

SPECIAL LEGISLATURE MEETING

January 6, 2017

Chairman Callard called the meeting to order at 10:02 a.m. After the pledge to the flag, the Clerk called the roll. All Legislators were present with the exception of Legislators Allport and Johnson.

The following resolutions were presented for adoption:

RESOLUTION NO. 1-117

**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>
\$7,620.61	Crane-Hogan Structural Systems	Work Performed - Carton Road Bridge Repl. 9/14/16-10/13/16 – Pymnt 5-Final
\$14,681.60	Labella Associates, PC	Prof. Services for Carton Road Bridge Repl; Inv #75201 – 9/24/16-12/9/16
\$62,155.48	Labella Associates, PC	Prof. Services for East Scott Road Bridge Repl; Inv #75206 – 9/24/16-12/9/16

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

RESOLUTION NO. 2-117

**AUTHORIZING EMERGENCY REPAIR TO THE 2012 PETERBILT
DUMP TRUCK AT THE HIGHWAY DEPARTMENT**

RESOLVED, that this Legislature authorizes the emergency repair to the 2012 Peterbilt Dump Truck (Truck #12) at the Highway Department (PO# 57313) payment in the amount of \$13,097.05 to Penn Power Group, 350 Bailey Ave, Buffalo, NY 14210 from Highway/Road Machinery Fund DM5130.414 – Machine Maintenance Tires and Batteries.

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Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

RESOLUTION NO. 3-117

APPOINTING COMMISSIONER OF ELECTIONS

WHEREAS, a recommendation has been received from the Orleans County Democratic Committee recommending that Janice Grabowski be appointed as Commissioner of the Board of Elections; and

WHEREAS, a recommendation has been received from the Orleans County Republican Committee recommending that Kathleen Case be appointed as Commissioner of the Board of Elections; and

WHEREAS, Ms. Case is receiving a health insurance retirement benefit as a retired county employee; therefore be it

RESOLVED, that this Legislature affirms the appointment of Janice Grabowski as Democratic Commissioner of Elections and appoints Kathleen Case as Republican Commissioner of Elections effective January 2017 through December 31, 2018; and be it

FURTHER RESOLVED, that this Legislature authorizes the suspension of the health insurance retirement benefit for Kathleen Case during her time of service as the Commissioner of Elections; and be it

FURTHER RESOLVED, that this Legislature authorizes the resumption of the health insurance retirement benefit for Kathleen Case once her service as the Commissioner of Elections concludes.

Moved, Eick; second, Miller.

Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

RESOLUTION NO. 4-117

AUTHORIZING ABOLISHING, CREATING AND FILLING A POSITION IN THE HEALTH DEPARTMENT

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RESOLVED, that this Legislature does hereby authorize the abolishing of a full-time Clerk (4010.41) in the Public Health Department at Grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the creation of a part-time Clerk in the Public Health Department at Grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize the filling of the newly created vacant part-time Clerk, effective January 9, 2017.

Moved, DeRoller; second, DeFilipps.
Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

RESOLUTION NO. 5-117

**AUTHORIZING PAYMENT FOR REAL PROPERTY SERVICES
ANNUAL LICENSING FEE**

RESOLVED, that this Legislature authorizes payment to the Office of Real Property Tax Services NYS Department of Taxation and Finance, W.A. Harriman State Campus, Albany, NY 1227 in the amount of \$10,200 (PO 57966) to be paid from budget account A1970.432 for the Annual Real Property System Licensing Fee (RPS) which will be charged back to the Towns in 2017.

Moved, DeFilipps; second, DeRoller.
Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

RESOLUTION NO. 6-117

**AUTHORIZING THE TREASURER TO APPROVE REAL PROPERTY
TAX REFUNDS**

WHEREAS, the New York State Real Property Tax Law, Section 554 and 556, provide an administrative correction of error process to assist the property owner in obtaining real property tax refunds and corrections caused by certain clerical errors, unlawful entries and errors in essential fact; and

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WHEREAS, Real Property Tax Law, Section 554 and 556 provides that the tax levying body may delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law section 554 and 556; and

WHEREAS, the Administration and Finance Committee does recommend that the delegation to the Treasurer be continued to perform said duties; now therefore be it

RESOLVED, that the Orleans County Treasurer be and hereby is authorized and directed to carry out the requirements of Section 554 and 556 of the Real Property Tax Law, effective immediately where the Real Property Tax Director has recommended a correction or a refund and said correction/refund is two-thousand five hundred dollars or less; and be it

FURTHER RESOLVED, that on the fifteenth day of each month, the Orleans County Treasurer shall submit a report to the Orleans County Legislature of the refunds processed during the preceding month containing the name of each recipient, the location of the property, the reason for the refund and the amount of refund and when no refunds are given no report will be issued.

Moved, DeFilipps; second, DeRoller.
Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

Legislator DeFilipps moved to authorize purchase of a linear amplifier for the radio system; second, by Legislator DeRoller. EMO Director Banker explained, upon Legislator DeRoller's request, that we needed to replace a piece that has become defective but needed to make sure enough money was available at year end. Director Banker explained that the defective piece will be sent out for reconditioning and will then provide a backup for us. Kevin Doherty explained it is a power amplifier, which we have twenty one of them in the system. Due to us only using 12% of what we have, this did not impact the end users at all. Rather than buy spares, we would rather address them as they needed repair to keep up on the current software needs and not have outdated spares. The following resolution was adopted:

RESOLUTION NO. 7-117

**AUTHORIZING PURCHASE FROM EMERGENCY MANAGEMENT
BUDGET**

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RESOLVED, that this Legislature authorizes purchase of a HPA MDI Linear Amplifier through NYS OGS State Contract #67050 - Group #77200, purchased from Harris PSPC, 1280 University Ave, Rochester, NY 14618 in the amount of \$8,551.69 (PO #58268) to be paid out of the Emergency Management budget account A3640.418 – Other Contractual expenses.

Moved, DeFilipps; second, DeRoller.

Adopted. 5 ayes; 0 nays; 2 absent: Allport, Johnson.

The Legislature applauded and welcomed Kathy Case as our newly appointed Election Commissioner.

Chairman Callard highlighted the new windows that were installed in the Chambers. Shades will arrive soon.

Legislator Eick moved to adjourn; second by Legislator Miller. Meeting adjourned at 10:11 a.m.

LEGISLATURE MEETING

January 25, 2017

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 31st annual festival on the Courthouse Lawn on June 9th and June 10th, 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, we 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 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 – Final Payment – 10/17/16-12/12/16

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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

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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:

Revenue:

6772-1972	Office for the Aging-Local Grants	\$1,500
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Appropriation:

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

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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

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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:

Revenue:

A4403	Association of Food and Drug Officials	\$ 2,000
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Appropriations:

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

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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 (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 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

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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 3211 Fancher Road Albion, New York 14411	Town of Murray	12-31-19
Charles Felice	Town of Murray	12-31-19

17140 Route 31 (Alternate)
Holley, New York 14470

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

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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. 85th 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

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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, 11th 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:

Revenue:

A4309.1042	State Homeland Security LG2015	\$9,000
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Appropriation:

3640.486.1042	Special Grants LG2015 - Legislative Line Item	\$9,000
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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
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Appropriation:

3640.486.2016	Special Grants – SHSP FY2016	\$24,375.50
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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

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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:

Revenue:
A3389 Law Enforcement Study Grant \$29,800

Appropriations:

A1010.418 Other Contractual Expenses \$29,800

Moved, Johnson; second, DeFilippis.
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:

Fund/Department	Check Number (s):	Amount:
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:

Fund/Department	Check Number (s):	Amount:
General	7219-7356	\$249,157.30
Highway	909-916; 2150-2169	\$35,075.16
Job Development	2347-2360	\$3,753.96
Self Insurance	57797, 57846-57848	\$5,054.77

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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 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, DeFilippis.

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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 shot guns. 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 ways away.

Paul Lauricella, Yates, voiced his concerned 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

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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 shot guns 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. VanDurme 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.

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

<u>Town/Village</u>	<u>Resolution Title</u>
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.

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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

February 22, 2017
Resolutions 47-82

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

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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 McGuinness 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

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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 releived 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 releived 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 make necessary adjustments 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, DeFilippis; 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

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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, DeFilippis; second, Allport.
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

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**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, DeFilippis; 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

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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**

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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, DeFilippis; 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 Ortt'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 Ortt, 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 Orrt, 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:

Fund/Department	Check Number (s):	Amount:
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:

Fund/Department	Check Number (s):	Amount:
General	7535-7652	\$200,812.67
Highway	922; 2198-2215	\$19,372.56
Job Development	2375-2387	\$12,323.44
Self Insurance	57937-57940	\$5,078.60

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.

LEGISLATURE MEETING

March 22, 2017

Chairman Callard called the meeting to order at 4:37 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: Susan Heard, Orleans County Treasurer, forwarded a listing of Real Property Tax Refunds, in the amount of \$1,110.59, that has been reviewed and authorized by her office. Orleans County Youth Board is calling for nominations for Youth Recognition Awards, the Helen R. Brinsmaid Award, and the Eileen Heye Adult Volunteer Recognition Award. Nominations are due to the Youth Bureau by March 31st. These will be awarded at the 35th Annual Youth Recognition Banquet on Thursday, May 11th. Nominations forms can be obtained on the Orleans County Website. Drug Take Back Day is scheduled for Saturday, April 29th from 10 a.m. to 2 p.m. with drop off points at the Public Safety Building along with Holley, Kendall, Lyndonville and Medina fire departments.

Legislator DeRoller presented a proclamation designating April as Wine Month in Orleans County. Those in attendance to accept were Brian DeGraw, owner of 810 Meadworks in Medina and Vice President of the Niagara Wine Trail, and Cate Banks, Executive Director of the Niagara Wine Trail USA. They distributed materials including the Niagara Wine Trail brochures and encouraged everyone to visit our local wineries.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through February, 2017. Property taxes are coming in nicely for February and Treasurer Heard did receive the final check for sales tax.

