



CONFERENCE SESSION

March 22, 2017

4:10 p.m. Emily Cooper – Fingerlakes Hired

4:20 p.m. Kathleen Hodgins – GCASA Update

AGENDA

LEGISLATURE MEETING

MARCH 22, 2017

4:30 p.m.



Call to Order

Pledge to the Flag and Invocation - Veteran David Kusmiersczak

Roll Call

Presentation of Communications

Proclamation – April as Wine Trail Month in Orleans County

Treasurer's Report

Open Discussion – Legislators/Public Comment on Resolutions

Presentation of Resolutions:

83. Awarding Bids for Various Materials and Commodities for Highway Department (Eick)
84. Authorizing Filling Vacancy in the Highway Department (Eick)
85. Authorizing Creation and Filling of Position in the Highway Department (Eick)
86. Approving Purchase and Agreement between Buildings and Grounds and Gerster Sales and Service (Eick)
87. Approving Agreement Extensions between Orleans County Board of Elections and New York State Board of Elections (Eick)
88. Calling on New York State's Congressional Delegation to Support and Invest in the Public Workforce Development System (Miller)
89. Calling on Governor Cuomo and State Lawmakers to Invest and Implement Funding for a Statewide Workforce Strategy that Assists Locally (Miller)
90. Approving Renewal Agreements between Office for the Aging and Various Agencies (Miller)
91. Authorizing Setting Up New Money in the Office for the Aging's Budget (Miller)
92. Approving Appointments to the Aging Advisory Council (Miller)
93. Approving Agreements with the Department of Social Services (Miller)
94. Authorizing Abolishing and Creating Positions in the Veterans Service Agency (Miller)
95. Authorizing Creation and Filling of Positions in the Mental Health Department (Allport)
96. Approving Cellular Phone Use Agreement for Mental Health Department (Allport)
97. Approving Agreements between the Health Department and Various Agencies (Allport)

98. Authorizing Setting Up New Monies in the Public Health Department (Allport)
99. Authorizing Out of State Travel for Public Health Director (Allport)
100. Approving Agreement with Timothy Newton Construction for Mowing at Orleans County Parks (DeRoller)
101. Approving Agreement for Dock Worker/Custodial Services at Orleans County Marine Park (DeRoller)
102. Accepting E-Waste Assistance Grant from New York State Department of Environmental Conservation (DeRoller)
103. Awarding Bid for Electrical Infrastructure Improvements (Shore Power) at Orleans County Marine Park (DeRoller)
104. Approving Amended By-Laws of the Orleans County Planning Board (DeRoller)
105. Amending Resolution No. 367-1016 Concerning agreement between Computer Services and Time Warner Cable Business Class (Johnson)
106. Calling on the State of New York to Fully Reimburse Municipal Self Insured Workers' Compensation Plans (Johnson)
107. Approving Agreement between the Sheriff's Office and the New York State Department of Corrections and Community Supervision's Office of Nutritional Services (DeFilipps)
108. Authorizing Abolishing, Creating and Filling of Positions in the Sheriff's Office (DeFilipps)
109. Authorizing Creation and Filling of Positions in the Sheriff's Office (DeFilipps)
110. Authorizing Setting Up New Money in the and Purchase from the Sheriff's Budget (DeFilipps)
111. Approving Agreement between the Orleans County District Attorney's Office and various vendors. (DeFilipps)
112. Authorizing Out of State Travel for Major Felony Crime Task Force Employee (DeFilipps)
113. Authorizing Expending Grant Funds in Emergency Management and Approving Treasurer to Set Up New Money in the Emergency Management Budget (Johnson)
114. Authorizing Expending Grant Funds in Emergency Management and Approving Treasurer to Set Up New Money in the Emergency Management Budget (Johnson)
115. Approving Master Leasing and License Service Agreements with Crown Castle USA Inc and the County of Orleans (Johnson)
116. Authorizing Setting Up New Money in the Historian's Budget (Johnson)
117. Supporting Congressman Collins Medicaid Local Share Limitation Proposal (Johnson)
118. Authorizing Payment of Claims for March against the County (DeFilipps)

Old Business

Adjournment

RESOLUTIONS

RESOLUTION NO. 83-317

AWARDING BIDS FOR VARIOUS MATERIALS AND COMMODITIES FOR HIGHWAY DEPARTMENT:

WHEREAS, the Orleans County Highway Department sought bids for various materials and commodities for the years 2017-2018; and

WHEREAS, such bids have been received, opened and reviewed to determine the lowest responsible bidder for each material and commodity; be it

RESOLVED, that the bids for the various materials and commodities be awarded to the low bidders named on schedules for the dollar amounts per unit shown on such schedules, subject to the approval of the County Attorney.

