

**SIXTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, March 27, 2019**

The Genesee Legislature met in Regular Session on Wednesday March 27, 2019 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Dibble assisted with the audit. Prayer was offered by Legislator Deleo followed by the Pledge to the Flag.

Minutes of the March 13, 2019 meeting were approved upon motion of Legislation Stein seconded by Legislator Maha, carried.

Legislator Stein stated GAM passed a resolution in support of the County and City request for special legislation authorizing a 40 year sales tax allocation. The resolution will be forwarded to Assemblyman Hawley and Senator Ranzenhofer who have introduced legislation authoring the Comptroller to approve a term of no more than 40 years for a sales tax allocation agreement. GAM members were provided with information from Highway Superintendent Hens regarding the cost of County bridges and culverts. The data was provided as an informational piece and included total actual cost and projected replacement cost. The next Inter County Association meeting is April 19th and Genesee County is host. The meeting will be held at the Iroquois National Wildlife Refuge in Alabama and all legislators are invited to attend. Legislator Stein also announced that Soil & Water Conservation District is adding a position that will incorporate planning. She attended the Celebrate Ag dinner and commented that Assemblyman Hawley and Senator Ranzenhofer attended and stayed for the entire evening. She noted that Water Resources Agency GAM representative Dave Hagelberger was reappointed to another term as the GAM rep on Water Resources Agency but he is not running for Supervisor therefore his term will end December 31 when he retires. Legislator Maha stated he attended the E911 board meeting and they are looking into the Connect 211 program that provides residents with an alternative to 911. Connect 211 is for non-emergency calls-callers can obtain information on resources. He also held another Water Resources Agency Sub-Committee meeting. Legislator Maha further reported that he attended a Jail Committee meeting and a May 16th presentation is planned by SMRT Architects.

Legislature Clerk LaGrou stated correspondence was received from Assemblyman Steve Hawley and NYSAC acknowledging receipt of our resolution opposing cuts to AIM funding.

Vice Chair Clattenburg stated the Youth Bureau Awards dinner is March 28th. She attended the Holland Land Office meeting and was updated on their plans for their antique show and the support they are getting from GCC. She also attended the GLOW Workforce Development meeting where discussion included the shortage of skilled labor.

County Manager Jay Gsell stated the State Legislature and Governor are reportedly working to ensure an on-time state budget. He has heard that cuts to AIM funding are being restored and legalization of Cannabis is not included in the budget. April is County Government Month and this year's theme is "Connecting the Unconnected". Legislator Stein commented that she understood that state legislators are due for a raise if the state budget is adopted on-time.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 100 CONTRACT –PUBLIC DEFENDER/ NYS OFFICE OF
INDIGENT LEGAL SERVICES-2ND UPSTATE QUALITY
IMPROVEMENT AND CASELOAD REDUCTION GRANT-
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Public Defender does recommend the acceptance of a contract (Second Upstate Quality Improvement and Caseload Reduction, Contract No.: C2ND618) between the Genesee County Public Defender's Office and the New York State Office of Indigent Legal Services, in the amount of \$300,000 for the provision of the three (3) year contract between Genesee County and The Legal Aid Bureau of Buffalo, Inc. to provide appellate services

WHEREAS, the Public Service Committee did review the contract and does recommend acceptance at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the (Second Upstate Quality Improvement and Caseload Reduction, Contract No.: C2ND618) with the New York State Office of Indigent Legal Services for the period of July 1, 2017 through June 30, 2020, and Be it further

BUDGET IMPACT STATEMENT: Total contract revenue for 2019 in the amount of \$100,000 is within the 2019 Adopted Budget in line A.1170.3025 Indigent Legal Services.

Legislator Maha seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 101 BUDGET AMENDMENT - SHERIFF/K-9 PROGRAM-
APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, Sheriff's Deputy Erion, will be participating in a K-9 training program with his new K-9 partner Frankie, at a cost of \$5,000, and

WHEREAS, Additional funds are also needed to cover the projected cost of supplies, vet services, boarding, and food for Frankie for the remainder of the year, with a projected cost of \$1,000, and

WHEREAS, Funds are available in the K-9 Donations Reserve Account from the gifts and donations that have been made to the K9 Program to cover these costs, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now therefore be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2019 budget as follows:

\$6,000 to A3110.4800.3317 (Program Exp-Canine Program)

To be offset by increasing the following revenue account:

\$6,000 to A3110.2705 (Gifts and Donations), with funds to come from A915.6 (K-9 Assigned Unappropriated Funds)

