

LEGISLATURE MEETING

February 22, 2017

Vice Chairwoman Johnson called the meeting to order at 4:30 PM. After the pledge to the flag and invocation, led by Veteran David Kusmierczak. Vice Chairwoman Johnson called for a moment of silence to remember Michael Paduchak who passed away on January 31, 2017. Mike served as the Town of Kendall Supervisor for 32 years and served on the Orleans County Board of Supervisors from 1958-1967 and 1970-1979 – a total of 19 years. While on the Board of Supervisors, Mike was instrumental in the formation of the Community Action Board which he served on for over 40 years, holding the position of Chairman for many years. Mike continued to serve as an appointee by this Legislature as a board member on the Orleans County Soil and Water Conservation District Board serving nearly thirty years on and again held the post of Chairman for many years. Mike did all of this while being a full time farmer. Mike’s service to his country and community and love for his family will never be forgotten.

Clerk Hanlon called the roll. All Legislators were present with the exception of Chairman Callard.

The Clerk presented the following communications: Town/Village resolutions that have been received
Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Yates	Support Villages Calling for Increases to New York State Aid and Incentives to Municipalities

Scott Wilson, Superintendent of the Orleans County Jail, shared his appreciation to the Orleans County Buildings and Grounds Department in respect of the Commission of Corrections Audit that was performed November 14th through 18th of 2016. The Commission of Corrections did not find any deficiencies with the physical plant of the Orleans County Jail. Mr. Wilson wishes to personally thank and share his appreciation to the Buildings and Grounds Department in providing the assistance necessary to maintain the Jail and improve the maintenance program overall. Friends of the Orleans County Animal Shelter has forwarded a letter requesting consideration to increase the adoption fees for all canines to \$80. This letter has been forwarded to you for review. The Albion Strawberry Festival Committee has requested to display a 5’ x 12’ banner on the Courthouse Lawn from May 30, to June 11, 2017 to advertise the Annual Strawberry Festival Event and are also asking for use of power at the square. The Board approved this request.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through January of 2017. Treasurer Heard stated that January looks nice and February has brought in tax collection money.

Vice Chairwoman called for open discussion as it related to the resolutions with there being no comments, the following resolutions were presented for adoption:

RESOLUTION NO. 47-217

APPROVING AGREEMENT WITH THE HIGHWAY AND BUILDINGS AND GROUNDS DEPARTMENT AND LABELLA ASSOCIATES, P.C.

RESOLVED, that this Legislature does hereby approve an agreement with the Highway and Buildings and Grounds Department and Labella Associates, P.C., 300 State Street, Suite 201, Rochester, NY 14614 to perform various professional services on an as needed basis effective March 19, 2017 through March 18, 2022.

Moved, Eick; second, Miller.

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

RESOLUTION NO. 48-217

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

WHEREAS, Resolution No. 465-1213, 242-715 approved an agreement for the county to clean and maintain the Court Facility; now be it

RESOLVED, that this Legislature approves a one (1) year amended renewal agreement between the Buildings and Grounds Department and the Unified Court System, which provides for the county to clean and maintain the Court Facility, Contract #C300357, at an increased cost of \$171,543, from \$155,006 as initially approved, for the period of April 1, 2016 through March 31, 2017, with 100% reimbursement to be made to the county by the state.

Moved, Eick; second, Miller.

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

RESOLUTION NO. 49-217

APPROVING AGREEMENT BETWEEN ORLEANS COUNTY BOARD OF ELECTIONS AND DOMINION VOTING SYSTEMS CORPORATION

RESOLVED, that this Legislature approves an agreement between the Orleans County Board of Elections and Dominion Voting Systems Corporation, 215 Spadina Avenue, Toronto, Ontario, Canada provide extended hardware and firmware warranties on 14 BMD voting machines for 3 years effective January 1, 2017 through December 31, 2019 at a cost of \$9,072.

Moved, Eick; second, Miller.

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

RESOLUTION NO. 50-217

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

RESOLVED, that the Office for the Aging is authorized to continue participation in a grant renewal with New York State Office for the Aging for the purpose of expanding the capacity of existing NY Connects programs and enhance its functionally. The populations served are broadened and new partners are being added to fully realize the No Wrong Door/Single Point of Entry reform required by the federal Balance Incentive Program (BIP) authorized under the Affordable Care Act; now be it

FURTHER RESOLVED, that this Legislature authorizes the Director of Orleans County Office for the Aging to reapply for a grant from NYSOFA through the Balancing Incentive Program(BIP), for \$184,029 from January 1, 2017 to March 31, 2018 at no county cost.

Moved, Miller; second, Eick.

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

RESOLUTION NO. 51-217

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

WHEREAS, the following position is in demand due to a waiting list for home care service and this program is 75 % funded by the state; now be it

RESOLVED, that this Legislature authorizes the abolishing of a part-time Personal Care Aide position in the Office for the Aging effective upon the filling of the newly created vacant full time position; and be it

FURTHER RESOLVED, that this Legislature authorizes the creation of a full- time Personal Care Aide position at grade 4 of the CSEA Salary Schedule; and be it

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

Moved, Miller; second, Eick.

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

RESOLUTION NO. 52-217

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

RESOLVED, that the Treasurer is authorized to set up new money received through the Western and Central Health Foundation for recruiting older adults to participate in a survey that looks at the needs of older adults in the Office for the Aging budget, as follows:

<u>Revenue:</u>		
6772-1972	Office for the Aging-Local Grants	\$1,000
<u>Appropriation:</u>		
6772-100	Personnel Services	\$1,000

Moved, Miller; second, Eick.

