



CONFERENCE SESSION

August 24, 2016

- 4:00 p.m. Taylor Daughton, Director/Curator and Sue Starkweather and Diane Palmer – Museum Trustees
Cobblestone Museum Update
- 4:10 pm. Lynne Fearby – Administrative Services Coordinator at Mental Health
New York State Department of Health Grant - Statewide Health Care Facility Transformation
- 4:15 p.m. Earl Schmidt, Director of Orleans County Veterans Service Agency
Annual Report and Future Direction of the Veterans Service Agency

AGENDA

LEGISLATURE MEETING

August 24, 2016

4:30 p.m.



Call to Order

Pledge to the Flag and Invocation - Veteran David Kusmiersczak

Roll Call

Presentation of Communications

Sheriff's Week Proclamation – Legislators DeFilipps and Johnson/Sheriff Randy Bower

Hunger Action Month in Orleans County – Legislators Allport and DeRoller/Foodlink - Phil Shippers –
Director of Member Programs & Services and Morgan McKenzie – Member Services Manager
and Annette Finch – Orleans/Genesee Community Action

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

285. Authorizing Payments from Capital Project Infrastructure Projects Account (Eick)
286. Approving Agreement between Highway Department and M&T Heating (Eick)
287. Authorizing Highway to Apply for Bridge NY Grant (Eick)
288. Authorizing Abolishing, Creating and Filling Positions in Office for the Aging (Miller)
289. Approving Agreement with the Department of Social Services (Miller)
290. Approving Memorandum of Agreement between Mental Health and Suicide Prevention Coalition (Allport)
291. Approving Agreement between Mental Health and Children's Health Home of Upstate New York (CHUNNY) (Allport)
292. Authorizing Mental Health Department to Apply for Capital Project Grant (Allport)
293. Approving Agreements between the Health Department and Various Agencies (Allport)
294. Authorizing the Transfer of Funds to Planning and Development Budget for Planner Positions (DeRoller)

- 295. Approving Agreement Extension between Real Property Tax Service and Applied Business Systems (Johnson)
- 296. Granting Extension for Payment on In Rem Auction Parcels (Johnson)
- 297. Approving Software Subscription Service between the Treasurer’s Office and Accela (Johnson)
- 298. Designating the Democrat and Chronicle as a Legal Newspaper for the Purpose of In Rem Foreclosure Proceedings (Johnson)
- 299. Approving Rate Adjustment for Value Payment Systems for Credit and Debit Card Services for the County Treasurer’s Office (Johnson)
- 300. Approving Extension of Agreement between Public Defender and NYS Office of Legal Services (DeFilipps)
- 301. Urging Governor Cuomo to Sign into Law Public Defense Mandate Relief (DeFilipps)
- 302. Approving Extension of EMPG FY15 Grant Between Emergency Management and NYS Division of Homeland Security and Emergency Services (Johnson)
- 303. Authorizing Payment of Claims for August against the County (Miller)

Old Business

Motion – Executive Session – Open Meetings Law Section 105 (d) and (f)

Adjournment

RESOLUTIONS:

RESOLUTION NO. 285-816

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>
39,758.64	Labella Associates	Prof. Services for Carton Road Bridge Repl.
2,792.00	Labella Associates	Prof. Services for East Scott Road Bridge Repl.
315,835.55	Crane-Hogan Structural Sys.	Worked performed on Carton Road Bridge Repl.
128,109.20	Union Concrete & Construction	Worked performed on East Scott Road Bridge Repl.

Moved, Eick; second,

RESOLUTION NO. 286-816

APPROVING AGREEMENT BETWEEN HIGHWAY DEPARTMENT AND M&T HEATING

RESOLVED, that this Legislature approves an agreement between the Highway Department and M&T Heating, 2777 Brown Road, Albion, New York 14411 to provide materials and installation of (2) new air conditioners at the Highway Department. County cost is \$5,300; to be paid out of the DM5130.445 account. Agreement effective as soon as County gives notice to proceed.

Moved, Eick; second,

RESOLUTION NO. 287-816

AUTHORIZING HIGHWAY TO APPLY FOR THE BRIDGE NY GRANT

WHEREAS, New York State has implemented a Bridge NY program to assist local governments in making needed improvements in its bridges and culverts; therefore be it

RESOLVED, that this Legislature authorizes Highway to apply for the Bridge NY grant for use on multiple Orleans County bridges and culverts; 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 and approval of the County Attorney and Chief Administrative Officer.

