

## LEGISLATURE MEETING

January 25, 2017

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Chairman Callard called the meeting to order at 4:30 PM. After the pledge to the flag and invocation, led by Veteran David Kusmierczak, the Clerk called the roll. All Legislators were present.

The Clerk presented the following communications: The Albion Strawberry Festival Committee, under the authority of the Village of Albion, is requesting permission to hold its 31<sup>st</sup> annual festival on the Courthouse Lawn on June 9<sup>th</sup> and June 10<sup>th</sup>, 2017. Hours of operation will be 11 a.m. to 9 p.m. on Friday and 9 a.m. to 9 p.m. on Saturday. As in the past, the Courthouse grounds will be used for the same purposes which include arts and crafts and entertainment. The Board approved this request. A free Narcan training opportunity was announced for the Legislators through GCASA. If interested please see the Clerk.

Emergency Management Director Dale Banker asked Legislators DeFilipps and Johnson to help present recognition plaques to those that dedicated many years to the Orleans County Auxiliary Police. David Thom, was recognized for 27 years of service. He was applauded for his service. Others recognized but were unable to attend the meeting included Joseph Riley for 43 years of service and Captain John "Jack" Manella for his 47 years of service. Director Banker stated these guys were great to work with. They too were applauded for their service.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through December 2017 with notations included in the report explaining the larger numbers that stand out in her report.

Chairman Callard called for open discussion as it related to the resolutions beginning with the Legislators. Legislator DeRoller and Planning Director James Bensley reported on positive news concerning the e-waste and Household Hazardous waste collection in our County.

Legislator DeRoller explained that when NYS changed their regulations for e-waste, by taking it out of the mainstream, the new process was broken. The Legislators were able to step up and find a mechanism to improve the collection of e-waste. In 2014 and 2015, as seen in the photos had endless pallets of e-waste, we linked up with NORA and developed a process. Legislator DeRoller explained that now the household hazardous waste will be done on an annual basis. He said that since 2009 when the collection program began, 41,205 pounds of solid waste was collected and 22,291 gallons of liquid waste was collected. Since 2015, Albion has collected 208,665 pounds of e-waste, with Shelby also collecting 115,510 pounds and Murray collecting 44,812 pounds through the end of December 2016, Legislator DeRoller indicated that we have a successful program with improvement to the quality of life and our county looks better also. He commended the Orleans County Highway and Buildings and Grounds Department and Planning Department for their help in getting this program initiated. Chairman Callard stated there was an impressive growth in collections of our e-waste. Planning Director Bensley stated that since the state program didn't work therefore it was an important issue to protect our environment by getting these items out of our ditches and then they were starting to pile up like seen in the photos. Director Bensley stated that when this program started it was completely a county effort. Over the summer the State realized, might not want to admit it stated Bensley, that their program was not working and decided to provide some funding. In keeping good records, a grant application was submitted. The State put aside \$3 million dollars that would help pay up to half of the costs spent by the counties. So far Orleans County applied in October and paperwork is in the process of signatures for getting to \$15,000 to cover our efforts.

Chairman Callard asked for public comments as it relates to resolutions, with their being none, Legislator Eick moved to add three resolutions to the agenda; second by Legislator Miller. Motion carried. The following resolutions were presented for adoption:

**RESOLUTION NO. 8-117**

**AUTHORIZING PAYMENTS FROM CAPITAL PROJECT INFRASTRUCTURE PROJECTS ACCOUNT**

RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.250, Capital Project – Infrastructure Project – Bridge Replacement Program:

| <u>Amount</u> | <u>Vendor Name</u>                  | <u>Description</u>  |
|---------------|-------------------------------------|---|
| \$31,441.04   | Union Concrete & Construction Corp. | East Scott Road Bridge Project –<br>Final Payment – 10/17/16-12/12/16 |

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.252, Capital Project – Infrastructure Project – Pole Barn: Construction:

| <u>Amount</u> | <u>Vendor Name</u> | <u>Description</u> |
|---------------|--------------------|--------------------|
| \$1,279.91    | Brigden Memorials  | Pole Barn Signage  |

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 9-117**

**AUTHORIZING AN EXTENSION OF A JOINT SERVICE AGREEMENT WITH ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY**

WHEREAS, The Rochester-Genesee Regional Transportation Authority ("Authority") and the County of Orleans ("County") have previously entered into a June 9, 2003 Joint Service Agreement ("JSA") which has been amended from time to time; and

WHEREAS, under the JSA as amended the Authority leases space from the County, the Authority uses the County's radio base station, the County sells fuel to the Authority and the County performs vehicle repairs and maintenance for the Authority; and

WHEREAS, the Authority and the County plan to enter into a superseding Joint Service Agreement under which the Authority will construct a building on County property and the County will continue to lease property and provide services to the Authority; and