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

Legislator Miller moved a resolution to approve an agreement for residential foster care services with Villa of Hope Youth and Family Services; second by Legislator Eick. Legislator DeRoller asked if Commissioner Kuryla could provide more information on this. Commissioner Kuryla advised that this would allow the Department for placement into institutional foster care should our local foster care homes be unable to house such youth that may need more supervision. DSS has done business with this institution for many years. The following resolution was adopted:

RESOLUTION NO. 53-217

APPROVING AGREEMENT BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND VILLA OF HOPE YOUTH AND FAMILY SERVICES

RESOLVED, that this Legislature does hereby approve the following renewal agreement between the Orleans County Department of Social Services and Villa of Hope Youth and Family Services, Rochester, NY for the provision of residential foster care services; effective March 13, 2017 through March 12, 2018 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, Eick.

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

RESOLUTION NO. 54-217

AUTHORIZING FILLING VACANCY IN THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature, as the result of a termination, does hereby authorize the filling of a vacant full-time Caseworker position (6010.0229) at the Department of Social Services at Grade 16 of the CSEA Salary Schedule effective April 3, 2017.

Moved, Miller; second, Eick,
Adopted. 6 ayes; 0 nays; 1 absent, Callard.

RESOLUTION NO. 55-217

APPROVING EXTENSION OF AGREEMENT BETWEEN MENTAL HEALTH AND WESTERN NEW YORK CLINICAL INFORMATION EXCHANGE, INC. (HEALTHeLINK)

WHEREAS, Resolution No. 324-913 authorized an agreement between Western New York Clinical Information Exchange, Inc. (HealtheLink) and the Department of Mental Health to provide Health Home Care Coordination services for the Department at no County cost; and

WHEREAS, the length of this agreement is to be extended another five years, originally effective September 18, 2013 and ending September 17, 2016; and

WHEREAS, this agreement continues to be available to providers at \$0 cost; now be it

RESOLVED, that this Legislature approves the extension of this Western New York Clinical Information Exchange, Inc. (HealtheLink) agreement effective September 18, 2016 through September 17, 2021.

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

RESOLUTION NO. 56-217

AUTHORIZING FILLING VACANCY IN THE MENTAL HEALTH DEPARTMENT

RESOLVED, that this Legislature authorizes the filling of a vacant Clinic Therapist position (4310.08) in the Mental Health Department at Grade 22 of the CSEA Salary Schedule effective February 23, 2017.

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

Legislator Allport moved to appoint Jeannette Riley to the Community Services Board. He expressed that Ms. Riley will be a great contributor to this important board in our County as she continues to serve the public. Legislator DeRoller seconded the motion and concurred with Legislator Allport's statements and added that she had many years of service in our Probation Department. The following resolution was adopted:

RESOLUTION NO. 57-217

APPROVING APPOINTMENT TO THE COMMUNITY SERVICES BOARD

RESOLVED, that this Legislature approves the appointment of Jeannette Riley to the Community Services Board, to serve a four-year term to begin February 23, 2017 and ending February 22, 2021.

Moved, Allport; second, DeRoller.

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

RESOLUTION NO. 58-217

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Carol Heiligenthaler at 319 Pearl St, Medina, NY 14103 to provide related services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program effective July 1, 2016 through June 30, 2019. There is partial reimbursement from New York State Education Department and Medicaid. The related services rates are set by the county. The state pays 59.5% and the Orleans County Health Department is responsible for 40.5%.

Laura Calla at 1550 Genesee St Corfu, NY 14036 to provide for Municipal Representative Services to ensure appropriate healthcare services provision to clients of the Municipality in accordance with accepted professional standards and federal, state, and local regulations effective January 1, 2017 through December 31, 2017. Provider shall provide services under the administrative supervision of the County Public Health Director, or his/her duly constituted agent. Provider shall maintain close working relationships with the Orleans County Department Staff. Cost to county is \$40 per hour.

Breaking Boundaries at 3860 Atlantic Ave Fairport, NY 14450, contract to provide related services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program effective July 1, 2016 through June 30, 2019. There is partial reimbursement from New York State Education Department and Medicaid. The related services rates are set by the county. The state pays 59.5% and the Orleans County Health Department is responsible for 40.5%.

ARC of Orleans-Rainbow Preschool at 122 Caroline St, Albion, NY 14411 to provide center-based, evaluation and special education itinerant services (SEIS) to Orleans County Children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program effective July 1, 2016 through June 30, 2019. There is a partial reimbursement from the New York State Education Department and Medicaid. Center-based tuition, evaluation rates, and SEIS rates are set by New York State. The state pays 59.5% and the Orleans County Health Department is responsible for 40.5%.

Oak Orchard Community Health Center at 300 West Ave., Brockport, NY 14420 to provide for translation services and referral liaison services between available health care service and the migrant community. Contract is funded through the New York State Migrant Grant. No Cost to County. Contract period to run concurrent with the New York State Contract.

WNY Speech-Language, Pathology, OT & PT Consultants, PLLC at 590 Fishers Station Drive, Suite 130 Victor, NY 14564 contract to provide center-based/evaluation/Special Education Itinerant Services (SEIS) to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program effective July 1, 2016 through June 30, 2019. There is partial reimbursement from New York State Education Department and Medicaid. Center-based tuition, evaluation rates and SEIS rates are set by New York State. The State pays 59.5% and the Orleans County Health Department is responsible for 40.5%.