Chairman Callard called for open discussion as it related to the resolutions or from our Legislators. Legislator Allport called upon Mark O'Brien to update the board on a great opportunity to be a test site for integration. Mark O'Brien, Director of Mental Health, stated that we are a test case in New York State for "most shovel ready" project for integrating behavior health and primary care. In working with our partners including Orleans Community Health - the Hospital, Oak Orchard as well as GCASA; Director O'Brien indicated that they have been able to pull the entire community together on this same team. We are now aligned with the US Leads for Hospitals and LA Qualified Health Care Centers to see if we

will be able to take the next step. We hope to have good news to report shortly and the fact that they contacted us puts us farther ahead.

Legislator Johnson invited Director of Veterans Earl Schmidt to inform the board of the New Military Service Credit Legislation that was passed. Director Schmidt explained that a NYS worker in the retirement system is able to purchase back up to three years of service towards thier retirement for all honorably discharged veterans.

Legislator Johnson commended EMO Director Banker; Sheriff Bower and staff; our volunteer fire departments and EMTs' for all of the aid they provided to Orleans County during our recent March Misery that included both the wind and snow storms. They were applauded for their service.

Paul Lauricella, Yates, commented on Resolution No. 117 regarding Congressman Collins and another representative that put forward an amendment to Obama care repeal bill. He is in favor of shifting the Medicaid burden back to the State of New York and was glad that this Board is supporting this resolution.

Chairman Callard stated that the Medicaid portion represents 48% of our budget but varies between counties. This would cut our budget in half in our county which would be a boost to our county. Mr. Lauricella agreed that it would reduce our taxes. Chairman Callard understands that if a bill gets passed tomorrow it would be one of three stages to get this accomplished. He shared his appreciation of the initiative of Congressman Collins.

With no further public comments, the following resolutions were presented for adoption:

RESOLUTION NO. 83-317

**AWARDING BIDS FOR VARIOUS MATERIALS AND
COMMODITIES FOR HIGHWAY DEPARTMENT:**

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

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

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

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

RESOLUTION NO. 84-317

AUTHORIZING FILLING A VACANCY IN THE HIGHWAY DEPARTMENT

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

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

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

RESOLUTION NO. 85-317

AUTHORIZING CREATION AND FILLING OF POSITION IN THE HIGHWAY DEPARTMENT

RESOLVED; that this Legislature does hereby authorize the creation of a permanent part-time Account Clerk position in the Highway Department at Grade 9 of the CSEA Salary Schedule; and be it

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

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

RESOLUTION NO. 86-317

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

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

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

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

RESOLUTION NO. 87-317

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

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

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

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

Moved, Eick; second, Miller.

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Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 88-317

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

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

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

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

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

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

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

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

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Miller moved a resolution to call on state lawmakers to invest in locally driven workforce development programs, seconded by Legislator Eick. Chairman Callard called upon Job Development Director Kelly Kiebala to comment. Ms. Kiebala stated that there is funding available but very limited and restricted as far as how the training is used. She hopes that they make available more funding and not place more restrictions on funding so it can be used appropriately. Chairman Callard stated that this was discussed at the NYSAC Conference and he had the opportunity to meet the state lead in workforce training. It was at that time she said we have limited support from the Federal government and hardly any support from our own state. Chairman Callard stated that we ask businesses to come to New York State and if we don't have a trained populous it is almost counterproductive to ask them to come. Chairman Callard stated that we have begun an initiative to step up our training efforts in our County and Director Kiebala has coordinated not only with the Economic Development Agency but other agencies throughout our county. He believes there were 225 full time jobs available and we are having problems filling these. We have to have a trained workforce to keep our businesses in town. Legislator DeRoller stated that since he has been in economic development for 15 years, he has seen the positive impact Director Kiebala has made with her engagement in our county and we should be proud of her work. The following resolution was adopted:

RESOLUTION NO. 89-317

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 90-317

APPROVING RENEWAL AGREEMENTS BETWEEN OFFICE FOR
THE AGING AND VARIOUS AGENCIES

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

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

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

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 91-317

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

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

<u>Revenue:</u>		
6772-1972	Office for the Aging-Local Grants	\$550
 <u>Appropriation:</u>		
6772-100	Personnel Expenses	\$350
6772-411	Office Supplies	\$100
6772-462	Mileage	\$100

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

RESOLUTION NO. 92-317

APPROVING APPOINTMENTS TO THE AGING ADVISORY COUNCIL

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

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

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

RESOLUTION NO. 93-317

APPROVING AGREEMENTS WITH THE DEPARTMENT OF
SOCIAL SERVICES

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

Children's Home of Wyoming Conference, Binghamton, NY for the provision of residential foster care services; to be effective May 1, 2017 through April 30, 2018 at per diem rates established by the State, not to exceed \$165,000. County cost will be at a percentage determined by both the program category and financial eligibility of each child so placed.

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Miller moved to abolish and create positions in the Veterans Service Agency due to the recent retirement announcement of Mary Jo Syck; seconded by Legislator Eick. Chairman Callard, with the creation of an upgraded position, invited Director Schmidt to comment. Director Schmidt stated it will be sad to see an eighteen year devoted assistant leave after servicing our veterans and their widows. With the enhancement of her retirement, a person will be schooled to be a Veterans Service Officer so that person can service our veterans and families if Director Schmidt is not in the office. It will also enhance outreach. Chairman Callard stated that Director Schmidt has done a great job in outreach which is one thing that needed to be done when he was hired. The following resolution was adopted:

RESOLUTION NO. 94-317

AUTHORIZING ABOLISHING AND CREATING POSITIONS IN THE
VETERANS SERVICE AGENCY

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

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RESOLVED, that this Legislature abolishes the position of Veteran Service Agency Assistant (6510.03) effective April 1, 2017; and be it

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

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

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 95-317

AUTHORIZING CREATION AND FILLING OF POSITIONS IN THE MENTAL HEALTH DEPARTMENT

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

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

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

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

Moved, Allport; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 96-317

APPROVING CELLULAR PHONE USE AGREEMENT FOR MENTAL HEALTH DEPARTMENT

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

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

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

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

RESOLUTION NO. 97-317

APPROVING AGREEMENTS BETWEEN THE HEALTH DEPARTMENT AND VARIOUS AGENCIES

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

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

Orleans Community Health a/k/a Medina Memorial Hospital at 200 Ohio Street Medina, NY 14103. This Contract is to provide lead poisoning education, information, sampling, and testing for the residents of Orleans County. This contract runs concurrent with the New York State contract.

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Contract Period is October 1, 2016 through September 30, 2017. County cost \$0.

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

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

RESOLUTION NO. 98--317

AUTHORIZING SETTING UP NEW MONIES IN THE PUBLIC HEALTH DEPARTMENT

RESOLVED, that the County Treasurer is authorized to set up new monies in the Public Health Department Budget as a result of accepting award to attend National Food Regulatory Program Conference as follows:

Revenue:

A4403	Association of Food and Drug Officials	\$ 2,000
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Appropriations:

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.

RESOLUTION NO. 99-317

AUTHORIZING OUT OF STATE TRAVEL FOR PUBLIC HEALTH DIRECTOR

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

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

RESOLUTION NO. 100-317

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

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Timothy Newton Construction, 2374 Eagle Harbor-Waterport Rd., Albion, NY 14411, for mowing and trimming at the Orleans County Marine Park; Point Breeze site; boat dock rental site and Rte. 98/18 site from April 15, 2017 to October 31, 2017 at a cost of \$280 per mowing at all sites, to be paid from Account A7180.432-Misc. Contracts/Agreements.

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

RESOLUTION NO. 101-317

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

RESOLVED, that this Legislature hereby approves the renewal of the agreement with Ronald Bierstine, 1764 Oak Orchard Road, Albion, NY 14411, to provide dock worker and custodial services at Orleans County Marine Park from April 15, 2017 to October 31, 2017 at a cost not to exceed \$15,870 to be paid from Account A7180.432-Misc. Contracts/Agreements.

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

RESOLUTION NO. 102-317

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

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

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

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

RESOLVED, that this Legislature accepts said E-Waste Assistance Grant funds through the New York State Department of Environmental Conservation.

