



CONFERENCE SESSION

February 24, 2016

- 4:00 p.m. Genesee Community College Presentation
Dr. James Sunser, Ed.D; President
Jim Simon, Associate Dean
Richard Ensman Jr., Director of Development and External Affairs
- 4:20 p.m. Meredith Patterson – American Legion Oratorical Zone Level Winner
Senior, Albion High School
Representing Orleans County – State Level

AGENDA

LEGISLATURE MEETING

February 24, 2016

4:30 p.m.



Call to Order

Pledge to the Flag and Invocation - Veteran David Kusmiersczak

Roll Call

Presentation of Communications

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

72. Authorizing Payments from Capital Project Infrastructure Projects Account (Eick)
73. Amending Resolution No. 19-116 and Authorizing Transfer of Funds within the Highway Budget (Eick)
74. Approving Purchase between the Highway Department and Elderlee Inc (Eick)
75. Approving Agreement between Buildings and Ground and Otis Elevator Company (Eick)
76. Authorizing Purchase and Approving Agreement between Buildings and Grounds and Old Dutchman's Wrought Iron (Eick)
77. Authorizing Purchase and Approving Agreement between Buildings and Grounds and GP Land & Carpet Corp (Eick)
78. Authorizing Filling of Vacancies in the Elections Department (Eick)
79. Authorizing Abolishing, Creating And Filling Positions in the Job Development Agency (Miller)
80. Authorizing Office for the Aging to Apply for the Medicare Improvements for Patients and Providers Act (MIPPA) Funding (Miller)
81. Approving Agreements between the Department of Social Services and Various Agencies (Miller)
82. Approving Submission of the Annual Plan Update of the Child and Family Services Consolidated Service Plan to the New York State Office of Children and Family Services on Behalf of Social Services (Miller)
83. Authorizing Abolishing and Creating Positions in the Department of Social Services (Miller)
84. Approving Appointments to the County of Orleans Industrial Development Agency (Miller)
85. Approving Agreement between Mental Health Department and Various Agencies (Allport)
86. Authorizing Agreement Between Mental Health Department and Finger Lakes Performing Provider System (FLPPS) (Allport)
87. Authorizing Setting Up New Money in the Mental Health Budget (Allport)
88. Approving Agreements between the Health Department and Various Agencies (Allport)
89. Authorizing Purchase from Health Department Budget for Rabies Vaccine (Allport)
90. Approving Agreement for Dock Worker/Custodial Services at the Orleans County Marine Park (DeRoller)
91. Approving Agreement with Timothy Newton Construction for Mowing at Orleans County Parks (DeRoller)
92. Authorizing Purchase for Computer Services for the File Redundancy Project (DeFilipps)
93. Authorizing Purchase for Computer Services for the Security Access Control Upgrade Project (DeFilipps)
94. Approving Agreement between Orleans County Self Insurance Plan and Oliver Wyman (DeFilipps)

95. Amending the 2015-2016 Management Compensation Plan and Approving the Management Compensation Plan for 2017 and 2018 (DeFilipps)
96. Setting Date and Terms for Auction of County-Owned Tax Properties notwithstanding any Resolution Heretofore Adopted (DeFilipps)
97. Approving Agreement between the Treasurer’s Office and Absolute Auctions and Realty, Inc and Haroff Auction and Realty, Inc. (DeFilipps)
98. Approving Agreement between the Sheriff’s Office and New York State Division of Homeland Security and Emergency Services (DeFilipps)
99. Resolution Calling on the State to Increase Indigent Legal Defense System Funding (DeFilipps)
100. Appointing Members to the Radio System Advisory Board (DeFilipps)
101. Authorizing Email Delivery of Local Laws to County Legislators (Eick)
102. Authorizing Payment of Claims for March against the County (Allport)

Old Business

Adjournment

RESOLUTIONS

RESOLUTION NO. 72-216

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>
\$948.00	Barton & Loguidice, DPC	Prof. Services for East Scott Road over Fish Creek – Inv #81376
\$15,077.31	Redman Construction	Final Construction payment for Oak Orchard Bridge

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>
\$63,298.85	Keeler Construction	Construction Knowlesville Culverts – Final Pay #3 – 11/15/15-2/12/16

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>
\$4,940.54	Medina Lumber & Hardware	Change Order: steel and accessories – Inv #20141

Moved, Eick; second,

RESOLUTION NO. 73-216

AMENDING RESOLUTION NO. 19-116 AND AUTHORIZING TRANSFER OF FUNDS WITHIN THE HIGHWAY BUDGET

WHEREAS, the Legislature approved the purchase of (2) two new dump trucks on Resolution No. 19-116 through Southworth-Milton CAT through budget code DM5130.270 for a total cost of \$347,000 to be paid in five equal payments of \$36,365.42, and be it

FURTHER RESOLVED, that the Legislature hereby does approve amending resolution No. 19-116 to be paid entirely from account DM9785.601 Debt Service; and therefore be it

FURTHER RESOLVED, the Treasurer is authorized to transfer funds within the Highway Budget as follows due to auditor’s recommendation.

