

ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 1

RESOLUTION NO. OF 2014

AUTHORIZING THE TRANSFER OF ALL RIGHT, TITLE AND INTEREST OF THE FACILITY (AS DESCRIBED BELOW), TO THE ORANGE VALLEY VIEW DEVELOPMENT CORPORATION AND WITH RESERVATION OF RIGHTS TO THE COUNTY TO CONTINUE TO OPERATE AS A TENANT OF THE FACILITY.

WHEREAS, the County of Orange (the "County") owns and operates The Valley View Center for Nursing Care and Rehabilitation facility located at Glenmere Cove, Goshen, Orange County, New York 10924 under NYSDOH Certificate No. 3523301N as a 360 bed Residential Health Care Facility (the "County License") on approximately 29 acres designated as (a portion of) tax parcel no. Town of Goshen, Section 20, Block 1, Lot 10.21 (the land to be designated as tax parcel no. Town of Goshen Section 20, Block 1, Lot 10.211 (description of said 29 acres attached hereto for reference), with appurtenant rights, buildings, furniture, fixtures, equipment and capital assets used or useful in the operation of the 360 bed Residential Health Care Facility is hereinafter referred to as the "Facility"); and

WHEREAS, the County has examined the operations at the Facility in order to determine the feasibility of continuing its operation as a County owned and operated facility, including but not limited to business impediments unique to municipalities such as rising benefit costs and the unreliability of continued intergovernmental transfer ("IGT") payments and the cost of providing for major infrastructure improvements and/or reconstruction within County fiscal constraints, among other impediments and on advice of counsel and other professionals involved in other county nursing home transitions there may be a preference by bidders and a potential for obtaining a higher price given the contractual certainty that can be created through the transfer contemplated herein; and

WHEREAS, the County desires to evaluate the possible disposition of the Facility to a private entity to facilitate redevelopment of the Facility to provide improved services in a modern, efficient and economical setting and thereby preserve jobs in the County and is aware of the favorable results that occurred with the Ulster County matter as described in the media and confirmed through discussions with Ulster County representatives; and

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the "LDC Act") authorizes not-for-profit local development corporations operated exclusively for charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the LDC Act authorizes the legislative body of the County, by resolution, to determine that certain real property of the County not required for use by the County may be sold or leased to a not-for-profit local development corporation, lessening the burdens of government and acting in the public interest; and

WHEREAS, Section 1411(d) of the LDC Act further provides that the sale or lease may be on such terms as may be agreed upon by the County and the local development corporation, without appraisal or public bidding, provided the County first holds a public hearing on ten (10) days' notice; and

WHEREAS, in furtherance of the public purposes set forth in the LDC Act, the County held a public hearing on ten (10) days' notice on or prior to the date hereof and now desires to transfer the Facility to Orange Valley View Development Corporation (the "Corporation"), a not-for-profit local development corporation formed pursuant to Section 1411(a) of the LDC Act, by ninety-nine (99) year lease with exclusive option to take fee title to the Facility at any time by deed from the County (the "Disposition"), reserving to the County the right to continue to operate the Facility under the County license until such time as the Corporation terminates said right ("Reservation of Rights Agreement") with the real property constituting the Facility transferred under the authority of the LDC Act by resolution of the Legislature and the personal property constituting the Facility transferred under the authority of County Law Section 215(9) by resolution of the Legislature; and

WHEREAS, during the term of the Reservation of Rights Agreement the County will continue to be the licensed operator and the employees of the Facility will continue as county employees with all County rights and benefits associated therewith until such time as the Corporation identifies an alternative licensed operator and gives sixty (60) days' notice of termination of the County reserved rights;

WHEREAS, the County Executive recommends that the Legislature of Orange County ratify the prior establishment of the Corporation and transfer the Facility to the Corporation as described herein so the board of the Corporation can balance County fiscal realities with quality of care for the patients, continuing availability of services for County residents, employment opportunities through operations of the Facility and the other enumerated concerns described below.

NOW THEREFORE BE IT,

RESOLVED, the Corporation is and will be subject to and shall comply with the Open Meetings Law of the State of New York, as set forth within Article 7 of the Public Officers Law and is and will be subject to and shall comply with the Freedom of Information Law of the State of New York, as set forth within Article 6 of the Public Officers Law; and be it further

RESOLVED, the Corporation shall comply with the State Environmental Quality Review Act, as set forth within Article 8 of the New York Environmental Conservation Law; and be it further

RESOLVED, the books and records of account of the Corporation are and shall be subject to inspection and/or audit at any time by the Office of the New York State Comptroller; and be it further

RESOLVED, that pursuant to 6 NYCRR Section 617.6, the Legislature of Orange County, on behalf of the County, being an involved agency under the State Environmental Quality Review Act, has reviewed the short form Environmental Assessment Form in this matter and hereby finds and

determines that, this resolution constitutes an Unlisted Action and finds that the action will have no significant, adverse environmental impacts and issues a negative declaration; and be it further

RESOLVED, the Legislature of Orange County hereby determines in accordance with Section 1411(d) (1) of NPCL that the real property constituting a part of the Facility is "not required for use by" the County and that pursuant to County Law Section 215(9) that the personal property constituting a part of the Facility is no longer necessary for public use" in that the real and personal property interests retained under the Reservation of Rights Agreement permit uninterrupted and continued operation of the Facility by the County until a new licensed operator is identified by the Corporation; and be it further

RESOLVED, that the Legislature of Orange County hereby ratifies the prior formation and organization of the Corporation pursuant to Section 1411 of Not-For-Profit Corporation Law of the State of New York subject to the Corporation being limited to acquiring, assisting in the financing and disposing of the Facility and, upon completion, the Corporation shall be dissolved and all net proceeds shall be paid to the County; and be it further

RESOLVED, that the County shall be the sole member of the Corporation, acting by and through the County Executive, ex officio; and be it further

RESOLVED, that the Corporation is and shall continue to be governed by seven voting directors, all of whom having been previously appointed by the Member, with one director having been appointed by the Member upon recommendation of the Chairman of the Legislature; and one director having been appointed by the Member upon the recommendation of the Majority Leader of the Legislature; and one director having been appointed by the Member upon the recommendation of the Minority Leader of the Legislature; and three members having been appointed by the Member upon his own recommendation; and a seventh director having being appointed by the Member upon a recommendation of the Majority of the remaining directors; and such directors are, to the extent necessary, hereby ratified, validated, and confirmed; and be it further

RESOLVED, that vacancies in the office of any director shall be filled for the unexpired term of such in the same manner as the original appointment; and each such existing term and future terms shall be for two years from the date appointed; and be it further

RESOLVED, that the Corporation shall not transfer the Facility, by sale or lease, if at all, on or before December 31, 2014;

RESOLVED, that the Disposition and related Reservation of Rights Agreement are hereby approved with the Reservation of Rights Agreement term continuing until such time as the Corporation has given sixty (60) days written notice to the County terminating the reserved rights ("Termination Date"); provided the transition to the new licensed operator occurs on the Transition Date by means approved by the NYS Department of Health, and subject further to the County's retention of all supplies and inventory with any remaining supplies and inventory at the time of the Termination Date being disposed of by the County to a future licensed operator of the Facility; provided the Disposition and Reservation of Rights Agreement shall be subject to the Corporation, if it so chooses, seeking to transfer the Facility to the highest qualified bidder with the Corporation considering, where applicable, the bidder's:

- a. competency and character;
- b. history of employee relations and practices;
- c. quality of care of residents;
- d. record of retaining facilities subsequent to acquisition;
- e. willingness to agree to build a new facility at the site or to expand services;
- f. willingness to continue to care for all existing residents at the time of acquisition (unless otherwise indicated by the New York State Department of Health criteria);
- g. financial stability;
- h. demonstrated ability to address concerns of residents and family members at any facility that the bidder operates;
- i. willingness to consider existing staff as potential employees;
- j. ability to finance the purchase and operations of the Facility and existing relationships with the NYS Department of Health;
- k. a demonstrated plan by the bidder to expand long-term care opportunities in areas which are underserved or are located in areas where there is a greater rate of lower income persons than generally elsewhere in Orange County; and
- l. a demonstrated plan by the bidder to create or partner in the creation of innovative long-term care opportunities to benefit Orange County; and be it further

RESOLVED, that the Legislature of Orange County authorizes the County Executive, upon the advice of the County Attorney, to execute any and all documents, instruments and agreements or applications necessary or ancillary to the foregoing to effectuate the intent and purpose of these resolutions, and shall document the Reservation of Rights Agreement from the Corporation to the County that provides that the County shall pay all costs of the Corporation and shall pay all operational costs of the Facility while a tenant; and be it further

RESOLVED, by these resolutions the Legislature does not intend to "create, alter, combine or abolish county administrative units not headed by elective officials" and expressly recognizes that the County Executive has assigned duties to the Commissioner of Residential Health Care Services as contemplated by County Charter to serve a broader role in advocating for the healthcare needs of residents of nursing homes in the County, tracking former patients of the current, County owned nursing home during any transition of the Facility to a new licensed operator and serving as a resource for those County residents in need of nursing home care, and the Department of Residential Health Care Services continues to exist after the passage of these resolutions; and be it further

RESOLVED, that if the Corporation shall fail to enter into a lease or transfer of the facility as authorized herein by December 31, 2017, the approval of the County Legislature to transfer the facility pursuant to the authority herein shall be limited to transferring the facility back to the County of Orange; and be it further

RESOLVED, that, unless litigation is initiated by a transferee (either by lease or sale from the Corporation), or if any part of (or both of in their totality) the preceding two paragraphs of this Resolution are deemed to be in violation of any law as adjudged by any Court of competent jurisdiction, or has the impact of otherwise voiding the transfer of the facility by the Corporation, this Legislature specifically withdraws and voids such provisions as are deemed unlawful and the same may be stricken without the same affecting the remainder of this Resolution.

ORANGE COUNTY LEGISLATURE

Committees: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 2

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PLANNING, TO ACCEPT AND APPROPRIATE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FEDERAL 5311 FUNDS, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Transportation has offered funds in the amount of \$285,800.00 for Federal 5311 funds, pursuant to Section 5311, Title 49 United States Code, for the purpose of supporting public transportation in areas with an urban population of less than 50,000. These funds are used for operating assistance payments to municipal transit operators. The total amount to be appropriated is \$285,800.00 for operating assistance payments. There is no County match, and the non-cash local match is provided in-kind by the municipal operators; and

WHEREAS, this Legislature does wish to accept and appropriate said Federal 5311 funds for the Department of Planning as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Planning, be and hereby is authorized to accept and appropriate Federal 5311 funds from the New York State Department of Transportation in the amount of \$285,800.00 as indicated above and stated on the attached Schedule "A".
2. That the 2014 budget for the Department of Planning is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

SCHEDULE "A"

Revenue:

1010	802004	445891	Operating Grants - Federal	\$285,800.00
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Expense:

1010 802004 574001 Bus Transportation \$285,800.00

ITEM 1) Funds need to be added to existing Project PL 5311 OA-F; Funding of \$285,800.00 to come from Federal Section 5311 Grant. These are Federal funds which will be passed through to the County by New York State Department of Transportation. The local match to the Federal funds is provided in-kind through municipal funding of the public transit services. There is no County match.

ORANGE COUNTY LEGISLATURE

Committees: Rules, Enactments and Intergovernmental Relations; Physical Services, Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 3

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE SALE/LEASE OF THE ORANGE COUNTY GOVERNMENT CENTER, 255 MAIN STREET, VILLAGE OF GOSHEN, NEW YORK, CLASSIFYING THE ACTION AS TYPE I ACTION AND DETERMINING THAT THE ACTION WILL NOT HAVE ANY SIGNIFICANT, ADVERSE ENVIRONMENTAL IMPACTS.

WHEREAS, Orange County intends to sell/lease the real property the Orange County Government Center located at 255 Main Street, Village of Goshen, New York and more particularly as described in the attached Schedule "A" metes and bounds description; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereto, an Environmental Assessment Form has been completed, indicating that the proposed sale/lease is a Type I action under SEQRA and will have no significant adverse environmental impacts;

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the Orange County Legislature declares itself Lead Agency concerning the sale/lease of the Orange County Government Center, 255 Main Street, Goshen, New York; and
2. Makes a determination, pursuant to 6 NYCRR Section 617.6 that the action is a TYPE I Action; and
3. Finds that the sale/lease will have no significant, adverse environmental impacts and issues a negative declaration.

SCHEDULE "A"

That portion of land consisting of "Lot 1" on the map annexed hereto, the structures commonly known as Divisions 1, 2, and 3 of the Orange County Government Center located at 255-275 Main Street, Goshen, NY 10924, such land to be more particularly described in a metes and bounds description for the property as described below generally depicted on the annexed map as Lot 1 and shown as a portion of part of V/O Goshen tax map number 106-3-14.2; suffixed off by the assessor to 106-3-14.2-1.

