to Orleans County voters. Mr. Piedimonte stated that over the nineteen years he has worked in that office there was never an argument, large voices or disagreements. Mr. Piedimonte stated it was a pleasure to work with the employees in that office during this time.

Treasurer Heard did not have a treasurer's report because of year end postings.

Chairman Callard called for open discussion as it related to the resolutions. Allen Lofthouse, Kendall, inquired in Resolution No. 19 if the Milton Cat Dump Trucks were off road vehicles. Highway Superintendent Gray advised Mr. Lofthouse that they are on road vehicles. Superintendent Gray said they are 10 wheeled dump trucks that can safely carry up to 22 ton on the road.

Paul Lauricella, Yates, also inquired about the dump trucks in if they were tri-axes. Superintendent Gray stated that these dump trucks do not need tri-axes because they will not travel the thruway and have the capacity to carry legally up to 22 ton.

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

**RESOLUTION NO. 17-116**

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

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

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

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

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

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

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

**RESOLUTION NO. 18-116**

**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>
\$948.38	Labella Associates	Prof. Serv: 9/19/15-12/31/15 for Waterport Carlton Bridge Replacement – Inv #67596
\$40,768.55	Labella Associates	Prof. Serv: 9/19/15-12/31/15 for Oak Orchard Bridge Replacement – Inv #67597
\$11,091.00	Labella Associates	Prof. Serv: 11/28/15-12/31/15 for Carton Road Bridge- Inv #67600
\$17,546.50	Barton & Loguidice D.P.C.	Engineering Services – E. Scott Road Bridge-Inv #80876
\$23,781.15	CP Ward	Construction for Waterport Carlton Bridge - Final Payment – 12/16/15-1/7/16

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>
\$4,987.03	Labella Associates	Prof. Serv:9/19/15-12/31/15 for Knowlesville Culvert Repl. Inv #67593
\$17,625.75	Labella Associates	Prof. Serv: 11/28/15-12/31/15 for Platten Road Culverts Inv #67599

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

**RESOLUTION NO. 19-116**

**AUTHORIZING THE HIGHWAY DEPARTMENT TO PURCHASE TWO NEW DUMP TRUCKS**

RESOLVED, that this Legislature authorizes the Highway Superintendent to purchase two (2) New 2017 CAT CT660S Dump Trucks from Southworth-Milton CAT, 4610 E. Saile Drive, Batavia, NY 14020 in the amount of \$347,000 through the OGS/NJPA contract #PC66988; and be it

FURTHER RESOLVED, this Legislature approves a lease agreement with Caterpillar Financial Services Corporation, 2120 West End Avenue, Nashville, TN 37203 to be paid in five annual payments of \$36,365.42 for each truck and to be paid from Account #DM5130.270 in 2016; County Cost of \$15,656.20.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 20-116**

**CALLING ON THE STATE OF NEW YORK TO RESTORE FUNDING PARITY BETWEEN THE CAPITAL PLANS OF THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND THE NY STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS, Governor Andrew Cuomo and Mayor de Blasio recently announced an agreement to jointly subsidize the Metropolitan Transportation Authority's (MTA) nearly \$11 billion funding gap for its 2015-19 five-year capital program; and

WHEREAS, as part of this agreement, the Governor is committing \$8.3 billion in state resources to cover the MTA plan's multi-year deficit; and

WHEREAS, while we may agree that this vital investment in downstate transit is needed, the state has yet to develop a new Department of Transportation 5-Year Capital Plan designed to assess current conditions and determine investments needed to provide for the future needs of a modern, safe, reliable and efficient multimodal transportation system; and

WHEREAS, the enactment of the FAST Act, a fully funded five-year authorization of federal surface transportation programs that provides long-term federal funding predictability, should now facilitate the state to develop and fund a Transportation 5-Year Capital Plan; and

WHEREAS, locally-owned roads and bridges account for 87 percent of the State's 110,000 miles of roadways and 50 percent of the State's 18,000 bridges and are responsible for a vast system of aging culverts. These locally-owned transportation facilities are deteriorating at a rapid rate as counties continue to struggle to find adequate funding for their maintenance and replacement; and

WHEREAS, three of the last four DOT/MTA five-year capital programs were virtually identical in size; and

WHEREAS, for nearly two decades, through 2009, the parity agreement was honored and both five-year capital programs were similar in size as well as adopted within a month of each other. It is necessary to once again restore parity between the programs; and

WHEREAS, according to a 2014 Comptroller's report, thirty four percent (34%) of bridges are deficient and forty-eight percent (48%) of road pavements in the state are rated fair or poor and getting worse; now be it

RESOLVED, that the Orleans County Legislature calls upon Governor Cuomo and our State Legislative Delegation to work with our County and other local governments in order to develop and fully-fund a 5 Year Capital Plan that will provide the necessary and proper funding to New York's counties by substantially increasing CHIPS and Marchiselli funding and establishing a 5 year State Aid to Local Bridge and Culvert Program to give them the ability to adequately maintain their infrastructure; and be it

FURTHER RESOLVED, that restoring parity between the Department of Transportation's (DOT) highway and bridge five-year capital program and the MTA's capital program will assure each program is funded at a \$26.1 billion level, providing enough resources to help fund the local needs as described above; and

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

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 21-116**

#### **APPOINTING MEMBERS TO THE GENESEE TRANSPORTATION COUNCIL**

RESOLVED, that the following members are appointed to the Genesee Transportation Council for a two-year term effective January 1, 2016 through December 31, 2017:

<u>Name</u>	<u>Representation</u>
David B. Callard	Legislature
Gerald Gray	Alternate
William Eick	Legislature
James Bensley	Alternate

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 22-116**

#### **AUTHORIZING OFFICE FOR THE AGING TO CONTINUE PARTICIPATION IN AND APPROVE AGREEMENT BETWEEN OFFICE FOR THE AGING AND NEW YORK STATE OFFICE FOR THE AGING**

RESOLVED, that the Office for the Aging is authorized to continue participation in the renewal of a grant with New York State Office for the Aging for the purpose of funding support of local programs in the delivery and enhancement of the essential components of NY Connects, which include Information and Assistance (including screenings), Public Education and local Long Term Care Councils in the amount of \$43,289 to run from October 1, 2015 to September 30, 2016, County Cost \$0; and be it

FUTHER RESOLVED, that the Chairman is authorized to execute the NY Connects grant agreement with the New York State Office for the Aging for the Orleans County Office for the Aging subject to the review and approval of the County Attorney and Chief Administrative Officer.