Budget Impact Statement: Increase in Sheriff's 2019 appropriations in the amount of \$6,000; offset by an increase in revenue in a like amount. Funds will come from the K9 Donations Reserve Account.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 102 GRANT AWARD-GENESEE JUSTICE/NYS DIVISION OF
CRIMINAL JUSTICE SERVICES-APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Program Coordinator of the Genesee Justice Program did receive notification of the award of grant funding from the New York State Division of Criminal Justice Services for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for a one-year contract term starting July 1, 2019 through June 30, 2020, and

WHEREAS, The Public Service Committee did review and does recommend acceptance of the grant funding at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby accept grant funding from the New York State Division of Criminal Justice Services in the amount of \$41,876 for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for 2019-2020, and Be it further,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary form for the acceptance of funds for the period of July 1, 2019 through June 30, 2020 in the amount of \$41,876.

Budget Impact: There is no amendment for the 2019 County Budget as we receive this grant yearly, and we have already placed monies in our 2019 county budget. There was no change in amount of the grant award.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 103

**AWARD OF BID – HIGHWAY – PAVEMENT
MARKINGS – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Department did receive bids for the painting of pavement markings on county roads and airport, and,

WHEREAS, The Genesee County Highway Superintendent has reviewed the bids and the qualifications of bidders and does recommend awarding contracts at this time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal contract with Seneca Pavement Markings, Inc., 23 Hunters Run, Horseheads, NY 14845 for the application of pavement markings as bid under Item Groups A and B as per specifications, effective June 1, 2019 through May 31, 2020 in an amount not to exceed budgeted amounts.

Budget Impact Statement: The County Road Fund includes \$165,000 for highway pavement markings.

Legislator Torrey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 104

**AWARD OF BIDS – HIGHWAY/ CONSTRUCTION
MATERIALS – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent advertised specifications for the various construction materials used by Genesee County for highway and bridge maintenance and construction, and

WHEREAS, The Highway Superintendent did review these bids and does recommend their award at this time, and

WHEREAS, The Committee on Public Service did review this request and does recommend an award at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Highway Superintendent is hereby authorized and directed to award bids to the various vendors on the annual construction materials bid as allowed for under the specifications for each item and as budgeted for within the 2019 County Budget and capital projects as established.

Budget Impact: This is an annual bid that allows the Highway Superintendent to purchase materials in compliance with the General Municipal Law. The cost of most asphalt related materials are expected to remain fairly flat

through the construction season. The purchase of materials is limited by budgeted amounts within the County Road Fund and the various capital projects in place for the repair and replacement of highways and bridges. The Highway Superintendent uses low bid, as adjusted by the contract hauling formula. The Highway Superintendent also reserves the right to award bids in the best value for the County based on availability of product, equipment failures and long wait times.

Prior to the vote Legislator Hilchey disclosed that he works for a company that the County purchases construction materials from and will abstain from the vote.

Legislator Dibble seconded the resolution which was adopted by 253 votes, Legislator Bausch (45) absent, Legislator Hilchey (28), abstain.

**RESOLUTION NO. 105 AWARD OF BID – GENESEE COUNTY JAIL/ FIRE
ALARM CONTROL PANEL – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did obtain contract pricing from the New York State Office of General Services for the replacement and upgrade of the Fire Alarm Control Panel at the Genesee County Jail, and,

WHEREAS, The Genesee County Highway Superintendent has reviewed the proposal and does recommend awarding a contract at this time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Johnson Controls, 90 Goodway Dr, Rochester, NY 14623 in an amount not to exceed \$27,571.28.

Budget Impact Statement: A capital project has been established for this purpose in the amount of \$45,000.

Legislator Maha seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 106 REAPPOINTMENT –PARKS, RECREATION AND
FORESTRY ADVISORY COMMITTEE -
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The term of office for three members of the Genesee County Parks, Recreation and Forestry Advisory Committee will expire on March 31, 2019 and they have expressed an interest and desire to serve another 3 year term, and

WHEREAS, The Committees on Public Service and Ways and Means do recommend that the reappointments be made at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint the following to serve another term on the Genesee County Parks, Recreation, and Forestry Advisory Committee effective April 1, 2019 through March 31, 2022:

| | | |
|------------------|-----------------|-------------|
| Thomas Clark | City of Batavia | District #9 |
| C. Joseph Mahler | City of Batavia | District #8 |
| Mary Miller | Town of Bethany | District #6 |

Budget Impact: None

Legislator Hilchey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 107 ESTABLISH CAPITAL PROJECT/BUDGET
AMENDMENT – COUNTYWIDE WATER SYSTEM
(PHASE 2) – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Genesee County completed a Master Plan for the advancement of Phase 2 of the