Moved, Eick; second,

RESOLUTION NO. 84-317

AUTHORIZING FILLING A VACANCY IN THE HIGHWAY DEPARTMENT

WHEREAS, an employee has recently retired in the Orleans County Highway Department; now, therefore be it

RESOLVED, that this Legislature does hereby authorize the filling of a vacant full-time Motor Equipment Operator position (5110.05), Grade H2 of the CSEA Salary Schedule, effective April 3, 2017.

Moved, Eick; second,

RESOLUTION NO. 85-317

AUTHORIZING CREATION AND FILLING OF POSITION IN THE HIGHWAY DEPARTMENT

RESOLVED; that this Legislature does hereby authorize the creation of a permanent part-time Account Clerk position in the Highway Department at Grade 10 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created, vacant position, effective May 1, 2017

Moved, Eick; second,

RESOLUTION NO. 86-317

APPROVING PURCHASE AND AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND GERSTER SALES & SERVICE

RESOLVED, that this Legislature approves the purchase of one (1) Trane 40 ton air cooled chiller with remove evaporator, condensing unit from Gerster Sales and Service, 45 Earhart Drive, #103, Williamsville, NY 14221-7809 at the cost of \$66,282.19 using US Communities Contract #15-JLP-023; Proposal #048-20008-17-001 for the Mental Health Building and is to be paid from Buildings and Grounds Account A1620.270 – Capital Equipment account, fully covered by insurance recovery monies; and be it

FURTHER RESOLVED, that this Legislature approves an agreement between Gerster Sales and Service and Buildings and Grounds to install the air cooled chiller unit in the Mental Health Building – Proposal #21788

Moved, Eick; second,

RESOLUTION NO. 87-317

APPROVING AGREEMENT EXTENSIONS BETWEEN ORLEANS COUNTY BOARD OF ELECTIONS AND NEW YORK STATE BOARD OF ELECTIONS

RESOLVED, that this Legislature approves the Appendix X agreement extension between the Orleans County Board of Elections and the New York State Board of Elections, 40 North Pearl St, Albany, NY extending the period effective April 1, 2017 through March 31, 2018 that funds are available to the local board of elections for the following:

Contract #T002560 — Voter Education and Poll Worker Training Program — Original Funding amount of \$23,131 (Res. No. 123-307); current balance \$4,226.02.

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute the Appendix X extensions and acknowledges that all other provisions of said agreements shall remain in full force and effect.

Moved, Eick; second,

RESOLUTION NO. 88-317

CALLING ON NEW YORK STATE'S CONGRESSIONAL DELEGATION TO SUPPORT AND INVEST IN THE PUBLIC WORKFORCE DEVELOPMENT SYSTEM

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA) was passed by Congress in 2014 with overwhelming bipartisan support; and

WHEREAS, WIOA was designed to help job seekers access employment, education and training to develop the skilled workforce necessary for companies to compete in a global economy; and

WHEREAS, In 2016, Orleans County allocated over \$100,000 of WIOA funding to train and provide work experience for more than 50 local individuals for in-demand careers; and

WHEREAS, Many private sector jobs in the region are still going unfilled because of a lack of funding for training to contend with the skills mismatch that exists in the job market; and

WHEREAS, WIOA has not been fully funded since it was authorized in 2014 and funding has been cut substantially each year since it was enacted; and

WHEREAS, WIOA is vital to the County's economic development efforts to create and sustain a talent pipeline for our local economy; now, therefore, be it

RESOLVED, The Orleans County Legislature calls on Congress to fully fund the Title 1 programs at the levels authorized under WIOA and to avoid any further funding cuts that erode the impact of the program; and further

RESOLVED, that certified copies of this resolution be sent by the Clerk of the Legislature to United States Congressman Chris Collins and Senators Charles Schumer and Kirsten Gillibrand.