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

**RESOLUTION NO. 23-116**

APPROVING RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND ELLEN FOSTER, RD

RESOLVED, that this Legislature approves a renewal agreement between the Office for the Aging and Ellen Foster, RD of 33 Willmont Street, Rochester, NY to provide dietician services for Orleans County residents age 60 and older from January 1, 2016 to December 31, 2016 at a cost not to exceed \$13,708. County cost \$624.

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

**RESOLUTION NO. 24-116**

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:

Orleans County Building and Grounds, A Division of the Highway Department, Albion, NY for the provision of Messenger and Custodial Services; to be effective January 1, 2016 through December 31, 2016 at a cost of \$53,072. County cost is \$18,575.

Orleans County Computer Services, Albion, NY for the provision of computer programming, maintenance and consultation services; to be effective January 1, 2016 through December 31, 2016. County cost is \$28,207.

Gateway-Longview, Buffalo, NY for the provision of residential foster care services; to be effective January 1, 2016 through December 31, 2016 at per diem rates established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

Pathstone Corporation, Rochester, NY for the provision of housing at a safe dwelling to victims of domestic violence who are eligible for DSS payment of these services; to be effective January 1, 2016 through December 31, 2016. Rates are established by NYS Office of Children and Family Services.

Angels in Your Home, Hilton NY for the provision of Consumer Directed Personal Assistance Program (CDPAP); to be effective January 1, 2016 through December 31, 2016 at rates set by NYS Department of Health. County cost is \$0.

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

**RESOLUTION NO. 25-116**

AUTHORIZING FILLING VACANCIES IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature, as the result of a retirement and a termination, does hereby authorize the filling of the following vacancies in the Department of Social services:

Full-time Social Welfare Examiner position (6010.0249) at Grade 13 of the CSEA Salary Schedule effective January 28, 2016.

Full-time Caseworker position (6010.0221) at Grade 16 of the CSEA Salary Schedule effective February 10, 2016.

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

Legislator Miller moved to approve a project at the Veterans Service Agency and authorizing to transfer funds for this project; seconded by Legislator Eick. Chairman Callard invited Earl Schmidt, Director of the Veterans Service Agency, to explain the project details. Mr. Schmidt stated that the project will update security in the office, make it handicap accessible (bringing it up to compliance with ADA standards), and the sign board will be changed to the Veterans Service Agency. He said in all good faith this will take care of the veterans as strongly as they can with the quick responses that took place with the Legislators moving forward on these updates. The following resolution was adopted:

**RESOLUTION NO. 26-116**

**APPROVING PROJECT AT THE VETERANS SERVICE AGENCY AND AUTHORIZING TREASURER TO TRANSFER FUNDS IN THE BUILDINGS AND GROUNDS BUDGET AND VETERANS BUDGET**

WHEREAS, the Orleans County Veterans Service Agency has identified a need for reconfiguration renovations at the office to improve security and accessibility for Veterans; and updating the front signage; and

WHEREAS, the Veterans Services Director has identified a need for a high speed scanner to provide more efficient service to our Veterans; now be it

RESOLVED, that this Legislature approves a project to change the front signage; to reconfigure the office to provide better security for the facility and records; and to make the office more handicap accessible at a cost not to exceed \$7,560 to be paid from Buildings and Grounds Account A1620.403 – Maintenance Projects; and be it

FURTHER RESOLVED, that the Treasurer is authorized to transfer funds from Contingency and Future Infrastructure Account into the Buildings and Grounds and Veterans budgets to complete this project and for the Veterans Service Agency to purchase a high speed scanner to better provide services to our Veterans as follows:

<u>From:</u>		
Future Infrastructure Reserve		\$7,560.00
A1990.435	Contingency Fund	\$987.52
<u>To:</u>		
A1620.403	Building Projects	\$7,560.00
A6510.220	Office Equipment	\$987.52

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

Legislator Allport moved to approve several agreements with Mental Health and various agencies. He said it should be noted since the Mental Health Association was combined with Genesee County, the state taxpayers are donating another \$5,000 to this cause. Legislator DeRoller seconded the motion. The following resolution was adopted:

**RESOLUTION NO. 27-116**

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

RESOLVED, that this Legislature approves the following agreements for the Mental Health Department for the 2016 calendar year, retroactive beginning January 1, 2016 and ending December 31, 2016:

The Arc of Orleans County, 122 Caroline Street, Albion, NY 14411 providing supportive employment services, vocational assessment, job readiness and job coaching services at a cost of \$50,928. County cost \$0.

The Arc of Orleans County, 122 Caroline Street, Albion, NY 14411 providing services to the developmental disabilities population of Orleans County at a cost of \$104,831. County cost is \$39,831.

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

DocuTrac, Inc., 1800 Dual Highway, Suite 306, Hagerstown, MD 21740 providing software support maintenance and support for the computer software utilized by the Department of Mental Health for the client electronic health record at a cost of \$54,354. County cost is \$3,805.

EFP Rotenberg, LLP, 280 Kenneth Drive, Rochester, NY 14623 providing compliance review/audit of the 2015 Consolidated Fiscal Report at a cost of \$6,500. County cost is \$455.

Genesee/Orleans Council on Alcoholism and Substance Abuse, 430 E. Main Street, Batavia, NY 14020 providing substance abuse/dependency and prevention services, as well as gambling treatment services and translational services at a cost of \$338,771. County cost is \$35,167.

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

Goodwill of the Finger Lakes, Inc., 422 South Clinton Avenue, Rochester, NY 14620 providing mental health telephone referral and information services at a cost of \$11,500. County cost \$0.

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

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

Living Opportunities of DePaul, 2240 Old Union Road, Cheektowaga, NY 14227 providing emergency crisis apartments, adult crisis transitional housing services, and supported housing services at a cost of \$166,232. County cost \$0.

Mental Health Association in Genesee and Orleans County, 25 Liberty Street, Batavia, NY 14020 providing mental health support services and Drop-In Center at a cost of \$68,945. County cost \$0.

Spectrum Human Services, Inc., 227 Thorn Avenue, P. O. Box 631, Orchard Park, NY 14127 providing a mobile mental health crisis intervention team at a cost of \$80,337. County cost \$0.