WHEREAS, it is anticipated that the construction will conclude on approximately May 1, 2018; now therefore be it

RESOLVED, that the term of the June 9, 2003 Joint Service Agreement, as amended, is now to run until completion and occupancy of the new facility or the date the parties execute a superseding Joint Service Agreement, whichever occurs first; and be it

FURTHER RESOLVED, that the Chairman or his designee is hereby authorized, empowered and directed, for and on behalf of the County, to perform any and all actions and to execute any and all documents

on behalf of the County as may deemed necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolution.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 10-117**

#### **AUTHORIZING HIGHWAY DEPARTMENT TO PURCHASE A UTILITY TRUCK, ROAD PLANER, AND DUMP TRUCK**

RESOLVED, that this Legislature authorizes the Highway Department to make the following purchases:

(1) 2018 International Dump Truck, Model #4300 SBA 4X2 (MA025) from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 for \$105,177.00 (PO#57314) to be purchased under the (NJPA) National Joint Powers Alliance Bid Number #102811 and to be paid from account #DM5130.270. County cost \$0.

(1) Road Planer from Clark Equipment Company/dba Bobcat Company, 250 East Beaton Drive, West Fargo, ND 58078 for \$12,369.00 (PO#57315) to be purchased under the NYS Contract PC67141 (Award #22792) and to be paid from account #DM5130.270.

(1) New 2017 Ford F-550 Utility Truck from Van Bortel Ford, 71 Marsh Road, East Rochester, NY 14445 for \$45,877.21 (PO#57316) to be purchased under the Onondaga Bid #7974 2017 and to be paid from account #DM5130.270. County Cost \$0.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 11-117**

#### **AUTHORIZING THE HIGHWAY AND BUILDINGS AND GROUNDS DEPARTMENTS TO PURCHASE FOUR NEW PICKUP TRUCKS**

RESOLVED, that this Legislature authorizes the Highway Superintendent to order four (4) New 2017 Chevrolet Silverado Pickup Trucks from Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York 14043 for a total amount of \$123,832.40 through Chautauqua County contract #E-11-14-PFTH with two (2) to be paid from the Highway Fund and two (2) to be paid from the General Fund; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chief Administrative Officer to negotiate future municipal financing for this purchase; which will be subject to the review and approval of the County Attorney.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Eick moved a resolution to approve Dude Solutions for the Highway and Buildings and Grounds Department; second by Legislator Miller. Legislator Eick asked CAO Nesbitt to explain this new work order product. CAO Nesbitt expressed that this work order software will track all the work that is done on all of our assets. It will track maintenance issues, track history of issues on any piece of equipment or building. Highway

Superintendent Gray also added that all of our boilers and HVAC systems will be entered and tracked for rotation of maintenance. Part numbers and details can be stored for our assets and will be at our fingertips should something need immediate repair. Chairman Callard expressed that this is highly efficient and will increase productivity. It will help in handling the hundreds of work orders and be able to retrieve the status and history of these. The following resolution was adopted:

**RESOLUTION NO. 12-117**

**AUTHORIZING PURCHASE AND APPROVING AGREEMENT BETWEEN BUILDINGS AND GROUNDS AND DUDE SOLUTIONS**

RESOLVED, that this Legislature approves an agreement with Dude Solutions, 11000 Regency Parkway #110, Cary NC 27518 for an online work order tool with a onetime total set up fee of \$6,090.10 from January 1, 2017 – December 31, 2017 to be paid out of budget account 1620.470 and be it;

FURTHER RESOLVED, this Legislature approves a maintenance fee subscription from January 1, 2018 – December 31, 2018 at a total cost of \$4,340 to be paid out of budget account 1620.447.

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

**RESOLUTION NO. 13-117**

**APPROVING RENEWAL AGREEMENT BETWEEN OFFICE FOR THE AGING AND CENTER FOR ELDER LAW & JUSTICE, INC.**

RESOLVED, that this Legislature does hereby approve a renewal agreement between the Office for the Aging and Center for Elder Law Justice, Inc. 237 Main Street, Buffalo, NY 14203 to provide legal services for Orleans County residents age 60 and older from January 1, 2017 to December 31, 2017 at a cost of \$7,000. County cost is \$700.