James McGuinnes and Associates, 1482 Erie Boulevard, Schenectady NY 12305 to provide consultation for the development of software application, as approved in Resolution No. 450-1216, and to assist Public Health Department in the use of new software and provide technical support for the completed software product for preschool reporting with maintenance and support charges of \$625 per month/ \$7,500 per year effective for three years.

Moved, Allport; second, DeRoller.

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

RESOLUTION NO. 59-217

AUTHORIZING THE HEALTH DEPARTMENT TO ADD AN ADDITIONAL MIFI TO VERIZON ACCOUNT

RESOLVED, that this Legislature authorizes the Orleans County Public Health Department to add an additional MiFi to our existing Verizon Account as approved in our 2017 budget account A4010.404 Communications Maintenance; and be it

FURTHER RESOLVED, that this Legislature approves the MiFi Use Agreement for the Health Department to be used by various Health Department employees as assigned and overseen by the Director of Public Health.

Moved, Allport; second, DeRoller.

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

RESOLUTION NO. 60-217

APPROVING AGREEMENT BETWEEN TOURISM DEPARTMENT AND BUFFALO SPREE PUBLISHING, INC.

RESOLVED, that this Legislature approves the agreement between the Tourism Department and Buffalo Spree Publishing, Inc., 1738 Elmwood Ave., Buffalo, NY 14207 to provide:

- 1/3 page advertising in May 2017 issue of Buffalo Spree;
- 1/3 page advertising in May/June 2017 issue of 585 (Rochester);
- 2 page custom spread advertising in Jul/Aug 2017 issue of 585 (Rochester);
- 1/3 page advertising in Sept 2017 (Day Trips/Getaways) issue of Buffalo Spree;
- 1/3 page advertising in Sept/Oct 2017 (Home) issue of 585 (Rochester);

at a cost of \$5,772.43 all to be paid from Tourism Account 6410.468 – I Love NY Matching funds.

Moved, DeRoller; second, Allport.

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

RESOLUTION NO. 61-217

APPROVING AGREEMENT WITH ORLEANS COUNTY CORNELL COOPERATIVE EXTENSION

RESOLVED, that this Legislature approves the agreement between the County of Orleans and the Orleans County Cornell Cooperative Extension, which authorizes the payment of the sum of \$240,000 for the calendar year 2017, to Cornell Cooperative Extension, such payments to be made by the County in quarterly payments of \$60,000.

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

RESOLUTION NO. 62-217

SUPPORTING AN INCREASE IN THE SHARE OF REVENUE COUNTIES RETAIN FOR PROVIDING STATE DMV SERVICES

WHEREAS, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) office; and

WHEREAS, local DMV Offices provide customer service and process many no-fee transactions on behalf of New York State; and

WHEREAS, under current law the State of New York takes 87.3% of all fees collected from the work performed by the county operated DMV's; and

WHEREAS, the remaining 12.7% county share has not been increased since 1999, yet the amount of work required by local DMV offices has increased in the same time period; and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county DMV revenue sharing rate with the state will not result in any increased cost or fees to local residents or taxpayers and will provide counties with the needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all the services including overhead and staffing to fulfill these DMV needs for state residents, yet the State takes 87.3% of the revenue generated from providing said services; and

WHEREAS, the New York State Association of County Clerks strongly supports Bill numbers S1908 and A3397, which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and help offset county property taxes; and

RESOLVED, that the Orleans County Legislature, calls upon Governor Andrew M. Cuomo and members of the State Legislature to support Senate Bill Number S.1908 and Assembly Bill A.3397 that relates to increasing the retention percentage for certain motor vehicle service fees; and be it

FURTHER RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Robert G. Ort, Assemblyman Steve Hawley, Assemblyman Michael J. Norris, NYSAC, New York State Association of County Clerks (NYSACC), and all others deemed necessary and proper.

Moved, DeFilipps; second, Eick.
Adopted. 6 ayes; 0 nays; 1 absent, Callard.

RESOLUTION NO. 63-217

APPROVING LEASE AGREEMENT FOR MICROSOFT OFFICE STANDARD AND PROFESSIONAL PLUS 2016 SOFTWARE FOR ALL ORLEANS COUNTY PERSONNEL

WHEREAS, the Computer Services Department has determined that the current productivity software, Microsoft Office 2007 has reached end-of-life during the 2017 calendar year and poses a security and productivity risk to Orleans County; and

WHEREAS, the Computer Services Department has received a quote for the current software replacement, Microsoft Office Standard 2016 and Microsoft Office Professional 2016 from CDW-G, 75 Remittance Drive, STE # 1515; Chicago, IL 60675-1515 in the amount of \$83,888 under Volume Pricing, GSA; and

WHEREAS, the Computer Services Department has received a lease offer from American Capital 1 Financing, 2015 Ogden Avenue, STE # 400; Lisle, IL 60532 in the amount of \$22,509.48 per year for four (4) years with a one (1) dollar buyout option at the end of the lease using KS State Bank, Government Finance Department, PO Box # 69; Manhattan, KS 66505-0069 as the financing arm; and

WHEREAS, acquisition of this software will provide continuing productivity for eight (8) years; now be it

RESOLVED, that this Legislature authorizes the Chairman to execute a four (4) year lease agreement with American Capital 1 Financing, 2015 Ogden Avenue, STE # 400; Lisle, IL 60532 in the amount of \$22,509.48 per year for four (4) years with a one (1) dollar buyout option at the end of the lease and that the Chairman is authorized to make payments to KS State Bank, Government Finance Department, PO Box # 69; Manhattan, KS 66505-0069 to be paid as a lease apportionment amount from all departments Lease Budgets (AXXXX.222) in Orleans County in the 2017, 2018, 2019 and 2020 calendar years.