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

Legislator Allport moved to approve the MiFi’s for the Mental Health Department to be added to our Verizon Account along with approving the use of these MiFi’s in the Mental Health Department. Legislator Allport explained that these MiFi’s will be used by employees to gain internet access in the field, such like the satellite sites in our area schools so they can log their notes and data into the Mental Health records while off site which will keep billing moving ahead. Legislator DeRoller seconded the motion. Legislator DeRoller understood that this will enhance the satellite functions in our schools. Mark O’Brien, Mental Health Director, reported that the Mental Health Department has satellite offices in four out of the five school districts as of March and in some cases multiple satellites in the same school district. Director O’Brien stated that they will be close to nine locations by the end of the year. The following resolution was adopted:

**RESOLUTION NO. 28-116**

**AUTHORIZING THE MENTAL HEALTH DEPARTMENT TO ADD MIFI’S TO THE VERIZON ACCOUNT AND APPROVING MIFI USE AGREEMENT IN THE MENTAL HEALTH DEPARTMENT**

RESOLVED, that this Legislature authorizes the Mental Health Department to add 10 MiFi’s to the Verizon account, to be paid at \$39.99 per unit per month from Mental Health Account A4310.421 - Telephone; and be it

FURTHER RESOLVED, that Legislature approves the Department of Mental Health MiFi Use Agreement and further authorizes the use of these MiFi’s for the following positions at the Mental Health Department:

4310.08	4310.20
4310.14	4310.21
4310.16	4310.22
4310.17	4310.39
4310.19	4310.41

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

**RESOLUTION NO. 29-116**

APPROVING AGREEMENTS BETWEEN THE ORLEANS COUNTY HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

David C. Schubel, Orleans County Attorney, 113 West Center St; Medina, NY 14103 to provide Attorney services to the Orleans County Health Department. Contract period January 01, 2016 through December 31, 2016. Contract amount not to exceed Fifteen thousand five hundred (\$15,500). Reimbursement from various NYS contract grants and State Aid. County cost \$0.

Jack Venesky CPA & Associates (JVPA) at 6114 Rt 31, Cicero, NY 13039 to provide accounting services for required NYS regulations. Cost Report Required-Medicaid-AHCF Report. Contract to pay up to \$7,500.00 per year for length of contract. Reimbursement from State Aide. County Cost \$0.

Dr. Alan Barcomb at 1 Dennis Drive, Batavia NY 14020, Contract to provide medical consultant services throughout the various departments within the Orleans County Health Department. Contract period to run 1/1/2016 through 12/31/2016 Reimbursement from State Aide. County cost \$0.

Community Health a/k/a (Medina Memorial, 200 Ohio St, Medina NY 14603, Contract to provide lead poisoning education, information, sampling, and testing for the residents of Orleans County. County cost \$0.

Timothy Hens, PE 7319 Quinlan Rd, LeRoy, NY 14482 Contract to provide Engineering Services for the Orleans County Environmental Department. Reimbursement from New York State water Grant and State Aide. County cost \$0.

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

Legislator Allport moved to set up money for grants to align with the Federal Drug Administration guidelines. These are being voted in by most states so the guidelines are uniform across the nation and our Health Department is leading the way in this process in New York State stated Legislator Allport. Paul Pettit, Director of Public Health, further stated that these monies will be used to do an assessment of where our public health department currently aligns with the federal standards. Currently in New York State we have the Sanitary Code and now looking at the Federal Food Code explained Director Pettitt. Legislator DeRoller seconded the motion. The following resolution was adopted:

**RESOLUTION NO. 30-116**

**AUTHORIZING SETTING UP NEW MONIES IN THE PUBLIC HEALTH DEPARTMENT**

RESOLVED, that the County Treasurer is authorized to set up new monies in the Public Health Department Budget as a result of two grants from the Voluntary National Retail Food Regulatory Program Standards Grant Program:

<u>Revenue:</u>		
A4403	Association of Food and Drug Officials	\$ 4,500
<u>Appropriations:</u>		
A4010.452	Personal Service Contracts	\$ 2,500

A4010.460	Training & Education	\$ 1,000
A4010.463	Travel Other Than Mileage	\$ 1,000

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

**RESOLUTION NO. 31-116**

**AUTHORIZING THE CONTINUATION OF THE CONTINUITY OF GOVERNMENT ADVISORY COMMITTEE FOR ORLEANS COUNTY**

WHEREAS, Resolution No. 323-808 authorized the establishment of a Continuity of Government Advisory Committee to create a Continuity of Operations Plan (COOP) to ensure the continued performance of essential functions and services when normal, standard operations become overwhelmed, regardless of the emergency; therefore be it

RESOLVED, that this Legislature re-authorizes the continuation of the Continuity of Government Advisory Committee as established and will be subject to reauthorization at the end of calendar year 2017.

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

**RESOLUTION NO. 32-116**

**APPROVING LEASE AGREEMENT FOR LARGE FORMAT SCANNER BETWEEN PLANNING AND DEVELOPMENT DEPARTMENT AND REAL LEASE**

WHEREAS, the Department of Planning and Development received a quote from Eastern Managed Print Network, LLC to lease a Colortrac Smart LF SG 44C scanner, stand, and software valued at \$13,187 through a third party; and

WHEREAS, such scanner will allow the preservation of aging blueprints, engineering drawings, schematics and other oversized original documents of the County and its towns and villages while also reducing the need for suitable physical storage space; now be it

RESOLVED, that this Legislature authorizes the Department of Planning and Development to enter into a Sixty (60) Month Lease in the amount of \$292.22 per month with a \$1.00 buyout at the end of lease from Real Lease, 1387 Fairport Road, Suite 1000, Fairport, NY 14450 to be paid from Planning and Development Equipment Lease Account A8020.222.

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

**RESOLUTION NO. 33-116**

**AUTHORIZING THE FILING OF AN APPLICATION FOR STATE ASSISTANCE FROM THE HOUSEHOLD HAZARDOUS WASTE (HHW) STATE ASSISTANCE PROGRAM AND THE SIGNING OF THE ASSOCIATED STATE CONTRACT, UNDER THE APPROPRIATE LAWS OF NEW YORK STATE**

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the County of Orleans, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ORLEANS

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That THE CHAIRMAN OF THE LEGISLATURE OF THE COUNTY OF ORLEANS or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application, to sign the resulting contract if said application is approved by the STATE; and to provide such additional information as may be required.
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for share of such costs as indicated in the contract.
4. That two (2) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.
5. That this resolution shall take effect immediately.

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

Legislator DeRoller moved a resolution to consolidate to one single agricultural district. He added we went from ten to three and now three down to one which is a great administrative process; seconded by Legislator Allport. The following resolution was adopted:

### **RESOLUTION NO. 34-116**

#### **APPROVING CONSOLIDATION OF ALL COUNTY AGRICULTURAL DISTRICTS INTO A SINGLE AGRICULTURAL DISTRICT**

WHEREAS, consolidation of all three county agricultural districts would be simpler and more convenient for farmers whose operations now frequently include multiple municipalities; and

WHEREAS, consolidation is technically feasible and allows for greater administrative efficiency for the Department of Planning and Development that conducts reviews of county agricultural districts; and

WHEREAS, the New York State Department of Agricultural and Markets has requested formal action by the County to designate the appropriate districts to be terminated and the anniversary date for the surviving district for subsequent eight-year reviews; now be it

RESOLVED, that this Legislature approves the consolidation of County Agricultural Districts No. 2 and No. 3 into District No 1, henceforth to be known as Consolidated Agricultural District No. 1 (C-1) with an eight-year anniversary review cycle starting December 2, 2016.