<u>FROM:</u>		
DM5130.270	Capital Equipment	\$72,730.84
<u>TO:</u>		
DM9785.601	Principal Debt Service	\$72,730.84

Moved, Eick; second,

RESOLUTION NO. 74-216

APPROVING PURCHASE BETWEEN THE HIGHWAY DEPARTMENT AND ELDERLEE INC.

RESOLVED, that this Legislature authorizes the Highway Department to purchase heavy posts and blockouts from Elderlee Inc., 729 Cross Road, Oaks Corners, New York 14518 due to a claim for stolen property, file #Orle-2015-003-00. Total cost of the recovering damages are \$92,550; to be reimbursed through insurance recovery money and to be paid from account D5120.436 (Bridge Materials). Pricing is based on the OGS contract #PC66722. County Cost is \$0.

Moved, Eick; second,

RESOLUTION NO. 75-216

APPROVING AGREEMENT BETWEEN BUILDINGS & GROUNDS AND OTIS ELEVATOR COMPANY

RESOLVED, that this Legislature approves an agreement (proposal #AF6762) between Highway/Building & Grounds and Otis Elevator Company, 2 Townline Circle, Rochester, NY 14623 to provide maintenance and inspection of elevators in the County Jail, County Office Building, Mental Health Building, County Clerk’s Building and the County Courthouse effective January 1, 2016 through December 31, 2019 in the amount of \$9,336.36 per year (\$778.03/mo); and be it

FURTHER RESOLVED, that this Legislature authorizes the contractor's price adjustment on the effective date of any labor rate adjustment under Otis's contract with the International Union of Elevator Constructors (IUEC) contract to reflect increases or decreases in material and labor costs.

Moved, Eick; second,

RESOLUTION NO. 76-216

AUTHORIZING PURCHASE AND APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND OLD DUTCHMAN'S WROUGHT IRON

RESOLVED, that this Legislature authorizes a purchase from Old Dutchman's Wrought Iron, 2800 Millersport Highway Getzville, NY 14068, for fabrication and installation of Series 250 aluminum railing system to be installed at the Courthouse Square, per written Quote #8217 submitted in the amount of \$9,211. Project to be paid from the 1620.470 Capital Construction project account; and be it

FURTHER RESOLVED, that this Legislature approves an agreement between Buildings and Grounds and Old Dutchman's Wrought Iron, 2800 Millersport Highway Getzville, NY 14068, for the installation of these replacement railings at the Courthouse Square.

Moved, Eick; second,

RESOLUTION NO. 77-216

AUTHORIZING PURCHASE AND APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND GP LAND & CARPET CORP

RESOLVED that this Legislature authorizes Buildings & Grounds to purchase Carpet – Milliken Southern Analog Carpet tiles and Mannington VCT, vinyl base material and adhesive, with labor/installation included from GP Land & Carpet Corp., 5905 Lake Road South, Brockport, NY 14420 at the cost of \$5,646.55 (NJPA Contract #022712-MAC) (Proposal #816-0211-1) for Orleans County Real Property's office due to safety issues and shall be paid from the Buildings and Grounds Budget Account A1620.403 - Maintenance Projects.

RESOLVED that this Legislature approves an agreement between Buildings & Grounds and GP Land & Carpet Corp., 5905 Lake Road South, Brockport NY14420 for the installation of the carpet in the Orleans County Real Property Tax Office.

Moved, Eick; second,

RESOLUTION NO. 78-216

AUTHORIZING FILLING OF VACANCIES IN THE ELECTIONS DEPARTMENT

RESOLVED, that this Legislature does hereby authorize the filling of two vacant part-time Clerk positions (1450.11 and 1450.12) in the Elections Office at \$10.13 per hour effective February 25, 2016.

Moved, Eick; second,

RESOLUTION NO. 79-216

AUTHORIZING ABOLISHING, CREATING AND FILLING POSITIONS IN THE JOB DEVELOPMENT AGENCY

RESOLVED, that this Legislature authorizes the abolishment of a full-time Employment and Training Coordinator position (6210.08) in the Job Development Agency effective February 24, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full-time Workforce Coordinator position in the Job Development Agency, at grade 18 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant position in the Job Development Agency effective February 25, 2016.

Moved, Miller; second,

RESOLUTION NO. 80-216

AUTHORIZING OFFICE FOR THE AGING TO APPLY FOR THE MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT (MIPPA) FUNDING

RESOLVED, that this Legislature authorizes Office for the Aging to apply for the MIPPA grant in the amount of \$9,917 to educate and assist Medicare beneficiaries with limited incomes, outreach and assistance with Medicare Part D for beneficiaries in rural areas, and assist with Low Income Subsidy and Medicare Savings Applications effective September 30, 2015 through September 29, 2016; County cost of \$0; and be it

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

Moved, Miller; second,

RESOLUTION NO. 81-216

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 Health Department, Albion, NY for the provision of licensed nursing assessments for DSS Medicaid Personal Care Aide clients; to be effective January 1, 2016 through December 31, 2016 at rates established by the NYS Department of Health. County cost \$0.