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

Legislator DeRoller moved to award the bid for the electrical infrastructure work at the Orleans County Marine Park; seconded by Legislator Allport. Legislator DeRoller invited CAO Nesbitt to comment seeing he has been working to move this project forward. CAO Nesbitt indicated that boaters have been complaining about the ground fault has been tripped on many occasions. An electrical engineer, through LaBella, has prepared a solution to correct the problems and so our boaters will not have power issues. This will be paid for by a 50/50 match with NYS Parks and Recreation through their Phase 2 grant and Orleans County. The following resolution was adopted:

RESOLUTION NO. 103-317

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

WHEREAS, in March 2017, the Department of Planning and Development will be requesting bids for Electrical Infrastructure

Improvements (Shore Power) at the Orleans County Marine Park to alleviate nuisance tripping of ground fault interrupters as part of Orleans County Marine Park Boating Access Phase 2 (Contract Number C1000543); and

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

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

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

RESOLUTION NO. 104-317

**APPROVING AMENDED BY-LAWS OF THE ORLEANS COUNTY
PLANNING BOARD**

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

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

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

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

RESOLUTION NO. 105-317

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

WHEREAS, Resolution No. 367-1016 approved an agreement between Computer Services and Time Warner Cable Business Class for

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the initiation of Session Initiation Protocol (SIP) trunks to transition our phone services to a VOIP technology; now be it

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

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

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

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

Legislator Johnson moved to call on New York State to fully reimburse municipal self-insured workers' compensation plans in regards to volunteer firefighters benefit law. She requested Jack Welch, Director of Self Insurance to update them on this legislation. Director Welch explained that any volunteer fire fighter with five or more years faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the lymphatic or hematological systems with presumptive coverage. With ten or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma will also have presumptive coverage. The bill that is in the assembly, already passed in the Senate, does not define what is faithful and actual service and protection. The firefighter has twelve years after separation however there is no tracking of the fire fighter as they move around from one department to another. There is no tracking in the system of five or ten years nor is their tracking of an "interior" firefighter. He questions if it is only at scenes in a cancer causing scenario or does any fire count. He said with those questions and understanding what they want to do, the cost of the cancers themselves, the state wants to cover the costs to cover those cancers. It would then be pushed down to our local volunteer fire departments. Our local departments would not be able to afford coverage of these especially if one incident could range from

\$20,000 to \$100,000. This would cause an increase in taxes and most likely our volunteer fire organizations to dissolve. Director Welch stated that he is here to protect the tax payers self insurance fund. The following resolution was adopted:

RESOLUTION NO. 106-317

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

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

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

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

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

1. Notwithstanding any other provision of this chapter to the contrary, a condition of impairment of health of a volunteer firefighter with (a) five or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the lymphatic or hematological systems or (b) ten or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings caused by cancer affecting the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma, resulting in total or partial disability or death to such volunteer firefighter, who successfully passed a physical examination on entry into firefighter service, which examination failed to reveal any evidence of such cancers, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence. Claims for benefits pursuant to this section must be filed within twelve years of separation from actual service in protecting life and property from fire in the interior of buildings.

2. This section shall not apply to volunteer firefighters serving in a fire company or fire department where the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire company serving territory outside the villages and fire districts or (b) a town fire department, has adopted a local law or resolution to elect not to provide this presumption.

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

WHEREAS, this legislation is problematic for several reasons: First the physical examination required for entry into a volunteer fire department is typically quite limited in scope. Such physical examinations do not include the detail or diagnostic testing typically associated with diagnosing cancer or ruling out the presence of cancer. For example, such physical examinations do not include comprehensive blood testing, PET scans, CT scans, MRI's, colonoscopies, mammograms, pap smears, prostate examinations, etc., as the physical examinations are typically quite limited and cursory in nature. Many of the cancers referenced in the proposed legislation may be present and remain undiagnosed even though an individual may still pass the physical examination associated with entry into volunteer firefighter service; and

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

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

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

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

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

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

FURTHER RESOLVED, that in the event that there is a desire that the aforementioned legislation be passed, the Orleans County Legislature urges Senate Bill S01411 and Assembly Bill A00711 to be modified so that municipal self-insured workers' compensation plans shall be reimbursed the costs of claims which are associated with Senate Bill

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S01411 and Assembly Bill A00711 by the State of New York. This will facilitate the continued operation and existence of the very volunteer fire departments and volunteer fire companies whose members would be assisted by the bills, since the taxing authorities which support these volunteer fire departments and volunteer fire companies will otherwise be financially stressed by the claims precipitated by these bills; and be it

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

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

RESOLUTION NO. 107-317

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

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

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

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

RESOLUTION NO. 108-317

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

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

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

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

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

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

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

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

RESOLUTION NO. 109-317

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

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

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

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

RESOLUTION NO. 110-317

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

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

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

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

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

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

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

RESOLUTION NO. 111-317

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

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

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

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

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

RESOLUTION NO. 112-317

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

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

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

RESOLUTION NO. 113-317

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

RESOLVED, that this Legislature authorizes the Director of Emergency Management to expend EMPG FY2016 [EM16-1041-D00]

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Resolutions 83-118

Grant Funds in the amount of \$10,017 for a Kubota ATV from Kubota Tractor Corporation with \$10,017 in matching funds; \$515 for installation costs of lighting and mobile radio equipment on the Kubota ATV from Lyons Collision with the same in matching County funds and \$10,532 to purchase one Foam Nurse Trailer with accessories from Churchville Fire Equipment with matching County funds according to all EMP Grant Guidelines; and be it

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

Revenue:

4305.0016	Emergency Management Program Grant	\$21,064
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Appropriation:

A3640.486.0016	Special EMP Grants –FY2016	\$21,064
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Moved Johnson; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 114-317

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

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

RESOLVED, that this Legislature authorizes the County Treasurer to set up these new FY2016 Homeland Security funds as follows:

Revenue:

4309.2016	Homeland Security Grant Funds FY2016	\$40,000
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Appropriation:

A3640.486.2016	Special EMP Grants –FY2016	\$40,000
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Moved, Johnson; second, DeFilipps.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator Johnson moved to approve a master lease and license service agreements with Crown Castle; seconded by Legislator DeFilipps. Chairman Callard called upon CAO Nesbitt to explain how this will significantly bring in revenue to Orleans County. CAO Nesbitt stated that we are licensing Crown Castle to market the assets of the county and attract rentals for our towers that would be revenue generating from our primary target of cellular phone companies. They also will prepare a heat map, which will show the various networks of various vendors throughout the county and will see if services will need to be improved and where there might be a market for additional construction of towers. The county then could access revenue from those sites as well as improve our own system by making investments in further equipment to enhance our radio system. We will not need to pay them; they will pay us stated CAO Nesbitt. The following resolution was adopted:

RESOLUTION NO. 115-317

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

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

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

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

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

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

RESOLUTION NO. 116-317

AUTHORIZING SETTING UP NEW MONEY IN HISTORIAN'S BUDGET

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

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

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

Legislator DeFilipps moved a resolution to support an amendment to the proposed federal health care legislation known as the American Health Care Act to limit the local share of Medicaid; seconded by Legislator Eick. CAO Nesbitt stated that it has been over 50 years, since the formation of NYSAC, that county leaders have been fighting for "Rockies Folly", named after Nelson Rockefeller. This involved the counties to pay a share of the cost for the state's Medicaid program. Even then they feared this could have been a mistake and could get out of control, which it did and has, stated CAO Nesbitt. This corrects it and much to the chagrin to the state government, was hoping to never have this corrected. Of counties 2017 tax levy 48% of that was Medicaid share. He explained more of the budget impact. He said we had no idea that we could begin to contemplate this kind of change, which is significant and certainly after 50 years of fighting we need to support regardless of the fiery rhetoric coming out of Albany stated CAO Nesbitt. Chairman Callard stated that New York State in its Medicaid offers more benefits than any other state in the nation. There is room to limit the cost and still stay within the federal guidelines stated Chairman Callard. The following resolution was adopted:

RESOLUTION NO. 117-317

SUPPORTING AN AMENDMENT TO THE PROPOSED FEDERAL HEALTH CARE LEGISLATION KNOWN AS THE AMERICAN HEALTH CARE ACT TO LIMIT THE LOCAL SHARE OF MEDICAID

WHEREAS, Counties across the nation contribute \$9.7Billion each year in locally raised taxes to support the direct program costs of providing Medicaid services; and

WHEREAS, Taxes raised for Medicaid services in New York State account for \$7.5 Billion or 77% of all locally raised Medicaid dollars an amount more than three times that of all the other 49 states combined; and

WHEREAS, Orleans County pays over \$8 Million each year to support the cost of the New York State Medicaid Program or approximately 48% of the county property tax levy; and

WHEREAS, Governor Cuomo continues to highlight that New York State property taxes are high, a point that this legislature agrees with 100%; and

WHEREAS, Eliminating Medicaid costs to counties, county governments will be provided desperately needed flexibility in how they utilize their property tax revenue; and

WHEREAS, Unfunded mandates such as Medicaid make up the largest portion of our county budget placing immense pressure on our ability to provide the services our residents expect and deserve at a reasonable cost. This amendment will allow us to be able to provide much needed tax relief to our constituents and provide more funds to improving our aging infrastructure; now be it

RESOLVED, that the Orleans County Legislature supports Congressman Collins proposed amendment to the American Health Care Act, known as The Medicaid Local Share Limitation proposal which would bar federal reimbursements for state Medicaid funds raised from charges to local governments.; and be it

FURTHER RESOLVED, that the Clerk of the Legislature shall forward certified copies of this adopted resolution to President Donald Trump, Senators Charles H. Schumer and Kristen Gillibrand; Congressman Chris Collins, Senator Robert Ort, Assemblymen Steve

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Hawley and Michael Norris, NYSAC, InterCounty of Western New York and all others deemed necessary and proper.

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

RESOLUTION NO. 118-317

AUTHORIZING PAYMENT OF CLAIMS FOR APRIL AGAINST THE COUNTY

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

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for April 12, 2017:

Fund/Department	Check Number (s):	Amount:
General	7668-7894	\$629,151.13
Highway	923-927; 2216-2254	\$61,910.72
Job Development	2397-2404	\$1,585.15
Self Insurance	1133- 1134, 58090, 58092	\$350.59

RESOLVED, that this Legislature authorizes payment of said claims against the following funds and that the Clerk of the Legislature, the Director of Job Development Agency, the Superintendent of Highways, and the Self-Insurance Administrator be authorized and directed to draw demand orders on the County Treasurer in payment of the following claims submitted for April 26, 2017:

Fund/Department	Check Number (s):	Amount:
General	7910-8059	\$351,684.05
Highway	928-932; 2255-2268	\$95,225.26
Job Development	2407-2427	\$33,487.16
Self Insurance	58048-58049,58051	\$13,782.31

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

Chairman Callard called for old business. Legislator DeFilipps wanted to expand on the Crown Castle contract. He asked that if the Town of Clarendon and the Village of Medina will profit on this endeavor if it involves the towers located on their properties. CAO Nesbitt stated that if there are leases signed on these towers, the municipality will share 50% of any of the revenue generated.