Moved, Miller; second,

RESOLUTION NO. 89-317

CALLING ON GOVERNOR CUOMO AND STATE LAWMAKERS TO INVEST AND IMPLEMENT FUNDING FOR A STATEWIDE WORKFORCE STRATEGY THAT ASSISTS LOCALLY-DRIVEN WORKFORCE DEVELOPMENT PROGRAMS

WHEREAS, New York's workforce system engages nearly a dozen agencies that receive funding from the federal and state level; and

WHEREAS, it operates in ten economic development regions, 33 designated workforce investment areas, and 62 counties; and

WHEREAS, New York State has added over 500,000 private sector jobs since 2011; and

WHEREAS, while the growth in private sector jobs is positive many jobs remain unfilled because support and funding for workforce development programs has not followed suit; and

WHEREAS, with the development of these private sector jobs, the jobseekers who do not have strong education, training or professional networks are not able take advantage of these new opportunities; and

WHEREAS, The New York Association of Training and Employment Professionals (NYATEP) performed a study that analyzed spending on a broad range of workforce services including adult education, job training, and employment programs and discovered that spending has fallen by five percent since 2011; and

WHEREAS, developing a statewide workforce strategy that effectively serves employers and jobseekers must be able to:

- Connect workforce investments to the initiatives and priorities of statewide, regional, and local economic development needs,
- Focus policy and emphasis on a full pipeline of workers through community colleges, adult basic education and worker training,
- Aggressively pursue a wide array of funding sources including targeted state resources and funding that could be provided through the Regional Economic Development Councils (REDCs); now, therefore, be it

RESOLVED, The Orleans County Legislature calls on Governor Cuomo and State lawmakers to make a strong commitment to helping New York's workers and businesses add the skills they need with a fully defined strategy and robust financial support; and be it

FURTHER RESOLVED, that certified copies of this resolution be sent by the Clerk of the Legislature to Governor Andrew Cuomo, Senate Majority Leader John Flanagan, Assembly Speaker Carl Heastie, Assembly Minority Leader Brian Kolb, Senator Robert Ort and Assemblymen Stephen Hawley and Michael Norris, and the New York State Association of Counties.

Moved, Miller; second,

RESOLUTION NO. 90-317

APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR THE AGING AND VARIOUS AGENCIES

RESOLVED, that this Legislature does hereby approve the following renewal agreements between the Office for the Aging and various agencies:

Independent Living Services (ILS)-iCircle, 521 Fifth Avenue, 3rd Floor, New York, NY 10175 - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2017 to April 30, 2018 to clients needing services, iCircle will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one year renewals, to be reviewed in 2020. County cost \$0 – Revenue Source.

Fidelis Care, 95-25 Queens Boulevard, Rego Park, NY 11374 - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2017 to April 30, 2018 to clients needing services, Fidelis will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one year renewals, to be reviewed in 2020. County cost \$0 – Revenue Source.

ErieNiagara MLTCP, Inc., 2424 Niagara Falls Blvd, Niagara Falls, NY 14304 -OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from April 1, 2017 to March 31, 2018 to clients needing services, ErieNiagara, MLTCP, Inc. will reimburse Orleans County Office for the Aging per home delivered meal and for Personal Emergency Response System. The county is approving an agreement for an initial term of one year with up to four additional one year renewals, to be reviewed in 2021. County cost \$0 – Revenue Source.

Moved, Miller; second,

RESOLUTION NO. 91-317

AUTHORIZING SETTING UP NEW MONEY IN THE OFFICE FOR THE AGING’S BUDGET

RESOLVED, that this County Treasurer is authorized to set up new money received through The Research Foundation for State University of New York for recruiting older adults to participate in a Stepping on workshop that is an evidence based health promotion program in the Office for the Aging budget, as follows:

Revenue:

6772-1972	Office for the Aging-Local Grants	\$550
-----------	-----------------------------------	-------

Appropriation:

6772-100	Personnel Expenses	\$350
6772-411	Office Supplies	\$100
6772-4462	Mileage	\$100

Moved, Miller; second,

RESOLUTION NO. 92-317

APPROVING APPOINTMENTS TO THE AGING ADVISORY COUNCIL

RESOLVED, that this Legislature approves the following appointments to the Office for the Aging Advisory Council for a three year term, effective April 1, 2017 through March 31, 2020. (* denotes final term)

- Jane Stroyan, 1008 West Avenue, Medina, NY 14103
- *Don Josyln, 4275 Oak Orchard Road, Albion, NY 14411
- *John Kenney, 75 East Avenue, Holley, NY 14470
- *Miguel Lauren, 360 W. Oak Orchard Street, Medina, NY 14103
- *Robin Nacca, 4285 Oak Orchard Road, Albion, NY 14411
- *Jean Shervin, 13746 Allen Road, Albion, NY 14411
- *Donald Snyder, 1749 Kent Road, Kent, NY 14477
- *William Standing, 99 Heritage Estates, Albion, NY 14411
- *Anna Stelianou, 10 Lynwood Drive, Lyndonville, NY 14098

Moved, Miller; second,

RESOLUTION NO. 93-317

APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES

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

Children's Home of Wyoming Conference, Binghamton, NY for the provision of residential foster care services; to be effective May 1, 2017 through April 30, 2018 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.