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

Legislator DeRoller moved a resolution to purchase playground equipment for the Marine Park. He added that OONA (Oak Orchard Neighborhood Association) is adding to phase two in the amount of \$3,287 of this project. Legislator Allport seconded the motion. Chairman Callard thanked OONA and asked when the equipment could be added to the park. Jim Bensley, Director of Planning and Development, hopes to have it installed in April and hopes that OONA will be recognized for their contribution at one of the summer concerts. Chairman Callard added that he feels it will be a wonderful enhancement to the park. The following resolution was adopted:

**RESOLUTION NO. 35-116**

**AUTHORIZING PURCHASE BY PLANNING AND DEVELOPMENT DEPARTMENT OF PLAYGROUND EQUIPMENT FOR COUNTY MARINE PARK AND AUTHORIZING SETTING UP FUNDS INTO THE MARINE PARK BUDGET**

WHEREAS, this Legislature, pursuant to resolution No. 193-515 as amended by Resolution No. 249-715, entered into a contract with New York State Department of State for Phase 2 of capital improvement to the County Marine Park; and

WHEREAS, replacement and relocation of the existing County Marine Park playground was identified as one of said capital improvements; be it

RESOLVED, that this Legislature authorizes the Department of Planning and Development to purchase a playground system in the amount of \$19,497 from Miracle Recreation Equipment Company, P.O. Box 15517, Syracuse, NY 13215 to be paid from Marine Park Capital Projects Account A7180.486; and be it

FURTHER RESOLVED, that this legislature authorizes the treasurer to set up the remaining grant funds to the following accounts:

<u>REVENUE:</u>		
A3097	NYS Parks/Recreation	\$ 81,500
Future Infrastructure Reserve		\$ 85,338
 <u>APPROPRIATION:</u>		
A7180.486	Marine Park Special Grants	\$166,838

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

**RESOLUTION NO. 36-116**

**APPROVING APPOINTMENTS TO THE COUNTY PLANNING BOARD**

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

<u>NAME &amp; MAILING ADDRESS</u>	<u>REPRESENTS</u>	<u>Expiration Date</u>
Daniel Strong 1150 Sawyer Road Kent, New York 14477	Town of Albion	12-31-18
Kevin Parker 3512 Keitel Road Albion, New York 14411	Town of Albion (Alternate)	12-31-18
Thomas Keeler 12931 Pask Road Albion, New York 14411	Town of Barre	12-31-18
Wesley Miller 4159 Oak Orchard Road Albion, New York 14411	Town of Barre (Alternate)	12-31-18
Michael Grabowski 14061 Bacon Road Albion, New York 14411	Town of Gaines	12-31-18
Ronald Vendetti 26 Park Place Holley, New York 14470	Village of Holley	12-31-18
Edward Urbanik 12365 Platten Road Lyndonville, New York 14098	Town of Yates (Alternate)	12-31-16

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

**RESOLUTION NO. 37-116**

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

WHEREAS, the County of Orleans has appropriated the sum of \$6,647 as its share of the year 2016 operating funds of the Genesee Finger Lakes Regional Planning Council, and

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

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

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

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

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

**RESOLUTION NO. 38-116**

**APPROVING LEASE AGREEMENT BETWEEN ORLEANS COUNTY AND TOSHIBA BUSINESS SOLUTIONS**

RESOLVED, that this Legislature approves a lease agreement between Orleans County and Toshiba Business Solutions, 6000 N. Bailey Ave., Amherst, NY 14226 to provide one (1) Toshiba e-Studio multifunction machine for a 36 month lease effective January 1, 2016 through December 31, 2018 as follows:

Tourism	e-Studio 287CSL	\$62.99 per month
Bill per copy B&W .014 per page, Color .095 per page with an annual increase of 2.5%		

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

**RESOLUTION NO. 39-116**

**APPROVING AGREEMENT WITH SOIL AND WATER CONSERVATION DISTRICT**

RESOLVED, that this Legislature authorizes the agreement between the County of Orleans and the Orleans County Soil and Water Conservation District, Albion, New York, for the provision of services by “Soil and Water” for the calendar year 2016, at a cost of \$77,500, to be paid in quarterly payments of \$19,375.

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

**RESOLUTION NO. 40-116**

**APPROVING AGREEMENT WITH ORLEANS COUNTY CORNELL COOPERATIVE EXTENSION**

RESOLVED, that this Legislature approves the agreement between the County of Orleans and the Orleans County Cornell Cooperative Extension, which authorizes the payment of the sum of \$232,500 for the calendar year 2016, to Cornell Cooperative Extension, such payments to be made by the County in quarterly payments of \$58,125.

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

**RESOLUTION NO. 41-116**

**GRANTING COUNTY EXEMPTION ON VILLAGE SEWER AND WATER SYSTEMS**

RESOLVED, that all real property owned by the Villages of Holley, Albion, Medina and Lyndonville located outside their respective corporate limits and used as sewage disposal plants or systems, including necessary connections and appurtenances or used as a water plant, pumping station, water treatment plant or reservoir, including necessary connections and appurtenances, shall be wholly exempt from County taxation for the year 2016 in accordance with the provisions of section 406 of the Real Property Tax Law.

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

**RESOLUTION NO. 42-116**

**APPROVING AGREEMENT EXTENTION BETWEEN REAL PROPERTY TAX SERVICE AND APPLIED BUSINESS SYSTEMS**

WHEREAS, resolution No. 300-814 approved an agreement between Real Property Tax Services and Applied Business Systems, 26 Harvester Avenue, Batavia, New York for printing of the Orleans County tax bills, Village Tax bills, and School tax bills at a cost \$.1897 per bill and \$.0612 per collector's copy, with such fees charged back to municipalities.

FUTHER RESLOVED, that this Legislature approves an agreement extension for an additional 12 month period for printing services rendered through August 31, 2016 with no contract changes.