Sandy Lauricella, Yates, followed up to see if the county has any money to assist with spaying and neutering in Orleans County. Chairman Callard stated that it needs to be discussed through the Public Safety Committee, which it has not been forgotten. Sheriff Bower stated that New York State stopped that program and now they are relying on not-for-profits to assist with that. Currently people are donating to our Animal Shelter to assist with completing that procedure before animals are adopted.

Legislator Eick moved to enter into executive session at 5:21 p.m. per Open Meetings Law §105 (d) to discuss pending litigation and (f) personnel – discipline and dismissal, second by Legislator Allport. Motion Carried.

Legislator DeFilipps moved to exit out of executive session and reconvene the regular meeting at 6:02 p.m.; second by Legislator DeRoller. Motion Carried.

Legislator DeRoller moved to adjourn; second by Legislator Allport. Meeting adjourned at 6:04 p.m.

LEGISLATURE MEETING

April 26, 2017

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.

Legislator DeFilipps presented a proclamation to Matt Tracy, ABATE Vice President in regards to Motorcycle Safety and Awareness in May. Mr. Tracy invited everyone to their rally on Sunday, May 7th and thanked them for their continued support of making people aware of the importance of motorcycle safety and awareness. He also announced the Warriors Run, which 100% of the proceeds will go to the home in Shelby for homeless warriors. They also host a golf tournament to benefit ARC.

Earl Schmidt, Director of Orleans County Veterans Agency and David Kusmierczak, an Orleans County Veteran and our Chaplin, accepted the Western New York Armed Forces Week Proclamation from Legislator Allport. The 57th Anniversary of Western New York Armed Forces Week will be celebrated in Western New York and in Orleans County from May 7th through May 13th.

Chairman Callard called upon Lori Laine and her husband Tom, to accept the recognition of Donate Life Month in Orleans County for the month of April. Mr. Laine received a liver transplant in July of 2014 and Lori volunteers her time at the DMV to promote the Donate Life choice when people obtain or renew their driver's licenses. Wendy Jacobson, CEO, Orleans Community Health/Medina Memorial Hospital, also shared many words concerning the importance of donation of organs and tissue transplants while leading a legacy of generosity for both the donor and their family. Last year there were 33,000 people saved by organ and tissue transplants. Ms. Jacobson, on a personal note, stated that said her 92 year old mother donated her corneas and her legacy lives on.

Legislator Miller presented May as Foster Care Month Proclamation to Thomas Kuryla, Commissioner of the Orleans County Department of Social Services. Mr. Kuryla shared his appreciation for the recognition and allowing their banner to be hung at courthouse square.

The Clerk presented the following communications:
Town/Village resolutions that have been received

Orleans County Town/Village Resolution Submissions

Town/Village	Resolution Title
T/Clarendon T/Shelby V/Lyndonville	Supporting County Resolution No. 62-217 – Supporting an Increase in the Share of Revenue Counties Retain for providing DMV Services
T/Clarendon T/Shelby V/Lyndonville	Supporting County Resolution No. 81-217 – Supporting Legislation to Partially Repeal the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 for Areas Outside New York City
T/Clarendon T/Shelby V/Lyndonville	Supporting County Resolution No. 71-217 Urging New York State to Fund Probation Departments and Other Impacted County Departments and Agencies the Full Cost Associated with Raising the Age of Criminal Responsibility to 18 Years of Age
V/Lyndonville	Supporting County Resolution No. 89-317 Calling on Governor Cuomo and State Lawmakers to invest and implement funding for a Statewide Workforce Strategy that Assists Locally Driven Workforce Development Programs
V/Lyndonville	Supporting County Resolution No. 106-317 Calling on the State of New York to Fully Reimburse Municipal Self Insured Worker’s Compensation Plans
V/Lyndonville	Supporting County Resolution No. 117-317 Supporting an Amendment to the Proposed Federal Health Care Legislation Known as the American Health Care Act to limit the Local Share of Medicaid

ABATE of New York Inc, Orleans County Chapter is requesting use of the Courthouse Steps to conduct their Motorcycle Safety and Awareness Rally on Sunday May 7, 2017 from Noon till 3 p.m. They are also requesting use of power. This is their annual promotion event for motorcycle safety, awareness, and rider education along with alerting the public to the renewed presence of motorcycles on the highway. The board approved this request. Orleans County Department of Social Services is requesting use of the Courthouse lawn to place a banner from May 3, 2017 to May 14, 2017 for Foster Parent Month. The Board approved this request. Drug Take Back Day is scheduled for Saturday, April 29th from 10 a.m. till 2 p.m. at several Orleans County drop off locations: Holley, Medina, Lyndonville and Kendall Fire Departments and at the Orleans County Public Safety Building. The 35th Annual Youth Recognition Banquet is Thursday, May 11th at Hickory Ridge Golf and Country Club.

The Treasurer distributed an Analysis of Monthly Cash Receipts and Disbursements through March of 2017. A tentative auction list was also distributed and Treasurer Heard stated to keep in mind that many will come in and pay to get off the list now that the signs are being placed.

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Treasurer Heard stated that her report looked low on receipt of property taxes so a letter needed to be sent to two towns for them to send in their property tax collections and as a result she received an additional \$940,000 which would make her report much better.

Chairman Callard called for open discussion as it related to the resolutions beginning with the Legislators. Legislator Johnson expressed that it has been three years that they fought Plan 2014 concerning the lake levels. Chris Catt, Congressman Collin's representative was introduced, and Legislator Johnson indicated that they walked the lakeshore yesterday in the pouring rain. She said it is unfortunate that their efforts to bring attention to this concern for the last few years have gone unheard. After reaching out to President Obama and Governor Cuomo, Congressman Collins is the only person that has listened from the very beginning and supported our resolutions. There are six presidential appointed commissioners that sit on the International Joint Commission; three are Canadian and three represent the US. They were commissioned under a treaty by the Canada/US Governments to maintain Lake Ontario. The lake levels have been the same for at least fifty years. Congressman Collin's office is asking for the immediate resignation of all six commissioners. Legislator Johnson said in the upcoming months, he will ask this board to support his resolution to take action on this serious issue. She said the policies need to be rescinded that the commission has made and we need replacement for those six commissioners. Legislator Johnson stated that the best thing Congressman Collin's could do for us is actually placing a person who lives on the south shore of Lake Ontario on this commission. Chris Catt thanked Legislator Johnson and appreciates working with her, along with Legislators Callard, DeRoller, and DeFilipps. He stated that he appreciates all of the Orleans County Leadership on this issue. This is an important issue in their office and looks forward to the continued efforts by everyone. Chairman Callard shared his appreciation with Congressman Collin's in helping in this lakeshore issue.

Paul Lauricella, Yates, questioned the increase in cost to obtain a Pistol Permit application in Resolution No. 156. Sheriff Bower addressed the concern of it going from \$5 to \$10 and stated that many other counties charge up to \$25. CAO Nesbitt indicated that we hold free education classes that we pay a Deputy Sheriff nearly \$30 per hour to instruct. Mr. Lauriciella also inquired about Resolution No. 167 and asked what the County has received from Park Strategies. CAO Nesbitt indicated that Orleans County has received about \$25 million dollars to upgrade our infrastructure in Orleans County. Legislator DeRoller also stated that Park

Strategies helped entertain a meeting at the Department of State concerning the KYS LWRP. They helped us in this and in many other aspects in the timing of getting the right people in the right room at the right time stated Legislator DeRoller.

Legislator Eick moved to add four resolutions to the agenda; second by Legislator Allport. Motion carried. The following resolutions were presented for adoption:

RESOLUTION NO. 119-417

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>
\$14,873	Labella Associates	Prof. Serv. for Marshall Rd Bridge Repl.; 1/14/17-2/24/17; Inv #77081
\$11,857	Labella Associates	Prof. Serv. for Culvert Road Bridge Repl.; 1/14/17-2/24/17; Inv #77082

FURTHER RESOLVED, that this Legislature authorizes the following payment(s) to be made from account H5120.251, Capital Project – Infrastructure Project – Culvert Improvements:

<u>Amount</u>	<u>Vendor Name</u>	<u>Description</u>
\$4,220	Labella Associates	Prof. Serv. for Millers Rd & E. Shelby Rd Culvert Design; 1/14/17-2/24/17; Inv #77083
\$129,162	Keeler Construction	Stored Materials – Platten Road Culvert Repl.; Pymnt 1

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

RESOLUTION NO. 120-417

APPROVING AGREEMENTS WITH THE VILLAGES FOR SHARED HIGHWAY SERVICES

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Resolutions 119-167

RESOLVED, that the Legislature approves agreements with the Villages of Albion, Holley, Lyndonville and Medina for the Sharing of Highway Services between the County and the Villages, including but not limited to renting, exchanging, or lending of highway machinery, tools and equipment, borrowing or lending supplies, provision of specific services and maintenance of machinery equipment; agreement effective May 1, 2017 through April 30, 2022.

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

Legislator Eick moved to approve agreements with the Towns for shared highway services; second by Legislator Miller. Chairman Callard noted that we have agreements with all of the towns with the exception of Kendall in this resolution. The following resolution was adopted:

RESOLUTION NO. 121-417

APPROVING AGREEMENTS WITH THE TOWNS FOR SHARED HIGHWAY SERVICES

RESOLVED, that the Legislature approves agreements with the Towns of Albion, Barre, Carlton, Clarendon, Gaines, Murray, Ridgeway, Shelby, and Yates for the Sharing of Highway Services between the County and the Towns, including but not limited to renting, exchanging, or lending of highway machinery, tools and equipment, borrowing or lending supplies, provision of specific services and maintenance of machinery equipment; agreement effective May 1, 2015 through April 30, 2022.