All that certain plot, piece or parcel of land, situate, lying and being in the Village of Goshen, County of Orange, State of New York, and shown as Lot #1 on a plan entitled "Proposed Minor Subdivision, Lands of the County of Orange, Orange County Government Center", dated July 03, 2014 and on file in the office of the Orange County Department of Public Works. Said Lot #1 being more accurately bounded and described as follows:

BEGINNING at a point in the northerly right-of-way line of Main Street (N.Y.S. Route 207), said point of beginning being located S 50°35'00" W 203.56 feet from the intersection of the northerly right-of-way of Main Street and the westerly right-of-way line of Scotchtown Avenue;

THENCE from said point of beginning and continuing along the northerly right-of-way line of Main Street, S 50°35'00" W 498.19 feet to a point located N 50°35'00" E 437.67 feet along the northerly right-of-way of Main Street from its intersection with the easterly right-of-way line of Erie Street;

THENCE passing through the lands of the County of Orange, along the line of Lot #2, following in part along the projection of the face of curb, and along the face of curb, of the existing parking lot southwest of the Government Center building, N 39°29'44" W 225.29 feet; Thence continuing along the existing face of curb on the following six (6) courses and distances: 1) S 50°30'16" W 17.95 feet; 2) N 39°29'44" W 36.02 feet; 3) N 50°30'16" E 17.95 feet; 4) N 39°29'44" W 84.27 feet; 5) S 50°30'16" W 18.25 feet; and 6) N 39°29'44" W 31.72 feet;

THENCE continuing through the lands of the County of Orange, along the line of Lot #2, following in part along the projection of the face of curb, and along the face of curb, of the existing parking lot northwest of the Government Center building, on the following three (3) courses and distances: 1) N 50°30'16" E 35.46 feet; 2) S 39°29'44" E 5.99 feet and 3) N 50°41'46" E along said face of curb and the projection thereof, 404.48 feet;

THENCE continuing through the lands of the County of Orange, along the line of Lot #2, S 39°17'51" E 78.07 feet to the face of the exterior brick wall of the existing Government Center building; Thence passing along and through the walls of the existing Government Center building on the following four (4) courses and distances: 1) N 50°42'09" E 5.00 feet; 2) S 39°17'51" E 15.49 feet; 3) N 50°42'09" E 15.76 feet and 4) S 39°17'51" E 6.79 feet to a point in the exterior brick wall of the Government Center building;

THENCE continuing through the lands of the County of Orange, along the line of Lot #2, on the remaining two (2) courses and distances: 1) N 50°42'09" E 57.02 feet and 2) S 39°17'51" E 270.03 feet to the point or place of beginning.

CONTAINING 178,727 square feet or 4.103 ± acres

Excepting and reserving a Utility Easement to the County of Orange, from the above described parcel, for the purpose of allowing the County to access the existing loading dock and Fire Pump Room which service the Courthouse. Location of said Utility Easement is shown on the aforementioned proposed subdivision plan.

ORANGE COUNTY LEGISLATURE

Committees: Rules, Enactments and Intergovernmental Relations; Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 4

LOCAL LAW INTRODUCTORY NO. 9 OF 2014

A LOCAL LAW RELATING TO THE SALE/LEASE OF CERTAIN COUNTY REAL PROPERTY KNOWN AS THE "ORANGE COUNTY GOVERNMENT CENTER" LOCATED AT 255 MAIN STREET, VILLAGE OF GOSHEN, NEW YORK; SUPERSEDING NEW YORK STATE COUNTY LAW SECTION 215 (4) AND (6).

BE IT ENACTED, by the County Legislature of the County of Orange of the State of New York, as follows:

SECTION ONE. Purpose.

The purposes of this Local Law are: 1) to effectuate the sale/lease of certain real property owned by the County of Orange, known and referred to as the Orange County Government Center located at 255 Main Street, Village of Goshen, New York and more particularly described in Schedule "A" attached hereto ("the Property"); 2) to supersede New York State County Law Section 215(4) that provides for leasing of real property for a term not to exceed 5 years and Section 215 (6) that provides for property not needed for County purposes be sold only to the highest responsible bidder after advertisement. The effect of this enactment will be to allow for the lease of said property for a term in excess of 5 years and/or sale of the property and for the property to be sold at fair market value to the party making the offer deemed in the County's best interests by the Legislature.

SECTION TWO. Sale/Lease to Highest Bidder After Advertisement Not Required.

The Orange County Government Center shall be sold or leased for fair and adequate consideration to the party presenting the offer deemed in the best interests of the County by Resolution of the County Legislature. Sale or lease to the party making the highest bid is not required.

SECTION THREE. Supersedure of New York State County Law Section 215(6).

This Local Law shall supersede New York State County Law Sections 215 (4) and 215(6) to the extent that it is inconsistent therewith.

SECTION FOUR. Effective Date.

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon the completion of the requisite filings and procedures.

Schedule "A"

That portion of land consisting of "Lot 1" on the map annexed hereto, the structures commonly known as Divisions 1, 2, and 3 of the Orange County Government Center located at 255-275 Main Street, Goshen, NY 10924, such land to be more particularly described in a metes and bounds description for the property as described below generally depicted on the annexed map as Lot 1 and shown as a portion of part of V/O Goshen tax map number 106-3-14.2; suffixed off by the assessor to 106-3-14.2-1.

All that certain plot, piece or parcel of land, situate, lying and being in the Village of Goshen, County of Orange, State of New York, and shown as Lot #1 on a plan entitled "Proposed Minor Subdivision, Lands of the County of Orange, Orange County Government Center", dated July 03, 2014 and on file in the office of the Orange County Department of Public Works. Said Lot #1 being more accurately bounded and described as follows:

BEGINNING at a point in the northerly right-of-way line of Main Street (N.Y.S. Route 207), said point of beginning being located S 50°35'00" W 203.56 feet from the intersection of the northerly right-of-way of Main Street and the westerly right-of-way line of Scotchtown Avenue;

THENCE from said point of beginning and continuing along the northerly right-of-way line of Main Street, S 50°35'00" W 498.19 feet to a point located N 50°35'00" E 437.67 feet along the northerly right-of-way of Main Street from its intersection with the easterly right-of-way line of Erie Street;

THENCE passing through the lands of the County of Orange, along the line of Lot #2, following in part along the projection of the face of curb, and along the face of curb, of the existing parking lot southwest of the Government Center building, N 39°29'44" W 225.29 feet; Thence continuing along the existing face of curb on the following six (6) courses and distances: 1) S 50°30'16" W 17.95 feet; 2) N 39°29'44" W 36.02 feet; 3) N 50°30'16" E 17.95 feet; 4) N 39°29'44" W 84.27 feet; 5) S 50°30'16" W 18.25 feet; and 6) N 39°29'44" W 31.72 feet;

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THENCE continuing through the lands of the County of Orange, along the line of Lot #2, S 39°17'51" E 78.07 feet to the face of the exterior brick wall of the existing Government Center building; Thence passing along and through the walls of the existing Government Center building on the following four (4) courses and distances: 1) N 50°42'09" E 5.00 feet; 2) S 39°17'51" E 15.49 feet; 3) N 50°42'09" E 15.76 feet and 4) S 39°17'51" E 6.79 feet to a point in the exterior brick wall of the Government Center building;

THENCE continuing through the lands of the County of Orange, along the line of Lot #2, on the remaining two (2) courses and distances: 1) N 50°42'09" E 57.02 feet and 2) S 39°17'51" E 270.03 feet to the point or place of beginning.

CONTAINING 178,727 square feet or 4.103 ± acres

Excepting and reserving a Utility Easement to the County of Orange, from the above described parcel, for the purpose of allowing the County to access the existing loading dock and Fire Pump Room which service the Courthouse. Location of said Utility Easement is shown on the aforementioned proposed subdivision plan.

ORANGE COUNTY LEGISLATURE

Committees: Rules, Enactments and Intergovernmental Relations; Physical Services; Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 5

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ISSUE A REQUEST FOR PROPOSALS RELATING TO THE SALE/LEASE OF CERTAIN COUNTY REAL PROPERTY KNOWN AS THE ORANGE COUNTY GOVERNMENT CENTER AND AUTHORIZING CONSIDERATION OF OFFERS OTHER THAN IN RESPONSE TO THE HIGHEST RESPONSIBLE BIDDER AFTER PUBLIC ADVERTISEMENT.

WHEREAS, the Orange County Legislature wishes to consider the sale or lease of certain real property owned by the County of Orange, known and referred to as the Orange County Government Center, located in the Village of Goshen, and more particularly described in Schedule "A" attached hereto (hereinafter, "the Property") for the purpose of preserving and protecting the interests of the residents of the County and to assure that the transfer of the Property occurs in a responsible manner consistent with the needs and goals of the community and the County.

NOW, THEREFORE BE IT

RESOLVED, the Legislature hereby authorizes the County Executive to issue a Request for Proposals for the sale or lease of the Orange County Government Center; and be it further

RESOLVED, the Property in its entirety may be sold or leased for fair and adequate consideration to the party presenting the offer deemed in the best interests of the County by Resolution of the County Legislature. A sale of the Property to the party making the highest bid is not required; and be it further

RESOLVED, that the Request for Proposal shall contain the following:

A. Essential Terms of Offer. The following shall be required of each person or entity who makes an offer for the Property or the offer shall not be considered:

- (i) A minimum offer of at least four million five hundred thousand (\$4,500,000.00) dollars payable at closing minus any bid amount submitted;
- (ii) A detailed, proposed use for the Property including a discussion of preservation based on the three Divisions of the Property and a proposed initial floor plan;
- (iii) A commitment by each Bidder to obtain necessary legal approvals to occupy the Property or portions thereof within two years of closing title and details of how much of the Property will be utilized for what general purposes within that period of time; such time period may be extended in the contract of sale not to exceed an extension of one year thereby enabling bidders to propose a phased in approach to occupying the Property;
- (iv) A statement in the bid, in a form approved by the County Attorney, that the bidding party shall provide, within twenty days of a notice of intent to award bid, a bond or letter of credit in an amount necessary, as reasonably determined by the Commissioner of the Department of Public Works, to either:
 - a. complete the project as presented by bidder; or
 - b. otherwise demolish any structure on the Property, or portion thereof, **upon a majority vote of the Legislature**, which is not substantially completed per approved plans at the expiration of the period provided for in the contract of sale described in paragraph (iii) of this Section, taking into account any necessary improvements for any common utilities and the structural integrity of the balance of the Property, and the Courthouse which is currently utilized.

Such bid bond(s) or the benefits thereof shall be capable of being called upon or otherwise obtained by the County upon a declaration by the County Executive that the contract is not being complied with and requiring the proceeds of the bond to be provided to Orange County for the purposes of either demolishing the structure as described herein, **upon a majority vote of the Legislature**, and as may be further described in the contract of sale, or otherwise completing the project as described herein and as may be further provided for in the contract of sale.

The County Executive, prior to making such a declaration, shall give thirty days' notice to the Purchaser that he finds the Purchaser to be in default and the bond shall thereafter be called upon, enabling the County to remedy the default.

- (v) The execution of documents in a form approved by the County Attorney authorizing the carrying out of the demolition of the structure, **upon a majority vote of the Legislature**, or the completion of the job by the County in the event of a default by the successful bidder (the purchaser);
 - (vi) A deposit in certified funds of not less than one million (\$1,000,000.00) dollars to be payable to and held by the Orange County Commissioner of Finance pursuant to the terms of a request for proposals which amount shall be forfeited to Orange County in the event the bidder, upon being issued a notice of intent to award a bid does not either close on the transaction within ninety days of being issued a notice of intent to award bid

or does not otherwise comply with any essential term of an offer relating to providing bonds described herein;

- (vii) The execution of documents in a form approved by the County Attorney that the successful bidder may not sell or otherwise transfer the Property until the construction and/or renovations necessary for the proposed use have been completed without a Resolution of the Orange County Legislature, the intent herein being that this local law enables the approval of the plan as well as the approval of purchaser and that the two are inherently connected given the significance of the Property to Orange County;
- (viii) The execution of documents in favor of Orange County in a form approved by the County Attorney allowing Orange County to purchase the Property or any portion thereof for ninety nine years after the contract of sale between the purchaser and County is executed. Such right of first refusal shall be accepted, if at all by the County, within sixty days of any bonafide offer to the Purchaser or their successor, assign, or any subsequent purchaser from any other entity or person to purchase the Property or any portion thereof.
- (ix) The execution of documents in favor of Orange County in a form approved by the County Attorney allowing Orange County to lease the Property or any portion thereof after the contract of sale between the purchaser and County is executed.

B. Ancillary Easements and Agreements. The County Executive is authorized as part of any sale of the Property to enter into such easements and agreements as are necessary in relation to any common wall between the Property and any other property which the County continues to own and any other agreements or easements necessary in relation to the fire pump room in the Property, pedestrian walkways, parking with a minimum of 100 spaces **for the purchaser's/lessee's benefit**, heating, ventilation, air conditioning, wiring including but not limited to internet or other services, snow plowing, clearing, and removal of snow, maintenance and availability of parking, and such other necessary agreements the County Executive deems necessary to effectuate the closing of title to the Property; and be it further

RESOLVED, that a summary of the request for proposals to purchase or lease the Property shall be published in the same publications as a legal notice would be required to be published and in such other publications as the Director of Real Property Tax Services shall determine in a manner calculated in his opinion to bring the highest offer(s) to the County; and be it further

RESOLVED, there is hereby established an Orange County Government Center Building Committee to review and make recommendations on the Proposals to the Orange County Legislature. The Committee shall be comprised of 13 members, consisting of the County Executive, the Deputy County Executive, the Chairman of the Orange County Legislature, the majority and minority leaders, **the independence party leader**, two other legislators as selected by the Chairman, the Commissioner of Public Works, Department of Public Works; Director of Facilities, the Director of Real Property Tax Services, the **Commissioner of Human Resources** and the Commissioner of General Services; and be it further

RESOLVED, that the Committee shall review, and consider all proposals submitted. Proposers must be prepared to make a presentation of their proposal at a public meeting. The Committee shall then make its recommendations as to the preferred purchaser/lessee to the Physical

Services and Ways and Means Committee and; upon a majority vote in favor of a preferred seller/lessee by one or more such committees, then for consideration by the full Legislature. The recommendations shall include the terms and conditions of the proposed contract of sale as prepared by the County Attorney; and be it further

RESOLVED, that the Legislature may reject any and all proposals; and be it further

RESOLVED, that in accordance with N.Y.S. County Law Section 215 (5), the Orange County Legislature by resolution shall determine that the property is no longer necessary for public use and may authorize the sale/lease or conveyance of said property by two-thirds vote, and be it further

RESOLVED, that if any clause, sentence, paragraph, section or part of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 6

Local Law Introductory No. 10 of 2014 (as passed by Public Safety)

A LOCAL LAW OF THE COUNTY OF ORANGE, NEW YORK KNOWN AS THE "ORANGE COUNTY ASSET FORFEITURE LAW"

Section 1: Title and Legislative Findings

1. This Local Law shall be known as the Orange County Asset Forfeiture Law.

2. The Orange County Legislature finds that misdemeanor criminal activity that occurs in Orange County places an extraordinary burden on the government of Orange County, and thereby its citizens, to hire personnel to enforce the laws and to prosecute offenders; to fund facilities for incarceration of criminals, both convicted and awaiting disposition of their cases, and to hire staff to manage such facilities; and to provide services to victims and other persons who are impacted by criminal activity.