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

**RESOLUTION NO. 14-117**

**AUTHORIZING SETTING UP NEW MONEY IN THE OFFICE FOR THE AGING BUDGET**

RESOLVED, that this County Treasurer is authorized to set up new money received through the Western and Central Health Foundation for recruiting older adults to participate in a workshop 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     | \$1,500 |
| <u>Appropriation:</u> |                                       |         |
| 6772-461              | Postage                               | \$250   |
| 6772.462              | Mileage                               | \$250   |
| 6772.492              | Transportation Services Non Employees | \$1,000 |

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 15-117**

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

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

WHEREAS, New York State Office of Children and Family Services requires each local district to submit an Annual Plan Update for 2017 in lieu of a five year plan; and

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

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Miller moved a resolution for DSS to purchase laptops; second by Legislator Eick.. Legislator DeRoller asked for more information. Computer Services Director Ed Moss stated that nearly six years ago a mobility project was initiated and now the aging laptops are now needed to be upgraded due to aging equipment. These include your caseworkers, social welfare examiners and school caseworkers to allow them the mobility to take technology with them to home visits and on call visits. Commissioner Kuryla also added that it provides them immediate and timely entry of mandated notations. The following resolution was adopted:

**RESOLUTION NO. 16-117**

AUTHORIZING PURCHASE OF LAPTOPS AND ACCESSORIES FOR THE DEPARTMENT OF SOCIAL SERVICES

RESOLVED, that this Legislature authorizes the purchase of nineteen (19) Dell Latitude E5470 14” Notebooks; nineteen (19) carrying cases; three (3) Dell external USB slim DVD hard drives; and eleven (11) Dell E-Port Replicator Docking Stations at a cost of \$12,742.94, from Dell Marketing, c/o Dell USA, LP, P O Box 643561, Pittsburgh, PA 15264 (Contract #81AGQ) (PO#58235) all to be paid from Social Services Administration Account 6010.220 – Office Equipment. County Cost is \$3,950.31.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 17-117**

AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY [COIDA] FOR THE YEAR 2017

WHEREAS, it is in the best interest of the County that the many advantages of Orleans County be publicized to those who may be interested in establishing, maintaining, or expanding business and industry in the County of Orleans, in order to create new jobs and keep a healthy economy; and

WHEREAS, equally as important, is the ability to retain within the county the jobs already located here; and

WHEREAS, among the most important tasks facing New York State are the need to increase jobs and encourage higher levels of private capital investment in business and industry, thereby improving the general prosperity and economic welfare of the people of New York State and its constituent municipalities; and

WHEREAS, the County recognizes that the Agency is a community-wide organization with the expertise and capacity to improve the general prosperity and economic welfare to the people of the County; and

WHEREAS, the purpose of this Agreement is to carry out in a legal and proper manner the provisions of Section 852 of the General Municipal Law of the State of New York, which section does authorize the County to appropriate funds for the purpose of encouraging industrial development within the County; and

WHEREAS, New York State Public Officers Law Section 18 states that a county legislative body may provide for the defense and indemnification of the officers and employees of a public entity and additional indemnification of said Agency may be contracted in return for services; and

WHEREAS, the County has, by Resolution adopted by the Orleans County Legislature, authorized the execution of this contract and the indemnification agreement herein between the County and the Agency; now, therefore be it

RESOLVED, that this Legislature authorizes the Chairman to sign an agreement with the County of Orleans Industrial Development Agency [COIDA] to provide the services as set forth in the agreement at an annual cost of \$170,000, to be paid in quarterly payments of \$42,500.

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

### **RESOLUTION NO. 18-117**

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

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

Genesee County Mental Health, 5130 E. Main St, Rd, #2, Batavia, NY 14020 for joint legal feasibility analysis for the development of a behaviour health intermunicipal consortium for the sum not to exceed \$17,000 per county for the period from December 6, 2016 to December 31, 2017.

Coordinated Care Services, 1099 Jay Street, Rochester, NY 14611 providing specialized financial management services and preparation and submission of CFR reports beginning January 1, 2017 and ending December 31, 2017 at a cost of \$32,000. County cost is \$2,240.

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

**RESOLUTION NO. 19-117**

**AUTHORIZING SETTING UP NEW MONEY IN THE HEALTH DEPARTMENT**

RESOLVED that the County Treasurer is authorized to set up new monies in the Public Health Department budget (A4010) as a result of a grant award from the Voluntary National Retail Food Regulatory Program Standards Grant Program as referenced in Resolution No. 363-1016:

|                        |  |          |
|------------------------|--|----------|
| <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, DeRoller.  
Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Allport moved to approve the appointment of Dr. Baker onto the Board of Health. He stated that it has been a benefit of combining a Board of Health between Genesee and Orleans Counties to provide a better opportunity to fulfill the requirement of having three doctors to serve on this board. He expressed that Dr. Baker, semi retired, will be a great asset on this board for he has worked in both counties through GCASA. The following resolution was adopted:

**RESOLUTION NO. 20-117**

**APPROVING APPOINTMENT TO ORLEANS COUNTY BOARD OF HEALTH**

RESOLVED, that this Legislature authorizes the appointment of Dr. Bruce Baker, to be appointed to the Orleans County Board of Health; term effective January 1, 2017 through December 31, 2020.