Moved, DeFilipps; second, Allport.

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

RESOLUTION NO. 64-217

AUTHORIZING PURCHASE FOR COMPUTER SERVICES FOR THE NETWORK SECURITY CONTROL PROJECT

WHEREAS, the Computer Services Department has determined that the growth of network usage has undermined the ability of the current security appliance to handle edge-of-network security control and as the current appliance no longer has the capacity to grow further with the advent of current technologies and has reached obsolescence; and

WHEREAS, it is vital that the Orleans County network remains inviolate regarding HIPAA, PII and current standards of security compliance; now be it

RESOLVED, that this Legislature authorizes the purchase of one (1) SOPHOS XG450-3yr-TP appliance from Layer 3 Technologies, 1645 Lyell Avenue, STE 200; Rochester, NY 14606 for the Computer Services Capital Project Network Security Upgrade and Renewal project in the amount of \$21,775 (PO # 58384) to be paid from the Computer Services Account A1680.270 — Capital Equipment which will protect the Orleans County Network from external threats to security and provide improved protected wireless access control throughout the county offices.

Moved, DeFilipps; second, Allport.

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

Legislator DeFilipps moved to set the date and terms of the Auction for county-owned tax properties; second by Legislator Allport. Legislator DeRoller questioned if anything has changed from past auctions. Treasurer

Heard stated that all of the necessary terms are included and covered. The auction date has been moved back to May where it should be. CAO Nesbitt encouraged all those that attend our Auction to read these terms before they bid on properties. The following resolution was adopted:

RESOLUTION NO. 65-217

**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, May 24, 2017 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
May 24, 2017
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 2017 Town and County tax bill including any relieved taxes, 2016/2017 village taxes, 2016/2017 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 2017 Town and County tax bill including any relieved taxes; any Village taxes levied after May 31, 2017, the 2017/2018 school taxes, the 2018 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 June 30, 2017. 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 June 30, 2017, 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 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 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, DeFilipps; second, Allport.
Adopted. 6 ayes; 0 nays; 1 absent, Callard.

RESOLUTION NO. 66-217

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

RESOLVED, that this Legislature approves an agreement between the Treasurer's Office and Absolute Auctions 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, 2017 for the County In Rem Auction to be held on Wednesday, May 24, 2017; and be it

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

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

RESOLUTION NO. 67-217

AUTHORIZING COUNTY TREASURER TO CLOSE OUT CAPITAL PROJECT COURT HOUSE SQUARE ACCOUNT

WHEREAS, the Capital Project at Court House Square has been completed; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to close out said Capital Project, in accordance with rules per the NYS Comptroller.

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

RESOLUTION NO. 68-217

AUTHORIZING COUNTY TREASURER TO CLOSE OUT CAPITAL PROJECT BRIDGE ACCOUNT

WHEREAS, the Capital Project Bridge has been completed; now be it

RESOLVED, that this Legislature authorizes the County Treasurer to close out said Capital Project, in accordance with rules per the NYS Comptroller.

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

RESOLUTION NO. 69-217

AUTHORIZING SALE OF PORTION OF FORMER RAILROAD-TROLLEY RIGHT OF WAY

WHEREAS, Kathryn Donhauser Bonafede is the owner of approximately 95.40 acres of land on the Eagle Harbor Road in the Town of Albion, Tax Map No. 72.-1-6.21; and

WHEREAS, the former Railroad-Trolley Right of Way traverses the aforesaid property such that the landowner owns the real property on both sides of the said right of way; and

WHEREAS, the landowner is desirous of acquiring the County's interest in the former Railroad-Trolley Right of Way and has offered the sum of \$500 as and for a purchase price; now be it

RESOLVED, that this Legislature sell and convey that portion of the former Railroad-Trolley Right of Way which passes through the real property owned by Kathryn Donhauser Bonafede to Kathryn Donhauser Bonafede for the sum of \$500 upon the condition that the deed from the County shall be a quitclaim deed without warranty by the County as to the title of the premises, and shall contain a condition and covenant that the County shall in no event be or become liable for any defect in the title so conveyed for any cause whatsoever, and the Orleans County Treasurer is hereby authorized to make and deliver a quit claim deed to the said purchaser upon payment of the aforementioned purchase price.

Moved, DeFilipps; second, Allport.

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

RESOLUTION NO. 70-217

APPROVING REAL ESTATE SALES CONTRACT FOR THE SALE OF 106 BEAVER STREET (73.6-7-77), VILLAGE OF ALBION

WHEREAS, the parcel commonly referred to as 106 Beaver Street (73.6-7-77), Village of Albion, was subject to an In Rem Tax Foreclosure proceeding pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, the parcel is a 50' x 120' vacant parcel of real property; and

WHEREAS, purchaser desires to buy the property in connection with purchasers development, construction, and operation of a low income housing facility together with related parking facilities; and

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

RESOLVED, that this Legislature approves a Real Estate Sales Contract for 106 Beaver Street (73.6-7-77), between the County of Orleans as Seller, and DePaul Acquisitions LLC as Purchaser, for a sale price of \$12,501.05, subject to the attorney approval of the County Attorney.

RESOLVED, that the Vice Chairwoman is authorized to sign any and all documents that pertain to this sale.

Moved, Johnson; second, Allport.