Moved, Eick; second,

RESOLUTION NO. 288-816

AUTHORIZING ABOLISHING, CREATING AND FILLING POSITIONS IN OFFICE FOR THE AGING

WHEREAS, there is a full-time Aging Services Account Clerk Specialist is retiring in the Office for the Aging; and

WHEREAS, the following position changes presented herewith will be contingent upon the availability of receiving additional Office for the Aging funding; now, therefore, be it

RESOLVED, that this Legislature authorizes the abolishing of the full-time Aging Services Account Clerk Specialist position (6772.04) in the Office for the Aging effective October 1, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a part-time Aging Services Account Clerk Specialist in the Office for the Aging at grade 13 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant part-time Aging Services Account Clerk Specialist in the Office for the Aging effective October 3, 2016; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of two full-time Aging Services Specialist in the Office for the Aging at grade 15 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the two newly created vacant full-time Aging Services Specialist positions in the Office for the Aging, effective October 3, 2016.

FURTHER RESOLVED, that this Legislature authorizes the abolishing of the Temporary Aging Services Specialist position (6772.15*) in the Office for the Aging effective upon the filling of the second newly created full time Aging Services Specialist position.

Moved, Miller; second,

RESOLUTION NO. 289-816

APPROVING AGREEMENT WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Elmcrest, Syracuse, NY for the provision of residential foster care services; to be effective October 1, 2016 through September 30, 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.

The William George Agency, Freeville, NY for the provision of residential foster care services; to be effective September 1, 2016 through August 31, 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.

Moved, Miller; second,

RESOLUTION NO. 290-816

APPROVING MEMORANDUM OF AGREEMENT BETWEEN MENTAL HEALTH AND SUICIDE PREVENTION COALITION

RESOLVED, that this Legislature approves a Memorandum of Agreement between Mental Health and the Suicide Prevention Coalition (SPC), 14012 Route 31 West, Albion, NY 14411, the SPC will engage in community forums, support and advocacy, and public awareness of suicide and prevention. Specifically, the Mental Health Department will act as an intermediary to receive, process and disburse any grant funds obtained by the SPC. The County as recipient of Article 28 reinvestment funds from the NYS OMH will redirect, at its discretion and OHM approval, Article 28 reinvestment funds to the SPC for the purpose of County-approved activities that meet the intent and purpose of the reinvestment. \$3,500 is for NYS Suicide Prevention Grant and \$7,500 is for NYS OMH Article 28 Medicaid Reimbursement Funds for a total of \$11,000. County cost is 0.

Moved, Allport; second,

RESOLUTION NO. 291-816

APPROVING AGREEMENT BETWEEN MENTAL HEALTH AND CHILDREN'S HEALTH HOME OF UPSTATE NEW YORK (CHHUNY, LLC).

RESOLVED, that this Legislature approves an agreement between Mental Health and Children's Health Home of Upstate New York (CHHUNY, LLC), 1099 Jay Street, Bldg. J, 3rd Floor, Rochester, NY 14611 providing the Health Home to which a patient is assigned, pay the Department for the delivery of health home services. Payment will be made on a monthly basis on the basis of the severity of need of individuals served by the Department during the month for which a bill is submitted. CHHUNY will pay the Department the monthly rate paid by the New York State Department of Health for each individual served, less an administrative fee of \$12.50 per individual served per month. Agreement shall automatically renew for successive terms of one year each unless terminated by either party effective through December 31, 2021. County cost is 0.

Moved, Allport; second,

RESOLUTION NO. 292-816

AUTHORIZING MENTAL HEALTH DEPARTMENT TO APPLY FOR CAPITAL PROJECT GRANT

RESOLVED, that this Legislature authorizes the Mental Health Department to apply to the NYS Department of Health for \$143,904 of grant funding for a capital project grant. Due to the continuing movement toward integration of primary care and behavioral health, an opportunity has presented itself to accommodate medical staff from Oak Orchard Community Health at the Department of Mental Health. This would allow mental health clients immediate access to physical health care. The build-out would include a reception area, waiting room, exam room, and restroom facilities. County cost is 0.