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

**RESOLUTION NO. 21-117**

**AUTHORIZING A PURCHASE FROM HEALTH DEPARTMENT BUDGET FOR RABIES VACCINE**

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

RESOLVED, that this Legislature allows the Health Department to make purchases of vaccine, when needed, up to the amount of \$100,000.00 from budget account line 4010.409 as approved in the 2017 Orleans County Budget.

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

**RESOLUTION NO. 22-117**

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

Jan Healey, SLP, PLLC, 7924 Newco Dr. Hamlin, NY 14464 to provide related services to Orleans County children (ages 3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from New York State Education Department and Medicaid. The related services rates are set by the county. Contract period January 1, 2017 through June 30, 2019.

NYS Department of Health at Corning Tower Room 2834- Empire State Plaza, Albany, NY 12237, a NYS Master Contract for Grants is to ensure that the needs of people who may be developmentally delayed are met. This grant is approved through Grants Gateway, and is for a 5 year period with disbursements of 29,955.00 per year. Grant period is from October 1, 2015 through September 30, 2020. County Cost \$0.

WNY Speech-Language Pathology, OT &PT Consultants, PLLC., 590 Fishers Station Dr., Suite 130 Victor, NY 14564 to provide related services to Orleans County children (ages3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from New York State Education Department and Medicaid. The related services rates are set by the county. Contract period from July 1, 2016 through June 30, 2019.

Lyndonville Central School District at 25 Housel Ave Lyndonville NY 14098 Contract is to provide related services to Orleans County children (ages3-5) who are eligible for the Preschool Supportive Health Services Program. There is partial reimbursement from New York State Education Department and Medicaid. The related services rates are set by the county, 59.5% reimbursement from state, and 40.5% is the counties responsibility. Contact period is December 1, 2016- June 30, 2019.

State Food Safety.com, 507 E. Technology Ave, Bldg C, Orem, UT 84097 to provide a link to online training to meet the food works training requirements in the Orleans County Code effective December 7, 2016 through January 18, 2020. County cost \$0.

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

**RESOLUTION NO. 23-117**

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

WHEREAS, the County of Orleans has appropriated the sum of \$6,647 as its share of the year 2017 operating funds of the Genesee Finger Lakes Regional Planning Council, and

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

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



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

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

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

**RESOLUTION NO. 24-117**

AUTHORIZING THE TREASURER TO SET UP NEW MONIES IN THE PLANNING AND DEVELOPMENT DEPARTMENT BUDGET

RESOLVED, that the County Treasurer is authorized to set up new monies in the Planning and Development Department budget for revenue and expenses related to land use plan preparation for municipalities:

|                       |                                 |            |
|-----------------------|---------------------------------|------------|
| <u>Revenue:</u>       |                                 |            |
| A2116                 | Planning Services               | \$6,204.94 |
| <u>Appropriation:</u> |                                 |            |
| A8020.426             | Miscellaneous Fees for Services | \$6,204.94 |

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

**RESOLUTION NO. 25-117**

APPROVING APPOINTMENTS TO THE COUNTY PLANNING BOARD

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

| <u>NAME</u>  | <u>REPRESENTS</u>             | <u>EXPIRATION DATE</u> |
|--|-------------------------------|------------------------|
| Elaine Berg<br>3211 Fancher Road<br>Albion, New York 14411 | Town of Murray                | 12-31-19               |
| Charles Felice<br>17140 Route 31<br>Holley, New York 14470 | Town of Murray<br>(Alternate) | 12-31-19               |

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

**RESOLUTION NO. 26-117**

APPROVING AGREEMENT WITH SOIL AND WATER CONSERVATION DISTRICT

RESOLVED, that this Legislature authorizes the agreement between the County of Orleans and the Orleans County Soil and Water Conservation District, Albion, New York, for the provision of services by "Soil and Water" for the calendar year 2017, at a cost of \$80,000, to be paid in quarterly payments of \$20,000.

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

**RESOLUTION NO. 27-117**

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

RESOLVED, that all real property owned by the Villages of Holley, Albion, Medina and Lyndonville located outside their respective corporate limits and used as sewage disposal plants or systems, including necessary connections and appurtenances or used as a water plant, pumping station, water treatment plant or reservoir, including necessary connections and appurtenances, shall be wholly exempt from County taxation for the year 2017 in accordance with the provisions of section 406 of the Real Property Tax Law.