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

Legislator DeFilipps moved to urge New York State to fund Probations Departments and other impacted County departments and agencies the full costs associated with raising the age of criminal responsibility to 18 years of age; second by Legislator Allport. Vice Chairwoman Johnson requested David Quaranto, Orleans County Probation Supervisor to speak to this resolution. He said he is not in favor of raising the age because it will increase the workload tremendously in the juvenile department. He said that sixteen and seventeen year olds will no longer be treated as criminals. The intake process for juvenile delinquents takes two to four months. If they don't succeed during the intake and diversion process, there is no recourse for them because they are not going to put them in foster care and they can't put them in jail. It is going to be a very trying time

in Probation if we don't get assistance from the State expressed Mr. Quaranto. The following resolution was adopted:

RESOLUTION NO. 71-217

URGING NEW YORK STATE TO FUND PROBATION DEPARTMENTS AND OTHER IMPACTED COUNTY DEPARTMENTS AND AGENCIES THE FULL COSTS ASSOCIATED WITH RAISING THE AGE OF CRIMINAL RESPONSIBILITY TO 18 YEARS OF AGE.

WHEREAS, Governor Cuomo signed Executive Order 131 on April 9, 2014 to establish the Commission on Youth, Public Safety and Justice instructing the Commission to develop a concrete plan to raise the age of criminal responsibility in New York State and make specific recommendations on how the juvenile and criminal justice systems can better serve youth, improve outcomes and protect communities; and

WHEREAS, the Commission completed its report on December 31, 2014 recommending raising the age of criminal responsibility from age 16 to age 18 over a two year period to be completed in a phased in approach; and

WHEREAS, Division of Criminal Justice Statistics reveal the number of arrests among 16 and 17 year olds statewide in calendar year 2015 was 27,281 and that under the proposed change these youth will now be shifted from the criminal courts to local Probation Departments for Intake and Diversion services; and
WHEREAS: The Governor's proposal recommends that the violation level offenses of Harassment, 2nd Degree and Disorderly Conduct shall also be diverted to Probation Departments for Intake and Adjustment services, thus adding substantially to the workload of Probation staff; and

WHEREAS, the Governor's proposal recommends Probation Departments provide a continuum of diversion services that range from minimal intervention for low risk youth and evidence based service for high risk youth; and

WHEREAS, Probation Departments will not be able to absorb the influx of youth requiring Intake and Diversion services at current staffing levels and will require additional staff to perform these duties; and
WHEREAS These added burdens to county Probation Departments come as the state share of probation costs has fallen from 46.5% in 1990 to 9% in 2016; and

WHEREAS, other County Departments and agencies may be similarly affected by the increase in the age of criminal responsibility in areas that range from juvenile detention to community support services, and do not have alternative sources of income to support the cost of additional responsibilities and services, and

WHEREAS, Counties cannot absorb the financial cost associated with raising the age without 100% funding of the additional staff and services required by the Governor's proposal; and

WHEREAS, the funding proposal stipulates that only counties who do not exceed the 2% tax cap and can demonstrate to the Division of Budget that funding related services is a fiscal hardship may apply for a waiver of the local share requirement of an expense otherwise incurred; now therefore be it

RESOLVED, that the Orleans County Legislature insists the State Legislature enact legislation that fully, permanently and unambiguously obligates the State to pay for 100% of all new costs incurred by Probation Departments and other county departments and agencies affected by raising the age of criminal responsibility; and be it

FURTHER RESOLVED, that language be included to set aside designated funds from which Counties can draw, eliminating the need for Counties to exceed their 2% tax cap; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward copies of this resolution to Governor Andrew Cuomo, Senator Ortt, Assemblyman Hawley, Assemblyman Norris, the Senate Majority and Minority Leaders, the Assembly Majority and Minority Leaders, Congressman Collins, New York State Counties and NYSAC.

Moved, DeFilipps, second, Allport.

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

RESOLUTION NO. 72-217

APPROVING AGREEMENT BETWEEN THE SHERIFF'S OFFICE/JAIL AND VARIOUS AGENCIES

RESOLVED, that this Legislature approves renewal agreements between the Sheriff's Office/Jail and the following agencies:

Barre Animal Hospital, 15445 East Lee Road, Holley, NY 14470 for emergency veterinary services effective January 1, 2017 through December 31, 2017, as per contracted cost schedule.

Dr. Mark Rumble, DDS, 243 South Main Street, Albion, NY 14411 for dental services provided to inmates at the Orleans County Jail, as per rates set forth in the fee schedule, effective January 1, 2017 through December 31, 2018.

Moved, DeFilipps; second, Allport.

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

Legislator DeFilipps moved to accept an anonymous donation for our K-9 unit and authorize the Treasurer to set up the this new money in the Sheriff's budget; second by Legislator Allport. The Board all wished to thank our donor for this wonderful anonymous gift. The following resolution was adopted:

RESOLUTION NO. 73-217

AUTHORIZING ACCEPTANCE OF DONATION TO THE SHERIFF'S OFFICE'S K-9 UNIT AND AUTHORIZING SETTING UP NEW MONEY IN SHERIFF'S OFFICE BUDGET

WHEREAS, the Orleans County Sheriff's Office wishes to extend its sincere thank you to those who have generously donated to our department's K-9 Unit, may it be

RESOLVED, that this Legislature accepts a donation to assist the Orleans County Sheriff's Office K-9 Unit in equipping a road patrol vehicle with apparatus that will assure the proper care and transport of the canine, and be it

FURTHER RESOLVED, that the Treasurer is authorized to set up new money in the Sheriff's Office budget, as follows:

<u>Revenue:</u>		
A2705	Gifts & Donations	\$6,500.00
<u>Appropriation:</u>		
A3110.270	Capital Equipment	\$6,500.00

Moved, DeFilipps; second, Allport.
Legialture appreciates the anounmous gift
Adopted. 6 ayes; 0 nays; 1 absent, Callard.