Moved, Allport; second,

RESOLUTION NO. 293-816

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

United Cerebral Palsy of Rochester d/b/a Rochester CP at 3399 Winton Road South Rochester NY 14623 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 September 1, 2016 through August 31, 2019. 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.

United Cerebral Palsy of Rochester d/b/a Rochester CP at 3399 Winton Road South Rochester NY 14623 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, 2016 through August 31, 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.

Moved, Allport; second,

RESOLUTION NO. 294-816

AUTHORIZING THE TRANSFER OF FUNDS TO PLANNING AND DEVELOPMENT BUDGET FOR PLANNER POSITION

WHEREAS, pursuant to Resolution No. 205-516 this Legislature approved the creation and filling of a vacant planner position; now be it

RESOLVED, that this Legislature authorizes the Treasurer to transfer funds into the Planning and Development budget for this new position as follows:

<u>From</u>		
A1990.435	Contingent Fund	\$20,942
<u>To</u>		
A8020.100	Personal Services	\$15,000
A8020.418	Other Contractual Expenses	1,500
A8020.810	Retirement	2,775
A8020.820	Medicare	218
A8020.830	Social Security	930

A8020.840	Workers Compensation	169
A8020.850	Unemployment	160
A8020.880	Disability	190

Moved, DeRoller; second,

RESOLUTION NO. 295-816

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; now be it

RESLOVED, that this Legislature approves an agreement extension for an additional 12 month period for printing services rendered through August 31, 2017 with no contract changes.

Moved, Johnson; second,

RESOLUTION NO. 296-816

GRANTING EXTENSION FOR PAYMENT ON IN REM AUCTION PARCELS

WHEREAS, Resolution No. 155-413 Setting Date and Terms for the Auction of In Rem Tax parcels, indicates the balance of the successful and accepted bids shall be paid to the Orleans County Treasurer by July 29, 2016, unless extended by the County Legislature; and

WHEREAS, time extensions were requested in a timely manner for the following parcels: Parcel #27, Town of Carlton, Tax Map #28.-1-59.2; Parcel # 30, Town of Gaines; Tax Map 50.2-1-13; Parcel #32, Town of Kendall, Tax Map #32.12-1-26.11; Parcel #49; Town of Ridgeway; Tax Map #68.-2-13; Parcel #51, Town of Ridgeway; Tax Map #69.-1-35; Parcel #56, Town of Shelby; Tax Map #90.-1-68; now, therefore be it

RESOLVED, that this Legislature grants an extension for the balance due for these parcels for a period of time not to exceed sixty (60) days; and be it

FURTHER RESOLVED, that due to this extension and loss of interest to the County, there will be charge of \$250 per parcel (property with improvements) and a charge of \$100 per parcel (vacant property) for each 30 day period until the property is fully paid, not to exceed 60 days.

Moved, Johnson; second,

RESOLUTION NO. 297-816

APPROVING SOFTWARE SUBSCRIPTION SERVICE BETWEEN THE TREASURER'S OFFICE AND ACCELA

RESOLVED, that this Legislature approves the annual software subscription service between the Treasurer's Office and ACCELA f/k/a KVS Information Systems, 821 Maple Rd, Williamsville, NY 14221 covering all programs relating to the Treasurer's Office, Personnel Office, and Budget Officer at a cost of \$10,046; effective August 1, 2016 through July 31, 2017, to be paid from the respective budgets, as applicable.

Moved, Johnson; second,

RESOLUTION NO. 298-816

DESIGNATING THE DEMOCRAT AND CHRONICLE AS A LEGAL NEWSPAPER FOR THE PURPOSE OF IN REM FORECLOSURE PROCEEDINGS

WHEREAS, the County Treasurer had previously designated the Daily News and the Journal-Register for public notice of in rem foreclosure pursuant to RPTL section 1124; and

WHEREAS, Legislature Resolution No. 4-114 which designated the Journal-Register, one of the official newspapers of the County, has subsequently ceased publication; and

WHEREAS, the County Treasurer wishes to designate the Rochester Democrat and Chronicle for public notice of the In Rem Foreclosure Proceedings until further notice; now be it

RESOLVED, this Legislature hereby approves the designation by the County Treasurer of the Democrat and Chronicle as one of at least two newspapers for public notice of the In Rem Foreclosure proceedings until another legal newspaper is designated in its place.