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

**RESOLUTION NO. 43-116**

**APPROVING SOFTWARE AGREEMENT BETWEEN THE PERSONNEL AND SELF INSURANCE DEPARTMENT AND J.J. KELLER**

WHEREAS the Department of Personnel and Self Insurance Department has been Prospera software to maintain human resources information and health assessments the past three years; and

WHEREAS the maintain and retrieval of human resources information and health assessments is a critical function and needs to be efficiently performed; be it

RESOLVED, that this Legislature approves an agreement between the Department of Personnel and Self Insurance Department and J.J. Keller, P.O. Box 368 Neenah, WI 54957-0368, for a 36-month lease of Prospera Professional Plus which will include one license at a total three year price of \$5,895.00 beginning March 1, 2016.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 44-116**

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY SELF INSURANCE PLAN AND OCCUPATIONAL SAFETY CONSULTANTS, INC.

WHEREAS, safety is a valuable component of managing our Orleans County Self Insurance Plan; now be it

RESOLVED, that this Legislature authorizes the agreement with Occupational Safety Consultants, Inc., 175 Thurlow Ave, Rochester, NY 14609 for safety consulting services at an hourly rate of \$130; and be it

FURTHER RESOLVED, that this budgeted contractual expense shall not exceed \$20,000 for 2016.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 45-116**

AUTHORIZING GRANT APPLICATION TO NEW YORK STATE DEPARTMENT OF LABOR HAZARD ABATEMENT BOARD GRANT 2016-17

WHEREAS the New York State Department of Labor Hazard Abatement Board is providing opportunities to apply for grants that will help keep employees in compliance with OSHA or PESH requirements and help to reduce your Workers' Compensation claims and costs.

RESOLVED, that this Legislature authorizes the Orleans County Department of Personnel and Self Insurance to apply on the behalf of the Orleans County Self Insurance Plan to apply to the office of New York State Department of Labor Hazard Abatement Board Grant 2016-17 with no County cost.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 46-116**

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY AND ROYAL EMPLOYER SERVICES

RESOLVED, that this Legislature approves a renewal agreement with Royal Employer Services, 430 East Main St., Batavia, NY 14020 for the provision of an Employee Assistance Program, at a cost \$6,000, with cost of agreement to be apportioned at 50% from Mental Health; 25% from Personnel; and 25% from Employee Assistance Program and said agreement effective from January 1, 2016 through December 31, 2016.

Moved, Johnson, second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to appoint members to the Employee Assistance Program Committee. Legislator Johnson asked to amend the resolution by adding Devon Pahuta as a representative of the Orleans County Deputy Sheriff's Association to the list of appointments already provided; seconded by Legislator DeFilipps. The following resolution was adopted as amended:

**RESOLUTION NO. 47-116**

**APPROVING APPOINTMENTS TO THE EMPLOYEE ASSISTANCE PROGRAM COMMITTEE**

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

Katie Harvey	Personnel – Management	1/1/16-12/31/17
Patricia Urquhart	Mental Health – CSEA	1/1/16-12/31/17
John C. Welch, Jr	Personnel – Management	1/1/16-12/31/17
Devon Pahuta	Sheriff Department – OCDSA	1/1/16-12/31/17

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

**RESOLUTION NO. 48-116**

**APPROVING AGREEMENT BETWEEN THE COUNTY OF ORLEANS AND HEALTH ECONOMICS GROUP INC**

RESOLVED, that this Legislature does hereby approve an agreement between the County of Orleans and Health Economics Group, Inc, 1050 University Ave, Ste A, Rochester, NY 14607 for the provision of a Flexible Benefits Program with a cost pepm (per employee per month) of \$3.00 in 2016; \$3.25 in 2017; and \$3.40 in 2018, with a monthly minimum charge of \$75 and the annual fee will remain at \$100 and debit card fee of \$2.50 pepm effective January 1, 2016 through December 31, 2018.

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

**RESOLUTION NO. 49-116**

**APPROVING REAL ESTATE SALES CONTRACT FOR THE SALE OF 315 EAST AVENUE (78.11-1-52), VILLAGE OF ALBION**

WHEREAS, the parcel commonly referred to as 315 East Avenue (78.11-1-52), Village of Albion, was subject to an In Rem Tax Foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, the parcel is a commercial property, and

WHEREAS, the County of Orleans is authorized to sell commercial property via private treaty, and

WHEREAS, the County Legislature wishes to find a suitable and productive reuse of the real property, now, therefore, be it

RESOLVED, that this Legislature approves a Real Estate Sales Contract for 315 East Avenue (78.11-1-52) between the County of Orleans as Seller, and Richard Colonna as Buyer, for a sale price of \$15,000.00, subject to the attorney approval of the County Attorney.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 50-116**

**AUTHORIZATION TO ACCEPT GRANT AND APPROVE AGREEMENT FROM NYS DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR THE ORLEANS COUNTY SHERIFF'S OFFICE**

WHEREAS, the Office of the NYS Homeland Security and Emergency Services has informed the Orleans County Sheriff's Department that they have been awarded \$133,385 under the New York State 2015-2016 Public Safety Answering Points Operations Grant Program (2015-16 PSAP Grant); now be it

RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant agreement PS15-1017-D00; Contract #\_\_\_\_\_ in the amount of \$133,385 for the Sheriff's Department to use for eligible public safety call-taking and dispatching expenses, effective January 1, 2016 through December 31, 2016; and be it

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 51-116**

**AUTHORIZING FILLING VACANCY IN THE SHERIFF'S/DISPATCH OFFICE**

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time Public Safety Dispatcher position (3020.19) in the Sheriff's Dispatch Department, at an hourly rate of \$11.59 effective January 28, 2016

Moved DeFilipps; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 52-116**

**AUTHORIZING EXECUTION OF SECRETARIAL SERVICES CONTRACT FOR ORLEANS COUNTY PUBLIC DEFENDER**

RESOLVED, that the Chairman of the Legislature is authorized to execute, on behalf of the County, a renewal contract for Secretarial Services with Church and Church Law Firm for the Orleans County Public Defender, at an annual cost of \$26,000; and said amount to be paid in quarterly installments of \$6,500, a 2% increase over 2014-15, upon submission of a county voucher at the end of each quarter, agreement effective for the 2016 and 2017 calendar years.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 53-116**

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

RESOLVED, that this Legislature approves the Federal Equitable Sharing Agreement between the District Attorney's Office and the U.S. Department of Justice effective January 1, 2016 through December 31, 2016 allowing receipt of seized funds on Federal forfeitures; and be it

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

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 54-116**

**AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT**

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2015 Grant Funds for purchase of personal protective safety equipment (PPE) for Deputy Coordinators and Fire Investigators at a cost not to exceed \$3,000; radio repeater for Coordinator's emergency vehicle at a cost not to exceed \$12,059; and a lap top for the emergency vehicle at a cost not to exceed \$3,000; and be it