RESOLUTION NO. 74-217

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

RESOLVED, that this Legislature approves a new agreement between the Orleans County Public Defender and the NYS Office of Indigent Legal Services, State Capitol Rm. 128, Albany, NY 12224 to provide funds in the amount of \$78,219 (\$26,073/year) to assist the county in improving the quality of indigent legal services by providing for a Third Assistant Public Defender in Orleans County; effective January 1, 2016 through December 31, 2018.

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

RESOLUTION NO. 75-217

APPROVING AGREEMENT BETWEEN PUBLIC DEFENDER AND SEAN BEMONT

RESOLVED, that this Legislature approves an agreement renewal between the Orleans County Public Defender and Sean Bemont, 28 S. Main St., Holley, NY 14470 to provide as needed Spanish Interpreting services effective May 1, 2016 through April 30, 2019 not to exceed \$5,000.

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

RESOLUTION NO. 76-217

APPROVING GRANT AGREEMENT BETWEEN EMERGENCY MANAGEMENT AND DORMITORY AUTHORITY OF THE STATE OF NEW YORK

RESOLVED, that this Legislature approves the acceptance of the State and Municipal Facilities Program (SAM) grant through the Dormitory Authority of the State of NY (DASNY), 515 Broadway, Albany, NY 12207 for a project to purchase a Fire Safety Training Trailer (Project ID: #8638) in the amount of \$75,000 effective February 1, 2017 through December 31, 2017; 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 and the Chief Administrative Officer.

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

RESOLUTION NO. 77-217

APPROVING ADDENDUM ON AUTHORIZING EXPENDING GRANT FUNDS IN EMERGENCY MANAGEMENT

WHEREAS, Resolution No. 346-916 authorized the Director of Emergency Management to expend SHSP FY2016 Grant Funds for Physical Security Enhancements at the County Mental Health Complex at a cost not to exceed \$40,000.00 and to purchase IT tablets and accessories at a cost not to exceed \$10,000 in accordance to DHSES grant guidelines; now be it

RESOLVED, that this Legislature approves an addendum to this resolution that includes the Courthouse Square Physical Security Enhancements, remaining within the budget costs and general purview, as set forth in accordance to DHSES guidelines.

Moved, DeFilipps; second, Allport.

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

RESOLUTION NO. 78-217

AUTHORIZING EXECUTION OF AGREEMENTS RELATIVE TO ORLEANS COUNTY PUBLIC SAFETY BUILDING SANITARY SEWER LATERAL PROJECT

WHEREAS, the Town of Albion has previously constructed a sanitary sewer on the South side of NYS Route 31 which is included in Town of Albion Sanitary Sewer District No. 1; and

WHEREAS, as a part of the installation of the sanitary sewers, laterals were provided for each property within the gravity sewer sections to allow for future connection to the sanitary sewer; and

WHEREAS, the County of Orleans as the owner of the Orleans County Public Safety Building property and Dawn and Richard Stacey as the owners of the property adjoining the Public Safety Building property are desirous of connecting to the sanitary sewer on the South side of NYS Route 31; and

WHEREAS, connection to the sanitary sewer will require the construction of approximately 300 linear feet of sanitary sewer lateral of a size and location to be determined and a NYS road crossing likely to involve directional drilling and a connection to each building sewer; and

WHEREAS, the contemplated project will require an agreement for engineering services, an agreement between the County and Richard and Dawn Stacey equally apportioning the costs of the project including the design phase, bidding phase and construction phase, and an agreement between the property owners as outside users and the Town of Albion Sewer District No. 1; now therefore be it

RESOLVED, this Legislature hereby authorizes the Public Safety Building Sanitary Sewer Lateral Project as more particularly set forth above (hereinafter the "Project") to proceed; and be it

FURTHER RESOLVED, that the Engineer Service Proposal of Chatfield Engineers, P.C. dated January 16, 2017 for engineering services at a total lump sum amount of \$6,864 is hereby accepted and approved; and be it

FURTHER RESOLVED, that an Agreement between the County of Orleans and Richard and Dawn Stacey as adjoining property owners whereby the costs and disbursements of the Project will be divided equally between the two parties, said Agreement to be acceptable in form and substance to the Chief Administrative Officer and the County Attorney, is hereby approved; and be it

FURTHER RESOLVED, that the Terms and Conditions of the Outside User Arrangement with the Town of Albion Sewer District No. 1 is hereby approved; and be it

FURTHER RESOLVED, that the Vice-Chairman is authorized to sign the foregoing named agreements.