Moved, Johnson; second,

RESOLUTION NO. 299-816

APPROVING RATE ADJUSTMENT FOR VALUE PAYMENT SYSTEMS FOR CREDIT AND DEBIT CARD SERVICES FOR THE COUNTY TREASURER'S OFFICE

WHEREAS, Resolution 208-513 approved the use of credit and debit cards for tax payments made to the County Treasurer's office at the cost of 2.39% transaction fees for the use of any credit card payment and a flat \$3.95 fee for use of a debit card; and

WHEREAS, Value Payment Systems has advised they need to make a slight adjustment to the rates offered due to a change in Visa Card regulations, dues and assessments; and

WHEREAS, the County Treasurer has found the use of credit and debit card beneficial to our taxpayers, as well as increases to tax collection and would like to maintain this service, which is offered at no cost to the County; now, be it

RESOLVED, that this Legislature authorizes the Treasurer to continue the agreement with Value Payment Systems with the new rates of 2.60% transaction fees for the use of a credit card and 1.5% transaction fee for the use of a debit card, with a minimum charge of \$3.95.

Moved, Johnson; second,

RESOLUTION NO. 300-816

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

WHEREAS, Resolution No. 134-313 approved an agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, State Capitol Rm. 128, Albany, NY 12224 to provide

funds in the amount of \$78,219 to assist the County in improving the quality of indigent legal services, initially effective June 1, 2012 through May 31, 2015, and Resolution 259715 extending that contract to November 30, 2015; now be it

RESOLVED, that this Legislature approves extending the agreement between the Orleans County Public Defender and NYS Office of Indigent Legal Services, State Capitol Rm. 128, Albany, NY 12224 to continue to provide funds in the amount of \$78,219 through November 30, 2016.

Moved, DeFilipps; second,

RESOLUTION NO. 301-816

URGING GOVERNOR CUOMO TO SIGN INTO LAW PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/ A.10706)

WHEREAS, it is a fundamental right of all persons in the United States to be represented by counsel in all criminal prosecutions; and in the case of *Gideon vs. Wainwright*, 372 U.S. 335, the United States Supreme Court ruled that persons who were unable to afford counsel had a constitutional right to be defended by an appointed attorney paid by the State; and

WHEREAS, the New York State Senate and Assembly have passed historic legislation entitled Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of [Executive Law 832]; and

WHEREAS, the Public Defense Mandate Relief Act (S.8114/A.10706) also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010; and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State; and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; both problems would be remedied under the Public Defense Mandate Relief Act (S.8114/A.10706) as passed by the New York State Senate and Assembly; now be it

RESOLVED, that the Orleans County Legislature hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act (S.8114/A.10706) when it is delivered, fulfilling the State's obligation under *Gideon vs. Wainwright*, 372 U.S. 335, relieving the taxpayers of St. Lawrence County and the other counties of the State and New York City to fund this State mandate; and be it

FURTHER RESOLVED that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Senate Majority Leader Flanagan, Assembly Speaker Heastie, Senator Robert Ort, Assemblyman Steve Hawley, Assemblywoman Jane Corwin, the New York State Office of Indigent Legal Services, and the New York State Association of Counties (NYSAC) and all others deemed appropriate or necessary.

Moved, DeFilipps; second,

RESOLUTION NO. 302-816

APPROVING EXTENSION OF EMPG FY15 GRANT BETWEEN EMERGENCY MANAGEMENT AND NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, Resolution No. 263-715 approved the acceptance of funding in the amount of \$21,135 for the FY15 Emergency Management Performance Grant (EMPG) (EM-1032-D00) effective through September 30, 2016; now be it

RESOLVED, that this Legislature approves the extension of this grant through September 30, 2017; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to e-sign all related documents associated with the extension of this grant (EM-1032-D02).

Moved, Johnson; second,

RESOLUTION NO. 303-816

AUTHORIZING PAYMENT OF CLAIMS FOR SEPTEMBER 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 September 14, 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 September 28, 2016:

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

Self Insurance

Moved, Allport; second,