3. The Orange County Legislature further finds that criminal activity associated with misdemeanor drug activity poses a serious threat to the health, safety, and welfare of county residents.

4. The Orange County Legislature further finds that vehicles operated by persons who are under the influence of alcohol or drugs pose a serious threat to the lives and safety of all Orange County residents.

5. The Orange County Legislature further finds that, although fines, license suspensions, and jail sentences may deter some offenders, a stronger deterrent is necessary to protect the public, and that civil forfeiture of assets of misdemeanor offenders will send a stern message that such criminal activity will not be tolerated in Orange County.

6. The Orange County Legislature further finds that state-level asset forfeiture statutes are inadequate to completely address the above concerns in Orange County, and that a local law providing for the forfeiture of assets of misdemeanor offenders is necessary to do so.

Section 2: Definitions

As used in this Local Law:

1. "Property" means and includes: personal property, money, negotiable instruments, securities, or anything of value or any interest in a thing of value.
2. "Proceeds of a crime" means any property obtained through the commission of a crime, or through the commission of any criminal transaction of which a crime is a part, and includes any appreciation in value of such property.
3. "Substituted proceeds of a crime" means any property obtained by the sale or exchange of proceeds of a crime, and any gain realized by such sale or exchange.
4. "Instrumentality of a crime" means any property, other than real property and any buildings, fixtures, appurtenances, and improvements thereon, whose use contributes directly and materially to the commission of a crime, or to the commission of any criminal transaction of which a crime is a part.
5. "Crime" means any misdemeanor defined in the Consolidated Laws of the State of New York, or in any local law of the County of Orange, and committed in such a manner that the crime is subject to prosecution in Orange County.
6. "Court" means a superior court, as defined in subdivision two of section 10.10 of the Criminal Procedure Law of the State of New York.
7. "Defendant" means a person against whom a forfeiture action is commenced and includes a "criminal defendant" and a "non-criminal defendant."
8. "Criminal defendant" means a person who has criminal liability for a crime as defined in subdivision five hereof. For purposes of this Local Law, a person has criminal liability when the person has been convicted of a crime.

9. "Non-criminal defendant" means a person, other than a criminal defendant, who possesses an interest in the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

10. "Claiming agent" means and shall include any New York State, Orange County, or local police agency having jurisdiction in Orange County.

11. "Fair consideration" means fair consideration is given for property, or obligation, (a) when in exchange for such property, or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or an antecedent debt is satisfied, or (b) when such property, or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared with the value of the property, or obligation obtained.

12. "District Attorney" means the District Attorney of the County of Orange and any of his or her assistant district attorneys, or any County or Municipal Attorney that the District Attorney of the County of Orange designates to bring actions under this Local Law.

Section 3. Forfeiture actions

1. (a) A civil action may be commenced in a court by the District Attorney against a criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, or to recover a money judgment in an amount equivalent in value to the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime. A civil action may be commenced in a court against a non-criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, provided, however, that a judgment of forfeiture predicated upon clause (A) of subparagraph (iii) of paragraph (b) of subdivision three hereof shall be limited to the amount of any property obtained as a result of the criminal transaction of which the crime is a part, and includes any appreciation in value of such property. Any action under this Local Law must be commenced within five years of the commission of the crime and shall be civil, remedial, and in personam in nature and shall not be deemed to be a penalty or criminal forfeiture for any purpose. Except as otherwise specifically provided by statute, proceedings under this Local Law shall be governed by the Civil Practice Law and Rules of the State of New York. An action under this Local Law is not a criminal proceeding and may not be deemed to be a previous prosecution under article forty of the Criminal Procedure Law of the State of New York.

(b) An action pursuant to this Local Law must be grounded upon a conviction of a crime, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part, or upon a count of an indictment or information alleging a crime that was dismissed at the time of a plea of guilty in satisfaction of such count. A court may not grant forfeiture until such conviction has occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this Local Law, prior to such conviction having occurred. An action under this paragraph must be dismissed at any time after sixty days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an indictment or information upon which the asserted conviction is to be based is pending in a court. An action shall be stayed during the pendency of a criminal action which is related to it; provided, however, that such stay shall not prevent the granting or continuance of any provisional remedy provided under this Local Law or any other provisions of law.

2. All defendants in a forfeiture action brought pursuant to this Local Law shall have the right to trial by jury on any issue of fact.

3. In a forfeiture action pursuant to this Local Law the following burdens of proof shall apply:

(a) In a forfeiture action commenced by a District Attorney against a criminal defendant, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture.

(b) In a forfeiture action commenced by a District Attorney against a non-criminal defendant:

(i) if the action relates to the proceeds of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew or should have known that the proceeds were obtained through the commission of a crime, or (B) knowingly obtained his or her interest in the proceeds to avoid forfeiture.

(ii) if the action relates to the substituted proceeds of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the property sold or exchanged to obtain an interest in the substituted proceeds was obtained through the commission of a crime, or

(b) knowingly obtained his or her interest in the substituted proceeds to avoid forfeiture.

(iii) if the action relates to an instrumentality of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the instrumentality was or would be used in the commission of a crime or (B) knowingly obtained his or her interest in the instrumentality to avoid forfeiture.

(c) In a forfeiture action commenced by a District Attorney against a non-criminal defendant the following rebuttable presumptions shall apply:

(i) a non-criminal defendant who did not pay fair consideration for the proceeds of a crime, the substituted proceeds of a crime, or the instrumentality of a crime shall be presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(ii) a non-criminal defendant who obtains an interest in the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime with knowledge of an order of provisional remedy relating to said property issued pursuant to this Local Law, shall be presumed to know that such property was the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime.

(iii) a non-criminal defendant who the District Attorney proves by clear and convincing evidence has criminal liability under section 20.00 of the Penal Law of the State of New York for the crime of conviction or for criminal activity arising from a common scheme or plan of which such crime is a part and who possesses an interest in the proceeds, the substituted proceeds, or an instrumentality of such criminal activity is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(iv) a non-criminal defendant who participated in or was aware of a scheme to conceal or disguise the manner in which said non-criminal defendant obtained his or her interest in the proceeds of a

crime, substituted proceeds of a crime, or an instrumentality of a crime is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(d) In all forfeiture actions, the following rebuttable presumption shall apply: all currency or negotiable instruments payable to the bearer shall be presumed to be the proceeds of a crime when such currency or negotiable instruments are found in close proximity to any quantity of a controlled substance or marihuana unlawfully possessed in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, distribute, package or otherwise prepare for sale such controlled substance or marihuana.

(e) The presumption set forth pursuant to paragraph (d) of this subdivision shall be rebutted by credible and reliable evidence which tends to show that such currency or negotiable instrument payable to the bearer is not the proceeds of a crime. In an action tried before a jury, the jury shall be so instructed. Any sworn testimony of a defendant offered to rebut the presumption and any other evidence which is obtained as a result of such testimony, shall be inadmissible in any subsequent proceeding relating to the forfeiture action, or in any other civil or criminal action, except in a prosecution for a violation of article two hundred ten of the Penal Law of the State of New York. In an action tried before a jury, at the commencement of the trial, or at such other time as the court reasonably directs, the District Attorney shall provide notice to the court and to the defendant of its intent to request that the court charge such presumption.

4. The court in which a forfeiture action is pending may dismiss said action in the interests of justice upon its own motion or upon an application as provided for herein.

(a) At any time during the pendency of a forfeiture action, the District Attorney who instituted the action, or a defendant may (i) apply for an order dismissing the complaint and terminating the forfeiture action in the interest of justice, or (ii) may apply for an order limiting the forfeiture to an amount equivalent in value to the value of property constituting the proceeds or substituted proceeds of a crime in the interest of justice.

(b) Such application for the relief provided in paragraph (a) hereof must be made in writing and upon notice to all parties. The court may, in its discretion, direct that notice be given to any other person having an interest in the property.

(c) An application for the relief provided for in paragraph (a) hereof must be brought exclusively in the superior court in which the forfeiture action is pending.

(d) The court may grant the relief provided in paragraph (a) hereof if it finds that such relief is warranted by the existence of some compelling factor, consideration or circumstance demonstrating that forfeiture of the property or any part thereof, would not serve the ends of justice. Among the factors, considerations and circumstances the court may consider, among others, are:

- (i) the seriousness and circumstances of the crime to which the property is connected relative to the impact of forfeiture of property upon the person who committed the crime; or
- (ii) the adverse impact of a forfeiture of property upon innocent persons; or

(iii) in the case of an action relating to an instrumentality, whether the value of the instrumentality substantially exceeds the value of the property constituting the proceeds or substituted proceeds of a crime.

(e) The court must issue a written decision stating the basis for an order issued pursuant to this subdivision.

5. An action for forfeiture shall be commenced by service pursuant to the Civil Practice Law and Rules of the State of New York of a summons with notice or summons and verified complaint. No person shall forfeit any right, title, or interest in any property who is not a defendant in the action.

6. On the motion of any party to the forfeiture action, and for good cause shown, a court may seal any papers, including those pertaining to any provisional remedy, which relate to the forfeiture action until such time as the property which is the subject of the forfeiture action has been levied upon. A motion to seal such papers may be made ex parte and in camera.

7. Remission. In addition to any other relief provided under this Local Law, at any time within one year after the entry of a judgment of forfeiture, any person claiming an interest in the property subject to forfeiture who did not receive actual notice of the forfeiture action may petition the judge before whom the forfeiture action was held for a remission or mitigation of the forfeiture and restoration of the property or the proceeds of any sale resulting from the forfeiture, or such part thereof, as may be claimed by him. The court may restore said property upon such terms and conditions as it deems reasonable and just if (i) the petitioner establishes that he or she was without actual knowledge of the forfeiture action or any related proceeding for a provisional remedy and did not know or should not have known that the forfeited property was connected to a crime or conveyed to avoid forfeiture and (ii) the court determines that restoration of the property would serve the ends of justice.

8. The total amount that may be recovered by the District Attorney against all criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against criminal defendants for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the same proceeds of the same crime or the same substituted proceeds of the same crime recovered against all non-criminal defendants. Any such recovery for the value of an instrumentality of a crime shall be reduced by an amount which equals the value of the same instrumentality recovered against any non-criminal defendant.

The total amount that may be recovered against all non-criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or the substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against non-criminal defendants for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the proceeds of the crime or substituted proceeds of the crime recovered against all criminal defendants. A judgment against a non-criminal defendant pursuant to clause (A) of subparagraph (iii) of paragraph (b) of subdivision three of this section shall be limited to the amount of any property obtained as a result of the criminal transaction of which the crime is a part, and including any appreciation in value of such property. Any recovery for the value of an instrumentality of the crime shall be reduced by an amount equal to the value of the same instrumentality recovered against any criminal defendant.

9. Any defendant in a forfeiture action who knowingly and intentionally conceals, destroys, dissipates, alters, removes from the jurisdiction, or otherwise disposes of, property specified in a provisional remedy ordered by the court or in a judgment of forfeiture in knowing contempt of said order or judgment shall be subject to criminal liability and sanctions under sections 80.05 and 215.80 of the penal law.

10. Any stipulation or settlement agreement between the parties to a forfeiture action shall be filed with the clerk of the court in which the forfeiture action is pending.

11. Property acquired in good faith by an attorney as payment for the reasonable and bona fide fees for legal services or reimbursement of reasonable and bona fide expenses related to the representation of a defendant in connection with a civil or criminal forfeiture proceeding or a related criminal matter, shall be exempt from a judgment of forfeiture. For purposes of this subdivision and subdivision four of section one thousand three hundred twelve of the Civil Practice Law and Rules of the State of New York, "bona fide" means that the attorney who acquired such property had no reasonable basis to believe that the fee transaction was a fraudulent or sham transaction designed to shield property from forfeiture, hide its existence from governmental investigative agencies, or was conducted for any purpose other than for legitimate legal representation.

Section 4. Subpoena duces tecum

1. At any time before an action pursuant to this Local Law is commenced, the District Attorney may apply without notice for the issuance of a subpoena duces tecum.

2. The issuance of a subpoena under this section will be governed by the procedure set forth in Section 1311-a of the Civil Practice Law and Rules of the State of New York.

Section 5: Provisional remedies.

1. The provisional remedies of attachment, injunction, receivership, and notice of pendency shall be available in all actions to recover property or for a money judgment under this Local Law.

2. The granting of provisional remedies under this Local Law will be governed by the procedures set forth in Sections 1312 through 1348 of the Civil Practice Law and Rules of the State of New York.

Section 6: Disposal of property

1. The District Attorney, after a judicial determination or a stipulated agreement of forfeiture, shall have the discretion, where the property is a vehicle, to either retain the property for the use of the District Attorney's Office or a claiming agent, or, by a public notice of at least five days, sell such forfeited vehicle at public sale, provided, however, where such vehicle is subject to a perfected lien, such vehicle may not be retained for official use unless all such liens on the vehicle to be retained have been or will be satisfied.