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

RESOLUTION NO. 79-217

APPROVING MLC MUNICIPAL LEASING CONSULTANTS PROPOSAL TO LEASE CERTAIN CAPITAL EQUIPMENT AND AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, the County has received the proposal of MLC Municipal Leasing Consultants dated January 27, 2017 to lease certain capital equipment consisting of police cars, highway vehicles, and buildings and grounds vehicles; and

WHEREAS, Resolutions No. 11-117 and 46-117 were adopted by the Orleans County Legislature to acquire these vehicles; and

WHEREAS, the MLC Municipal Leasing Consultants proposal contemplates payment structures consisting of three tax-exempt lease purchase agreements with either three or four year terms having interest rates of 3.37%, 3.47% and 3.57% respectively; and

WHEREAS, the costs are estimates and thus, the payment amounts will change in proportion to the actual costs, and further that the interest rates quotes will float and not be locked in until the lease/purchase agreements are prepared for closing and the rates will be based on the like term swap rates; and

WHEREAS, the County is desirous of accepting the proposal of MLC Municipal Leasing Consultants dated January 27, 2017 and designating Charles Nesbitt, Jr. as Chief Administrative Officer to execute all necessary documents used therein in order to lease certain capital equipment; now therefore be it

RESOLVED, that this Legislature hereby approves and authorizes an Agreement between the County of Orleans and MLC Municipal Leasing Consultants dated as of January 27, 2017; and be it

FURTHER RESOLVED, that Charles Nesbitt, Jr. as Chief Administrative Officer is hereby designated and authorized to execute all necessary documents including finalization of the interest rates for the Tax-Exempt Lease Purchase Agreements as based on the like term swap rates in effect on the date of closing and to take such other and further actions as are necessary to effectuate the lease/purchase transactions which are the subject of the within resolution.

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

Legislator DeFilipps moved in its entirety a resolution requesting State Legislation to allow the use of rifles for big game hunting in Orleans County; second by Legislator Allport. Legislator Miller requested to say a few words. He expressed that it has been hard to make a decision on this because it is personal to him, which he has tried to keep his personal feelings aside, however being shot several years ago while hunting makes it hard to do just that. After the last few meetings and listening to everyone's theories and thoughts on how flat or not flat our land is, and that rifles go further than shot gun shots he still has concerns about approving this resolution expressed Legislator Miller. He said that another man came to his business and also voiced concerns to him because he too was shot, which Legislator Miller remembered that incident very well. Hunting was important to him but being shot took it away from him for the rest of his life and he is scared to hunt, Legislator Miller explained. Further he stated that statistics through DEC shows that hunting incidents have come down over the years but also has the number of those hunting. He said that in 2015, was the first time in New York State there

was not a fatality. He also checked 2016 statistics, which there were thirteen incidences in New York State, the lowest on record however there was four fatalities, all during deer season. Nine of these incidents involved rifles. In representing the towns of Albion and Gaines and due to the size of the population in the center of this county and the constituents he has spoken to, he is not in support of this resolution at this time.

Legislator Allport stated that he understands Legislator Miller's position on this but rifles are allowed to be used in this county all year long with the exception for deer season. He said there are currently 40 counties in this state that allow rifle hunting already and incidents have gone down. He said Legislator Miller was also right in saying the number of hunters have gone down. In his opinion these days there are true hunters, not like it was twenty years ago where there were parties in the woods stated Legislator Allport. It doesn't take the right away from the landowner who allows them to hunt on their property to sit there and say they are not allowed to use their rifle on their property and that is the way it should be. Legislator Allport indicated that he is in full support of this resolution. The following resolution was adopted:

RESOLUTION NO. 80-217

REQUESTING STATE LEGISLATION TO ALLOW THE USE OF RIFLES FOR BIG GAME HUNTING IN ORLEANS COUNTY

WHEREAS, The Orleans County Federation of Sportsmen Club has asked Orleans County Legislature to request state legislation permitting the use of rifles for big game hunting in Orleans County; and

WHEREAS, the Orleans County Legislature has listened to both sides of the argument of the use of rifles to hunt big game in Orleans County at several past Conference Sessions and Legislature Meetings; and

WHEREAS, a special state law must be enacted and the first step in the process is for this Legislature to request the legislation; now be it

RESOLVED, that this Orleans County Legislature requests the New York State Legislature to enact legislation that will allow the use of rifles for big game hunting in all of Orleans County; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Senator Robert Ortt and Assemblymen Steve Hawley and Michael Norris.

Moved, DeFilipps; second, Allport.

Adopted. 5 ayes; 1 nay, Miller; 1 absent, Callard.

Legislator Allport moved to support legislation to partially repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) ACT of 2013 for areas outside of New York City. This is supporting Senate Bill S879b. Legislator Allport stated that we all know the rights of our second amendment which we are not suppose to be infringed upon but are constantly done so. If he can remember, Civil Rights Law of the State of New York in article 2 section 4, the right to keep and bear arms. With well regulated militia being necessary for the security of a free state, the right of the people to bear arms cannot be infringed which he recalls was enacted in about 1906, or near that time. He said those in Albany seem to forget what are in their laws. He fully supports this and feels it is a step in the right direction because he always felt that the SAFE act was unconstitutional. He said if the people in New York City want to be separated, he wants to be separated from them too and let our people have their freedoms. They can do what they please in New York City. Legislator DeRoller seconded Legislator Allport's motion. Legislator Johnson stated about three years ago SCOPE met with Senator Ortt to tell him that they wanted to fight the SAFE Act. Vice Chairwoman Johnson called upon David Thom, President of SCOPE, to make a statement. Mr Thom stated that they requested a total repeal of the SAFE Act and this is what Senator Ortt came up with to satisfy our request. Legislator DeRoller stated that

Senator Ort's bill is mentioned in our resolve which will give it some teeth. The following resolution was adopted:

RESOLUTION NO. 81-217

SUPPORTING LEGISLATION TO PARTIALLY REPEAL THE NEW YORK SECURE AMMUNITION AND FIREARMS ENFORCEMENT (SAFE) ACT OF 2013 FOR AREAS OUTSIDE OF NEW YORK CITY