FURTHER RESOLVED, that this Legislature approves setting up 2015 Homeland Security Grant Funds as follows:

Revenue		
A4309.2015	State Homeland Security Grant Program FY2015	\$18,059
Appropriation		
3640.486.2015	Special Grants (SHSP-FY15)	\$18,059

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 55-116**

**APPROVING AGREEMENT WITH EMERGENCY MANAGEMENT OFFICE AND AMERICAN RED CROSS**

RESOLVED, that this Legislature approves the Memorandum of Understanding between the Emergency Management Office and the American Red Cross to define a working relationship in preparing for, responding to and recovering from emergencies and disasters for individuals, families and communities in Orleans County as well as clarification of roles and responsibilities of Red Cross and other agencies within the County, and be it

FURTHER RESOLVED, that this MOU will be for a 5-year period of January 1, 2016 to December 31, 2020.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 56-116**

APPROVING REPAIRS AND UPGRADE OF EMERGENCY MANAGEMENT FIRE TRAINING TOWER, APPROVING AGREEMENT WITH CALL'S METAL BUILDING ERECTORS, INC AND AUTHORIZING TREASURER TO TRANSFER FUNDS INTO THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, Resolution No. 296-815 authorized an inspection of the Fire Training Tower/Burn Building by LaBella Associates; and

WHEREAS, the inspection report showed defective burn room panels per NFPA1403 standards; and

WHEREAS, Fire Facilities, Inc. is the sole source provider of the Westec Insulation System; now be it

RESOLVED, that this Legislature authorizes Fire Facilities of Sun Prairie, Wisconsin to supply all materials and parts at a cost not to exceed \$26,759 and Call's Metal Building Erectors, Inc. of Somers, Wisconsin to provide all labor at a cost not to exceed \$22,785, for a total project cost of \$49,544; said funds to be paid from Emergency Management A3640.444– Repairs to Equipment and Property; and be it

FURTHER RESOLVED, that the Chairman is authorized to execute an agreement with Call's Metal Building Erectors, 8128 12<sup>th</sup> St, Somers, WI 53171-0162 to provide the labor to re-line burn room with Westec Liner, subject to the review and approval of the Chief Administrative Officer and County Attorney; and be it

FURTHER RESOLVED, that the Treasurer is authorized to transfer funds from the Future Infrastructure Reserve into the Emergency Management budget to complete the repairs recommend by the LaBella as follows:

<u>From:</u>		
Future Infrastructure Reserve		\$70,000.00
<u>To:</u>		
A3640.444	Repairs to Equipment and Property	\$70,000.00

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

**RESOLUTION NO. 57-116**

APPOINTING MEMBERS TO EMERGENCY MEDICAL SERVICES COUNCIL

RESOLVED, that this Legislature appoints the following members to the Emergency Medical Services Council, all terms expiring December 31, 2016:

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
<u>VOTING MEMBERS:</u>	
Albion Fire Department	Chuck Prentice/Fred Piano Alt.
Barre Fire Department	Patrick Lamka/Terry Bentley, Alt.
Carlton Fire Company	Lynn Miller/ Justin Niederhofer, Alt.
Clarendon Fire Company	Donald Mosier
East Shelby Fire Department	Michael Fuller
Fancher-Hulberton-Murray Fire Company	Debbie Fiorito/Tracey Sicurella, Alt
Holley Fire Company	Susan Dann
Kendall Fire Company	Sue Maslyn

Lyndonville Fire Company  
Medina Fire Department  
Ridgeway Fire Company  
Shelby Fire Company  
COVA  
Orleans County Health Dept  
Mutual Aid / EMS Coordinator  
Orleans County Sheriff  
Orleans County Dispatch

Tina Woolley  
Steve Cooley/Matthew Jackson, Alt.  
Kristin McAdoo  
John L. Miller II  
Jason Spencer/Laurie Schwab, Alt.  
Al Cheverie  
H. Dale Banker  
Randy Bower  
Allen Turner

NON-VOTING MEMBERS

Co. Leg /Public Safety Committee  
NYS Department of Health

David Callard/Lynne Johnson  
James M. Mihalko

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

Legislator Johnson moved to appoint members to the Fire Advisory Board; seconded by Legislator DeFilipps. Legislator Johnson commended Pat Eick, Secretary to the Emergency Management Director, who is consistently working on pulling these people together from the various fire departments and EMS agencies. The following resolution was adopted:

**RESOLUTION NO. 58-116**

**APPOINTING MEMBERS TO FIRE ADVISORY BOARD**

RESOLVED, that this Legislature appoints the following voting members to the Orleans County Fire Advisory Board, effective January 1, 2016 with all terms expiring December 31, 2016:

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
Albion Fire Department	Will Francis
Barre Fire Department	Jerry Bentley
Carlton Fire Company	Andrew Niederhofer
Clarendon Fire Company	Robert Freida
East Shelby Fire Department	Allen Turner
Fancher-Hulberton-Murray Fire Company	Chris Chilson
Holley Fire Company	Kevin Dann
Kendall Fire Company	Michael Schultz
Lyndonville Fire Company	Scott Buffin
Medina Fire Department	Josh Wolck
Morton (H-W-M Fire District)	Randy Davis
Ridgeway Fire Company	Francis Woodward
Shelby Fire Company	Andrew Benz

and be it

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

Orleans County Emergency Management	Dale Banker
Orleans #2 Deputy Coordinator	Francis Gaylord
Orleans #3 Deputy Coordinator	Martin Zwifka

Orleans #4 Deputy Coordinator  
Orleans #5 Fire Investigator  
Orleans #6 Fire Investigator  
Orleans #7 Fire Investigator  
Radio Systems  
Legislature Vice Chairwoman  
Legislator / Public Safety Committee  
Orleans County Sheriff  
Office of Fire Prevention and Control

David J. Hydock  
David Clary  
Walter Batt  
David Knapp  
Kevin Doherty  
Lynne Johnson  
E. John DeFilipps  
Randy Bower  
Dan Hausman

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

### **RESOLUTION NO. 59-116**

#### **APPROVING AGREEMENT WITH MERCY FLIGHT**

RESOLVED, that this Legislature approves an agreement with Mercy Flight, Inc. for the provision of necessary air medical transfers; Orleans County to pay \$5,000 for the 2016 calendar year; no increase from 2015.