Greater Rochester Collaborative MSW Program, Rochester, NY for an intern agreement among Nazareth College, Brockport College, and Orleans County Department of Social Services; to be effective June 12, 2017 through June 11, 2018. County cost will be \$0.

Moved, Miller; second,

RESOLUTION NO. 94-317

AUTHORIZING ABOLISHING AND CREATING POSITIONS IN THE VETERANS SERVICE AGENCY

WHEREAS, that the Veterans Service Agency Administrative Secretary will be retiring effective March 31, 2017; now be it

RESOLVED, that this Legislature abolishes the position of Veteran Service Agency Administrative Secretary effective April 1, 2017; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of full time Veteran Service Officer position in the Veterans Service Agency at Grade 13 of the CSEA salary schedule effective April 3, 2017; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a part-time Senior Keyboard Specialist position in the Veterans Service Agency at Grade 10 of the CSEA salary schedule effective April 3, 2017.

Moved, Miller; second,

RESOLUTION NO. 95-317

AUTHORIZING CREATION AND FILLING OF POSITIONS IN THE MENTAL HEALTH DEPARTMENT

WHEREAS, the Mental Health Department has a vacancy for a permanent Keyboard position (Position # 4310.36); and

WHEREAS, due to the high volume of front desk calls, scheduling of clients, and the demands of walk-in appointments, a temporary part time Keyboard Specialist position is needed for the successful operation of the Department until the permanent position is filled; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation and filling of a temporary part time Keyboard Specialist position in the Mental Health Department at Grade 7 of the CSEA salary schedule; effective March 23, 2017 and ending when the full time position is filled; and be it

RESOLVED, that this Legislature authorizes the filling of a permanent Keyboard Specialist (Position # 4310.36) in the Mental Health Department at Grade 7 of the CSEA salary schedule, effective March 23, 2017.

Moved, Allport; second,

RESOLUTION NO. 96-317

APPROVING CELLULAR PHONE USE AGREEMENT FOR MENTAL HEALTH DEPARTMENT

WHEREAS, certain Mental Health Clinic Therapists are now at school satellite locations for certain days of the week, and

WHEREAS, the approved form of agreement for cellular phone use has been prepared, and has been reviewed by the appropriate Legislative Committee, be it

RESOLVED, that this Legislature approves the Cellular Phone Use Agreement for the a Clinic Therapist position (4310.16) covering use of a cellular phone in accordance with the Cellular Phone Use Policy.

Moved, Allport; second,

RESOLUTION NO. 97-317

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Buffalo Hearing and Speech Center at 50 East North Street Buffalo, NY 14203. This contract to provide center-based/ evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from the New York State Education Department and Medicaid. Center-based tuition, evaluation rates and SEIS are set by New York State. The State pays 59.5% and the Orleans County Health Department is responsible for 40.5%. Contract period is July 1, 2016 through June 30, 2019.

Orleans Community Health a/k/a Medina Memorial Hospital at 200 Ohio Street Medina, NY 14103. This Contract is to provide lead poisoning education, information, sampling, and testing for the residents of Orleans County. This contract runs concurrent with the New York State contract. Contract Period is October 1, 2016 through September 30, 2017. County cost \$0.

Agri-Business Child Development Holley ABCD-Grace's Place at 52 Maziarz Drive Holley, NY 14470. This Memorandum of Agreement is for services to infants and toddlers who are at risk for, or are diagnosed as having a disability. This agreement supports the right of all infants and toddlers with disabilities to receive free appropriate services including all necessary evaluations, early intervention, and related services which parents request, in accordance with state and federal statutes and regulations. This contract replaces the previous one with revisions as indicated. Contract to run from February 9, 2017 through February 13, 2020.

Moved, Allport; second,

RESOLUTION NO. 98--317

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 accepting award to attend National Food Regulatory Program Conference as follows:

<u>Revenue:</u>		
A4403	Association of Food and Drug Officials	\$ 2,000
<u>Appropriations:</u>		
A4010.460	Training & Education	\$ 1,000
A4010.463	Travel Other Than Mileage	\$ 1,000

Moved, Allport; second,

RESOLUTION NO. 99-317

AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH DIRECTOR

RESOLVED, that this Legislature approves the Out-of-State travel request by Paul A. Pettit, Public Health Director; to attend the “NACCHO annual conference” in Pittsburgh, PA at the Wyndham Grand Pittsburgh Downtown; July 10 – July 14, 2017 (for travel). County cost \$0.