WHEREAS, Senate bill S879B has been introduced to the New York State Senate by Senator Robert Ort, which would repeal part of the New York Secure Ammunition and Firearms Enforcement Act of 2013; and

WHEREAS, this Legislative Body has long advocated for the protection of the rights afforded our citizens under the Constitution, which has for generations guided our Nation and served as a framework to our republic and society; and

WHEREAS, the Second Amendment of the United States provides for the "right of the people to keep and bear arms" and further states that this right "shall not be infringed"; and

WHEREAS, members of the Orleans County Legislature, being elected to represent the people of Orleans County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the Civil Rights Law of the State of New York states in Article 2 Section 4, "Right to keep and bear arms. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed."; and

WHEREAS, the lawful ownership of firearms is a recreational benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region with several locally owned and operated gun/sporting businesses; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement (NY SAFE Act) of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen and legal gun owners, creating a hostile environment both for them and for the sale and manufacture of legal firearms; and

WHEREAS, the legislation unconstitutionally prohibited the sale of firearm magazines with a capacity larger than seven (7) rounds and, those firearm magazines with a capacity larger than seven (7) rounds, which were authorized to be retained by existing owners, could only be loaded with seven (7) rounds and eventually must be permanently altered to only accept seven (7) rounds or be disposed of; and

WHEREAS, the seven round limit contemplated in the legislation was found to be unconstitutional upon judicial review; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed by the residents of Orleans County for the defense of life, liberty and property; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to hunting and target shooting; and

WHEREAS, while there are some areas of the legislation that the Orleans County Legislature finds encouraging, such as the strengthening of Kendra's Law and Marks's Law, as well as privacy protections for lawful permit holders, we find the legislation fails to offer little meaningful solutions to gun violence and places

undue burdens where they don't belong, squarely on the backs of law abiding citizens; and

WHEREAS, there are many parts of this legislation that place an unfunded mandate on the local Sheriff Departments, County Clerk's Office and County Judges, while tax payers are crying out relief; and

WHEREAS, there will be significant financial impact due to the approximately 5,000 Orleans County pistol permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, this legislation effectively treats countless New York State law abiding gun owners as criminals; and

WHEREAS, the enactment of the NY SAFE Act has engendered significant controversy over both the process by which it was enacted and certain provisions contained within; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Orleans County Legislature; and

WHEREAS, this legislative body unanimously voted to oppose the New York Secure Ammunition and Firearms Enforcement Act of 2013 for all reasons stated above in Resolution No. 82-213 of the Orleans County Legislative proceedings of February 13, 2013; now be it

RESOLVED, that the Orleans County Legislature does hereby support Senator Robert Orrt's bill (S879B) to repeal part of the New York Secure Ammunition and Firearms Enforcement Act of 2013, limiting the application of the "S.A.F.E. Act" to the five boroughs of New York City; and be it

FURTHER RESOLVED, that this Legislature supports the introduction of an Assembly bill which calls for the repeal or partial repeal of the New York Secure Ammunition and Firearms Act of 2013; and be it

FURTHER RESOLVED, that this legislature supports efforts by the New York State Legislature to remove funds for enforcement of the New York Secure Ammunition and Firearms Act of 2013 from the New York State Budget; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Robert Ortt, Speaker of the New York State Assembly Carl Heastie, Assemblyman Stephen Hawley, Assemblyman Mike Norris, New York State Association of Counties, InterCounty of Western New York, all Orleans County Towns and Villages, and all others deemed necessary and proper.

Moved, Allport; second, DeRoller.

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

RESOLUTION NO. 82-217

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 8, 2017:

<u>Fund/Department</u>	<u>Check Number (s):</u>	<u>Amount:</u>
General	7365-7522	\$478,916.75
Highway	917-921; 2170-2197	\$89,752.02
Job Development	2366-2374	\$10,578.65
Self Insurance	1130-1131; 57888-57890	\$47,980.76

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 22, 2017:

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

Moved, Eick; second, Allport.

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

Vice Chairwoman Johnson called for open discussion. Neil Newton, Albion, thanked the Legislature for working with the Sportsmen Federation and bringing this discussion to a close. He knows it has to go onto the State Legislators and hopefully that will carry on through. With having 41 counties in New York State allowing rifle hunting for big game, he feels confident this will carry on. Vice Chairwoman Johnson commended the Orleans County Sportsmen Federation for actively coming to this board with their request and doing a fine job in their mission.

Paul Lauricella, Yates, expressed his appreciation on the SAFE Act repeal resolution. He said he does not have much faith in Senator Ort because he says he is for this repeal but will vote in favor of the State budget.

Legislator DeRoller acknowledged that Dr. James Sunser, President of Genesee Community College was just appointed Middle States Commissioner. Legislator DeRoller stated that this is an important role in higher education. He was appointed as one of twenty-six commissioners which oversee 530 colleges and universities in NY as well as many other states and U.S. territories. He was selected out of 85 nominees to fill three seats. He is one of a few presidents in this commission to oversee our higher education.

Legislator DeRoller introduced our newest planners Sarah Gatti and Rocky Navarro which Legislator DeRoller invited them today to visit us and to observe what goes on during our board meetings to further strengthen their view of Orleans County. Legislator DeRoller stated how pleased he was of all the employees in the Planning Department for their efforts. Legislator DeFilippis state as well that they all are very pleased with our Planning Department. Vice Chairwoman Johnson advised our planners that during their workshop today they have developed a new project for them to work on.

Legislator Eick moved to adjourn; second by Legislator Allport. Meeting adjourned at 5:04 p.m.