Villa of Hope Youth and Family Services, Rochester, NY for the provision of residential foster care services; to be effective March 13, 2016 through March 12, 2017 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 financial eligibility of each child so placed.

Willcare, Inc. to provide personal care aide services to Medicaid clients at rates to be set by the NYS Department of Health for the period the period January 1, 2016 through December 31, 2016

Moved, Miller; second,

RESOLUTION NO. 82-216

APPROVING SUBMISSION OF THE ANNUAL PLAN UPDATE OF THE CHILD AND FAMILY SERVICES CONSOLIDATED SERVICE PLAN TO THE NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF SOCIAL SERVICES

WHEREAS, New York State Office of Children and Family Services requires each local district to submit an Annual Plan Update describing and explaining all available services provided to the public and changes made since the last submission was made; and

WHEREAS, this present plan update provides explanatory procedures and policy to those within the realm of needing services and assistance for their families; be it

RESOLVED, that this Legislature does hereby approve the submission of the Annual Plan Update of the Children and Family Services Consolidated Services Plan as required to the State of New York.

Moved, Miller; second,

RESOLUTION NO. 83-216

AUTHORIZING ABOLISHING AND CREATING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services continuously reviews staffing to provide more efficient operation of County business and reorganization to more effectively utilize positions; now be it

RESOLVED, that the Legislature does hereby abolish a full-time Keyboard Specialist position (6010.0603) upon the position being vacated; and be it

FURTHER RESOLVED, that this Legislature does hereby create in the Department of Social Services a full-time Clerk position at the Grade 7 of the CSEA Salary Schedule effective February25, 2016.

Moved, Miller; second,

RESOLUTION NO. 84-216

APPROVING APPOINTMENTS TO THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY (COIDA)

RESOLVED, that this Legislature approves the following appointments to the County of Orleans Industrial Development Agency:

<u>Name:</u>	<u>Address:</u>	<u>Expiration</u>
E. John DeFilipps	4726 South Manning Rd, Holley, NY	December 31, 2017
Kenneth DeRoller	2498 Kendall Rd, Kendall, NY	December 31, 2017
Kenneth Rush	1986 Main St, Waterport, NY	Serves at the pleasure

Moved, Miller; second,

RESOLUTION NO. 85-216

APPROVING AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Coordinated Care Services, Inc., 1099 Jay Street, Rochester, NY 14611 providing specialized financial management services and preparation and submission of CFR reports retroactive beginning January 1, 2016 and ending December 31, 2016 at a cost of \$27,000. County cost is \$1,890.

Language Line Services, 1 Lower Ragsdale Road, Monterey, CA 93940; to provide telephone interpretation provider services following the term of the New York State Office of General Services contract dated October 25, 2012 through October 24, 2017 at a cost of \$0.75/minute of translation services. County cost \$.08/minute of translation services.

Moved, Allport; second,

RESOLUTION NO. 86-216

AUTHORIZING AGREEMENT BETWEEN MENTAL HEALTH DEPARTMENT AND FINGER LAKES PERFORMING PROVIDER SYSTEM (FLPPS)

RESOLVED, that this Legislature approve an agreement between Mental Health and Finger Lakes Performing Provider System (FLPPS), 2100 Brighton Henrietta Town Line Road, Suite 100, Rochester, NY 14623, providing participation in achieving outcome measures related to the health care system improvements under the Delivery System Reform Incentive Payment (DSRIP) program for the period of March 1, 2016 through December 31, 2016; anticipated payments to the Mental Health Department will be performance-based up to a maximum of \$28,630; and be it

FURTHER RESOLVED, that the Chairman of the Legislature be authorized to execute subsequent contracts received during the remainder of 2016 subject to the review and approval of the County Attorney and Chief Administrative Officer.

Moved, Allport; second,

RESOLUTION NO. 87-216

AUTHORIZING SETTING UP NEW MONEY IN THE MENTAL HEALTH BUDGET

RESOLVED, that this Legislature authorizes setting up new money in the Mental Health budget to purchase a new Surface Pro tablet, as follows:

<u>From</u>		
	Misc Reserve	\$658.34

To:
A4310.220 Office Equipment \$658.34

Moved, Allport; second,

RESOLUTION NO. 88-216

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Office of the Aging, 14016 Rt 31 West, Albion, NY 14411 to provide chronic disease and accident prevention along with safety programs for Orleans County residents sixty and above effective January 1, 2016 through December 31, 2016. Reimbursement from New York State Health Department. County cost \$0.