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

### **RESOLUTION NO. 60-116**

#### **AUTHORIZING EXECUTION OF SECRETARIAL SERVICES CONTRACT FOR ORLEANS COUNTY ATTORNEY**

RESOLVED, that the Chairman of the Legislature is authorized to execute, on behalf of the County, a contract for Secretarial Services for the Orleans County Attorney, at a annual cost of \$19,055; said amount to be paid in equal monthly installments of \$1,587.91, upon the submission of a county voucher at the end of each month; agreement effective for the 2016 and 2017 calendar years.

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

### **RESOLUTION NO. 61-116**

#### **APPROVING PAYMENT TO NEW YORK STATE ASSOCIATION OF COUNTIES (NYSAC) FOR GOVERNMENT CONSULTATION SERVICES**

RESOLVED, that this Legislature hereby approves payment to NYSAC for Orleans County shared cost of government consultation in Albany, NY and Washington, D.C in the amount of \$6,018 for the 2016 calendar year for the provision of services to include: state budget advocacy, legislative advocacy, legal and technical assistance, training and educational programs, policy analysis, research, daily news clips, electronic newsletters, NYSAC news, and other programs and services of benefit to Orleans County.

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

Legislator Johnson moved to approve appointments to the InterCounty Association; seconded by Legislator DeFilipps. Legislator DeRoller added that he felt this has been a great opportunity to interrelate with other counties and it has been a great experience for him and looks forward in continuing in this process. The following resolution was adopted:

**RESOLUTION NO. 62-116**

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

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

<u>Name</u>	<u>Representation</u>
David B. Callard	Delegate
E. John DeFilipps	Delegate
Kenneth DeRoller	Delegate
Lynne M. Johnson	Alternate
Charles H. Nesbitt	Alternate
Nadine P. Hanlon	Alternate

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

**RESOLUTION NO. 63-116**

**APPOINTING MEMBERS TO SOIL AND WATER DISTRICT BOARD**

RESOLVED, that this Legislature approves the following appointments to the Soil and Water District Board:

<u>Name</u>	<u>Representation</u>	<u>Term</u>
E. John DeFilipps	Legislature	1/1/2016-12/31/2016
William Eick	Legislature	1/1/2016-12/31/2016

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

**RESOLUTION NO. 64-116**

**APPROVING APPOINTMENTS TO THE LOCAL DEVELOPMENT CORPORATION BOARD**

RESOLVED, that this Legislature approves the following appointments to the Local Development Corporation Board:

<u>Name:</u>	<u>Address:</u>	<u>Expiration</u>
William Eick	10471 Freeman Rd, Medina NY	December 31, 2017
Fred Miller	5 Linwood Ave, Albion NY	December 31, 2017

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

**RESOLUTION NO. 65-116**

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

RESOLVED, that this Legislature confirms the Chairman’s appointment of Kenneth DeRoller, Orleans County Legislator as the Chairman’s Alternate to the Genesee Finger Lakes Regional Planning Council, for a two-year term ending December 31, 2017; and be it

FURTHER RESOLVED, that this Legislature appoints James Bensley, Director of Planning, as an Orleans County representative on the Genesee Finger Lakes Regional Planning Council, for a two-year term ending December 31, 2017.

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

**RESOLUTION NO. 66-116**

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

RESOLVED, that this Legislature confirms the Chairman of the Legislature’s appointment of the following Sportsman and Legislative representaitves to the Fish and Wildlife Management Act Board, terms effective January 1, 2016 through December 31, 2017:

<u>Name</u>	<u>Representing:</u>
E. John DeFilipps	Legislature
Don Allport	Legislature (Alternate)
Michael Elam	Sportsmen’s Federation
Neil Newton	Sportsmen’s Federation (Alternate)

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

**RESOLUTION NO. 67-116**

**APPROVING APPOINTMENT TO THE ORLEANS COUNTY JURY BOARD**

RESOLVED, that this Legislature approves the appointment of Fred Miller to a two-year term on the Orleans County Jury Board, effective January 1, 2016 through December 31, 2017.

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

**RESOLUTION NO. 68-116**

**APPOINTING MEMBERS TO SAFETY COMMITTEE**

RESOLVED, that this Legislature appoints the following members to the Safety Committee for a two-year term beginning January 1, 2016 through December 31, 2017:

Ryan Woolston	CSEA Union Representative
David B. Callard	Legislature Chairman
Lynne M. Johnson	Vice Chairman (Chairman's Designee)
Mike Christopher	OCSEA Union Representative
Jeff Cole	OCDSA Union Representative
Chuck Nesbitt	Chief Administrative Officer
Jim Noreck	Buildings and Grounds
Dale Banker	Director of Emergency Management
Jack Welch	Director of Personnel and Self-Insurance

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

Legislator DeFilipps moved a resolution to appoint a commissioner of Elections; seconded by Legislator Johnson. Chairman Callard expressed that Sylvia was an excellent selection. She has served Orleans County for many years in the past and did a wonderful job. He is confident that she will do a wonderful job as she replaces Commissioner Piedimonte. The following resolution was adopted:

#### **RESOLUTION NO. 69-116**

##### **APPOINTING COMMISSIONER OF ELECTIONS**

WHEREAS, the Republican Commissioner of Elections has announced his retirement effective January 30, 2016; and

WHEREAS, a recommendation has been received from the Orleans County Republican Committee recommending that Sylvia Shoemaker be appointed as Commissioner of Elections effective February 1, 2016 to fill the unexpired term of Commissioner Piedimonte; therefore, be it

RESOLVED, that this Legislature appoints Sylvia Shoemaker as the Commissioner of Elections for the term of January 1, 2016 through December 31, 2016, at an annualized salary of \$18,860 which will be prorated.

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

Sylvia was applauded and gathered for a picture with Janice Grabowski, Democrat Commissioner and Legislators Eick and Miller of the Elections Committee.