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

RESOLUTION NO. 122-417

APPROVING AGREEMENT WITH THE HIGHWAY DEPARTMENT AND ORLEANS COUNTY SOIL AND WATER CONVERSATION DISTRICT

RESOLVED, that this Legislature does hereby approve an Intermunicipal agreement with the Highway Department and the Orleans

County Soil and Water Conservation District, 446 West Avenue, Albion, New York 14411 for a County-wide shared service agreement to strengthen the formation of the County Wide Drainage Program and reduce the amount of flood and poor drainage areas throughout the County effective March 1, 2017 through March 1, 2022.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 123-417

AUTHORIZING FILLING VACANCY IN THE HIGHWAY DEPARTMENT

WHEREAS, there has been a retirement in the position of Deputy Highway Superintendent; now be it

RESOLVED, that this Legislature authorizes the Highway Superintendent to fill the vacancy created as a result; and be it

FURTHER RESOLVED, that this legislature authorizes the Chief Administrative Officer to negotiate salary up to Grade 10 step 7; and be it

FURTHER RESOLVED, that this legislature authorizes the Chief Administrative Officer to negotiate a level of seniority in recognition of experience up to ten years for the purpose of calculating health and vacation benefits in accordance with the Management Compensation Plan;

FURTHER RESOLVED, that the appointee must maintain residency in Orleans County.

Moved, Eick; second, Miller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 124-417

AUTHORIZING TREASURER TO SET UP FUNDS FROM RESERVE ACCOUNT INTO BUILDINGS AND GROUNDS BUDGET

WHEREAS, Resolution No. 247-616 authorized Orleans County to engage in an agreement with Wendel, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY, for the purpose of Phase 2

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Design for construction of an addition to the County Office Building located at 14016 Route 31 West at a cost not to exceed \$70,000 including Time and Expenses, with such work to be completed and paid from the 2016 Buildings and Grounds Budget account A1620.418- Other Contractual Expenses.

WHEREAS, following fiscal year end 2016 closure billing had not been received and payment had not yet been made; therefore be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up funds from the reserve account into the Buildings and Grounds account as follows:

<u>From:</u>		
Future Infrastructure Reserve		\$70,000
<u>To:</u>		
A1620.418	Other Contractual Expenses	\$70,000

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

RESOLUTION NO. 125-417

AUTHORIZING TREASURER TO SET UP FUNDS FROM RESERVE ACCOUNT INTO BUILDINGS AND GROUNDS BUDGET

WHEREAS, Resolution No. 393-1116 authorized Orleans County to engage in an agreement with Wendel, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY, for professional services in the Geotechnical and Survey Services for the Administration Building Addition located at 14016 Route 31 West at a cost not to exceed \$13,500, with such work to be completed and paid from the 2016 Buildings and Grounds Budget account A1620.418- Other Contractual Expenses.

WHEREAS, following fiscal year end 2016 closure billing had not been received and payment had not yet been made; therefore be it

RESOLVED, that this Legislature authorizes the County Treasurer to set up funds from the reserve account into the Buildings and Grounds account as follows:

From:
Future Infrastructure Reserve \$13,500

To:
A1620.418 Other Contractual Expenses \$13,500

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

RESOLUTION NO. 126-417

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

RESOLVED, that this Legislature approves the Appendix X agreement extension between the Orleans County Board of Elections and the New York State Board of Elections, 40 North Pearl St, Albany, NY extending the period effective April 1, 2017 through March 31, 2018 that funds are available to the local board of elections for Contract #C003236 — HAVA Operations Expenses Shoebox Program — original funding amount of \$179,599.49 (Res. No. 160-412); current balance \$104,990.55; and be it

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

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

RESOLUTION NO. 127-417

**AUTHORIZING THE CHAIRMAN OF THE ORLEANS COUNTY
LEGISLATURE TO SIGN MEMORANDA OF UNDERSTANDING
FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT
IN THE GLOW WORKFORCE DEVELOPMENT AREA**

WHEREAS, the Chief Elected Officials (CEO's) of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a

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Workforce Innovation and Opportunity Area under the Workforce Innovation and Opportunity Act (WIOA) of 2014; and

WHEREAS, the Federal Workforce Innovation and Opportunity Act of 2014 mandates that each local Workforce Innovation and Opportunity Area create Memoranda of Understanding (MOU) regarding the operation of the local one-stop delivery system, including the roles and responsibilities of all GLOW WIOA system partners; and

WHEREAS, each required WIOA system partner must enter into a GLOW WIOA MOU with the GLOW Workforce Development Board (WDB) and the four County CEOs; and

WHEREAS, the Orleans County Legislature has designated the Orleans County Job Development Agency (OCJDA) as the provider of WIOA Title I Adult, Dislocated Worker, and Youth program services in Orleans County as part of the GLOW WDA system; now be it

RESOLVED, that the Orleans County Legislature does hereby authorize David Callard, Chair of the Orleans County Legislature, to sign the GLOW WIOA MOU as the CEO of Orleans County; and be it

FURTHER RESOLVED, that the GLOW WIOA MOU will be effective July 1, 2017 and will be renewed not less than once every three years, or until such time that the Workforce Innovation and Opportunity Act is repealed.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 128-417

APPROVING AN AGREEMENT BETWEEN OFFICE FOR THE AGING DEPARTMENT AND VNA HOMECARE OPTIONS, LLC

RESOLVED, that this Legislature does hereby authorize the following agreement for the Office For The Aging and VNA Homecare Options, LLC, 1050 W. Genesee Street, Syracuse, NY - OFA subcontractor to provide Meals on Wheels and/or Personal Emergency Response System from May 1, 2017 to April 30, 2018 to clients needing services, VNA Homecare Options, LLC., will reimburse Orleans County Office for the Aging. The county is approving an agreement for an initial

term of one year with up to four additional one year renewals. Revenue source, County cost is \$0.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 129-417

APPROVING AGREEMENTS WITH THE DEPARTMENT OF SOCIAL SERVICES AND VARIOUS AGENCIES

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

ARC of Orleans County, Albion, NY for the provision of Consumer Directed Personal Care Assisted Program; to be effective May 1, 2017 through April 30, 2018 at rates established by the NYS Department of Health. County cost is \$0

Gustavus Adolphus C&FS Jamestown, NY for the provision of residential foster care services; to be effective May 6, 2017 through May 5, 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. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 130-417

AUTHORIZING CREATING AND FILLING POSITIONS IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Department of Social Services continuously reviews staffing to provide more efficient operation of County business due to recent retirements and resignations; and be it

RESOLVED, that this Legislature does hereby authorize the filling of a full-time Caseworker position (6010.0228) in the Department of Social Services at Grade 16 of the CSEA Salary schedule effective June 26, 2017.

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

RESOLUTION NO. 131-417

**AUTHORIZING TEMPORARY POSITION IN THE DEPARTMENT
OF SOCIAL SERVICES**

RESOLVED, that this Legislature authorizes the creation and filling of a part-time temporary Social Welfare Examiner position (6010.0402) in the Department of Social Services at Grade 13 of the CSEA Salary schedule from April 3, 2017 through August 31, 2017 for implementation of the Home Energy Assistance Program (HEAP) (cooling season) to be reimbursed with 100% federal funds.

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

RESOLUTION NO. 132-417

ESTABLISHING COUNTY INDIGENT BURIAL RATES

WHEREAS, the Department of Social Services, pursuant to Section 141 of the Social Services Law is required to pay for the burial of certain indigent persons (including indigent veterans); and

WHEREAS, the County wishes to establish a specified single rate that will be paid to funeral homes for such services; now be it

RESOLVED, that this Legislature hereby establishes the following indigent burial rate paid by the Department of Social Services and the Veterans Department, for the period June 1, 2017 through December 31, 2017 with modification from previous rates:

Orleans County proposes to pay each Funeral Director in agreement with the County the sum of \$1,850 per service. Friend, relative or other non-legally responsible relatives may supplement the cost of the above total amount by up to \$1,000.

In accordance with the Orleans County Indigent Burial/Cremation Policy, there will be no additional payments made by Orleans County for

any additional services, which exceed the amount of \$1,850, for a Burial or Cremation.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 133-417

APPROVING THE 2017 YOUTH BUREAU RESOURCE ALLOCATION PLAN

WHEREAS, the Orleans County Youth Bureau and Department of Social Services have developed a joint plan to be eligible for state aid from the New York State Office of Children and Family Services under the Child and Family Services Planning Guidelines; and

WHEREAS, the Orleans County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2017 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Orleans County appropriation; and

WHEREAS, guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Orleans County Youth Bureau and the Committee on Economic Assistance and Opportunity does recommend approval at this time; now be it

RESOLVED, that the Orleans County Legislature does hereby authorize the Chairman to execute such documents as are deemed necessary to effect the 2017 Orleans County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

Moved, Miller; second, Eick.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 134-417

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APPROVING APPOINTMENT TO ORLEANS COUNTY YOUTH BOARD

WHEREAS, the Orleans County Youth Board does recommend an appointment to said Orleans County Youth Board at this time; now be it

RESOLVED, that this Legislature approves the appointment of Harrison Brown, 1301 Oak Orchard River Rd., Albion, NY 14411 as a new appointment to serve on the Orleans County Youth Board beginning May 1, 2017 through April 30, 2020.

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

RESOLUTION NO. 135-417

AMENDING RESOLUTION NO. 442-1216 BETWEEN MENTAL HEALTH AND AMANDA J. LEWIS, NPP

WHEREAS, Resolution No. 442-1216 approved an agreement between Mental Health and Amanda J. Lewis, NPP; and

WHEREAS, Amanda J. Lewis, NPP is requesting that the above agreement be amended to reflect that she is now working under her PLLC (AJL NP in Psychiatry, PLLC), 56 Beresford Road, Rochester, NY 14610; be it

RESOLVED, that this Legislature authorizes this amendment to this agreement reflecting AJL NP in Psychiatry, PLLC as the contractor, effective April 27, 2017.