Moved, Allport; second,

RESOLUTION NO. 100-317

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, 2017 to October 31, 2017 at a cost of \$280 per mowing at all sites, to be paid from Account A7180.432-Misc. Contracts/Agreements.

Moved, DeRoller; second,

RESOLUTION NO. 101-317

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, 2017 to October 31, 2017 at a cost not to exceed \$15,870 to be paid from Account A7180.432-Misc. Contracts/Agreements.

Moved, DeRoller; second,

RESOLUTION NO. 102-317

ACCEPTING E-WASTE ASSISTANCE GRANT FROM NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, Orleans County established a program to allow residents to drop-off electronic waste in response to the lack of practical alternatives to protect the environment and public safety after New York State prohibited its disposal through curbside trash pickup effective January 1, 2015; and

WHEREAS, during the month of October 2016 the New York State Department of Environmental Conservation subsequently offered an E-Waste Assistance Grant Program to municipalities as a supplement to the existing Household Hazardous Waste State Assistance Program; and

WHEREAS, Orleans County applied for said E-Waste Assistance Grant, and thereafter received notice that it was eligible for a 50% reimbursement of its collection costs, both actual and estimated, from April 1, 2016 through March 31, 2017 through Contract No. DEC01-T00250GG-3350000 in the amount of \$14,256.74; now be it

RESOLVED, that this Legislature accepts said E-Waste Assistance Grant funds.

Moved, DeRoller; second,

RESOLUTION NO. 103-317

AWARDING BID FOR ELECTRICAL INFRASTRUCTURE IMPROVEMENTS (SHORE POWER) AT ORLEANS COUNTY MARINE PARK

WHEREAS, in March 2017, the Department of Planning and Development will be requesting bids for Electrical Infrastructure Improvements (Shore Power) at the Orleans County Marine Park to alleviate nuisance tripping of ground fault interrupters as part of Orleans County Marine Park Boating Access Phase 2 (Contract Number C1000543); and

WHEREAS, due to time constraints and the pending season opening of the Park, once bids have been publicly opened and reviewed to determine the lowest bidder, the County needs to award the bid by a pre-approved resolution; therefore be it

RESOLVED, that this award pre-approves the lowest bidder; subject to the Chairman of the Legislature, County Attorney, and Chief Administrative Officer approval.

Moved, DeRoller; second,

RESOLUTION NO. 104-317

APPROVING AMENDED BY-LAWS OF THE ORLEANS COUNTY PLANNING BOARD

WHEREAS, on February 23, 2017 the Orleans County Planning Board approved by resolution amendments to its operating By-Laws as a means of clarifying its policy regarding the cancellation of meetings, and

WHEREAS, General Municipal Law § 239-c requires that the county legislative body take similar action for said amendments to take effect, be it

RESOLVED, that this Legislature approves the Orleans County Planning Board By-Laws as amended through February 23, 2017.

Moved, DeRoller; second,

RESOLUTION NO. 105-317

AMENDING RESOLUTION NO. 367-1016 CONCERNING AGREEMENT BETWEEN COMPUTER SERVICES AND TIME WARNER CABLE BUSINESS CLASS

WHEREAS, Resolution No. 367-1016 approved an agreement between Computer Services and Time Warner Cable Business Class for the initiation of Session Initiation Protocol (SIP) trunks to transition our phone services to a VOIP technology; now be it

RESOLVED, that Resolution No. 367-1016 be amended to now hold agreement with Spectrum Cable due to the recent merger with Time Warner Cable; and be it

FURTHER RESOLVED, that the Director of Computer Services will evaluate the line usage and analyze additional blocks of four (4) trunk lines at \$60 per block and will acquire additional blocks based on the need of incoming and outgoing calls; and be it

FURTHER RESOLVED, that Resolution No. 367-1016 be amended to have the monthly cost not to exceed \$720 per month, which will be a total of 48 trunk lines.