2. After deduction of any expenses incurred during the investigation or prosecution of the criminal transaction upon which a forfeiture action under this Local Law is predicated, and after payment of any remaining unpaid amounts ordered to be paid by a defendant in any other action or proceeding as restitution, reparations, or damages to a victim of the crime, which crime constitutes the basis

upon which forfeiture was effected under this Local Law, the net proceeds of any forfeiture under this Local Law shall be collected by the District Attorney and shall be deposited in a trust account to be maintained by the District Attorney, who shall distribute forthwith directly from that account as follows:

(a) Twenty-nine and one-half percent (29 ½ %) of all funds realized through forfeiture to the District Attorney's Office in satisfaction of actual costs incurred for protecting, maintaining, and forfeiting the property, including that portion of the salaries of attorney, investigative, and clerical personnel devoted thereto, and for law enforcement use in the investigation and prosecution of criminal offenses;

(b) Forty-one percent (41%) of all funds realized through forfeiture to the claiming agent in satisfaction of actual costs incurred for protecting, maintaining, and storing the property, including that portion of the salaries of investigative and clerical personnel devoted thereto, and for law enforcement use in the investigation of criminal offenses, said funds to be deposited into the claiming agent's general forfeiture account in accordance with said agency's normal accounting procedures;

(c) Twenty-nine and one-half percent (29 ½ %) of all funds realized through forfeiture to the general fund of the County of Orange.

3. All moneys distributed to a claiming agent and to the District Attorney's Office pursuant to subsection two of this section shall be used to enhance law enforcement efforts and not in supplantation of ordinary budgetary costs including salaries of personnel, and expenses of the District Attorney's Office or a claiming agent.

4. At least twice per year, the District Attorney will provide the Legislature with a report, detailing the District Attorney's forfeiture activities under this Local Law. Such report will include:

(a) A breakdown of charges that forfeiture is based on, including any felony charges that are also involved in cases where forfeiture is had for a crime under this Local Law;

(b) A breakdown of deductions from forfeiture proceeds taken pursuant to subdivision two of this section;

(c) A breakdown of the allocation of forfeiture proceeds between agencies as described in subdivision two of this section;

(d) A list of any cases for which forfeiture was had under this Local Law, which cases were later reversed by an appellate court. (as passed by Rules and Public Safety)

Section 7. Rules of procedure

The Civil Practice Law and Rules of the State of New York shall govern the procedure in proceedings and actions commenced under this Local Law, except where the procedure is regulated by any inconsistent provisions herein.

Section 8. Application

1. If any provision of this Local Law or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined (i) in its operation of the provision, or (ii) in its application to the person or circumstance directly involved in the controversy in which such judgment shall have been rendered.

2. The provisions of this Local Law shall be interpreted, as much as applicable, consistently with the corresponding provisions of article 13-A of the Civil Practice Law and Rules of the State of New York.

ORANGE COUNTY LEGISLATURE

Committee: Rules, Enactments and Intergovernmental Relations

Sponsors:

Co-Sponsors:

Agenda No. 7

Local Law Introductory No. 11 of 2014 (as passed by Rules)

A LOCAL LAW OF THE COUNTY OF ORANGE, NEW YORK KNOWN AS THE "ORANGE COUNTY ASSET FORFEITURE LAW"

Section 1: Title and Legislative Findings

1. This Local Law shall be known as the Orange County Asset Forfeiture Law.
2. The Orange County Legislature finds **it to be in the best interest of the County of Orange to adopt an "Orange County Asset Forfeiture Law."**

Section 2: Definitions

As used in this Local Law:

1. "Property" means and includes: personal property, money, negotiable instruments, securities, or anything of value or any interest in a thing of value.
2. "Proceeds of a crime" means any property obtained through the commission of a crime, or through the commission of any criminal transaction of which a crime is a part, and includes any appreciation in value of such property.
3. "Substituted proceeds of a crime" means any property obtained by the sale or exchange of proceeds of a crime, and any gain realized by such sale or exchange.
4. "Instrumentality of a crime" means any property, other than real property and any buildings, fixtures, appurtenances, and improvements thereon, whose use contributes directly and materially to the commission of a crime, or to the commission of any criminal transaction of which a crime is a part.

5. "Crime" means any misdemeanor defined in the Consolidated Laws of the State of New York, or in any local law of the County of Orange, and committed in such a manner that the crime is subject to prosecution in Orange County.
6. "Court" means a superior court, as defined in subdivision two of section 10.10 of the Criminal Procedure Law of the State of New York.
7. "Defendant" means a person against whom a forfeiture action is commenced and includes a "criminal defendant" and a "non-criminal defendant."
8. "Criminal defendant" means a person who has criminal liability for a crime as defined in subdivision five hereof. For purposes of this Local Law, a person has criminal liability when the person has been convicted of a crime.
9. "Non-criminal defendant" means a person, other than a criminal defendant, who possesses an interest in the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.
10. "Claiming agent" means and shall include any New York State, Orange County, or local police agency having jurisdiction in Orange County.
11. "Fair consideration" means fair consideration is given for property, or obligation, (a) when in exchange for such property, or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or an antecedent debt is satisfied, or (b) when such property, or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared with the value of the property, or obligation obtained.
12. "District Attorney" means the District Attorney of the County of Orange and any of his or her assistant district attorneys, or any County or Municipal Attorney that the District Attorney of the County of Orange designates to bring actions under this Local Law.

Section 3. Forfeiture actions

1. (a) A civil action may be commenced in a court by the District Attorney against a criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, or to recover a money judgment in an amount equivalent in value to the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime. A civil action may be commenced in a court against a non-criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, provided, however, that a judgment of forfeiture predicated upon clause (A) of subparagraph (iii) of paragraph (b) of subdivision three hereof shall be limited to the amount of any property obtained as a result of the criminal transaction of which the crime is a part, and includes any appreciation in value of such property. Any action under this Local Law must be commenced within five years of the commission of the crime and shall be civil, remedial, and in personam in nature and shall not be deemed to be a penalty or criminal forfeiture for any purpose. Except as otherwise specifically provided by statute, proceedings under this Local Law shall be governed by the Civil Practice Law and Rules of the State of New York. An action under this Local Law is not a criminal proceeding and may not be deemed to be a previous prosecution under article forty of the Criminal Procedure Law of the State of New York.
 - (b) An action pursuant to this Local Law must be grounded upon a conviction of a crime, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part, or upon a count of an indictment or information alleging a crime that was dismissed at the time of a plea of guilty in satisfaction of such count. A court may not grant forfeiture until such conviction has

occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this Local Law, prior to such conviction having occurred. An action under this paragraph must be dismissed at any time after sixty days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an indictment or information upon which the asserted conviction is to be based is pending in a court. An action shall be stayed during the pendency of a criminal action which is related to it; provided, however, that such stay shall not prevent the granting or continuance of any provisional remedy provided under this Local Law or any other provisions of law.

2. All defendants in a forfeiture action brought pursuant to this Local Law shall have the right to trial by jury on any issue of fact.

3. In a forfeiture action pursuant to this Local Law the following burdens of proof shall apply:

(a) In a forfeiture action commenced by a District Attorney against a criminal defendant, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture.

(b) In a forfeiture action commenced by a District Attorney against a non-criminal defendant:

(i) if the action relates to the proceeds of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew or should have known that the proceeds were obtained through the commission of a crime, or (B) knowingly obtained his or her interest in the proceeds to avoid forfeiture.

(ii) if the action relates to the substituted proceeds of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the property sold or exchanged to obtain an interest in the substituted proceeds was obtained through the commission of a crime, or

(b) knowingly obtained his or her interest in the substituted proceeds to avoid forfeiture.

(iii) if the action relates to an instrumentality of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the instrumentality was or would be used in the commission of a crime or (B) knowingly obtained his or her interest in the instrumentality to avoid forfeiture.

(c) In a forfeiture action commenced by a District Attorney against a non-criminal defendant the following rebuttable presumptions shall apply:

(i) a non-criminal defendant who did not pay fair consideration for the proceeds of a crime, the substituted proceeds of a crime, or the instrumentality of a crime shall be presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(ii) a non-criminal defendant who obtains an interest in the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime with knowledge of an order of provisional remedy relating

to said property issued pursuant to this Local Law, shall be presumed to know that such property was the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime.

(iii) a non-criminal defendant who the District Attorney proves by clear and convincing evidence has criminal liability under section 20.00 of the Penal Law of the State of New York for the crime of conviction or for criminal activity arising from a common scheme or plan of which such crime is a part and who possesses an interest in the proceeds, the substituted proceeds, or an instrumentality of such criminal activity is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(iv) a non-criminal defendant who participated in or was aware of a scheme to conceal or disguise the manner in which said non-criminal defendant obtained his or her interest in the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(d) In all forfeiture actions, the following rebuttable presumption shall apply: all currency or negotiable instruments payable to the bearer shall be presumed to be the proceeds of a crime when such currency or negotiable instruments are found in close proximity to any quantity of a controlled substance or marihuana unlawfully possessed in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, distribute, package or otherwise prepare for sale such controlled substance or marihuana.

(e) The presumption set forth pursuant to paragraph (d) of this subdivision shall be rebutted by credible and reliable evidence which tends to show that such currency or negotiable instrument payable to the bearer is not the proceeds of a crime. In an action tried before a jury, the jury shall be so instructed. Any sworn testimony of a defendant offered to rebut the presumption and any other evidence which is obtained as a result of such testimony, shall be inadmissible in any subsequent proceeding relating to the forfeiture action, or in any other civil or criminal action, except in a prosecution for a violation of article two hundred ten of the Penal Law of the State of New York. In an action tried before a jury, at the commencement of the trial, or at such other time as the court reasonably directs, the District Attorney shall provide notice to the court and to the defendant of its intent to request that the court charge such presumption.

4. The court in which a forfeiture action is pending may dismiss said action in the interests of justice upon its own motion or upon an application as provided for herein.

(a) At any time during the pendency of a forfeiture action, the District Attorney who instituted the action, or a defendant may (i) apply for an order dismissing the complaint and terminating the forfeiture action in the interest of justice, or (ii) may apply for an order limiting the forfeiture to an amount equivalent in value to the value of property constituting the proceeds or substituted proceeds of a crime in the interest of justice.

(b) Such application for the relief provided in paragraph (a) hereof must be made in writing and upon notice to all parties. The court may, in its discretion, direct that notice be given to any other person having an interest in the property.

(c) An application for the relief provided for in paragraph (a) hereof must be brought exclusively in the superior court in which the forfeiture action is pending.

(d) The court may grant the relief provided in paragraph (a) hereof if it finds that such relief is warranted by the existence of some compelling factor, consideration or circumstance demonstrating that forfeiture of the property or any part thereof, would not serve the ends of justice. Among the factors, considerations and circumstances the court may consider, among others, are:

(i) the seriousness and circumstances of the crime to which the property is connected relative to the impact of forfeiture of property upon the person who committed the crime; or

(ii) the adverse impact of a forfeiture of property upon innocent persons; or

(iii) in the case of an action relating to an instrumentality, whether the value of the instrumentality substantially exceeds the value of the property constituting the proceeds or substituted proceeds of a crime.

(e) The court must issue a written decision stating the basis for an order issued pursuant to this subdivision.

5. An action for forfeiture shall be commenced by service pursuant to the Civil Practice Law and Rules of the State of New York of a summons with notice or summons and verified complaint. No person shall forfeit any right, title, or interest in any property who is not a defendant in the action.

6. On the motion of any party to the forfeiture action, and for good cause shown, a court may seal any papers, including those pertaining to any provisional remedy, which relate to the forfeiture action until such time as the property which is the subject of the forfeiture action has been levied upon. A motion to seal such papers may be made ex parte and in camera.

7. Remission. In addition to any other relief provided under this Local Law, at any time within one year after the entry of a judgment of forfeiture, any person claiming an interest in the property subject to forfeiture who did not receive actual notice of the forfeiture action may petition the judge before whom the forfeiture action was held for a remission or mitigation of the forfeiture and restoration of the property or the proceeds of any sale resulting from the forfeiture, or such part thereof, as may be claimed by him. The court may restore said property upon such terms and conditions as it deems reasonable and just if (i) the petitioner establishes that he or she was without actual knowledge of the forfeiture action or any related proceeding for a provisional remedy and did not know or should not have known that the forfeited property was connected to a crime or fraudulently conveyed to avoid forfeiture and (ii) the court determines that restoration of the property would serve the ends of justice.

8. The total amount that may be recovered by the District Attorney against all criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against criminal defendants for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the same proceeds of the same crime or the same substituted proceeds of the same crime recovered against all non-criminal defendants. Any such recovery for the value of an instrumentality of a crime shall be reduced by an amount which equals the value of the same instrumentality recovered against any non-criminal defendant.

The total amount that may be recovered against all non-criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or the substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against non-criminal defendants for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the proceeds of the crime or substituted proceeds of the crime recovered against all criminal defendants. A judgment against a non-criminal defendant pursuant to clause (A) of subparagraph (iii) of paragraph (b) of subdivision three of this section shall be limited to the amount of any property obtained as a result of the criminal transaction of which the crime is a part, and including any appreciation in value of such property. Any recovery for the value of an instrumentality of the crime shall be reduced by an amount equal to the value of the same instrumentality recovered against any criminal defendant.

9. Any defendant in a forfeiture action who knowingly and intentionally conceals, destroys, dissipates, alters, removes from the jurisdiction, or otherwise disposes of, property specified in a provisional remedy ordered by the court or in a judgment of forfeiture in knowing contempt of said order or judgment shall be subject to criminal liability and sanctions under sections 80.05 and 215.80 of the penal law.

10. Any stipulation or settlement agreement between the parties to a forfeiture action shall be filed with the clerk of the court in which the forfeiture action is pending.