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

RESOLUTION NO. 136-417

AUTHORIZING TREASURER TO SET UP FUNDS INTO THE MENTAL HEALTH DEPARTMENT BUDGET

RESOLVED, that the County Treasurer is authorized to set up new monies in the Mental Health Department budget to pass through money for Suicide Coalition as follows:

Revenue:
A1625 Misc. Revenue \$4,500

Appropriation:
A4310.402 Suicide Prevention Coalition \$4,500

and be it,

FURTHER RESOLVED, that the County Treasurer is authorized to set up funds from reserve into the Mental Health Department budget to pay for 1st installment of new telephones follows:

From:
Miscellaneous Reserve \$3,084.06

To:
A4310.421 Telephone \$3,084.06

Moved, Allport; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 137-417

APPROVING RE-APPOINTMENT TO THE COMMUNITY SERVICES BOARD

RESOLVED, that this Legislature approves the re-appointment of Bonnie Malakie to the Community Services Board, waiver to serve a fourth term to begin May 31, 2017 and ending May 30, 2021.

Moved, Allport; second, DeRoller.

Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 138-417

RESCINDING RESOLUTION NO. 98-317 CONCERNING HEALTH DEPARTMENT BUDGET

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RESOLVED, that this Legislature rescinds Resolution No. 98-317 due to a duplicate budget adjustment request to set up new money in the Public Health Budget for grant funds received.

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

RESOLUTION NO. 139-417

AUTHORIZING OUT OF STATE TRAVEL FOR HEALTH DEPARTMENT EMPLOYEES

RESOLVED, that this Legislature does hereby authorize out of state travel by Francisco Meza-Aguero, to attend Environmental Health Training in Emergency Response at the Center for Domestic Preparedness in Anniston, Alabama from May 14, 2017 to May 20, 2017 or at the fall session if class registration fills up. All costs are covered by FEMA. No County Cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel by Shannyn Sanger, Senior Public Health Sanitarian, to attend the National Environmental Health Association Annual Education Conference from July 10, 2017 to July 14, 2017 in Grand Rapids, Michigan. Costs covered by a NEHA Scholarship and State Aid. No County Cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel for two Public Health Sanitarians to attend the 2017 Northeast Region Annual Food Protection Seminar in South Burlington, Vermont from August 22, 2017 to August 25, 2017. All costs covered with funds received from the Voluntary National Retail Food Regulatory Program Standards grant program. No County Cost; and be it

FURTHER RESOLVED, that this Legislature does hereby authorize out of state travel by Mary Ellen Messmer, Supervising Public Health Nurse, to attend the 2017 Midwest Stream Forum for Agricultural Worker Health in Grand Rapids, Michigan from September 17, 2017-September 20, 2017. All costs covered with NYS Migrant Health Grant funds. No County Cost.

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

RESOLUTION NO. 140-417

**AUTHORIZING THE PUBLIC HEALTH DEPARTMENT TO ADD A
CELL PHONE TO THE VERIZON ACCOUNT**

RESOLVED, that this Legislature does hereby authorize the Orleans County Public Health Department to add a cell phone to the Verizon account, to be paid per month from Early Intervention Budget Account A4059.401 – Cellular Phones

FURTHER RESOLVED, that this Legislature approves the Cellular Phone Use Agreements for the following positions - 4010.34, 4010.35, 4010.39 in the Early Intervention program that will be using this Verizon cell phone.

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

RESOLUTION NO. 141-417

**APPROVING AGREEMENT WITH WENDEL FOR UPDATE OF
KENDALL YATES CARLTON LOCAL WATERFRONT
REVITALIZATION PLAN**

WHEREAS, the County, in conjunction with the Towns of Kendall, Yates, and Carlton, desire to update their Local Waterfront Revitalization Plan to continue to achieve community consensus and clear direction for appropriate future development along the Lake Ontario shoreline in Orleans County; and

WHEREAS, the hiring of a consultant to provide professional services to revised said Plan is stipulated in State Contract T1000726 and a Selection Committee has reviewed consultant written proposals, witnessed their presentations, and submitted its recommendation; therefore be it

RESOLVED, that this Legislature approves an agreement between Planning and Development and Wendel, Centerpointe Corporate Park, 375 Essay Rd., Suite 200, Williamsville, NY 14221 in the amount of \$40,000 to update the Kendall-Yates-Carlton Local Waterfront Revitalization Plan.

Move, DeRoller; second, Allport.

Adopted. 7 ayes; 0 nays; 0 absent.

Legislator DeRoller moved to approve the agreement for our Household Hazardous Waste Collection; second by Legislator Allport. Chairman Callard announced that our household hazardous waste collection is scheduled for August 12th and every year this has been a growing effort. The following resolution was adopted:

RESOLUTION NO. 142-417

APPROVING AGREEMENT WITH ENVIRONMENTAL ENTERPRISES, INC. FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION

WHEREAS, this Legislature desires to conduct a Household Hazardous Waste Collection on August 12, 2017 to provide County residents safe and convenient disposal of household hazardous wastes; and

WHEREAS, the County cost is dependent upon the amount of waste collected according to the following formula as identified in the vendor's proposal:

Aerosol Cans	\$.75 per pound
Anti-Freeze	\$.16 per pound
Chemicals (labpacks)	\$1.00 per pound
Corrosive Acids	\$1.00 per pound
Corrosive Bases	\$1.00 per pound
Fluorescent Tubes	\$.75 per pound
Household Cleaners	\$1.00 per pound
Miscellaneous Chemicals	\$1.00 per pound
Oil Base Paints (liquids)	\$.20 per pound
Oil Base Paints & Varnishes (sludges)	\$.19 per pound
Oil Filters	\$.09 per pound
Organic Liquids	\$.19 per pound
Oxidizers	\$1.00 per pound
Pesticides/Insecticides	\$1.05 per pound
Pesticides/Insecticide (dioxin precursors)	\$1.05 per pound
Poisons	\$1.00 per pound
Reactives	\$2.95 per pound
Resins & Adhesives	\$.35 per pound
Waste Oil	\$.09 per pound

RESOLVED, that this Legislature approves an agreement with Environmental Enterprises, Inc, 4650 Spring Grove Road, Cincinnati, Ohio 45232 for the 2017 Orleans County Household Hazardous Waste Collection Program.

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

RESOLUTION NO. 143-417

AWARDING BID AND APPROVING AGREEMENT WITH DELMAR ELECTRICAL CONSTRUCTION CORPORATION FOR ELECTRICAL INFRASTRUCTURE IMPROVEMENTS (SHORE POWER) AT ORLEANS COUNTY MARINE PARK

WHEREAS, Resolution No. 103-317 pre-approved the award for Electrical Infrastructure Improvements (Shore Power) for the alleviation of nuisance tripping of ground fault interrupters to the lowest bidder and held the bid opening on April 12, 2017; now be it

RESOLVED, that this Legislature does hereby award the bid and approves the agreement with Delmar Electric Construction Corporation, 21 Cooper Avenue, Tonawanda, New York 14150 as part of Orleans County Marine Park Boating Access Phase 2 (Contract Number C1000543) at a total bid of \$14,750; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute said agreement which will be effective as soon as County gives notice to proceed and is subject to review and approval of the Chairman of the Legislature, County Attorney and Chief Administrative Officer.

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

RESOLUTION NO. 148-417

AUTHORIZING FILLING OF A VACANCY IN THE DEPARTMENT OF PLANNING AND DEVELOPMENT

RESOLVED, that this Legislature, due to a resignation, hereby authorizes the filling of a vacant full-time Planner position (8020.04) in

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the Department of Planning and Development at Grade 20 of the CSEA salary schedule effective April 27, 2017.

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

RESOLUTION NO. 145-417

APPROVING APPOINTMENT TO THE COUNTY PLANNING BOARD

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

<u>NAME</u>	<u>REPRESENTS</u>	<u>EXPIRATION DATE</u>
Chad Arlington 266 North Main Street Lyndonville, NY 14098	V/Lyndonville (Alternate)	12-31-19

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

RESOLUTION NO. 146-417

AUTHORIZING PAYMENT OF TOURISM MATCHING FUNDS TO GREATER NIAGARA REGION

WHEREAS, Resolution No. 366-1016 authorized application for, and receipt of, State I Love New York Matching Funds which, in part, are committed to regional tourism promotion; now be it

RESOLVED, that this Legislature hereby authorizes payment of \$30,574 to the Greater Niagara Region, 8276 Park Road, Batavia, NY 14020, to be paid from Tourism Account 6410.468 - I Love New York Matching Funds, as it becomes available, with said amount to be expended for regional tourism promotion programs which may include the following:

- 4-County Country Byways
- 5-County Greater Niagara Region
- Peace Garden Trail
- Lake Ontario Sportfishing Promotion
- Canal New York Business Alliance

- Haunted History Trail
- Seaway Trail National Scenic Byway
- Cross Border Showcase

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

RESOLUTION NO. 147-417

**APPROVING INTERMUNICIPAL AGREEMENT WITH GENESEE
AND MONROE COUNTIES FOR THE BLACK CREEK WATERSHED
COALITION**

WHEREAS, Resolution No. 99-203 approved an agreement with Genesee and Monroe Counties for the formation of the Black Creek Watershed Coalition; therefore be it

RESOLVED, that this Legislature approves an Intermunicipal Agreement with Genesee and Monroe Counties for the continuation of the Black Creek Watershed Coalition for the purpose of watershed level planning, educating the public, assisting in gathering data and information with respect to water quality and flood prevention within the Black Creek Watershed known as the Black Creek Watershed Management Plan; agreement has no cost involved to the county and is effective beginning April 27, 2017 through April 26, 2020.