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

**RESOLUTION NO. 28-117**

**DESIGNATING DEPOSITORIES AND AMOUNTS ALLOWED**

RESOLVED, that pursuant to Section 212 Subdivision 3 of the County Law, the following institutions be, and hereby are, designated as depositories of all monies received by the County Treasurer, and be it further

RESOLVED, that the maximum amount which may be on deposit at any time in each depository shall not exceed that listed below:

|                 |               |
|-----------------|---------------|
| Five Star Bank  | \$ 30,000,000 |
| Bank of America | \$ 5,000,000  |
| M & T Bank      | \$ 10,000,000 |
| JPMorgan Chase  | \$ 5,000,000  |
| Key Bank        | \$ 5,000,000  |
| Bank of Castile | \$ 15,000,000 |
| Citizens Bank   | \$ 5,000,000  |

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

**RESOLUTION NO. 29-117**

**APPROVING AGREEMENTS BETWEEN THE SHERIFF'S OFFICE AND VARIOUS AGENCIES**

RESOLVED, that this Legislature approves the following agreements with the Sheriff's Office and the following agencies:

EM Systems, Inc., 4043 Maple Road, Ste 211, Amherst, NY 14226 for a renewal agreement for Jail Management System (JMS) software support and maintenance, in the amount of \$5,250, and for on-site

maintenance at \$125.00 per hour plus travel expenses, for period January 1, 2017 through December 31, 2017; and be it

MorphoTrust USA, 5705 West Old Shakopee Road, Bloomington, MN 55437, for a two-year System Maintenance Agreement - annual 9/5 maintenance support services for the MorphoTrust Touch Print Live Scan equipment at the Jail, at a cost of \$5,806, to be billed annually at \$2,903, effective February 10, 2017 through February 9, 2019.

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

**RESOLUTION NO. 30-117**

**APPROVING AGREEMENT WITH TASER INTERNATIONAL AND PURCHASE FROM SHERIFF'S OFFICE BUDGET**

RESOLVED, that this Legislature authorizes approval of a five-year agreement between the Sheriff's Office and Taser International, 17800 N. 85<sup>th</sup> Street, Scottsdale, Arizona, for the purchase and support of 25 Premium X26P Tasers with extended warranties and accessories, at a total cost of \$44,510.81, to be paid in annual payments from the Sheriff's budget account 3110.250 – Other equipment.

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

**RESOLUTION NO. 31-117**

**AUTHORIZING THE FILLING OF VACANCIES IN THE SHERIFF'S OFFICE**

RESOLVED, that this Legislature does hereby authorize the filling of vacancies within the Sheriff's Office for those positions noted below effective January 26, 2017:

|   |           |              |
|---|-----------|--------------|
| Deputy Sheriff-Marine Patrol Officer, part-time | (3110.73) | \$13.68/hour |
| Public Safety Dispatcher, part-time             | (3020.20) | \$14.20/hour |
| Correction Officer, part-time                   | (3150.39) | \$14.20/hour |
| Correction Officer, part-time                   | (3150.24) | \$14.20/hour |

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

**RESOLUTION NO. 32-117**

**AUTHORIZATION TO APPROVE REQUEST FOR EXTENDED SICK LEAVE AT HALF PAY FROM THE SHERIFF'S OFFICE**

WHEREAS, Section 12.2.1 of the OCSEA Collective Bargaining Agreement provides for Extended Sick Leave at Half Pay upon the request of the employee and with the approval of the County Legislature and Sheriff, and

WHEREAS, a member of the OCSEA union has exhausted all accumulated sick leave time; and

WHEREAS, this member of the OCSEA union has requested a 30-day extended sick leave at half pay; and

WHEREAS, this member of the OCSEA union has supplied the appropriate medical documentation for this request; and

WHEREAS, the Sheriff is in support of granting this request, be it now

RESOLVED, that this Legislature grants approval of this request for a 30-day extended sick leave at the rate of one half pay for position 3150.51, to begin January 16, 2017 and ending of February 15, 2017; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chief Administrative Officer to grant any future extensions that are appropriate in this case.

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 33-117**

#### **AUTHORIZING TREASURER TO SET UP NEW MONEY IN THE SHERIFF'S BUDGET**

RESOLVED, that this Legislature authorizes the Treasurer to set up grant funds in the Sheriff's Budget as follows:

Revenue:

|            |                                    |            |
|------------|------------------------------------|------------|
| A3781      | NYS Canal Corp Marine Patrol Grant | \$3,812.75 |
| A4308.5316 | Homeland Security (SLETPP 2016)    | \$2,226.00 |
| A4308.5315 | Homeland Security (SLETPP 2015)    | \$3,641.00 |

Appropriation:

|               |                            |            |
|---------------|----------------------------|------------|
| 3110.0100     | Personal Services          | \$3,812.75 |
| 3110.486.5316 | Special Grants/SLETPP 2016 | \$2,226.00 |
| 3110.486.5315 | Special Grants/SLETPP 2015 | \$3,641.00 |

Moved, DeFilipps; second, Johnson.

Adopted. 7 ayes; 0 nays; 0 absent.