11. Property acquired in good faith by an attorney as payment for the reasonable and bona fide fees for legal services or reimbursement of reasonable and bona fide expenses related to the representation of a defendant in connection with a civil or criminal forfeiture proceeding or a related criminal matter, shall be exempt from a judgment of forfeiture. For purposes of this subdivision and subdivision four of section one thousand three hundred twelve of the Civil Practice Law and Rules of the State of New York, "bona fide" means that the attorney who acquired such property had no reasonable basis to believe that the fee transaction was a fraudulent or sham transaction designed to shield property from forfeiture, hide its existence from governmental investigative agencies, or was conducted for any purpose other than for legitimate legal representation.

Section 4. Subpoena duces tecum

1. At any time before an action pursuant to this Local Law is commenced, the District Attorney may apply without notice for the issuance of a subpoena duces tecum.

2. The issuance of a subpoena under this section will be governed by the procedure set forth in Section 1311-a of the Civil Practice Law and Rules of the State of New York.

Section 5: Provisional remedies.

1. The provisional remedies of attachment, injunction, receivership, and notice of pendency shall be available in all actions to recover property or for a money judgment under this Local Law.

2. The granting of provisional remedies under this Local Law will be governed by the procedures set forth in Sections 1312 through 1348 of the Civil Practice Law and Rules of the State of New York.

Section 6: Disposal of property

1. The District Attorney, after a judicial determination or a stipulated agreement of forfeiture, shall have the discretion, where the property is a vehicle, to either retain the property for the use of the District Attorney's Office or a claiming agent, or, by a public notice of at least five days, sell such forfeited vehicle at public sale, provided, however, where such vehicle is subject to a perfected lien, such vehicle may not be retained for official use unless all such liens on the vehicle to be retained have been or will be satisfied.

2. After deduction of any expenses incurred during the investigation or prosecution of the criminal transaction upon which a forfeiture action under this Local Law is predicated, and after payment of any remaining unpaid amounts ordered to be paid by a defendant in any other action or proceeding as restitution, reparations, or damages to a victim of the crime, which crime constitutes the basis upon which forfeiture was effected under this Local Law, the net proceeds of any forfeiture under this Local Law shall be collected by the District Attorney and shall be deposited in a trust account to be maintained by the District Attorney, who shall distribute forthwith directly from that account as follows:

(a) Twenty-nine and one-half percent (29 ½ %) of all funds realized through forfeiture to the District Attorney's Office in satisfaction of actual costs incurred for protecting, maintaining, and forfeiting the property, including that portion of the salaries of attorney, investigative, and clerical personnel devoted thereto, and for law enforcement use in the investigation and prosecution of criminal offenses;

(b) Forty-one percent (41%) of all funds realized through forfeiture to the claiming agent in satisfaction of actual costs incurred for protecting, maintaining, and storing the property, including that portion of the salaries of investigative and clerical personnel devoted thereto, and for law enforcement use in the investigation of criminal offenses, said funds to be deposited into the claiming agent's general forfeiture account in accordance with said agency's normal accounting procedures;

(c) Twenty-nine and one-half percent (29 ½ %) of all funds realized through forfeiture to the general fund of the County of Orange.

3. All moneys distributed to a claiming agent and to the District Attorney's Office pursuant to subsection two of this section shall be used to enhance law enforcement efforts and not in supplantation of ordinary budgetary costs including salaries of personnel, and expenses of the District Attorney's Office or a claiming agent.

4. At least twice per year, the District Attorney will provide the Legislature with a report, detailing the District Attorney's forfeiture activities under this Local Law. Such report will include:

(a) A breakdown of charges that forfeiture is based on, including any felony charges that are also involved in cases where forfeiture is had for a crime under this Local Law;

(b) A breakdown of deductions from forfeiture proceeds taken pursuant to subdivision two of this section;

(c) A breakdown of the allocation of forfeiture proceeds between agencies as described in subdivision two of this section;

(d) A list of any cases for which forfeiture was had under this Local Law, which cases were later reversed by an appellate court. (added at Rules)

Section 7. Rules of procedure

The Civil Practice Law and Rules of the State of New York shall govern the procedure in proceedings and actions commenced under this Local Law, except where the procedure is regulated by any inconsistent provisions herein.

Section 8. Application

1. If any provision of this Local Law or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined (i) in its operation of the provision, or (ii) in its application to the person or circumstance directly involved in the controversy in which such judgment shall have been rendered.

2. The provisions of this Local Law shall be interpreted, as much as applicable, consistently with the corresponding provisions of article 13-A of the Civil Practice Law and Rules of the State of New York.

ORANGE COUNTY LEGISLATURE

Committees: Public Safety and Emergency Services; Ways and Means

Sponsors:

Co-Sponsor:

Agenda No. 8

RESOLUTION NO. OF 2014

AMENDING BOND RESOLUTION DATED OCTOBER 2, 2014

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED AUGUST 1, 2013 IN RELATION TO FINANCING THE COST OF ACQUISITION OF LAND TO PROVIDE SITES FOR NEW PUBLIC SAFETY COMMUNICATIONS RADIO TOWERS AND RELATED EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, AT THE TOTAL ESTIMATED COST OF \$14,998,000. (Adopted , 2014).

Recitals

WHEREAS, the County Legislature of the County of Orange, New York, has heretofore duly authorized (a) acquisition of land to provide sites for new public safety communications radio towers,

at the estimated maximum cost of \$1,700,000 and (b) acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction costs, at the estimated maximum cost of \$1,300,000, which amounts were appropriated therefore pursuant to Bond Resolution No. 179 of 2013 duly adopted on August 1, 2013, and it has now been determined that the plan of finance be amended to reference the acceptance of a grant from the New York State Division of Homeland Security and Emergency Communications in the amount of \$5,998,000 pursuant to Resolution No. 76 of 2013; and

WHEREAS, it is now necessary to increase the appropriation for such acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction costs by \$6,000,000;

Now, therefore, be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:** Section (A). The bond resolution of said County duly adopted by the County Legislature on August 1, 2013, entitled:

"RESOLUTION NO. 179 of 2013

BOND RESOLUTION DATED AUGUST 1, 2013
BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING THE AUTHORIZING THE ACQUISITION OF LAND TO PROVIDE SITES FOR NEW PUBLIC SAFETY COMMUNICATIONS RADIO TOWERS AND RELATED EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF"

is hereby amended to read as follows:

BOND RESOLUTION DATED AUGUST 1, 2013 AND AMENDED OCTOBER 2, 2014
BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ACQUISITION OF LAND TO PROVIDE SITES FOR NEW PUBLIC SAFETY COMMUNICATIONS RADIO TOWERS AND RELATED EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$14,998,000; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY TO FINANCE A PORTION OF SAID APPROPRIATION; AND AUTHORIZING THE EXPENDITURE OF \$5,998,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST THEREOF.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue existing capital project No. 376 for the Department of Emergency Services and Communications consisting of (a) acquisition of land to provide sites for new public safety

communications radio towers, at the estimated maximum cost of \$1,700,000 and (b) acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction costs, at the estimated maximum cost of \$13,298,000, all as more particularly described in the County's 2014 Capital Plan, as amended. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$14,998,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$9,000,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and application of \$5,998,000 expected to be received from the State of New York to be expended towards the cost of such acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal and interest on said bonds or notes.

Section 2. Bonds of the County in the respective principal amounts of (a) \$1,700,000 and (b) \$7,300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said \$1,700,000 bonds herein authorized by Section 2(a) of this resolution are to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years; and

(b) The period of probable usefulness of the objects or purposes for which said \$7,300,000 bonds herein authorized by Section 2(b) of this resolution are to be issued, within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section (D). This resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsors:

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE SIGHT DISTANCE IMPROVEMENTS OF COUNTY ROAD NO. 89 AT SEARSVILLE ROAD, CLASSIFYING THE ACTION AS UNLISTED AND DETERMINING THAT THE ACTION WILL NOT HAVE ANY SIGNIFICANT, ADVERSE ENVIRONMENTAL IMPACTS.

WHEREAS, Orange County intends to make modifications to the existing horizontal and vertical alignments of County Road No. 89 (Hill Road) at the intersection of Searsville Road to improve the existing sight distance in the Town of Crawford; and

WHEREAS, in compliance with the State Environmental Quality Review Act (SEQRA), and the regulations promulgated thereto, an Environmental Assessment Form ("EAF"), has been completed and in accordance with the findings of Part 1, 2 and 3 of the Environmental Assessment Form ("EAF"), it is determined that the project will not result in any significant adverse environmental impact.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the Orange County Legislature declares itself Lead Agency concerning the Sight Distance Improvements of County Road No. 89 at Searsville Road; and
2. Makes a determination, pursuant to 6 NYCRR Section 617.6 that the proposed action is an Unlisted Action; and
3. Determines in accordance with the Findings of Parts 1, 2 and 3 of the Environmental Assessment Form ("EAF") that the project will have no significant adverse environmental impact.

ORANGE COUNTY LEGISLATURE

Committee: Physical Services

Sponsors:

Co-Sponsors:

Agenda No. 10

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE SETTING A DATE FOR A PUBLIC HEARING WITH RESPECT TO THE REHABILITATION OF BEAVER DAM LAKE.

WHEREAS, the Commissioner of the Orange County Department of Public Works wishes to hold a Public Hearing to receive public comment on the Rehabilitation of Beaver Dam Lake Dam in and for Beaver Dam Lake Protection and Rehabilitation District. The project includes the development of a design for construction of elements of the Beaver Dam Lake Dam that do not meet the New York

State Department of Environmental Conservation (NYSDEC) plan safety guidelines, and to ensure compliance with these guidelines; and

WHEREAS, The Physical Services Committee of the Legislature has met, considered and approved this resolution.

NOW THEREFORE, BE IT

RESOLVED, That the Legislature of Orange County hereby sets the date of the 27th day of October, 2014, at 1:45 p.m., for a public hearing to be held at the Orange County Emergency Services Building Auditorium, 22 Wells Farm Road, Goshen, New York, Orange County, New York 10924 to consider such Rehabilitation of Beaver Dam Lake and not less than ten days nor more than twenty days before.

BE IT FURTHER RESOLVED, that the Clerk of the Legislature is hereby directed to cause a notice of said hearing, in substantially the following form to be published in the six official newspapers of the County, at least five days before the date specified for said hearing.

DATED: OCTOBER 2, 2014

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Legislature of the County of Orange will meet at the Auditorium in the Orange County Emergency Operations Center, 22 Wells Farm Road, Goshen, New York on the 27th day of October, 2014 at 1:45 p.m. on that day to hold a Public Hearing to receive public comment on the Rehabilitation of Beaver Dam Lake Dam in and for Beaver Dam Lake Protection and Rehabilitation District. The project includes the development of a design for construction of elements of the Beaver Dam Lake Dam that do not meet the New York State Department of Environmental Conservation (NYSDEC) plan safety guidelines, and to ensure compliance with these guidelines, including but not limited to reconstruction of the spillway and repair of the crest, described in the report and estimate of cost prepared by the Orange County Department of Public Works, which has been filed with the Clerk of the County Legislature in the Orange County Government Center, 255 Main Street, Goshen, NY 10924.

The maximum estimated cost of such increase and improvement is \$3,700,000.00 assessed against a benefited area which consists of Beaver Dam Lake Rehabilitation and Protection District. The annual maximum cost of such expenditures to the Typical Property (as defined in the County

Law) within The Town of Blooming Grove, BD001 (Operation and Maintenance Points) is estimated to be \$19.36. BD002 (Net Capital Points) is estimated to be \$760.50 and BD003 (Lake Front Foot Surcharge) is estimated to be \$77.01; within the Town of New Windsor, BD001 (Operation and Maintenance Points) is estimated to be \$19.36. BD002 (Net Capital Points) is estimated to be \$304.20 and BD003 (Lake Front Foot Surcharge) is estimated to be \$25.50, and within the Town of Cornwall, BD001 (Operation and Maintenance Points) is estimated to be \$19.36. BD002 (Net Capital Points) is estimated to be \$507.00 and BD003 (Lake Front Foot Surcharge) is estimated to be \$25.50 in accordance with the provisions of Section 268 of the County Law.

The County Legislature has caused to be prepared and filed for public inspection with the Clerk of the Orange County Legislature a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Department of Public Works.