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

RESOLUTION NO. 148-417

**APPROVING EXTENSION OF THE DEFERRED COMPENSATION
PLAN WITH NATIONWIDE RETIREMENT SOLUTIONS**

WHEREAS, Resolution #149-411 approved the Renewal of the Deferred Compensation plan with Nationwide Retirement Solutions for a period of five years, with the option to renew for two one-year extensions; and

WHEREAS, the Deferred Compensation Trustee (County Treasurer) desires to extend the existing Agreement currently in place; adding a Roth 457 option and an Investment Advisors (ProAccount)

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option for the Administration of the County of Orleans 457 Deferred Compensation Plan, administered by Nationwide Retirement Solutions, for a period of one year commencing May 1, 2017 through May 1, 2018, at no cost to the County; now be it

RESOLVED, that the Chairman of the Legislature, is hereby authorized and directed to sign said one year renewal contract with Nationwide Retirement Solutions.

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

RESOLUTION NO. 149-417

AUTHORIZING TREASURER TO SET UP FUNDS FROM RESERVE ACCOUNT TO CENTRAL REPAIR ACCOUNT

WHEREAS, funds in the amount of \$26,510 from the 2016 Equipment Repair/Communications Repair Accounts have been reverted to the County's Reserve Account; and

WHEREAS, said funds must be segregated and carried forward to meet state auditing requirements; be it

RESOLVED, that the County Treasurer is hereby authorized to set up funds from the reserve account in the amount of \$22,442 to Equipment Repair Account A1615.443 – Central Repairs to Office Equipment, and the amount of \$4,068 to Account A1615.453 – Communications Repair Account.

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

RESOLUTION NO. 150-417

APPROVING AGREEMENT WITH PROBATION AND NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

RESOLVED, This Legislature approves an agreement between the Probation Department and the New York State Department of Corrections and Community Supervision (Parole) to provide an appropriate reporting

station at the Orleans County Probation Department located at 13925 State Route 31, Suite 200, Albion New York effective January 1, 2018 through December 31, 2023 at an annual cost of \$9,000, to be paid \$750 per month by New York State Parole.

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

RESOLUTION NO. 151-417

APPROVING PROBATION DIRECTOR TO APPLY FOR STATE AID FROM THE NYS DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES

RESOLVED, that this Legislature approves the Orleans County Probation Director to apply for state reimbursable aid in the amount of \$149,616 effective July 1, 2017 to June 30, 2018 calendar year from the NYS Division of Probation and Correctional Alternatives.

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

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

RESOLUTION NO. 152-417

AUTHORIZING SHERIFF TO APPLY FOR GOVERNOR'S TRAFFIC SAFETY GRANTS

RESOLVED, that the Sheriff is authorized to apply for the 2018 New York State Governor's Traffic Safety's Child Passenger Safety Incentive Grant (CPS) in the amount of \$7,000 for funding period of October 1, 2017 through September 30, 2018 to support educational activities for child passenger safety programs through initiatives including fitting stations, training and education programs, child passenger safety check events and car seat distribution programs for low-income families; and be it

FURTHER RESOLVED, that the Sheriff is authorized to apply for the 2018 New York State Governor's Traffic Safety's Police Traffic

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Services Grant (PTS) in the amount of \$10,000 for funding period of October 1, 2017 through September 30, 2018 to provide funding to conduct traffic safety initiatives and enforcement, including participation in the national Click it or Ticket seat belt enforcement mobilization, in an effort to improve motorist behavior and traffic safety within local communities.

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

RESOLUTION NO. 153-417

**AUTHORIZING FILLING OF VACANCY IN THE OFFICE OF
SHERIFF/MARINE PATROL**

RESOLVED, that this Legislature does hereby authorize the filling of a vacant part-time, seasonal Deputy Sheriff -Marine Patrol Officer position (3110.72) in the Marine Patrol Division of the Sheriff's Office at a rate of \$13.68/hour, effective April 27, 2017.

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

RESOLUTION NO. 154-417

**AUTHORIZING FILLING POSITIONS AT THE ORLEANS COUNTY
SHERIFFS OFFICE**

WHEREAS, we have a full time Correctional Officer who is retiring; therefore be it

RESOLVED, that this Legislature authorizes the filling of this full-time vacant Correctional Officer (position 3150.7) effective April, 27, 2017; and therefore be it

FURTHER RESOLVED that this Legislature authorizes the filling of a part-time vacant Correctional Officer effective May 1, 2017.

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

RESOLUTION NO. 155-417

**AUTHORIZING CREATION OF A TEMPORARY FULL TIME
POSITION AT THE ORLEANS COUNTY SHERIFFS OFFICE/JAIL**

WHEREAS, a Corrections Officer employed at the Orleans County Jail is out on a medical leave, and

WHEREAS, to help keep the cost of overtime at a minimum, it is requested that a temporary Correction Officer position be created until such time the full-time employee returns to full duty; now be it

RESOLVED, that this Legislature authorizes the creation of one temporary full-time Correctional Officer position in the Sheriff's Office at Grade 5 of the Orleans County Sheriff's Employees Association salary schedule effective April 27, 2017; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of this temporary full-time Correctional Officer; and therefore be it

FURTHER RESOLVED, that this temporary position shall be abolished once the aforementioned employee returns to work.

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

RESOLUTION NO. 156-417

**APPROVING FEE SCHEDULE FOR THE ORLEANS COUNTY
SHERIFF'S OFFICE**

BE IT RESOLVED, that this Legislature approves the following fee schedule for civil service processing performed by the Sheriff's Office, effective May 1, 2017:

*All fees for service must be paid in advance.

Fees for service are for each person to be served.

Mileage and notary fees will be added to all services EXCEPT

Income Executions

Notary Fee – per affidavit \$ 2.00

Mileage Rates per town, based on round trip:

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Town of Albion	\$ 8.00
Town of Barre	\$ 13.00
Town of Carlton	\$ 15.00
Town of Clarendon	\$ 20.00
Town of Gaines	\$ 10.00
Town of Kendall	\$ 22.00
Town of Murray	\$ 18.00
Town of Ridgeway	\$ 21.00
Town of Shelby	\$ 19.00
Town of Yates	\$ 25.00
Income Execution, 1 st and 2 nd stage	\$ 86.00
Property Execution:	
Straight/Demand & Levy	\$ 85.00
Real Property	\$ 55.00
Third Party Tangible Property	\$ 55.00
Third Party Intangible Property	\$ 40.00
Notice of Petition with/without Petition	\$ 57.00
Eviction	
For first tenant, incl Standby Fee	\$ 107.00
For each additional tenant	\$ 32.00
Arrest Order or Warrant	\$ 32.00
Summons and/or Summons & Complaint	\$ 12.00
Subpoena	\$ 12.00
Restraining Notice	\$ 12.00
Order	\$ 32.00
Order to Show Cause	\$ 32.00
Notice of Motion	\$ 32.00
Mandate	\$ 32.00
Surrogate Citation & Will	\$ 42.00
Order of Attachment or Notice of Attachment:	
Personal Property: For Each Levy	\$ 72.00
For Each Additional Defendant	\$ 32.00
Real Property: Notice of Attachment	\$ 80.00
Order of Seizure: For First Defendant	\$ 122.00
For Each Additional Defendant	\$ 57.00

and be it

FURTHER RESOLVED, that the following fees be established for services provided by the Sheriff's Office:

Pistol Permit Applications	\$ 10.00
Incident/Accident Reports-Processing Fee	\$ 3.00

Photos, released by CD only	\$ 40.00
Duplicate Copy of Bail Receipt	\$ 5.00
Copy Fee	\$ 1.00

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

RESOLUTION NO. 157-417

**AUTHORIZING CREATING AND ABOLISHING POSITIONS IN THE
PUBLIC DEFENDER OFFICE**

WHEREAS, resolution 34-117 approved an agreement between the Public Defender and the NYS Office of Indigent Legal Services (C000734); and

WHEREAS, this resolution provided funds to, among other items, to create a Parole Violation attorney and assistant positions, therefore be it

RESOLVED, that this Legislature approves the creation of the position of Parole Revocation Attorney at the Public Defender's Office, effective May 1, 2017; and be it

FURTHER RESOLVED, that this Legislature approves the creation of the position of Parole Revocation Attorney First Assistant at the Public Defender's Office, effective May 1, 2017; and be it

FURTHER RESOLVED, that this Legislature approves the creation of the two positions of Parole Revocation Attorney Second Assistant at the Public Defender's Office, effective May 1, 2017; and be it

FURTHER RESOLVED, that this Legislature assigns the position of Parole Revocation Attorney to the Third Assistant Public Defender, the position of Parole Revocation Attorney First Assistant to the Parole Denial Appeals Attorney First and the positions of Parole Revocation Attorney Second Assistant to the First Assistant Public Attorney and the Second Assistant Public Attorney; and be it

FURTHER RESOLVED, that this Legislature sets the annual salary, which will be prorated for 2017, of the Parole Revocation Attorney at \$5,684 per year, the Parole Revocation Attorney First Assistant at

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\$1,949 per year and the Parole Revocation Attorney Second Assistant at \$ 975 per year; and be it

FURTHER RESOLVED, that these newly created positions shall be abolished at the time that the grant ceases to pay for the costs of these positions.

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

RESOLUTION NO. 158-417

AUTHORIZING DISTRICT ATTORNEY TO AMEND GRANT AWARD AND APPROVING AGREEMENT WITH NEW YORK STATE OFFICE OF VICTIM SERVICES

WHEREAS, the NYS Office of Victim Services is exercising a onetime two-year grant renewal option for current grant awards. A contract renewal requires that existing contracts be amended to extend the end date of the contract and add funding.

WHEREAS, the District Attorney's Crime Victim Assistance Program currently receives grant funding from the NYS Office of Victim Services.