### **RESOLUTION NO. 34-117**

#### **APPROVING AGREEMENTS BETWEEN PUBLIC DEFENDER AND VARIOUS AGENCIES.**

RESOLVED, that this Legislature approves agreements between the Orleans County Public Defender and the following:

NYS Office of Indigent Legal Services, A.E., Smith Building, 11<sup>th</sup> Floor, 80 South Swan St, Albany, NY 12210 (Contract #C000734) for Attorney Pay, Parole Revocation, Expert Services, Legal Services for Appeals through the Legal Aid Bureau of Buffalo, Interpreter, and Computer Technology in the amount of \$156,438.00 effective January 1, 2015 through December 31, 2017

Legal Aid Bureau of Buffalo, Inc., 290 Main St., Suite 350, Buffalo, NY 14202 providing for the Legal Aid Bureau to provide legal services for appeals in a base amount of \$22,500 plus additional funds for appeal

from trials from August 1, 2016 through July 31, 2019.

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

**RESOLUTION NO. 35-117**

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

RESOLVED, that this Legislature approves the Federal Equitable Sharing Agreement between the District Attorney's Office and the U.S. Department of Justice effective January 1, 2017 through December 31, 2017 allowing receipt of seized funds on Federal forfeitures; and be it

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

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

**RESOLUTION NO. 36-117**

**AUTHORIZING ACCEPTANCE OF NYS DHSES MEMBER INITIATIVE GRANT AND EXPENDING GRANT FUNDS AND AUTHORIZING THE TREASURER TO SET UP NEW MONEY IN THE EMERGENCY MANAGEMENT BUDGET**

WHEREAS, Resolution No. 308-816 authorized the Emergency Management Office to apply for a NYS DHSES Member Initiative Grant in the amount of \$9,000; be it

RESOLVED, that this Legislature authorizes acceptance of the NYS DHSES Member Initiative Grant and expending said grant funds through seminars, brochures and advertising; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up new money as follows:

|                       |   |         |
|-----------------------|---|---------|
| <u>Revenue:</u>       |   |         |
| A4309.1042            | State Homeland Security LG2015                | \$9,000 |
| <u>Appropriation:</u> |   |         |
| 3640.486.1042         | Special Grants LG2015 - Legislative Line Item | \$9,000 |

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

**RESOLUTION NO. 37-117**

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

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend SHSP FY2016 Grant Funds in the amount of \$3,250 for Personal Protective Equipment, \$3,125.50 for Interop Radio

Accessories and \$18,000 for Physical Security Enhancements at the Emergency Management Office in accordance to DHSES grant guidelines; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up FY 2016 Homeland Security Funds as follows:

Revenue:

|            |                                       |             |
|------------|---------------------------------------|-------------|
| A4309.2016 | State Homeland Security Grant Program | \$24,375.50 |
|------------|---------------------------------------|-------------|

Appropriation:

|               |                              |             |
|---------------|------------------------------|-------------|
| 3640.486.2016 | Special Grants – SHSP FY2016 | \$24,375.50 |
|---------------|------------------------------|-------------|

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 38-117**

APPROVING EXTENSION TO INTERGOVERNMENTAL MEMORANDUM OF AGREEMENT

RESOLVED, that this Legislature approves an extension with New York State Department of Homeland Security/Emergency Services Statewide Interoperable Communications for the Intergovernmental Memorandum of Agreement #X300134 – Mutualink, at no cost to the county; said extension to be in place through January 31, 2018.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 39-117**

AUTHORIZING FILLING OF VACANCY IN EMERGENCY MANAGEMENT OFFICE

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time, permanent position of Deputy Fire Coordinator in the Emergency Management Office at a salary of \$2,178.00 authorized for certain part-time employees by Resolution No. 400-1116 and will be effective January 26, 2017.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 40-117**

APPROVING AGREEMENT WITH MERCY FLIGHT

RESOLVED, that this Legislature approves an agreement with Mercy Flight, Inc. for the provision of necessary air medical transfers; Orleans County to pay \$5,000 for the 2017 calendar year; no increase from 2016.

Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

**RESOLUTION NO. 41-117**

APPROVING APPOINTMENTS TO INTERCOUNTY ASSOCIATION OF WESTERN NEW YORK

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

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

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

**RESOLUTION NO. 42-117**

AUTHORIZING SETTING UP NEW MONEY IN THE LEGISLATURE BUDGET

RESOLVED, that the Treasurer is authorized to set up new money in the Legislature Budget regarding grant funding from the NYS Department of State for the Law Enforcement Study:

|                        |                             |           |
|------------------------|-----------------------------|-----------|
| <u>Revenue:</u>        |                             |           |
| A3389                  | Law Enforcement Study Grant | \$29,800  |
| <u>Appropriations:</u> |                             |           |
| A1010.418              | Other Contractual Expenses  | \$ 29,800 |