Planned Parenthood, 114 University Ave, Rochester, NY 14605 to provide sexually transmitted infections testing to the uninsured or under insured residents of Orleans County effective January 1, 2016 through December 31, 2020. Fees for testing on page 12. All to be billed at the prevailing Medicaid rate, reimbursed from State Aide Grants. County cost \$0.

Oak Orchard Community Health Center Inc., at 300 West Ave, Brockport, NY 14420 to provide for translation services and liaison between the Orleans County Department of Health and the Migrant population effective October 1, 2015 through September 30, 2016 Contract funded through New York State Migrant Grant. Contract period to run concurrent with the New York State Contract. County cost \$0.

Pamela Gallo, 6630 Conner Rd, East Amherst, NY 14051 Contract to provide appropriate related services for Orleans County preschool students with disabilities through the delivery of preschool special education related services within the 3-5 program at the Orleans County Health Department effective January 1, 2016 through June 30, 2016 Reimbursement at 59.5% from NYS Department Of Health. Orleans County Department of Health is responsible for 40.5% of which we receive some Medicaid reimbursement.

Stepping Stones Learning Center, 41 Colebrook Dr, Rochester, NY 14617 Contract to provide appropriate special education related services (speech, music, physical therapies and evaluations) for eligible preschool children of Orleans County with disabilities through the 3-5 program placed by the Board Of Education effective September 1, 2015 through June 30, 2019. Rates are set by NYS Department of Education. NYS guarantees Reimbursement of 59.5% of cost spent. Orleans County Health Department is responsible for 40.5% of which we receive some Medicaid reimbursement.

United Memorial Medical Center, 127 North St, Batavia, NY 14020 to provide sexually transmitted infections testing to the uninsured or under insured residents of Orleans County effective January 1, 2016 through December 31, 2020. Various Fees for testing on page 12 of contract. All to be billed at the prevailing Medicaid rate, reimbursed from State Aide Grants. County cost \$0.

Building Blocks Comprehensive Services., Inc. at 275 Parrish St. Suite A, Canandaigua, NY 14424 Contract to provide appropriate related services for Orleans County preschool students with disabilities through the delivery of preschool special education related services within the 3-5 program at the Orleans County Health Department effective January 1, 2016 through June 30, 2016. Reimbursement at 59.5% from NYS Department of Health.

Orleans County Department of Health is responsible for 40.5% of which we receive some Medicaid reimbursement.

Moved, Allport; second,

RESOLUTION NO. 89-216

AUTHORIZING PURCHASE FROM HEALTH DEPARTMENT BUDGET FOR RABIES VACCINE

WHEREAS, the Orleans County Health Department needs to purchase Human Rabies Vaccine for post exposure treatment to the residents of Orleans County; now, therefore be it

RESOLVED, that this Legislature allows the Health Department to make purchases of human rabies vaccine, when needed, up to the amount of \$83,708.00 from Health Department budget account A4010.409 – Vaccines & Medications as approved in the 2016 Orleans County Budget.

Moved, Allport; second,

RESOLUTION NO. 90-216

APPROVING AGREEMENT FOR DOCK WORKER/CUSTODIAL SERVICES AT ORLEANS COUNTY MARINE PARK

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Ronald Bierstine, 1764 Oak Orchard Road, Albion, NY 14411, to provide dock worker and custodial services at Orleans County Marine Park from April 15, 2016 to September 25, 2016 at a cost not to exceed \$15,559 to be paid from Marine Park Budget account A7180.432-Misc. Contracts/Agreements.

Moved, DeRoller; second,

RESOLUTION NO. 91-216

APPROVING AGREEMENT WITH TIMOTHY NEWTON CONSTRUCTION FOR MOWING AT ORLEANS COUNTY PARKS

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Timothy Newton Construction, 2374 Eagle Harbor-Waterport Rd., Albion, NY 14411, for mowing and trimming at the Orleans County Marine Park; Point Breeze site; boat dock rental site and Rte. 98/18 site from April 15, 2016 to October 31, 2016 at a cost of \$280 per mowing at all sites, to be paid from Marine Park Budget account A7180.432-Misc. Contracts/Agreements.

Moved, DeRoller; second,

RESOLUTION NO. 92-216

AUTHORIZING PURCHASE FOR COMPUTER SERVICES FOR THE FILE REDUNDANCY PROJECT

RESOLVED, that this Legislature authorizes the purchase of one (1) server and accessory equipment from CDW-G, 75 Remittance Drive, STE 1515; Chicago, IL 60675-1515 for the Computer Services Capital Project File Redundancy project in the amount of \$5,592.97 (PO# 57055) to be paid from Computer Services

Account A1680.270 – Capital Equipment which will maximize the architecture to minimize data loss and provide backup and failover tolerances; and provide a greater fault tolerance and user accessibility.