RESOLVED, that the District Attorney is authorized to accept this amended grant award extension for the years 2017-2019 with funding to be used for the Crime Victims Assistance Program in the amount of \$94,848.05 (17-18); \$98,641.97 (18-19), which reflects a 30% increase over two years; and be it

FURTHER RESOLVED, that this Legislature approves the agreement and authorizes the Chairman to execute this agreement extension with the New York State Crime Victims Board, for a term effective October 1, 2017 through September 31, 2019, for the continuation of the Crime Victims Assistance Program.

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

RESOLUTION NO. 159-417

APPOINTING MEMBERS TO EMERGENCY MEDICAL SERVICES
COUNCIL

RESOLVED, that this Legislature appoints the following members
to the Emergency Medical Services Council, all terms expiring December
31, 2017:

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
<u>VOTING MEMBERS:</u>	
Albion Fire Department	Chuck Prentice
Barre Fire Department	Andrew Faskel
Carlton Fire Company	Justin Niederhofer
Clarendon Fire Company	Donald Mosier
East Shelby Fire Department	Michael Fuller
Fancher-Hulberton-Murray Fire Company	Tracey Sicurella
Holley Fire Company	Diane Wood
Kendall Fire Company	
Lyndonville Fire Company	Tina Woolley
Medina Fire Department	Matthew Jackson
Ridgeway Fire Company	Kristin McAdoo
Shelby Fire Company	John L. Miller II
COVA	Jason Spencer
	Laurie Schwab, Alt.
Orleans County Health Dept	Al Cheverie
Mutual Aid / EMS Coordinator	H. Dale Banker
Medina Memorial Hospital Care Delegate/Adm	McKenzie Smith
Orleans County Sheriff	Randy Bower
Orleans County Dispatch	Allen Turner
<u>NON-VOTING MEMBERS</u>	
Co. Leg /Public Safety Committee	David Callard
	Lynne Johnson
NYS Department of Health	James M. Mihalko

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

RESOLUTION NO. 160-417

APPOINTING MEMBERS TO FIRE ADVISORY BOARD

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RESOLVED, that this Legislature appoints the following voting members to the Orleans County Fire Advisory Board, effective January 1, 2017 with all terms expiring December 31, 2017:

<u>AGENCY</u>	<u>NAME OF REPRESENTATIVE</u>
Albion Fire Department	Jeremy Graham
Barre Fire Department	James Neal
Carlton Fire Company	Dwayne Tinkous
Clarendon Fire Company	Johnathan DeYoung
East Shelby Fire Department	Allen Turner
Fancher-Hulberton-Murray Fire Company	Christopher Chilson
Holley Fire Company	Kevin Dann
Kendall Fire Company	Michael Schultz
Lyndonville Fire Company	Ben Bane
Medina Fire Department	Michael Young
Morton (H-W-M Fire District)	Randy Davis
Ridgeway Fire Company	Donald Marchner
Shelby Fire Company	Andrew Benz

and be it

FURTHER RESOLVED that the following are approved as non-voting members of the Board:

Orleans County Emergency Management	Dale Banker
Orleans #2 Deputy Coordinator	Francis Gaylord
Orleans #3 Deputy Coordinator	Gerald Bentley
Orleans #4 Deputy Coordinator	David J. Hydock
Orleans #5 Fire Investigator	David Clary
Orleans #6 Fire Investigator	Walter Batt
Orleans #7 Fire Investigator	David Knapp
Radio Systems	Kevin Doherty
Legislature Chairman	David Callard
Legislature Vice Chairwoman	Lynne Johnson
Orleans County Sheriff	Randy Bower
Office of Fire Prevention and Control	Kathleen Way

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

RESOLUTION NO. 161-417

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

WHEREAS, Resolution No. 76-217 approved the grant agreement between Emergency Management and Dormitory Authority of the State of New York for the purchase of a Fire Safety Training Trailer (Project ID: #8638); be it

RESOLVED, that this Legislature authorizes the purchase of a 2017 Scotty Fire Safety House from Mobile Concepts Specialty Vehicles, 480 Bessemer Road, Mt. Pleasant, PA 15666, at a cost not to exceed \$73,358.00 and detailing of said trailer by Genesee County Highway Department at a cost not to exceed \$1,642; and be it

FURTHER RESOLVED, that this Legislature authorizes the Treasurer to set up DASNY Grant funds in the Emergency Management Budget as follows:

Revenue

A3306.8638	Emergency Management - DASNY Grant	\$75,000
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Appropriation

3640.486.8638	Special Grant – DASNY Safety Trailer	\$75,000
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Moved, Johnson; second, DeFilipps.
Adopted. 7 ayes; 0 nays; 0 absent.

RESOLUTION NO. 162-417

APPROVING EMPLOYMENT AGREEMENT WITH THE CHIEF ADMINISTRATIVE OFFICER

WHEREAS, this Legislature wishes to maintain stable leadership of county government operations; and

WHEREAS, professional management allows county elected officials to focus on the policy issues, empowers them to provide leadership and develop a vision for the community; therefore be it

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RESOLVED, that this Legislature approves and authorizes the Chairman to execute a new five year agreement (2017-2022) with Charles H. Nesbitt Jr., to serve as Chief Administrative Officer for the County of Orleans at the current salary for all assigned duties for 2017 and all previous agreements notwithstanding.

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

RESOLUTION NO. 163-417

AUTHORIZING PAYMENT OF CLAIMS FOR MAY 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 May 10, 2017:

Fund/Department	Check Number (s):	Amount:
General	8089-8225	\$495,510.42
Highway	933-936; 2269-2297	\$104,438.86
Job Development Self Insurance	2431-2436	\$2,783.94

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 May 24, 2017:

Fund/Department	Check Number (s):	Amount:
General		

Highway
Job Development
Self Insurance

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

The following add on resolutions were presented for adoption:

Legislator DeFilipps moved to authorize Sheriff Bower to apply for grant funding through the New York State Canal Corporation; second by Legislator Johnson. Sheriff Bower explained that this allows a police presence on the Erie Canal. The grant was written for our boat being an in-kind service. This year's grant is a bit larger because of the Canal's anniversary so they are anticipated more traffic to oversee. The following resolution was adopted:

RESOLUTION NO. 164-417

**AUTHORIZING THE SHERIFF TO APPLY FOR GRANT FUNDING
THROUGH THE NEW YORK STATE CANAL CORPORATION**

RESOLVED, that this Legislature authorizes the Sheriff to apply for funding through the New York State Canal Corporation in the amount of \$10,000 for the 2017-2018 state fiscal year for the purpose of funding marine patrols on the Erie Canal and Canalway Trail.

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

Legislator DeFilipps moved to approve a Memorandum of Understanding between the Sheriff's Office and Lyndonville Central School District for a Resource Officer until the end of the school year; seconded by Legislator Johnson. Sheriff Bower stated that Lyndonville School reached out to him to hire a full time Resource Officer in next year's school year. So at this time they are going to place a Resource Officer in their school May through June of this school year to see if this will work and Sheriff Bower also indicated that they will be searching for grant funding to help with this program. Legislator DeFilipps inquired if officer's have additional training. Sheriff Bower indicated that he currently has two trained officers to be School Resource Officers. Chairman Callard asked if there are other

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arrangements like this in other school districts. Sheriff Bower indicated that there is not. The following resolution was adopted:

RESOLUTION NO. 165-417

**APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN
SHERIFF'S OFFICE AND LYNDONVILLE CENTRAL SCHOOL
DISTRICT**

RESOLVED, that this Legislature approves a Memorandum of Understanding between the Sheriff's Office and Lyndonville Central School District for the Orleans County Sheriff's Office to provide a properly trained and qualified deputy sheriff for the months of May and June 2017 for the School District to utilized as a School Resource Officer, with Lyndonville School District to reimburse the Orleans County Sheriff's Office the amount of \$8,000 per month for such services.

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

RESOLUTION NO. 166-417

**AUTHORIZING CREATING, FILLING, AND ABOLISHING TWO (2)
TEMPORARY PART-TIME POSITIONS IN THE JOB
DEVELOPMENT AGENCY**

WHEREAS, there is an Employment and Training Counselor out on medical leave; not be it

RESOLVED, that this Legislature authorizes the creation of two (2) part-time temporary Employment and Training Program Assistant positions in the Job Development Agency to assist in the planning and coordination of the Orleans County Summer Youth Employment Program at Grade 7 of the CSEA Salary Schedule; and be it

FURTHER RESOLVED, that this Legislature authorizes the filling of the newly created vacant positions in the Job Development Agency effective April 27, 2017; and be it

FURTHER RESOLVED, that these temporary positions will be abolished upon the return to employment of the full time Employment and Training Counselor from medical leave.

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

RESOLUTION NO. 167-417

**APPROVING RENEWAL AGREEMENT BETWEEN ORLEANS
COUNTY AND PARK STRATEGIES, LLC**

RESOLVED, that this Legislature approves a renewal agreement between Orleans County and Park Strategies, LLC, 121 State St, 3rd Floor, Albany, NY 12207, to provide Government Affairs Services for Orleans County, in the amount of \$5,000 per month; effective May 1, 2017 through April 30, 2018 to be paid from Legislature Account – A1010.418 – Other Contractual Expenses; and be it

FURTHER RESOLVED, that this Legislature authorizes the Chairman to execute this agreement with Park Strategies, subject to the review and approval of the County Attorney and Chief Administrative Officer

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

Legislator Eick moved to enter into executive session at 5:23 p.m. per Open Meetings Law §105 (d and f) to discuss Salary Review Committee's recommendations, pending litigation and employment history of a particular person(s) second by Legislator Allport. Motion Carried.

Legislator Eick moved to exit out of executive session and reconvene the regular meeting at 6:04; second by Legislator DeRoller. Motion Carried.

Legislator DeFilippis moved to adjourn; second by Legislator Miller. Meeting adjourned at 6:05 p.m.

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