Moved, Johnson; second,

RESOLUTION NO. 106-317

CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE MUNICIPAL SELF INSURED WORKERS' COMPENSATION PLANS

WHEREAS, the New York State Association of Self-Insured Counties (NYSASIC) has become aware of Senate Bill S01411 and Assembly Bill A00711; and

WHEREAS, NYSASIC, as the professional organization representing the majority of self insured counties and many other municipalities in the State of New York, strongly oppose this legislation; and

WHEREAS, the proposed legislation seeks to amend the Volunteer Firefighters' Benefit Law to add a new section (11-d) to read as following:

“§ 11-d – Volunteer firefighters; presumption in certain cancers.

1. Notwithstanding any other provision of this chapter to the contrary, a condition of impairment of health of a volunteer firefighter with (a) five or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the lymphatic or hematological systems or (b) ten or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma, resulting in total or partial disability or death to such volunteer firefighter, who successfully passed a physical examination on entry into firefighter service, which examination failed to reveal any evidence of such cancers, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence. Claims for benefits pursuant to this section must be filed within twelve years of separation from actual service in protecting life and property from fire in the interior of buildings.
2. This section shall not apply to volunteer firefighters serving in a fire company or fire department where the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire company serving territory outside the villages and fire districts or (b) a town fire department, has adopted a local law or resolution to elect not to provide this presumption.

This act shall take effect immediately and shall expire and be deemed repealed June 30, 2021.”

WHEREAS, this legislation is problematic for several reasons: First the physical examination required for entry into a volunteer fire department is typically quite limited in scope. Such physical examinations do not include the detail or diagnostic testing typically associated with diagnosing cancer or ruling out the presence of

cancer. For example, such physical examinations do not include comprehensive blood testing, PET scans, CT scans, MRI's, colonoscopies, mammograms, pap smears, prostate examinations, etc., as the physical examinations are typically quite limited and cursory in nature. Many of the cancers referenced in the proposed legislation may be present and remain undiagnosed even though an individual may still pass the physical examination associated with entry into volunteer firefighter service; and

WHEREAS, many of the conditions identified in the proposed legislation often develop with age and/or are either genetic or hereditary in nature. Thus, even if a comprehensive physical examination with diagnostic testing is performed when an individual first enters firefighter service, it would be both disingenuous and unwise to presume that in the event that such an individual eventually is diagnosed with cancer, such as prostate cancer or breast cancer many years later, that the development or cause of that cancer is in any way connected to the individual's firefighter service; and

WHEREAS, a Second reason this proposed legislation is also problematic as it does not define what is meant by "faithful and actual service in the protection of life and property from fire in the interior of buildings"; and

WHEREAS, a Third reason this proposed legislation is also problematic as the time frames used of five or ten years of faithful and actual service in the protection of life and property from fire in the interior of buildings does not define how a volunteer firefighter's time is tracked as the individual transfers from one department or company to another and which department or company is ultimately responsible for the costs associated with this presumptive coverage; and

WHEREAS, such legislation would essentially place counties in the position of insuring that in the event that a volunteer firefighter contracts lymphatic or hematological systems or cancer affecting the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma cancers that counties will need to provide indemnity, medical and, potentially death benefits, unless they can prove that the volunteer firefighter does not have five or ten years of faithful and actual service in the protection of life and property from fire in the interior of buildings. Providing such a presumption and placing the cost of rebutting such a presumption on county taxpayers would pose an undue financial burden and hardship. In addition, such a presumption would likely force counties and volunteer fire departments to change their procedures relating to physical examinations for volunteer firefighters in order to ensure that applicants are cancer free. Such comprehensive physical examinations would prove costly and could have a chilling effect on recruitment and the membership of volunteer fire departments; and

WHEREAS, the proposed legislation is unnecessary as the Volunteer Firefighters' Benefits Law already provides such benefits in the event that a volunteer firefighter (or his or her dependents in connection with a death claim) can prove that the cancer condition arose in the line of duty Shifting the burden of proof from the volunteer firefighter to the local municipality based upon flawed presumptions which lack sound medical foundation would be ill advised; now be it

RESOLVED, that the Orleans County Legislature urges the State of New York not to pass Senate Bill S01411 and Assembly Bill A00711 in its current language; and be it

FURTHER RESOLVED, that in the event that there is a desire that the aforementioned legislation be passed, the Orleans County Legislature urges Senate Bill S01411 and Assembly Bill A00711 to be modified so that municipal self-insured workers' compensation plans shall be reimbursed the costs of claims which are associated with Senate Bill S01411 and Assembly Bill A00711 by the State of New York. This will facilitate the continued operation and existence of the very volunteer fire departments and volunteer fire companies whose members would be assisted by the bills, since the taxing authorities which support these volunteer fire departments and volunteer fire companies will otherwise be financially stressed by the claims precipitated by these bills; and be it

FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York Andrew Cuomo, NYS Senate Majority and Minority Leaders, Senator Robert Ortt, Speaker of the New York State Assembly Carl Heastie, Assemblyman Stephen Hawley, Assemblyman Michael Norris, NYSAC, NYSASIC, InterCounty of Western New York, all Orleans County Towns and Villages, Orleans County Emergency Management to distribute to all county Fire Districts and Departments; and all others deemed necessary and proper.