Moved, DeFilipps; second,

RESOLUTION NO. 93-216

AUTHORIZING PURCHASE FOR COMPUTER SERVICES FOR THE SECURITY ACCESS CONTROL UPGRADE PROJECT

RESOLVED, that this Legislature authorizes the purchase of hardware, professional installation service, software and conversion training from LINSTAR Inc., 430 Lawrence Bell Drive, Buffalo, NY 14221 for the Computer Services Security Access Upgrade project in the amount of \$8,906.26 (PO# 57059) to be paid from Computer Services Account A1680.270 – Capital Equipment which will upgrade the aging security hardware and software of the current access control systems, extend the life of the current hardware infrastructure and maintain the safety and security posture of Orleans County Government, its personnel and its building assets.

Moved, DeFilipps; second,

RESOLUTION NO. 94-216

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY SELF INSURANCE PLAN AND OLIVER WYMAN

WHEREAS, it is necessary to determine the liability of the workers' compensation costs associated to the individual members of the Orleans County Self Insurance Plan per Local Law 4 of the year 2015, and

WHEREAS, a Request For Proposal was issued December 28, 2015 for Actuarial Services for the Orleans County Self Insurance Plan which had a due date of February 2, 2016; and be it

RESOLVED, that this Legislature authorizes the agreement with Oliver Wyman Actuarial Consulting Inc, 48 South Service Rd, Ste 310, Melville, NY 11747 for an Actuarial Services to estimate the Plan's unpaid retained workers compensation loss and allocated loss adjustment expenses and to identify the portion that is attributable to the Orleans County Self Insurance Plan's members with an evaluation date of December 31, 2015, 2016 and 2017 with two optional one-year renewals for years ending December 31, 2018 and 2019 at an annual cost of \$11,000 for each year of the agreement, which will be a direct expense to the Orleans County Self Insurance Plan.

Moved, DeFilipps, second,

RESOLUTION NO. 95-216

AMENDING THE 2015-2016 MANAGEMENT COMPENSATION PLAN AND APPROVING THE MANAGEMENT COMPENSATION PLAN FOR 2017 AND 2018

WHEREAS, this Legislature desires to control costs and provide certainty for the approaching budget process as it relates to compensation for management and elected officials; therefore, be it

RESOLVED, that as of January 1, 2016 the Management Compensation Plan for 2015 and 2016 be updated to reflect a continued savings from the implementation of a high deductible plan and complete health

insurance reorganization will be invested back into compensation for management employees allowing for increases of 2% in January 2017 and 2% in January 2018; and be it

FURTHER RESOLVED, that various adjustments will be made to the plan that allow for implementation of quality of life measures at little or no cost to the county effective January 1, 2016; and be it

FURTHER RESOLVED, that the aforementioned plan is to be filed with the Clerk of the Legislature by the Chief Administrative Officer and Director of Personnel and Self Insurance and that the terms and provisions of the plan as filed are incorporated herein by reference as if fully set forth in this resolution.

Moved, DeFilipps; second,

RESOLUTION NO. 96-216

SETTING DATE AND TERMS FOR AUCTION OF COUNTY-OWNED TAX PROPERTIES NOTWITHSTANDING ANY RESOLUTION HERETOFORE ADOPTED

RESOLVED, that the following terms of auction for County-owned property for the auction to be held Wednesday, June 22, 2016 at 11:00 a.m. at the Albion Elk Lodge #1006, 428 West State Street, Albion, New York, be approved by this Legislature as follows:

TERMS OF AUCTION
ORLEANS COUNTY TAX PROPERTY AUCTION
ALBION ELK LODGE#1006
ALBION, NEW YORK
June 22, 2016
11:00 AM

This is the sale at public auction of various parcels of real property, which have been conveyed in the County of Orleans by final judgment under the so-called In Rem Tax Foreclosure Proceedings. This sale is ordered by various resolutions of the Orleans County Legislature and is in accordance with the appropriate provisions of the Real Property Tax Law. This sale and sale of each and every parcel herein is upon the following terms:

TERMS AND CONDITIONS
OF THE
ORLEANS COUNTY AUCTION OF TAX FORECLOSED PROPERTY

1. Orleans County acquired title to these properties in accordance with Article 11 of the Real Property Tax Law of the State of New York, and all known rights of redemption under said provisions of law have been extinguished by the tax sale proceedings; and/or as a result of forfeiture.
2. For purposes of these Terms and Conditions, parcel shall be defined as a section, block and lot number.
3. All real property, including any buildings thereon, is sold "AS IS" and without any representation or warranty whatsoever as to the condition or title, and subject to: (a) any state of facts an accurate survey or personal inspection of the premises would disclose; (b) applicable zoning/land use/building regulations; (c) water assessments are the responsibility of the purchaser, whether they are received or not; (d) the levied 2015 Town and County tax bill including any relieved taxes, 2015/2016 village taxes, 2015/2016 school tax, any village or town water and sewer rents and assessments, in addition to any other applicable charges (including, but not limited to, omitted and pro rata taxes, demolition charges, interest and penalties); and (e) for purposes of taxation, the purchaser shall be deemed to be the owner prior to the next applicable taxable status date after the public auction.