Dated: October 2, 2014
Goshen, New York

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ORANGE, NEW YORK
By: Jean Ramppen
Clerk, County Legislature

ORANGE COUNTY LEGISLATURE

Committees: Physical Services; Ways and Means
Sponsors:
Co-Sponsor:

Agenda No. 11

RESOLUTION NO. OF 2014

BOND RESOLUTION DATED OCTOBER 2, 2014

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ADDITIONAL FINANCING FOR THE IMPLEMENTATION OF THE COUNTY-WIDE PETROLEUM BULK STORAGE COMPLIANCE AND CORRECTIVE ACTION PLAN, STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$590,000, APPROPRIATING \$60,000 THEREFOR, IN ADDITION TO THE \$530,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$60,000 BONDS OF THE COUNTY TO FINANCE SAID ADDITIONAL APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK
(by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS**
FOLLOWS:

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue capital project No. 124 for the Department of Public Works/Environmental Facilities & Services pursuant to a proposed Order on Consent (CO 3-20100622-92) of the New York State Department of Environmental Protection consisting of implementation of the County-wide petroleum bulk storage compliance and corrective action plan, including removal and replacement of bulk petroleum storage tanks, all as more particularly described in the County's 2014 Capital Plan, as amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$590,000, and \$60,000 is hereby appropriated therefor, in addition to the \$530,000 previously appropriated pursuant to Resolution No. 58 of 2014 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$60,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$60,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of said objects or purposes for which said \$60,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 90 of the Law, is ten (10) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsor:

Co-Sponsor:

Agenda No. 12

RESOLUTION NO. OF 2014

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON THE PROPOSED ORANGE COUNTY BUDGET FOR THE FISCAL YEAR 2015, SOCIAL SERVICES DISTRICT PURPOSES, AND UPON THE ASSESSMENT ROLLS FOR ORANGE COUNTY SEWER DISTRICT NO. 1, ORANGE COUNTY SMALL WATERSHED PROTECTION DISTRICT NO. 1 FOR CROMLINE CREEK AND BEAVER DAM LAKE DISTRICT, FOR SUCH FISCAL YEAR, PURSUANT TO SECTIONS 271 AND 359 OF THE COUNTY LAW AND SECTION 4.06 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the County Executive of Orange County, on October 1, 2014, filed with the Clerk of this Legislature a proposed budget for Orange County, the Orange County Social Services District, Orange County Sewer District No. 1, Orange County Small Watershed Protection District No. 1 for Cromline Creek and Beaver Dam Lake District for the 2015 fiscal year; and

WHEREAS, the County Executive of Orange County, on October 1, 2014, filed with the Clerk of this Legislature the assessment rolls for Orange County Sewer District No. 1, Orange County Small Watershed Protection District No. 1 for Cromline Creek and Beaver Dam Lake District for the 2015 fiscal year; and

WHEREAS, copies of the said proposed budget are being prepared, as required by law, and will be furnished to the members of the County Legislature.

RESOLVED AS FOLLOWS:

1. The Clerk of the County Legislature is hereby directed to cause to be printed, or otherwise reproduced, at least 100 copies of such proposed budget for the use of all interested persons.
2. A public hearing upon said proposed budget and upon said assessment rolls is hereby fixed, to be held at the Orange County Emergency Services Building Auditorium, 22 Wells Farm Road, Goshen, New York, on the 23rd day of October, 2014, at 6:00 p.m. (EDT) of that day.
3. The Clerk of the County Legislature shall cause a notice of said hearing, in substantially the following form, to be published at least once in the six official newspapers of the County, at least five days before the date specified for said hearing, to wit:

NOTICE OF LEGISLATIVE HEARING ON PROPOSED 2015 ORANGE COUNTY BUDGET, PROPOSED 2015 ORANGE COUNTY SEWER DISTRICT NO. 1 BUDGET, AND ASSESSMENT ROLL FOR SAID SEWER DISTRICT, PROPOSED 2015 ORANGE COUNTY SMALL WATERSHED PROTECTION DISTRICT NO. 1 FOR CROMLINE CREEK BUDGET AND ASSESSMENT ROLL FOR SAID WATER DISTRICT AND PROPOSED 2015 BEAVER DAM LAKE DISTRICT AND ASSESSMENT ROLL FOR SAID DISTRICT

NOTICE IS HEREBY GIVEN, that the County Legislature of the County of Orange will meet at the Orange County Emergency Services Building Auditorium, 22 Wells Farm Road, Goshen, New York, on the 23rd day of October, 2014, at 6:00 p.m. (EDT) of that day for the purposes of holding a public hearing on the following:

1. On the proposed budget of the County of Orange and on the Social Services District of said County for the fiscal year beginning January 1, 2015.
2. On the budget and assessment roll for Orange County Sewer District No. 1 for the fiscal year beginning January 1, 2015.
3. On the budget and assessment roll for Orange County Small Watershed Protection District No. 1 for Cromline Creek for the fiscal year beginning January 1, 2015.
4. On the budget and assessment roll for Beaver Dam Lake District for the fiscal year beginning January 1, 2015.

FURTHER NOTICE IS HEREBY GIVEN, THAT:

A. The assessment rolls for Orange County Sewer District No. 1, Orange County Small Watershed Protection District No. 1 for Cromline Creek and Beaver Dam Lake District for the fiscal year commencing January 1, 2015, have been completed and are on file at the Office of the Clerk of the Orange County Legislature, 15 Matthews Street, Suite 203, Goshen, New York where the same may be inspected by any interested person during regular business hours.

B. At the public hearing hereinabove mentioned, the Orange County Legislature will meet and hear and consider any objections which may be made to said assessment rolls.

C. Complete copies of the proposed 2015 Orange County Budget, proposed 2015 budget for Orange County Sewer District No. 1, proposed 2015 budget for Orange County Small Watershed Protection District No. 1 for Cromline Creek and Beaver Dam Lake District, are available at the office of the Clerk of the Orange County Legislature at the address set forth in Paragraph "A" above, where they may be inspected or procured by any interested persons during regular business hours.

Pursuant to Section 359 of the County Law, the maximum salaries that may be fixed and payable during said fiscal year to members of said County Legislature, to the Chairperson thereof, and the Majority and Minority Leaders thereof, respectively, are hereby specified as follows:

Annual Salary to Members of the County Legislature (except Chairperson and Majority and Minority Leaders)	\$29,811.00
Annual Salary to Chairperson of the County Legislature	\$49,684.00
Annual Salary to Majority Leader	\$36,436.00
Annual Salary to Minority Leader	\$36,436.00
Annual Salary to Chairperson of Statutory Committees	\$33,124.00

Dated:

**BY ORDER OF THE ORANGE COUNTY LEGISLATURE
JEAN M. RAMPEN, CLERK**

ORANGE COUNTY LEGISLATURE

**Committee: Ways and Means
Sponsor:
Co-Sponsors:**

Agenda No. 13

RESOLUTION NO. OF 2014

RESOLUTION APPROVING THE APPLICATIONS FOR CORRECTION OF CERTAIN TAX ROLLS BECAUSE OF CLERICAL ERRORS, ETC., PURSUANT TO TITLE 3 OF ARTICLE 5, SECTION 554 OF THE REAL PROPERTY TAX LAW.

WHEREAS, the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2011 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 554 of the Real Property Tax Law as summarized below.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.
2. That the taxes levied and extended upon said parcels be and the same hereby are decreased in the manner and to the extent set forth in said reports of the Director, as shown below.

FOR THE YEAR 2011

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Monroe 43-3-8	Chevra Kadisha Anash Inc.	Parcel is a cemetery and should have been wholly exempt.

Please note NY State Bill #A09326 did not authorize a correction of the 2010 tax bill. This bill only authorizes the assessment roll years of 2010 and 2011 which effect the tax bills of 2011 and 2012 which have now been corrected.

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount To Be Decreased</u>
County	\$72,100.00	\$ 1,242.65	\$0.00	\$0.00	\$ 1,242.65
Town	\$72,100.00	\$ 454.80	\$0.00	\$0.00	\$ 454.80
Highway	\$72,100.00	\$ 87.34	\$0.00	\$0.00	\$ 87.34
Part Town	\$72,100.00	\$ 125.92	\$0.00	\$0.00	\$ 125.92
School Relevy		\$ 9,558.58	\$0.00	\$0.00	\$ 9,558.58
Monroe Fire	\$72,100.00	\$ 288.11	\$0.00	\$0.00	\$ 288.11
Monroe library	\$72,100.00	\$ 213.16	\$0.00	\$0.00	\$ 213.16
Monroe Town Lt	\$72,100.00	\$ 25.83	\$0.00	\$0.00	\$ 25.83
Monroe Refuse	\$ 200.00	\$ 409.10	\$0.00	\$0.00	\$ 409.10
Co 1 Bond Stp&Intc	\$72,100.00	\$ 195.49	\$0.00	\$0.00	\$ 195.49
		\$12,600.98		\$0.00	\$12,600.98

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means
Sponsor:
Co-Sponsors:

Agenda No. 14

RESOLUTION NO. OF 2014

RESOLUTION APPROVING THE APPLICATIONS FOR CORRECTION OF CERTAIN TAX ROLLS BECAUSE OF CLERICAL ERRORS, ETC., PURSUANT TO TITLE 3 OF ARTICLE 5, SECTION 554 OF THE REAL PROPERTY TAX LAW.

WHEREAS, the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2011 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 554 of the Real Property Tax Law as summarized below.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

3. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.
4. That the taxes levied and extended upon said parcels be and the same hereby are decreased in the manner and to the extent set forth in said reports of the Director, as shown below.

FOR THE YEAR 2011

<u>PROPERTY</u>	<u>OWNER</u>	<u>REASON</u>
Town of Monroe 43-3-9	Chevra Kadisha Anash Inc.	Parcel is a cemetery and should have been wholly exempt.

Please note NY State Bill #A09326 did not authorize a correction of the 2010 tax bill. This bill only authorizes the assessment roll years of 2010 and 2011 which effect the tax bills of 2011 and 2012 which have now been corrected.

	<u>Now Reads</u>		<u>Should Read</u>		<u>Amount To Be Decreased</u>
County	\$77,400.00	\$ 1,334.00	\$0.00	\$0.00	\$ 1,334.00
Town	\$77,400.00	\$ 488.23	\$0.00	\$0.00	\$ 488.23
Highway	\$77,400.00	\$ 93.76	\$0.00	\$0.00	\$ 93.76
Part Town	\$77,400.00	\$ 135.18	\$0.00	\$0.00	\$ 135.18
School Relevy		\$10,261.21	\$0.00	\$0.00	\$10,261.21
Monroe Fire	\$77,400.00	\$ 309.29	\$0.00	\$0.00	\$ 309.29
Monroe library	\$77,400.00	\$ 228.83	\$0.00	\$0.00	\$ 228.83
Monroe Town Lt	\$77,400.00	\$ 27.73	\$0.00	\$0.00	\$ 27.73
Monroe Refuse	\$ 200.00	\$ 409.10	\$0.00	\$0.00	\$ 409.10
Co 1 Bond Stp&Intc	\$77,400.00	\$ 209.86	\$0.00	\$0.00	\$ 209.86
		<u>\$13,497.19</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$13,497.19</u>

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means
Sponsor:
Co-Sponsors:

Agenda No. 15

RESOLUTION NO. OF 2014

RESOLUTION PURSUANT TO REAL PROPERTY TAX LAW SECTION 558 DIRECTING THE CANCELLATION OF CERTAIN TAXES WHICH HAVE BEEN RENDERED UNENFORCEABLE.

WHEREAS, it has been brought to the attention of the Commissioner of Finance that the lien for certain taxes extended on the tax rolls for the municipality listed is rendered permanently unenforceable by reason of law.

NOW, THEREFORE, it is hereby

RESOLVED, that the delinquent taxes for the lands listed below be cancelled and charged back to the affected municipality.

PROPERTY

OWNER

REASON

Town of New Windsor
13-5-1

Specialty Powder Metallurgy
Products

Property has liability issues as well
as DEC problems.

FOR THE YEAR 2008

County	\$ 2,723.46
Town	\$ 1,552.83
Highway	\$ 943.37
AM003 NW Ambulance	\$ 25.08
FD035 Quassick Fire	\$ 1,570.36
SW829 Swr Dist 9 bond	\$ 37.76
WD006 NW wtr 1	\$ 211.91
2007/08 Newburgh City School	\$15,232.06
	\$22,296.83

PROPERTY

OWNER

REASON

Town of New Windsor
13-5-1

Specialty Powder Metallurgy
Products

Property has liability issues as well
as DEC problems.

FOR THE YEAR 2009

County	\$ 2,682.95
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Town	\$ 1,643.89
Highway	\$ 974.97
AM003 NW Ambulance	\$ 92.12
FD035 Quassick Fire	\$ 1,461.43
SW829 Swr Dist 9 bond	\$ 35.45
WD006 NW wtr 1	\$ 271.28
2008/09 Newburgh City School	<u>\$15,037.93</u>
	\$22,200.02

PROPERTY

OWNER

REASON

Town of New Windsor 13-5-1	Specialty Powder Metallurgy Products	Property has liability issues as well as DEC problems.
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FOR THE YEAR 2010

County	\$ 2,564.76
Town	\$ 1,754.74
Highway	\$ 998.81
AM003 NW Ambulance	\$ 95.78
FD035 Quassick Fire	\$ 1,410.38
SW829 Swr Dist 9 bond	\$ 31.49
WD006 NW wtr 1	\$ 393.58
UU001 Unpaid utilities	\$ 65.45
2009/10 Newburgh City School	<u>\$ 6,128.90</u>
	\$13,443.89

ORANGE COUNTY LEGISLATURE

Committee: Ways and Means

Sponsors:

Co-Sponsors:

Agenda No. 16

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE PRIVATE SALE AND CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 2 OF 2010.