Moved, Johnson; second,

RESOLUTION NO. 107-317

APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE AND THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION'S OFFICE OF NUTRITIONAL SERVICES

RESOLVED, that this Legislature approves a renewal agreement between the Sheriff's Office and the New York State Department of Corrections and Community Supervision's Office of Nutritional Services, Evans Drive Bldg #50, Rome, NY, to procure food products for inmates of the county jail, with costs based on quarterly pricing, for the period September 1, 2017 through August 31, 2022; and be it

FURTHER RESOLVED, that the Chairman is authorized to sign these agreements subject to the review and approval of the Orleans County Attorney and Legislative Chairman.

Moved, DeFilipps; second,

RESOLUTION NO. 108-317

AUTHORIZING ABOLISHING, CREATING AND FILLING OF POSITIONS IN THE SHERIFF'S OFFICE

WHEREAS, a Deputy Sheriff Sergeant has retired in the Sheriff's Department; and

WHEREAS, it will take time to fill this vacant Deputy Sheriff Sergeant position on the midnight shift, now therefore be it

RESOLVED, that this Legislature authorizes the filling of a vacant full time Deputy Sheriff Sergeant position in the Sheriff's Department at a Grade 2 of the OCDSA Salary Schedule effective March 23, 2017; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full time Deputy Sheriff position in the Sheriff's Department at a Grade 1 of the OCDSA Salary Schedule effective March 23, 2017; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant full time Deputy Sheriff position effective March 23, 2017 and be it

FURTHER RESOLVED, that this Legislature authorizes the abolishment of full time Deputy Sheriff position upon the filling of the vacant Deputy Sheriff Sergeant position.

Moved, DeFilipps; second,

RESOLUTION NO. 109-317

AUTHORIZING CREATION AND FILLING OF POSITION IN THE SHERIFF'S OFFICE

RESOLVED, that this Legislature does hereby authorize the creation of a full time Civil Clerk position in the Sheriff's Office at Grade 1 of the Orleans County Sheriff's Employees Association Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this newly created vacant position effective March 23, 2017.

Moved, DeFilipps; second,

RESOLUTION NO. 110-317

AUTHORIZING SETTING UP NEW MONEY IN AND PURCHASE FROM THE SHERIFF'S BUDGET

WHEREAS, the Orleans County Sheriff's Office was awarded a Legislative Initiatives Grant with the New York State Division of Criminal Justice Services; and

WHEREAS, this Legislature approved the agreement and acceptance of funding in the amount of \$10,000 for the enhancement of Public Protection Initiatives in Resolution No. 337-916; now be it

RESOLVED, that the Legislature authorizes the purchase of twelve (12) Safariland Ballistic Body Armor Plates and Carriers from United Uniform, 495 North French Rd, Buffalo, NY 14228 (PO 58335) in the amount of \$12,694.80 with \$10,000 to be paid from Sheriff's Account A3110.486 – Special Grants and the remaining \$2,694.80 to be paid from A3110.415 – Uniform and Cleaning Allowance; and be it

FURTHER RESOLVED, that the Orleans County Treasurer is hereby authorized to set up new money in the Sheriff's Office budget to help purchase this personal protective equipment, as follows:

<u>Revenue:</u>		
A3032	Sheriff Initiative Grant	\$10,000
<u>Appropriation:</u>		
A3110.486	Special Grants	\$10,000

Moved, DeFilipps; second,

RESOLUTION NO. 111-317

APPROVING AGREEMENT BETWEEN THE ORLEANS COUNTY DISTRICT ATTORNEY'S OFFICE AND VARIOUS VENDORS

RESOLVED, that this Legislature approves agreements between the Orleans County District Attorney's Office and various vendors:

Forbes Court Reporting Services, LLC, 21 Woodcrest Drive, Batavia, NY 14020 to provide court stenography professional services for Orleans County Grand Jury and Justice Court appearances at a cost of \$200 per Grand Jury Appearance. Additional services for requested printed transcripts at a rate of \$3.80 per page. Term of agreement shall be effective January 1, 2017 through December 31, 2021.