4. The purchaser shall be solely responsible for the payment of: the levied 2016 Town and County tax bill including any relieved taxes; any Village taxes levied after May 31, 2016, the 2016/2017 school taxes, the 2017 Town and County taxes, penalties and interest and charges levied against the property subsequent to the auction.
5. All purchasers are advised to personally inspect the premises and to examine title to the premises prior to the date of the auction. Upon delivery of the quitclaim deed by the County of Orleans to the successful purchaser, any and all claims with respect to title to the premises are merged in the deed and do not survive.
6. No personal property is included in the sale of any of the parcels owned by Orleans County, unless the former owner or occupant has abandoned same. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the successful purchaser following the closing of sale.
7. All informational tools, such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, etc., are for identification purposes only and are neither a guarantee nor a warranty as to location, dimensions, parcel use and/or size, or anything else. **THE COUNTY, THE AUCTIONEER, AND THE AUCTION SERVICE MAKE NO WARRANTY EXPRESSED OR IMPLIED IN CONNECTION WITH THIS SALE.**
8. The County of Orleans reserves the right, in its sole discretion, to withdraw from the auction any of the properties listed on the schedule of real property.
9. Notice is hereby given that the premises being sold may lie within an Agricultural District as designated upon the tax map. It is the sole responsibility of any bidder to ascertain which specific parcel(s) is so designated and sold subject to the provisions of law applicable thereto.
10. All bidders are required to register and provide suitable personal identification prior to the auction. Auctioneer reserves the right to decline registration if identification is not sufficient.
11. All bidders are required to use the bidder number issued to them for all purposes associated with the auction. A bidder may not bid on behalf of a party who is on the prohibited bidder list.
12. Bidder acknowledges receipt of the pamphlet entitled "Protecting Your Family From Lead in Your Home." Bidder also acknowledges that he/she has had the opportunity to conduct a risk assessment or inspection of the premises for the presence of lead-based paint, lead-based paint hazards, mold, asbestos or any other hazardous substances.
13. The former owner of the property, or his agent, shall not be deemed to be the successful bidder on the property or purchase same at the public auction, unless the bid amount exceeds the amount of the purchase price to affect the release of County's interest. If the former owner or his agent reacquires the property, all liens existing prior to the foreclosure, will be reinstated and the purchaser (former owner) must sign the deed to reinstate the liens.
14. Purchaser shall provide information necessary to complete, and shall execute, the necessary forms and documents required for recording the deed in the Orleans County Clerk's Office. The purchaser executing the auction terms and conditions of sale may not assign or otherwise transfer his right to complete the bid, unless the County agrees in writing. The deed prepared will be in the name of the successful bidder (and spouse) only. No third party bidding will be accepted, unless the bidder identifies that he is bidding as an agent for a disclosed principal.
15. The auctioneer's decision regarding any disputes is final, and the auctioneer reserves the right to reject any bid that is not an appreciable advancement over the proceeding bid.
16. The Purchaser will execute an Offer to Purchase form immediately upon being declared the high bidder. The approval of each bid by Resolution of the County Legislature *will not constitute a Contract of Sale* and the County reserves the right to reject any bid prior to the closing of title and the recording of the deed.
17. The Purchaser shall be responsible for the payment of an eleven percent (11%) buyer's premium should buyer be paying by credit card or a ten percent (10%) buyer's premium should the buyer be paying by cash or by bank check in addition to the accepted purchase price and the closing fees/costs. The "buyer's premium" is the fee/commission earned by the auctioneer. An additional one and one half

percent (1.5%) of the purchase price will be added to each parcel for advertising expenses. Accepted purchase price is the amount bid by a perspective bidder, which has been approved by the Orleans County Legislature.