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

**RESOLUTION NO. 43-117**

AUTHORIZING PAYMENT OF CLAIMS FOR FEBRUARY AGAINST THE COUNTY

WHEREAS, claims for the General Fund, Job Development Agency, the Highway Department, and account S1710 of the Self-Insurance Fund will be audited by this Legislature, and claims for recurring Utility/Community College bills will be audited by this Legislature; be it

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for February 8, 2017:

| <u>Fund/Department</u> | <u>Check Number (s):</u> | <u>Amount:</u> |
|------------------------|--------------------------|----------------|
| General                | 7077-7210                | \$317,645.90   |
| Highway                | 901-908;2120-2149        | \$69,538.85    |
| Job Development        | 2317-2344                | \$34,719.62    |
| Self Insurance         | 1126-1127; 57796         | \$19,129.52    |

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for February 22, 2017:

| <u>Fund/Department</u> | <u>Check Number (s):</u> | <u>Amount:</u> |
|------------------------|--------------------------|----------------|
| General                | 7219-7356                | \$249,157.30   |
| Highway                |                          |                |
| Job Development        | 2347-2360                | \$3,753.96     |
| Self Insurance         |                          |                |

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

The following add on resolutions were presented for adoption. Before the first add on resolution be presented, Legislator Miller requested Veterans Service Agency Director Earl Schmidt to provide information on the Legislation he wishes for our Legislature to ask the New York State Legislature to enact on behalf of our veterans. Director Schmidt explained that there are several different veteran exemptions off real property tax law. Exemptions are permanent with no sunshine dates if a veteran is a war time era vet or a combat vet with a service connected disability. In 2007, state law authorized a veteran's tax exemption for peace time veterans which has a sunset term of ten years. In this resolution we are asking our state officials to look for an amendment to continue the exemption of 10% which burdens the taxpayer of less than a half a penny for providing security of our country. We are looking to have this law made permanent. Legislator Miller moved to request our New York State Legislature to enact Legislation for the extension and Permanent continuation of the Cold War Real Property Tax Exemption. Legislator Allport suggested that a unanimous second by the board could provide a stronger position for this resolution, with the entire Board in agreement. Chairman Callard shared his appreciation of our Veterans Service Agency Director bringing this to the Boards attention on behalf of our veterans. The following resolution was adopted:

**RESOLUTION NO. 44-117**

REQUESTING NEW YORK STATE LEGISLATURE TO ENACT LEGISLATION FOR THE EXTENSION OR PERMANENT CONTINUATION OF THE COLD WAR REAL PROPERTY TAX EXEMPTION AS PROVIDED IN RPTL SECTION 458-b

WHEREAS, the New York State Legislature enacted section 458-b of the Real Property Tax Law in 2007, and

WHEREAS, section 458-b provides for a real property tax exemption for Cold War veterans and permits each county, city, town or village to adopt a local law to provide the exemption for qualifying residential real property, and

WHEREAS, under the State statute the duration of the basic exemption is 10 years, and commences with the first taxable status date occurring on or after the effective date of the local law allowing the exemption, and

WHEREAS, the Cold War 10% benefit is set to sunset ten years after adoption, which for the County of Orleans is 2018, and



WHEREAS, this Legislature recognizes the services rendered by the Cold War veterans to our country and is desirous of the New York State Legislature amending the statutory provision so as to enable this County and other municipalities to grant an exemption for more than ten years; now therefore be it

RESOLVED, that the County of Orleans Legislature hereby requests the New York State Legislature to enact the appropriate legislation which will enable the granting of the Cold War real property tax exemption as provided in RPTL section 458-b for a term greater than ten years either by extension or permanent continuation; and be it further

RESOLVED, that the Clerk of this Legislature shall forward this resolution to Governor Andrew Cuomo, Senator Robert Ort, Assemblyman Steve Hawley, Assemblyman Michael Norris, Assemblywoman Sandra R. Galef, Chairman of the Real Property Taxation Committee, Assemblyman Carl Heastie, Speaker of the Assembly and all others deemed necessary and appropriate.

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

### **RESOLUTION NO. 45-117**

#### **APPROVING AGREEMENT BETWEEN THE COUNTY ATTORNEY AND THOMSON REUTERS**

RESOLVED, that this Legislature approves an agreement between the Orleans County Attorney and Thomson Reuters, 610 Opperman Drive, Eagan MN 55123 to provide Westlaw PRO/Government plan library and legal data services to the County Attorney and assigned paralegals effective February 1, 2017 through January 31, 2020 at a monthly cost of \$140. A 3% increase may be realized in the second and third years of this agreement.