Countywide Water Project and initiated project engineering, and,

WHEREAS, Permanent easements are being obtained for the construction of the project and bids are being prepared for construction, and

WHEREAS, The Genesee County Legislature desires to advance these projects, and

WHEREAS, Temporary funding for the advancement of land acquisition and construction are available in the Infrastructure Reserve, and

WHEREAS, The Genesee County Highway Superintendent and the Assistant County Treasurer have recommended the temporary use of \$5 million in funding to be replaced by future bonding when made available, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to establish a capital project for the Countywide Water System – Phase 2 in the amount of \$5 million with funding from the County Infrastructure Reserve, and further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2019 County Budget by increasing H.8397 2080.0000 Water Capital Projects - Equipment & Capital Outlay in the amount of \$5,000,000 offset by increasing H.8397 5031 Interfund Transfer in the amount of \$5,000,000 and by increasing A.9950 9000.0000 Transfer to Capital in the amount of \$5,000,000 offset by increasing A.1000.9999 Balancing utilizing the Building and Equipment - Roads and Bridges Reserve in the amount of \$5,000,000.

Budget Impact Statement: The County Infrastructure Reserve will be used to establish a capital project in the amount of \$5,000,000. It is required that future MCWA bonding for Phase 2 will refund or replace the Infrastructure Reserve Funds.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 108

EASEMENTS – COUNTYWIDE WATER SYSTEM (PHASE 2) – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, Genesee County is required to obtain land and interest in land on behalf of the Monroe County Water Authority, and,

WHEREAS, Permanent easements are being obtained for the construction of the transmission mains, pump stations and other appurtenances required for the advancement of Phase 2 of the Genesee County Countywide Water Project, and

WHEREAS, The Genesee County Highway Superintendent and the County Attorney recommend the approval of the easements required for Phase 2 Water, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chairperson of the Legislature to execute any and all land acquisition agreements and easements required for the construction of water infrastructure as required by Phase 2 of the Countywide Water Project.

Budget Impact Statement: It is estimated that acquisition of easements will cost approximately \$49,604. These costs will be borne by the Capital Project Established for the Countywide Water Project – Phase 2.

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 109

**ESTABLISH CAPITAL PROJECT/BUDGET
AMENDMENT – AIRPORT – GROUND SERVICE
EQUIPMENT – APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, Genesee County included Airport Ground Service Equipment in the 2019 Capital Plan, and,

WHEREAS, A state aviation grant was secured in order to aid in the purchase of this equipment, and

WHEREAS, The Genesee County Highway Superintendent recommends the establishment of a capital project from which to purchase this equipment, and

WHEREAS, The Committees on Public Service and Ways & Means did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to establish a capital project for Airport Ground Service Equipment in the following amount:

Airport Ground Service Equipment \$475,000

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2019 County Budget by increasing H.5997 2080.0000 Other Transportation Capital Projects - Equipment & Capital Outlay in the amount of \$475,000 offset by increasing H.5997 3897 State Aid in the amount of \$356,250 and H.5997 5031 Interfund Transfer in the amount of \$118,750 and by increasing A.9950 9000.0000 Transfer to Capital in the amount of \$118,750 offset by increasing A.1000 1110.1 1% Sales Tax in the amount of \$118,750.

Budget Impact Statement: The total project cost is \$475,000, which is funded by a state aviation grant in the amount of \$356,250 and a local match from the 1% sales tax in the amount of \$118,750.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 110 SET PUBLIC HEARING – LOCAL LAW
INTRODUCTORY NO. TWO YEAR 2019 – APPROVAL
OF**

Legislator Stein offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. Two, Year 2019 entitled “**A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES-APPROVAL OF**, and

WHEREAS, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No. Two, Year 2019, by the Genesee County Legislature on the 10th day of April, 2019 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Prior to the vote Legislator Stein thanked the elected officials and others who worked on changes to the previously proposed local law.

Legislator Hilchey seconded the resolution which was adopted by 234 votes, Legislator Bausch (45) absent, Legislator Young (45) no.