Rosa Hollander, 417 Argonne Drive, Kenmore, NY 14217 to provide interpreter services for Grand Jury Proceedings at a rate of \$250 per Grand Jury appearance and mileage reimbursement at the Orleans County rate established at the beginning of each year – one cent less than the federal mileage rate with such agreement effective January 1, 2017 through December 31, 2021.

Moved, DeFilipps; second,

RESOLUTION NO. 112-317

AUTHORIZING OUT OF STATE TRAVEL FOR MAJOR FELONY CRIME TASK FORCE EMPLOYEE

RESOLVED, that this Legislature authorizes Out of State Travel for Investigator Corey Black of the Orleans County Major Felony Crime Task Force to attend the Cellebrite Forensic Phone Training in Myrtle Beach, South Carolina in March of 2017. All costs covered by Asset Forfeiture funds. County cost \$0.

Moved, DeFilipps; second,

RESOLUTION NO. 113-317

AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT AND APPROVING TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend EMPG FY2016 [EM16-1041-D00] Grant Funds in the amount of \$10,017 for a Kubota ATV from Kubota Tractor Corporation with \$10,017 in matching funds; \$515 for installation costs of lighting and mobile radio equipment on the Kubota ATV from Lyons Collision with the same in matching County funds and \$10,532 to purchase one Foam Nurse Trailer with accessories from Churchville Fire Equipment with matching County funds according to all EMP Grant Guidelines; and be it

FURTHER RESOLVED, that this Legislature authorizes the County Treasurer to set up FY 2016 EMPG funds as follows:

<u>Revenue:</u>		
4305.0016	Emergency Management Program Grant	\$21,064
<u>Appropriation:</u>		
A3640.486.0016	Special EMP Grants –FY2016	\$21,064

Moved DeFilipps; second,

RESOLUTION NO. 114-317

AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT AND APPROVING TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET

WHEREAS, Resolution No. 346-916 and No. 77-217 authorized the Director of Emergency Management to expend State Homeland Security Program Grant Funds FY2016 (C972460) for Physical Security Enhancements at the Mental Health Complex and Court House Square at a cost not to exceed \$40,000, be it

RESOLVED, that this Legislature authorizes setting up these FY2016 Homeland Security funds as follows:

<u>Revenue:</u>		
4309.2016	Homeland Security Grant Funds FY2016	\$40,000

Appropriation:
A3640.486.2016 Special EMP Grants –FY2016 \$40,000

Moved, Johnson; second,

RESOLUTION NO. 115-317

APPROVING MASTER LEASING AND LICENSE SERVICE AGREEMENTS WITH CROWN CASTLE USA, INC AND THE COUNTY OF ORLEANS

WHEREAS, This Legislature understands the opportunities that are available through public private partnerships, and;

WHEREAS, the Master Leasing Agreement and License Service Agreement between Orleans County and Crown Castle provides an opportunity to leverage local assets and private sector expertise to the benefit of Orleans County residents, therefore be it;

RESOLVED, that this Legislature approves a Master Leasing and License Service Agreements between the County of Orleans and Crown Castle USA, Inc, 2000 Corporate Drive, Canonsburg, to provide Site management relating to marketing, design, construction, and Maintenance/Operation of Telecommunication sites within Orleans County; with said agreements to be reviewed every five years; and be it

FURTHER RESOLVED, that the Chairman of the Legislature is authorized to execute these agreements subject to the review and approval by the County Attorney and Chief Administrative Officer.

Moved, Johnson; second,

RESOLUTION NO. 116-317

AUTHORIZING SETTING UP NEW MONEY IN HISTORIAN'S BUDGET

RESOLVED, that the County Treasurer is authorized to set up new money in the Historian budget as a result of a donation received from the Orleans County Historical Association, as follows:

<u>Revenue:</u>		
A2705	Donations	\$500
<u>Appropriation:</u>		
A7510.411	Office Supplies	\$500

Moved, Johnson; second,

RESOLUTION NO. 117-317

SUPPORTING CONGRESSMAN COLLINS MEDICAID LOCAL SHARE LIMITATION PROPOSAL

Resolution details to follow.

Moved, Johnson; second,

RESOLUTION NO. 118-317

AUTHORIZING PAYMENT OF CLAIMS FOR APRIL 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 April 12, 2017:

<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 April 26, 2017:

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

Moved, DeFilipps; second,