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

### **RESOLUTION NO. 46-117**

#### **AUTHORIZING THE SHERIFF'S OFFICE TO PURCHASE THREE TAHOE'S FOR SHERIFF PATROL AND K-9 UNIT**

RESOLVED, that this Legislature authorizes the Sheriff's Office to order two (2) New 2017 Chevrolet Tahoe's for Sheriff Patrol Vehicles at a total cost of \$101,824.60 and one (1) new 2017 Chevrolet Tahoe for the K-9 Unit at a total cost of \$50,912.30 from Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York 14043 for a grand total amount of \$152,736.90 through **Chautauqua County contract # E11-14-PFTA**; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chief Administrative Officer to negotiate future municipal financing for this purchase; which will be subject to the review and approval of the County Attorney.

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

Chairman Callard called to discuss old business, with there being none, he requested comments from the public.

Doug Piedemonte, Holley, voiced that he was in favor of rifle hunting in Orleans County. He explained that his home was hit by a slug with his wife in the room next to where it was hit. He expressed that the 12 gauge slug

ended up in his home breaking a mirror inside. In his opinion, he felt that if it was a rifle shot it would not have made it through his home.

Michael VanDurme, a retired chief conservation officer for Region 8 of the DEC, explained in length why rifles are safer than shotgun for deer hunting. He is currently a managing member of a firm that is the world's experts on hunting accident investigations. He is eager to gain the facts and tell the truth when it comes to providing safety information on the use of firearms. Mr. VanDurme said with no doubt or opinion, the fact is rifle rounds for white tail deer are safer than shotguns. He said a rifle does have the potential to propel around a thousand yards but to do so you must shoot eight to twelve feet above your target. As far as a rifle going long range to hit an individual, it doesn't happen Mr. VanDurme stated. In the county here, the same kind of rifles you are speaking to use for deer have been used since their invention for small game, woodchucks and foxes. Never has there been an instance shooting at a woodchuck has someone hit an individual from a long way away.

Paul Lauricella, Yates, voiced his concern with the AIM funding. He wondered if the county had any plans to share more sales tax money with the towns and villages in 2018 budget to reduce their taxes. Chairman Callard stated that there is a limited pot of money and it is divided. Each town has an allocation in the formula which many towns share their sales tax if there is a village within that town. The Towns have the option to change that formulation to share more with the villages if they felt it could be useful, stated the Chairman. Chairman Callard stated if you take it away from the County it does not serve any practical purposes. If you give to the villages or towns, it lowers their taxes however it would increase the County taxes. So what benefit has been gained asked the Chairman. Furthermore, he said, of the counties with populations of less than fifty thousand, our county is the only county that shares tax. At the same time, Chairman Callard stated that we also pick up the towns cost for community colleges which is in excess of two million dollars. (CAO Nesbitt clarified it is \$1.85 million, up 71% over 10 years). Chairman Callard said the point is that there is no extra money to share and people have a hard time grasping this concept. Mr. Lauricella said he is getting tired of people from other states telling him how good they have it. Chairman Callard advised Mr. Lauricella that he should look at the NYS budget and understand how it continues to increase taxes, very quietly, pushing back to the counties and expect counties to operate within a 2% tax cap. He said it would be more equitable to pay through income tax for their mandates rather than through property taxes. Chairman Callard further expressed his concerns in length with the cost of Medicaid on the New York State taxpayers and how mandate relief could be beneficial to our property tax payers.

Michael Donahue, 36 year hunter safety instructor and Vice President of the Sportsmen Federation, stated he is in favor of the rifle bill. He said this has been in the works for a year and those that are not in favor, or coming around now with concerns, have not attended a gun club meeting or participated in anything to do with our county Sportsmen Federation.

Legislator Johnson questioned Mr. VanDurme as to when they deliberate in the use of rifles in Orleans County for big game, a statement was made that no one has ever been hurt. She referenced an article she read that a gentleman got shot from a long distance away from another that was target shooting in Parma with a rifle. She said she learned in her first gun course that one should always know what is behind your target. She asked when he makes the statement that no one has gotten hurt, was he saying no one has been hurt during hunting season or across the board. Mr. VanDurme stated that the instances that people are being shot in ranges with a rifle which would exceed the range of the shotgun, in forty years he would know of two in the whole country that conditions were just right that a rifle round went that far. A primary cause of individuals and houses being hit during deer season is multiple shots at running deer, with 100% of them are with a shot gun. Legislator Johnson said key word is multiple shots. Mr. VanDurme explained that people with shotguns inherently believe they are not as accurate and they tend to take four or five shots. People with a rifle, with a scope, know of more accuracy and tend to take one shot. She asked about semi-automatic rifles. Mr. VanDurme said that people will most likely not spend an additional \$1,200 when switching from a shot gun to a rifle. Mr.

VanDurne stated that there are no statistics available that shows you that one type of rifle or shot gun is safer or more dangerous than another type. Legislator Johnson thanked him for his explanations.

Legislator DeFilipps moved to adjourn; second by Legislator Allport. Meeting adjourned at 5:15 p.m.

DRAFT