WHEREAS, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 2 of 2010), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

WHEREAS, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

WHEREAS, offers for several said parcels have been accepted by the Commissioner of Finance; and

WHEREAS, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

NOW, THEREFORE, it is hereby

RESOLVED AS FOLLOWS:

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., November 3, 2014, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<u>PARCEL</u>	<u>BIDDER</u>	<u>AMOUNT OF BID NET TO COUNTY</u>
Blooming Grove 32-3-57	Michael A. Fuentes, Sr. 47 Washington Road Monroe, NY 10950	\$ 200.00
Crawford 16-2-16	Deborah Fraumeni 6216 Pinecrest Drive East Stroudsburg, PA 18301	\$25,000.00
Deerpark 30-7-3	Richard P. O'Leary Joan G. O'Leary 101 Riverdale Road Port Jervis, NY 12771	\$ 2,000.00
Deerpark 30-7-4	Richard P. O'Leary Joan G. O'Leary 101 Riverdale Road Port Jervis, NY 12771	\$22,500.00
Greenville 9-18-1	Joseph & Ruth Kaczowski 773 U.S. Hwy 6 Port Jervis, NY 12771	\$ 1,500.00
Highland 11-1-2	David G. Tonneson Deborah P. Tonneson Box 183 Fort Montgomery, NY 10922	\$ 9,000.00

Warwick
107-1-17

Two Optimists and Tom, LLC
16 Sterling Lake Road
Tuxedo Park, NY 10987

\$25,000.00

Wallkill
77-6-15

Steven J. Green
P.O. Box 534
Goshen, NY 10924

\$35,200.00

ORANGE COUNTY LEGISLATURE

Committees: Education and Economic Development; Ways and Means

Sponsors:

Co-Sponsor:

Agenda No. 17

RESOLUTION NO. OF 2014

BOND RESOLUTION DATED OCTOBER 2, 2014

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING FINANCING OF CAPITAL PROJECTS INCLUDED IN THE 2014 CAPITAL BUDGET OF THE COUNTY FOR VARIOUS IMPROVEMENTS TO ORANGE COUNTY COMMUNITY COLLEGE FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,380,000, APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$690,000 BONDS OF THE COUNTY TO FINANCE A PORTION OF SAID APPROPRIATION; AND AUTHORIZING THE EXPENDITURE OF \$690,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO PAY THE BALANCE OF SAID APPROPRIATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to undertake and establish new capital projects for the Orange County Community College ("OCCC") as described in column A of the attached schedule, each as more fully detailed in column G of the attached schedule and the duly adopted 2014 Capital Budget for the County, as amended. The respective estimated maximum costs of (a) the specific objects or purposes set forth in rows 1, 3 and 4, and (b) the objects or purposes set forth in row 2, and (c) the class of objects or purposes set forth in row 5, in the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2014 Capital Budget for the County, as amended. The plan of financing includes the issuance of \$690,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and application of \$690,000 expected to be received from the State of New York to be expended towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal and interest on said bonds or notes.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said improvements for which said \$690,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

ORANGE COUNTY LEGISLATURE

Committee: Personnel and Compensation

Sponsors:

Co-Sponsors:

Agenda No. 18

RESOLUTION NO. OF 2014

RESOLUTION EXTENDING THE RETIREMENT INCENTIVE FOR ORANGE COUNTY EMPLOYEES CREATED BY RESOLUTION NO. 173 OF 2014.

WHEREAS, Resolution No. 173 of 2014 created a retirement incentive for Orange County Employees.

NOW THEREFORE, be it **THEREFORE**

RESOLVED, that the Retirement Incentive for Orange County Employees created by Resolution No.173 of 2014 is hereby extended one month:

- i. any person wishing to take advantage of this incentive shall notify the Commissioner of Human Resources in writing of their interest in taking advantage of this incentive not later than 5:00 PM on October 30, 2014 and shall retire pursuant to the rules and regulations of the retirement system they are a member of by December 1, 2014; and be it further
- ii. the Commissioner of Human Resources is directed to meet with the Department Heads of affected employees and Department Heads are required to approve such participation by the proposed participating employee not later than 5:00 PM on October, 31, 2014 by notifying the Commissioner of Human Resources of such approval; and be it further

RESOLVED, that all such other terms and conditions of the retirement incentive program set forth in Resolution No. 173 of 2014 shall remain in full force and effect.

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 19

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE CALLING UPON THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO CONTINUE ITS THOROUGH REVIEW OF THE PERMIT APPLICATION OF GLOBAL COMPANIES, LLC FOR ITS NEW WINDSOR FACILITY.

WHEREAS, in August, 2013, Global Companies LLC ("Global") made application to the New York State Department of Environmental Conservation ("NYSDEC") for a permit to redevelop the former industrial shipyard into a railcar transloading facility in the Town of New Windsor and modify its existing air permits for three adjacent Major Oil Storage Facilities (MOSF's) terminals owned by Global. The proposed redeveloped facility would receive petroleum by rail and distribute them to existing storage tanks located at the adjacent NYSDEC -licensed MOSF terminal. The proposed project also includes a new Article 15 Protection of Waters permit for work proposed along the Hudson River; and

WHEREAS, according to the NYSDEC's website, Global's proposed project at the New Windsor facility includes: (i) redevelopment of a former industrial shipyard and metals refinery, currently accepted in the New York State Brownfield Cleanup Program (BCP) for site remediation, into railcar transloading facility; (ii) the interconnection of the three separate MOSF's owned by Global with one another and the railcar transloading facility (including installation of pipelines and associated pumps); (iii) a change of product and use for some existing bulk storage tanks at the MOSF's from distillate product storage of volatile organic liquid and installation of internal floating roofs with those storage tanks; (iv) construction of two marine Vapor Combustion Units (VCUs) at the south and north terminal docks to control vapors from proposed marine loading operations; (v) installing of marine loading arms at the Global Newburgh Terminal and Global North Terminal docks; (vi) installation of steam and/or hot oil boilers for heating of rail cars and tanks; and (vii) a 500-square foot expansion of the North Terminal marine dock (including installation/driving six support H-piles) within the Hudson River; and

WHEREAS, on March 24, 2014, the NYSDEC sent a "Notice of Incomplete Application to Global." The Notice informed Global that DEC staff determined that the applications were incomplete and further details were required on the following issues: 1. SEQRA REVIEW a) overall operations; b) scope of rail transloading facility site development activity; c) construction stormwater discharges; d) industrial stormwater discharge; e) emergency response; f) air resources; g) flooding and floodplain; h) community plans and character; i) light; j) noise; k) environmental justice; 2. Article 15, Protection of Waters (6NYCRR PART 608) permit application; 3. SPDES – MOSF's Existing Industrial Discharge Permits; and 4. MOSF license amendments.

WHEREAS, crude oil from the Bakken shale deposits has been proven to be more explosive and more corrosive than typical crude oils, and heavy, sinking oils from tar sands formations have been found to be much more viscous than typical crude oils, making the protection of public safety and environmental health from these particular types of oils, as well as spill response and remediation, difficult and dangerous; and

WHEREAS, until the above issues are significantly addressed to the satisfaction of the NYSDEC and the Town of New Windsor no permitting applications should be granted.

NOW, THEREFORE, BE IT

RESOLVED, that redevelopment of the former industrial shipyard into a crude oil railcar transloading facility in the Town of New Windsor and modification of existing air permits for three adjacent Major Oil Storage Facilities (MOSF's) terminals owned by Global creates an imminent, significant risk for the people, economy and the environment of Orange County; and be it further

RESOLVED, that the Orange County Legislature calls on the New York State Department of Environmental Conservation (DEC) and the Town of New Windsor to immediately order a full, complete and thorough environmental impact study of the proposed expansion of Global's terminal in New Windsor; and be it further

RESOLVED, the Clerk of the Orange County Legislature is hereby authorized and directed to send certified copies of this resolution to New York State Governor Andrew Cuomo; New York State Department of Environmental Conservation (DEC) Commissioner Joe Martens; Town of New Windsor Supervisor, George Green, New York State Senators John Bonacic and William Larkin; and New York State Assembly Members Aileen Gunther, James Skoufis, Frank Skartados and Claudia Tenney and to Thomas Keefe, Global Companies, LLC at 800 South Street, Suite 200, Waltham, MA 02453.

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 20

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES, TO ACCEPT GRANT FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the United States Department of Homeland Security's Federal Emergency Management Agency (FEMA) has offered a \$225,000.00 Mitigation Grant for Project 4085-0025 for mitigation planning, drafting of County Multi-Jurisdictional Hazard Mitigation Plan and submission of such plan to the FEMA Regional Administrator for approval. A required local match of \$75,000.00 will be in-kind services; and

WHEREAS, this Legislature does wish to accept said grant for the Department of Emergency Services as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Emergency Services, be and hereby is authorized to accept a Mitigation Grant from the United State Department of Homeland

Security's Federal Emergency Management Agency (FEMA) in the amount of \$225,000.00 as indicated above. A required local match of \$75,000.00 will be in-kind services.

2. That the 2014 budget for the Department of Emergency Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	364001	440891	General Govt. Aid	\$225,000.00
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Expenses:

1010	364001	571820	Consultant Services	\$210,000.00
1010	364001	573100	Office Supplies	\$ 3,000.00
1010	364001	575750	County Motor Pool	\$ 1,000.00
1010	364001	577080	Printing	\$ 2,000.00
1010	364001	576770	Special Travel	\$ 4,000.00
1010	364001	573200	Food	\$ 5,000.00
				<u>\$225,000.00</u>

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 21

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES, TO ACCEPT AND APPROPRIATE FUNDS FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE THROUGH THE NYS STOP-DWI FOUNDATION, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the State of New York Governor's Traffic Safety Committee through the NYS STOP-DWI Foundation has offered Federal funds in the amount of \$114,920.00 as a sub-recipient of a STOP-DWI Crackdown Enforcement grant. Said funds will be allocated to the municipalities for STOP-DWI enforcement patrols/checkpoints during designated Crackdown periods.

WHEREAS, this Legislature does wish to accept and appropriate said funds for the Orange County Department of Emergency Services as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Emergency Services, be and hereby is authorized to accept and appropriate Federal grant funds from the State of New York Governor's Traffic Safety Committee through the NYS STOP-DWI Foundation in the amount of \$114,920.00 as indicated above.

2. That the 2014 budget for the Department of Emergency Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	398903	443891	Other Public Safety	\$114,920.00
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Expenses:

1010	398903	576820	Specialty Payments	\$114,920.00
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ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 22

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES, TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the State of New York Governor's Traffic Safety Committee has offered a grant in the amount of \$62,015.00 for the 2015 Traffic Safety Program for the continuance of providing educational programs to reduce incidents of fatalities and serious personal injury vehicle accidents; and

WHEREAS, this Legislature does wish to accept and appropriate said grant for the Department of Emergency Services as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Emergency Services, be and hereby is authorized to accept and appropriate grant funds from the State of New York Governor’s Traffic Safety Committee in the amount of \$62,015.00 for the 2015 Traffic Safety Program as indicated above.

2. That the 2014 Budget for the Department of Emergency Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010 398903 443891 Other Public Safety \$62,015.00

Expenses:

1010 398903 571820 Consultant Services \$55,000.00
1010 398903 576820 Specialty Payments \$ 7,015.00
\$62,015.00

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 23

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY SHERIFF’S OFFICE, TO ACCEPT FUNDS FROM THE STATE CRIMINAL ALIENS ASSISTANCE PROGRAM, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the State Criminal Aliens Assistance Program (SCAAP) has offered funds in the amount of \$102,994.00. Said funds are a reimbursement from the Federal Government for the housing of illegal aliens at the Orange County Correctional Facility; and

WHEREAS, this Legislature does wish to accept said funds for the Orange County Sheriff’s Office as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Orange County Sheriff, be and hereby is authorized to accept funds from the State Criminal Aliens Assistance Program (SCAAP), in the amount of \$102,994.00 as indicated above.

2. That the 2014 budget for the Orange County Sheriff's Office is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010 311033 440891 Other public safety \$102,994.00

Expense:

1010 311033 585012 Inventoried Specialty Equipment \$102,994.00

ORANGE COUNTY LEGISLATURE

Committee: Public Safety and Emergency Services

Sponsors:

Co-Sponsors:

Agenda No. 24

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY PROBATION DEPARTMENT, TO ACCEPT FUNDS FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Division of Criminal Justice Services has offered Alternatives to Incarceration (ATI) funding for the Misdemeanor Alternative Sentencing Program (MASP) in the amount of \$46,586.00 allocated to the Probation Department, as well as Treatment Alternatives for Safer Communities (TASC) funding in the amount of \$100,919.00 allocated to the Alcohol and Drug Abuse Council of Orange County. Said funds are for the period of July 1, 2014 through June 30, 2015. Said funds were budgeted for 2014 and no additional appropriation is required; and

WHEREAS, this Legislature does wish to accept said ATI and TASC funds on behalf of the Orange County Probation Department as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, that the County Executive, on behalf of the Orange County Probation Department, is hereby authorized to accept Alternatives to Incarceration (ATI) funding for the Misdemeanor Alternative Sentencing Program (MASP) in the amount of \$46,586.00 allocated to the Probation Department, as well as Treatment Alternatives for Safer Communities (TASC) funding in the amount of \$100,919.00 allocated to the Alcohol and Drug Abuse Council of Orange County, and to execute any and all other papers and agreements required in connection with such acceptance, subject to review thereof by the County Attorney for purposes of form and content.

ORANGE COUNTY LEGISLATURE

Committees: Health and Mental Health; Rules, Enactments and Intergovernmental Relations

Sponsor:

Co-Sponsors:

Agenda No. 25

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE PROVIDING FOR ANNUAL MAINTAINANCE AND REPAIRS OF THE ORANGE COUNTY CEMETERIES LOCATED AT THE RESIDENTIAL HEALTH CARE FACILITY PREMISES ON QUARRY ROAD, TOWN OF GOSHEN, NEW YORK.

WHEREAS, since the early 1800s, the County of Orange has been responsible for providing food, shelter and a final resting place for the young and old who were indigent and those suffering from mental disorders. The facility, located on Quarry Road in the Town of Goshen, was once known as the "Poor House," "County House" or the "Farm, providing respite, education and resources to those in need." Today, the complex has evolved into a public nursing home, a housing complex, buildings for the operations of the Department of Social Services and County Clerk as well the original cemetery which dates back to the early 1800s; and

WHEREAS, in accordance with N.Y.S. County Law Section 222, county burial plots of indigent persons "shall be under the general care and supervision of the county commissioner of public welfare"; and

WHEREAS, it has come to the attention of this Legislature that one of the old burial grounds located on Quarry Road and designated as the "New Cemetery Lot at Orange Farms" has fallen into a state of neglect and disrepair; and

WHEREAS, N.Y.S. Town Law Section 291, imposes a duty upon towns to maintain cemeteries or burial grounds vested in the town by removing the grass and weeds at least three times in each year and to erect and maintain suitable fences around such cemetery or burial ground; and

WHEREAS, this Legislature finds and determines that it would be in the best interest of the county in keeping with its moral and legal obligation to provide annual maintenance and repair at the burial grounds located at the residential health care complex burial grounds;

NOW THEREFORE, be it

RESOLVED, that the Commissioner of Public Works is hereby directed to provide for the oversight and, if necessary, for the annual maintenance and necessary repairs at the Orange County Cemeteries located on Quarry Road in the Town of Goshen, New York, utilizing any available services provided through the Commissioner of the Department of Residential Health Care Services or other community based organizations, by removing the grass and weeds at least three times a year, annually resetting headstones, and providing adequate fencing to prevent vandalism.