18. All required deposits must be paid in full for all successful bids immediately upon being declared the successful bidder. Any successful bidder, who fails to tender the deposit immediately upon being declared the successful bidder, will be forbidden to participate in this or any other auction. Any parcels which the County did not receive deposits for, as per these terms and conditions, will be considered to be defaulted, and resold and the bidder will be disqualified from further bidding.
19. 25% of the total contract price (total contract price is the combination of the high bid and the buyer's premium, as defined in section 17 of these terms and conditions), shall be paid as a down payment on the day of the auction upon execution of an Offer to Purchase Form. Total contract prices selling for \$250.00 or less must be paid in full at auction, including all closing costs which consist of the following will be paid with the down payment on the day of the auction for each parcel: (a) New York State Transfer Tax [\$4.00 for the first \$1,000; \$2.00 for each \$500 thereafter of the purchase/bid price]; (b) Filing Fee for the Real Property Transfer Report [\$125.00 if the parcels classification code is 100-199, 200-299 or 411-C; \$250.00 for all parcels otherwise classified]; (c) Filing Fee for combined Gains Transfer Tax Affidavit [\$5.00]; (d) all fees required by the Orleans County Clerk for recording of the deed [\$50.00 to record a one page deed; \$5.00 for each additional page] *Closing costs may be subjected to an increase in fees as required by law, without notice.* All deposits must be made in cash or guaranteed funds payable to the "Orleans County Treasurer" and drawn on banks insured by the Federal Deposit Insurance Corporation (FDIC). No exceptions.
20. All bids shall be subject to approval by the Orleans County Legislature, which shall have the right, in the Legislature's sole discretion, to reject any bid for any reason whatsoever.
21. All parcels for which you are the successful bidder for must be paid in full. No selective closings subsequent to the auction. Failure to remit full payment on all parcels for which you are the successful bidder will result in a default of all deposits tendered, and you will not be permitted to close on any other parcels for which you are the successful bidder.
22. The entire balance of the accepted purchase price, the buyer's premium, as defined in section 17 of these terms and conditions, and all closing costs/fees must be paid by cash or guaranteed funds payable to received by the Orleans County Treasurer's Office on or before July 29, 2016. The County is not required to send notice of acceptance to a purchaser. If the purchaser fails to pay the balance of the total contract price plus closing costs and fees as herein provided, the deposit shall be forfeited. The County reserves the right, in its sole discretion, to extend the time of payment upon such terms and conditions it deems appropriate.
23. If the successful bidder fails to tender such amount due by the close of business on July 29, 2016, then the County may, but is not obligated to offer any unsold property to the second highest bidder. All terms and conditions for the sale set forth herein above shall apply to the second highest bidder and/or any other purchaser.
24. All sales shall be final, absolute and without recourse, once title has closed and the deed has been recorded. In no event, shall Orleans County and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc. be or become liable for any defects in title for any cause whatsoever, and no claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, success or assigns, against Orleans County and/or Haroff Auction & Realty, Inc. and/or Absolute Auctions & Realty, Inc. arising from this sale.
25. The County of Orleans will execute no warranties concerning the parcel or title thereto and will not deliver or be responsible for abstracts, title insurance, title searches, surveys, maps or other documents concerning a parcel whatsoever.
26. Conveyance shall be by quitclaim deed only, containing a description of the property as it appeared on the tax roll for the year upon which the County acquired title or as corrected up to date of deed. The deed will be recorded by the County upon payment in full of the accepted purchase price, buyer's

premium, and closing fees/costs. POSSESSION OF PROPERTY IS FORBIDDEN UNTIL THE DEED IS RECORDED WITH THE ORLEANS COUNTY CLERK CONVEYING TITLE TO THE PURCHASER. TITLE VESTS AT THE RECORDING OF THE DEED. It is agreed between the County and the purchaser that delivery and acceptance of the deed occurs upon recording the deed.

27. A quitclaim deed issued as a result of the auction shall contain the following provisions: (a) "Nothing contained in any description herein is intended to convey more than the assessed owner owned at the time of the levy of the tax, the non-payment of which resulted in the tax sale. There is no representation as to the extent of the acreage conveyed herein;" (b) Orleans County shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, or for any encroachments or disputed boundaries; and that no claim or demand of any nature shall ever be made against said Orleans County arising from such sale or conveyance or any proceedings leading thereto.
28. Evictions, if necessary, are solely the responsibility of the successful purchaser after closing and recording of the deed.

Moved, Eick; second,

RESOLUTION NO. 97-216

APPROVING AGREEMENT BETWEEN THE TREASURER'S OFFICE AND ABSOLUTE AUCTIONS AND REALTY, INC AND HAROFF AUCTION AND REALTY, INC.

RESOLVED, that this Legislature approves an agreement between the Treasurer's Office and Absolute Auctions and Realty, Inc. and Haroff Auction and Realty, Inc. for professional auction and licensed real estate broker services for the County In Rem Auction; for their professional services rendered through December 31, 2016 for the County In Rem Auction to be held on Wednesday, June 22, 2016; and be it

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

Moved, Eick; second,

RESOLUTION NO. 98-216

APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, the Orleans County Sheriff's Office continues to participate in the available Operation Stonegarden grants awarded annually by New York State Division of Homeland Security and Emergency Services; now be it

RESOLVED, that the Orleans County Sheriff is authorized to participate in and accept the grant agreement between the NYS Division of Homeland Security and Emergency Services and the Sheriff's Office for Operation Stonegarden FY2015 in the amount of \$76,220; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to electronically sign e-grant SG15-1013-D00; contract #C838759 in the amount of \$76,220 for the Sheriff's Office to enhance cooperation and coordination between Federal, State, local and tribal law enforcement agencies in joint operations along the Canadian border effective September 1, 2015 through August 31, 2018.