#### **RESOLUTION NO. 70-116**

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

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, 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 Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for February 10, 2016:

Fund/Department	Check Number (s):	Amount:
General		
Highway		
Job Development		
Self Insurance		

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for February 24, 2016:

Fund/Department	Check Number (s):	Amount:
General		
Highway		
Job Development		
Self Insurance		

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

Legislator Johnson presented an add on resolution in its entirety to oppose Governor Cuomo’s proposed increase in the minimum wage. Legislator Johnson asked to add Orleans Community Health in the distribution of this adopted resolution. She stated she was at a Hospital Board meeting and this is one more thing that could cripple our only county hospital. Legislator DeFilipps seconded the motion. Legislator Allport during discussion stated that it amazes him that the people in government don’t know how the free capitalist system works. He said that they always say that this guarantees a working wage but all it does is it causes a vicious cycle. Employers, whether mandated or not, have to raise their wages if a person enters with a college degree at an entry level to compete. A minimum wage job is not to raise a family on. This is not what entry level to the workforce is. So, Legislator Allport further explained that this is the vicious cycle, that once wages are raised, product prices are then raised, and minimum wage will then be raised again. Legislator Johnson believes that we stand to lose businesses over this. She has spoken to restaurant owners where most of the wait staff is at minimum wage. So they will either close, or pass it on to the customer in order to survive. The following resolution was adopted:

**RESOLUTION NO. 71-116**

**OPPOSING GOVERNOR CUOMO'S PROPOSED INCREASE IN THE MINIMUM WAGE**

WHEREAS, Governor Cuomo's Executive 2016-17 State Budget Proposal includes increasing the minimum hourly wage from \$9.00 to \$15.00 over the period from December 31, 2016 to July 1, 2021; and

WHEREAS, Orleans County has experienced the loss of local jobs when New York's minimum wage was previously increased, which made New York State non-competitive with the minimum wage paid in other states; and

WHEREAS, it is the belief of this Legislature that the proposed government mandated minimum wage increase will cost upstate New York hundreds of thousands of jobs since the onerous tax structure in New York State already places a tremendous burden on small businesses; and

WHEREAS, this proposed increase in minimum wage will also create pressure on local governments, as employers, to increase wages in order to attract workers; and

WHEREAS, this wage pressure, together with a possible .12% tax cap on property taxes for next year, would create great pressure to cut non-mandated programs, such as valuable youth employment and senior programs to keep seniors at home and out of nursing homes; now, therefore, be it

RESOLVED, that the Orleans County Legislature urges the Governor to reconsider this proposal, and asks our state delegation to oppose this increase; and, be it further

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, NYS Senate Majority and Minority Leaders, NYS Assembly Majority and Minority Leaders, Senator Robert Ort, Assemblyman Stephen Hawley, Assemblywoman Jane Corwin, NYSAC, InterCounty of Western New York, all Orleans County Towns and Villages, Orleans Community Health System, and all others deemed necessary and proper.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

Chairman Callard called for old business. Legislator Allport stated that last year this Board passed a resolution opposing the state's plan to close workshops (like our ARC affiliated workshop). Shortly after we passed our resolution, NYSARC and other ARC's from around the state went to Albany to protest this action. Legislator Allport stated that Legislation is working its way through Albany to oppose closing these workshops and allow individuals who are working in these center based workshops to stay or choose to work in the public sector. He said this is good news and he hopes they have enough to override a veto from the Governor.

Taylor Quarles, who is working on the proposed Apex Lighthouse Wind Project, came to introduce himself and provided a brief update. He said they are working hard through the Article X process, which is new to everyone. On October 31, 2014 they submitted their public involvement plan. They carried out public informational activities for over a year, which was over double the time that was required of them for this. In November of 2015 they submitted their preliminary scoping statement which outlines what will be in the final application. Mr Quarles said that this had a public comment period through January 12<sup>th</sup> again double of its original requirement for public comment. His company is working hard in responding to those comments in a subsident manner which they have until February 11<sup>th</sup> to do so. They are looking forward to working with the towns, agencies and members of the public to finalize what is going to be submitted in the final application which will include all of the details these folks are waiting for explained Mr. Quarles. This final application is planned for submission sometime this summer. Mr. Quarles stated that between now and then, he is hoping to meet with everyone individually. He knows of numerous constituents that are in favor of the project that are also very eager to meet with the board members individually. Mr. Quarles indicated they have an office in downtown Barker that is open four days a week, a website at [lighthousewind.com](http://lighthousewind.com), and an email address of [info@lighthouse.com](mailto:info@lighthouse.com).

Paul Lauricella, Yates, stated that he supports the minimum wage resolution. He said government always comes back with cutting valuable services for seniors and youth, which is their typical "tug at your heart strings" response. Mr. Lauricella feels the government does not want to give up on some of these programs

either. It is all about taxes in the state and local levels which need to be lowered. He said what does it matter if everyone's wages are raised when the taxes on everything is high. Chairman Callard said the onness is on the state because what it will do to the local municipalities is to force reduction in services while the state continues to place the burden on the local tax payer. Chairman Callard stated that it is a vicious cycle. The State needs to look at the duplication of services and efficiencies could help save taxpayer money. Mr. Lauricella stated as a citizen we only have control locally. Legislator Allport stated that the services we provide in our County, with the exception of road patrol, 911 call center, and a portion of the highway department that can't be turned over to the local towns and villages on mandates of maintenance; everything else is mandated by the State. Legislator Allport stated he would never support not continuing with road patrol and 911 services. Chairman Callard asked Mr. Lauricella what he would do. He suggested that Sheriff Deputies could be placed in the towns so they are closer to crime if it happens and do not need to travel across the county.

Legislator DeRoller reported that a large focus has been on two infrastructure areas which include bridges, our Erie Canal bridges and other high span bridges. We have 27 total bridges in Orleans County which 25 of those are over 100 years of age. We have 20 high span bridges with approach issues and 7 lift bridges which incorporate 40% of the lift bridges in New York State. We have two closed, one reduced lane, 6 structurally deficient, 14 obsolete, 16 with low limits, and the list goes on. It is a real burden to this county stated Legislator DeRoller. Staff has been working diligently with our state representatives and agencies and getting information on our website about our infrastructure issues. Legislator DeRoller also stated that we have 12.7 miles of parkway, two lanes that is in terrible shape. He said that \$2.6 million has been committed to do work on the parkway starting in Monroe County where the traffic counts are high and moving this way where it is not being used as much due to its condition. He said \$2.6 million in paving from the O'Rourke bridge up to Route 390 and then out to Route 237 is the plan. Our focus then would be from Route 237 out to Lakeside State Park to fill that gap. Legislator DeRoller expressed that all hands have been on deck to make people aware of this. All ten towns and four villages have resolutions on the books concerning these infrastructure issues. Knowing the importance of these assets, Legislator DeRoller stated they are trying to get people to the table to obtain funding.

Legislator Allport noted that we heard a lot about the snow storm along the east cost a week ago and a picture was sent to him of the Tomb of the Unknown Soldier that remained guarded the entire time the snow fell. He expressed that the commitment to duty and dedication that our military has and he thought that it was a disgrace that our news media never covered this. What these individuals do to get the privilege of this detail and their commitment to stand guard and protect that tomb at Arlington Cemetery should not go unrecognized. He feels that it is a shame that our government does not acknowledge these individuals.

Legislator DeRoller moved to adjourn; second by Legislator Allport.. Meeting adjourned at 5:30 p.m.