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 26

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF MENTAL HEALTH, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Office of Mental Health (OMH) has offered funds in the amount of \$57,111.00 (\$114,222.00 annualized) for six (6) supported housing beds and outreach services effective July 1, 2014. These funds are part of the System Transformation Plan initiative which is intended to reduce the need for a length of costly psychiatric hospitalizations; and

WHEREAS, this Legislature does wish to accept and appropriate said funds for the Department of Mental Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Mental Health, be and hereby is authorized to accept and appropriate funds from the New York State Office of Mental Health in the amount of \$57,111.00 as indicated above.
2. That the 2014 budget for the Department of Mental Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010 432201 434901 State Aid \$57,111.00

Expense:

1010 432201 573990 Contract Agency(s) to be determined via RFP \$57,111.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 27

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF MENTAL HEALTH, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Office of Mental Health (OMH) has offered funds in the amount of \$42,860.00 (\$85,720.00 annualized) for a children's outreach services team effective July 1, 2014. These funds are part of the System Transformation Plan initiative which is intended to reduce the need for a length of costly psychiatric hospitalizations; and

WHEREAS, this Legislature does wish to accept and appropriate said funds for the Department of Mental Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Mental Health, be and hereby is authorized to accept and appropriate funds from the New York State Office of Mental Health in the amount of \$42,860.00 as indicated above.

2. That the 2014 budget for the Department of Mental Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	432201	434901	State Aid	\$20,953.00
1010	432001	434901	State Aid	<u>\$21,907.00</u>
				\$42,860.00

Expenses:

1010	432201	573990	Family Empowerment Council	\$20,953.00
1010	432001	571830	Consult Serv (Medical/Health)	<u>\$21,907.00</u>
				\$42,860.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 28

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF MENTAL HEALTH, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has offered funds in the amount of \$79,000.00 based on the State Aid Funding Authorization (SAFA) letter dated August 1, 2014. The revised SAFA was issued for Catholic Charities Community Services of Orange County, Inc. reflecting one-time only changes for 2014 for the purchase of software upgrades; and

WHEREAS, this Legislature does wish to accept and appropriate said funds for the Department of Mental Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Mental Health, be and hereby is authorized to accept and appropriate funds from the New York State Office of Alcoholism and Substance Abuse Services in the amount of \$79,000.00 as indicated above.

2. That the 2014 budget for the Department of Mental Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010 432201 573990 State Aid \$79,000.00

Expenses:

1010 432201 434901 Catholic Charities Community Services \$79,000.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 29

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT SUPPLEMENTAL FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Health has offered supplemental funds in the amount of \$3,924.00 for the Tuberculosis Control Program grant to prevent and control Tuberculosis in Orange County. The term of the grant runs from March 31, 2014 to March 30, 2015; and

WHEREAS, this Legislature does wish to accept said supplemental funds for the Department of Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept supplemental funds from the New York State Department of Health in the amount of \$3,924.00 for the Tuberculosis Control Program grant as indicated above.

2. That the 2014 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010 401018 434721 Special Health Programs - TB Control \$3,924.00

Expenses:

1010 401018 571830 Consultant Services Medical \$3,924.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 30

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH BUREAU OF TUBERCULOSIS CONTROL, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Health Bureau of Tuberculosis Control (BTBC) has offered funds in the amount of \$244,650.00 for the Tuberculosis Control Program. The purpose of this grant is to prevent and control Tuberculosis in Orange County by: (1) Providing directly observed therapy to diagnosed cases; (2) Provide case and contact tracing within 48 hours of identification; (3) Provide HIV counseling and testing to Tuberculosis patients; (4) Provide screening to high risk populations; (5) Surveillance tracking and recall to foster therapy completion; and (6) Increase outreach and Tuberculosis educational programs to professional and public audiences. The term of the grant runs from March 31, 2014 through March 30, 2019; and

WHEREAS, the Department of Health is also seeking to appropriate first year grant funds in the amount of \$48,930.00 for the first year term of March 31, 2014 through March 30, 2015. A Legislative Request will be prepared each remaining year of the contract to appropriate funds for each term; and

WHEREAS, this Legislature does wish to accept and appropriate said grant funds for the Department of Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept funds from the New York State Department of Health Bureau of Tuberculosis Control in the amount of \$244,650.00 and to appropriate first year term funds in the amount of \$48,930.00 for the Tuberculosis Control Program as indicated above.

2. That the 2014 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	401018	434721	Special Health Programs	\$48,930.00
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Expenses:

1010	401018	571500	Employee Chargeback	\$46,839.00
1010	401018	573100	Office Supplies	\$ 691.00
1010	401018	576760	Employee Mileage Reimbursement	<u>\$ 1,400.00</u>
				\$48,930.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 31

RESOLUTION NO. OF 2014

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH/OFFICE OF PUBLIC HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.

WHEREAS, the New York State Department of Health/Office of Public Health has offered a Performance Incentive Initiative Award in the amount of \$30,000.00. The term of this agreement runs from August 15, 2014 to December 31, 2014; and

WHEREAS, this Legislature does wish to accept and appropriate said award funds for the Department of Health as indicated above.

NOW, THEREFORE, it is hereby

RESOLVED, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate the Performance Incentive Initiative Award in the amount of \$30,000.00 as indicated above.

2. That the 2014 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

Revenue:

1010	401018	434011	Public Health	\$30,000.00
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Expenses:

1010	401018	577080	Printing	\$ 1,500.00
1010	401018	577090	Software	\$ 2,300.00
1010	401018	571490	Clerical Service Pool	\$ 2,100.00
1010	401018	573100	Office Supplies	\$ 3,500.00
1010	401018	573120	Copy Paper	\$ 500.00
1010	401018	573130	Reference/Educational Materials	\$ 6,800.00
1010	401018	573140	Postage	\$ 2,000.00
1010	401018	580130	Equipment (2 printers, cabinet locks)	\$ 600.00
1010	401018	583800	Equipment (Scales, Exam Lights, BP Units w/stands)	\$ 4,700.00
1010	401018	585003	Equipment (2 storage cabinets)	\$ 4,000.00
1010	401018	585015	Equipment (2 Laptops)	\$ 2,000.00
			Total Performance Incentive Initiative Award	\$30,000.00

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 32

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE RECOGNIZING OCTOBER, 2014 AS "NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH."

WHEREAS, in 1945 the United States Congress enacted Public Law 176, designating the first week in October of each year as "National Employ the Physically Handicapped Week." President

Harry S. Truman designated the President's committee on Employment of People with Disabilities to carry out the Act. In 1962, the word "physically" was removed from the week's name to acknowledge the employment needs of all Americans with disabilities. In 1988, Congress expanded the week to a month and changed its name to "National Disability Employment Awareness Month." The Labor Department's Office of Disability Employment Policy took over responsibility for National Disability Employment Awareness in 2001; and

WHEREAS, this year, the United States Department of Labor announced "Expect. Employ. Empower." as the 2014 official theme for the National Disability Employment Awareness Month; and

WHEREAS, Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy. In this spirit, Orange County is recognizing National Disability Employment Awareness Month this October to raise awareness about disability employment issues and to celebrate the many and varied contributions of people with disabilities. This year the Orange and Sullivan Counties Employment Alliance Network (OSCEAN) will recognize local businesses who employ individuals with disabilities at their annual event on Friday October 3, 2014 at 8:15 A.M. at Villa Venezia 2257 Goshen Turnpike, Middletown, NY 10940.

THEREFORE, BE IT HEREBY

RESOLVED, that we, the Orange County Legislature, hereby recognize October, 2014 as "National Disability Employment Awareness Month" and convey these sentiments to every citizen of Orange County, so that all might acknowledge the rights of people with disabilities and the need to increase public awareness of the contributions and skills of Americans workers with disabilities; and be it further

RESOLVED, that this Legislature also recognizes the following businesses for their efforts to diversify their workforce to include workers with disabilities:

Achieve Rehab and Nursing Facility, Liberty, NY
Babies-R-Us Middletown NY
Billy Joes Ribworks, Newburgh, NY
Bon Ton Newburgh, NY
Burger King Monroe NY
Cintas Corporation, Newburgh, NY
Elant, Inc. Goshen NY
Hannaford Supermarket & Pharmacy, New Windsor NY
La Bella Strings / E&O Mari, Inc. Newburgh, NY
McDonald's Central Valley NY
Monticello Casino & Raceway, Monticello, NY
Mount Alverno Center, Dietary Services Dept. Warwick NY
Olive Garden, Middletown NY
Shervier Pavilion Nursing Home, Villa Francis at the Knolls, Inc., Warwick NY
ShopRites of Orange and Sullivan Counties
Texas Roadhouse, Middletown, NY
Unitex, Newburgh, NY
Walmart Super Center, Monroe, NY
YMCA of Greater NY Huguenot NY

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 33

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE DESIGNATING OCTOBER, 2014 AS "DOMESTIC VIOLENCE AWARENESS MONTH."

WHEREAS, domestic violence is a serious crime that affects victims of all races, religions, ages, education and income levels; and

WHEREAS, the crime of domestic violence destroys an individual's privacy, dignity, security, and humanity, due to the systematic use of physical, emotional, sexual, psychological and economic control or abuse; and

WHEREAS, in 2013, Safe Homes answered almost 3,846 crisis hotline calls, 6,826 hotline calls for information and referrals, sheltered 87 adults and 76 children, provided 4,761 bed nights in our emergency shelter, served 5,400 on-going non-residential clients and 671 non-residential children. Safe Homes of Orange County displayed the Clothesline Project all around the County and continued to raise awareness and acknowledge the deaths of women throughout our county at the hands of their partners; and

WHEREAS, nearly four million American women are victims of abuse each year and forty-two (42%) percent of women murdered in the United States are killed by their intimate partners and four women per day are murdered by their husband, boyfriend or ex-boyfriend and one woman every 15 seconds is assaulted by their intimate partner. Furthermore, since September of 2004, twenty-two (22) women were murdered in Orange County as a result of domestic violence. Their names are Amelia King, Suzanne Timmoney, Vicki Godinez, Zhao Hang, Marcelina Gonzalez, Griselda Espinal, Elena Heiberger, Fermina Nunez, Gloria Rivera-Molina, Anna Taft Florence Benson, Hiria Kojtari, Deborah Nievas, Ramy Jacildo, Kathleen Connolley, Alexis Harris, Sandra Oliva, Tyrochelle Haughton, and Sabine Icart, Ada Lara, D'Anne Imbimbo Leroy, and Junco Salters; and one woman Petra Mohammed is currently missing; and

WHEREAS, child abuse is 15 times more likely to occur in families where domestic violence is present, and more than 3 million children nationwide are at risk of exposure to parental violence each year; and

WHEREAS, the National Crime Survey found that domestic violence has a direct bearing on productivity, effectiveness, absenteeism and employee turnover in the workplace and it is estimated that 175,000 days per year are missed from paid work due to domestic violence which costs an estimated 3 billion dollars per year; and

WHEREAS, this Legislature recognizes that domestic violence is a major community health issue to our citizenry; and

WHEREAS, Safe Homes of Orange County, and their Family Justice Center providing one-stop, co-located wrap-around services for victims of violence and their children, provide hope and assistance for all members of the families torn by domestic violence as well as prevention education activities in our community.

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Orange County Legislature hereby recognizes the invaluable work performed by Safe Homes of Orange County for the Prevention of Domestic Violence and designates October, 2014 as "Domestic Violence Awareness Month."

ORANGE COUNTY LEGISLATURE

Committee: Health and Mental Health

Sponsors:

Co-Sponsors:

Agenda No. 34

RESOLUTION NO. OF 2014

RESOLUTION OF THE ORANGE COUNTY LEGISLATURE RECOGNIZING OCTOBER 15, 2014 AS "WHITE CANE AWARENESS DAY."

WHEREAS, in 1921, James Biggs, a photographer from Bristol, England, became blind following an accident. He painted his walking stick white to be more visible while navigating the traffic in his community; and

WHEREAS, to make the American people more fully aware of the meaning of the white cane and of the need for motorists to exercise special care for the blind person who carries it, on October 6, 1964, the United States Congress approved a resolution authorizing the President of the United States to annually issue a proclamation designating October 15th as "National White Cane Awareness Day"; and

WHEREAS, white cane laws are on the books of every state in the United States and many other countries, providing blind persons a legal status in traffic. The white cane now universally acknowledges that the bearer is blind. New York State Vehicle and Traffic Law provides: "Every driver of a vehicle approaching an intersection or crosswalk shall yield the right of way to a pedestrian crossing or attempting to cross the roadway when such pedestrian is accompanied by a guide dog or using a cane which is metallic or white in color or white with a red tip."; and

WHEREAS, many people who reside in Orange County are blind and/or visually impaired. They strive for their own independence and the opportunity to participate in public activities. We recognize their accomplishments and the significance of the white cane and federal and state laws that protect their rights.

THEREFORE, BE IT HEREBY

RESOLVED, that we, the Orange County Legislature, hereby recognize October 15, 2014 as "White Cane Awareness Day" and convey these sentiments to every citizen of Orange County, so that all might acknowledge the rights of the blind and/or visually impaired and abide by the White Cane Safety Laws.

DRAFT