Moved, DeFilipps; second,

RESOLUTION NO. 99-216

RESOLUTION CALLING ON THE STATE TO INCREASE INDIGENT LEGAL DEFENSE SYSTEM FUNDING

WHEREAS, the United States Supreme Court held in Gideon v. Wainwright that the right to counsel for one charged with a crime is fundamental and that it is the state's responsibility to supply lawyers for those unable to afford them; and

WHEREAS, in 1965 the State of New York delegated this state responsibility to counties; and

WHEREAS, the decision to place responsibility at the county level in the State of New York has resulted in a system by which the county and local property taxpayers are burdened with the vast majority of costs for this state responsibility; and

WHEREAS, the shift of costs for this state mandated service has become so imbalanced that the counties of New York now cover over 80% of the cost; and

WHEREAS, implementation of the constitutional right to counsel under Gideon is a state, not county, obligation; and

WHEREAS, Assemblymember Patricia Fahy and Senator John DeFrancisco recently sponsored a same-as bill (A.6202B/S.6341) recognizing that indigent defense is a State fiscal responsibility and requiring the State, not the county, to pay for such service; and

WHEREAS, we commend Assemblymember Fahy and Senator DeFrancisco for championing a state fiscal takeover of indigent defense services, which will directly lead to improvements to this vital service for residents in need, and provide meaningful fiscal mandate relief for counties and real property taxpayers; and

WHEREAS, the State and multiple counties were sued, and ultimately settled, Hurrell-Harring, et. al v. State of New York, which sought to transform the indigent defense system and called for more government funding to be invested in the system; and

WHEREAS, the Hurrell-Harring settlement requires the parties involved in the suit to provide additional indigent defense services and costly increases including first arraignment counsel, case load caps for public defenders, and additional staff and support for public defenders; and

WHEREAS, the proposed 2015-16 Budget only allocates increased funding to the five counties involved in the Hurrell-Harring lawsuit for expanding indigent defense; and

WHEREAS, the remaining 52 counties need increased funding so that expanded indigent defense services are uniform throughout the State; and

WHEREAS, the Governor has stated recently that the entire New York State justice system needs to be examined to insure it provides the most equitable and fair treatment possible; and

WHEREAS, the state can improve the public defense system by incrementally increasing state funding, designing a cost-effective way to finance the system over time, and relieving counties of a responsibility delegated to them since 1965; and now therefore be it

RESOLVED, that the Orleans County Legislature supports increased state funding to the indigent legal defense system and for the state to ensure counties will not be forced to pay for the additional requirements resulting from the Hurrell-Harring settlement; and be it

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, NYSAC, and all others deemed necessary and proper.

Moved, DeFilipps; second,

RESOLUTION NO. 100-216

APPOINTING MEMBERS TO THE RADIO SYSTEM ADVISORY BOARD

WHEREAS, the Orleans County Radio System Advisory Board, per grant guidelines, must organize once per year; now be it

RESOLVED, that this Legislature appoints the following members to the Radio System Advisory Board for a one year term beginning January 1, 2016 through December 31, 2016:

David B. Callard	Legislature Chairman
Lynne M. Johnson	Legislature Vice Chairman
E. John DeFilipps	Chairman, Public Safety Committee
Chuck Nesbitt	Chief Administrative Officer
Randy Bower	Sheriff
H. Dale Banker	Director of Emergency Management
Gerald R. Gray	Highway Superintendent
Allen Turner	Sheriff's Dispatch
Rolland Nenni	Chief of Police Albion/Holley
Kevin Doherty	Radio System Manager
Gerald Bentley	Fire Advisory Board
Michael Schultz	Fire Chiefs' Association

Moved, DeFilipps; second,

RESOLUTION NO. 101-216

AUTHORIZING EMAIL DELIVERY OF LOCAL LAWS TO COUNTY LEGISLATORS

WHEREAS, pursuant to Chapter 397 of the Laws of 2015, the New York State Legislature amended Subdivision 4 of Section 20 of the Municipal Home Rule Law to provide that county legislative bodies may elect to receive introduced local laws via email delivery in lieu of regular mail delivery; and

WHEREAS, to reduce mailing costs and expedite the receipt and review of introduced local laws by County Legislators, it would be advantageous for the Orleans County Legislature to authorize email delivery of local laws; therefore be it

RESOLVED, that pursuant to Subdivision 4 of Section 20 of the Municipal Home Rule Law, the Orleans County Legislature hereby authorizes the email delivery of introduced local laws, with introduced local laws to be e-mailed to the e-mail in-box of each County Legislator in the Portable Document Format (PDF) at least ten calendar days, exclusive of Sunday, prior to its final passage.

Moved, Eick; second,

RESOLUTION NO. 102-216

AUTHORIZING PAYMENT OF CLAIMS FOR MARCH 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 March 9, 2016:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
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 March 23, 2016:

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

Moved, Allport; second,