**RESOLUTION NO. 111 REAPPOINTMENT–FISH & WILDLIFE MANAGEMENT
ACT BOARD - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Landowner member of the Fish & Wildlife Management Board has been held by Timothy J. Woodward, and

WHEREAS, a minimum 3-member board, appointed by the Legislature includes a sportsman, landowner and legislator and also the Soil & Water Chair or their designee is an automatic member, and

WHEREAS, Timothy J. Woodward is desirous of reappointment and the Committees on Public Service and Ways and Means do recommend reappointment at this time. Now, therefore, Be it **RESOLVED**, That the Genesee County Legislature does hereby reappoint the following to serve on the Fish & Wildlife Management Board;

Timothy J. Woodward Landowner Representative 1/1/19-12/31/20

Legislator Torrey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 112 REAPPOINTMENTS-GENESEE COUNTY WATER RESOURCES AGENCY-APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The term of office of Chris Thornley on the Genesee County Water Resources Agency expired December 31, 2018 and she has indicated an interest and desire for reappointment, and

WHEREAS, The term of office of David Hagelberger, The GAM representative, expired December 31, 2018 and he has indicated an interest and desire for reappointment and GAM has recommended he be named as their representative on the Water Resources Agency, and

WHEREAS, the Committees on Public Service and Ways and Means do recommend reappointment effective January 1, 2019. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Ms. Chris Thornley of the Village of Corfu and Mr. David Hagelberger, GAM representative, to serve another term on the Genesee County Water Resources Agency for the period ending on December 31, 2021.

Budget Impact Statement: None, this is an unpaid position.

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 113 APPOINTMENT - GENESEE COUNTY WATER RESOURCES AGENCY - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, the Genesee County Water Resources Agency has a vacancy and Bruno DeFazio has submitted an application stating his interest and desire to serve, and

WHEREAS, the Committees on Public Service and Ways and Means do recommend appointment. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Bruno DeFazio of the Town of LeRoy to serve a term commencing January 1, 2019 through December 31, 2021 on the Genesee County Water Resources Agency.

Budget Impact Statement: None, this is an unpaid position.

Legislator Maha seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 114 RENEWAL OF CONTRACT-ELECTIONS/PRINTING SUPPLIES-APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, This contract which expired June 30, 2018 provided the option for four (4) additional one (1) year renewals upon mutual agreement between both parties and must in the best interest of Genesee County, and

WHEREAS, The Genesee County Legislature did authorize the renewal of the 1st one year option at a cost of \$14,205 covering the period of July 1, 2018 thru June 30, 2019, and

WHEREAS, Both Commissioners Richard Siebert and Lorie Longhany are satisfied with services rendered by Phoenix Graphics and the company has agreed to provide the needed supplies for the period of July 1, 2019 thru June 30, 2020 which would be the 2nd one year option, and

WHEREAS, Commissioners Siebert and Longhany and the Ways & Means Committee recommend renewal of the contract for the second (2nd) additional year. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Phoenix Graphics Inc., 1525 Emerson St., Rochester, NY 14606 for the printing supplies for the 2019 Primary and General Election, per bid specifications, effective July 1, 2019 through June 30, 2020 in the amount of \$14,205 prorated by the required number of ballots per election.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 115 RENEWAL OF CONTRACT-ELECTIONS/CARTAGE
OF VOTING MACHINES-APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The existing contract with Clark Moving & Storage, Inc. of 3680 Buffalo Rd., Rochester, NY will terminate May 31, 2019, and

WHEREAS, This contract to move the electronic voting machines and supplies to and from the 24 polling sites used by the Genesee County Board of Elections at a cost of \$138 per polling site (delivery and pickup) did provide the provision to renew said contract for up to three (3) years, and

WHEREAS, Commissioners Lorie Longhany and Richard Siebert are satisfied with services provided by Clark Moving and Storage Inc. and they have agreed to renew at the original terms. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Clark Moving & Storage, Inc. of 3680 Buffalo Rd., Rochester, NY 14624 for moving services of \$138 per polling site for Primary and General Elections for the period of June 1, 2019 thru May 31, 2020. This fee completely covers both delivery and pickup as one total price.

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 116 SETTING PUBLIC HEARING – COMMUNITY
DEVELOPMENT BLOCK GRANT/FY2017 –
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County was awarded a FY 2017 Community Development Block Grant from the New York State Office of Community Renewal for the purpose of providing financing to support the establishment and operation of a dairy and dairy-related production facility located at 5140 Ag Park Drive, in the Town of Batavia, New York, by HP Hood LLC, and

WHEREAS, The award of such a grant requires that a public hearing be held to obtain citizen views regarding any aspect of the project's implementation including, but not limited to any construction, financing, and employment opportunities resulting from the project. Now, therefore, Be it

RESOLVED, That a Public Hearing on the Community Development Block Grant from the New York State Office of Community Renewal for the purpose of providing financing to support the establishment and operation of a dairy and dairy-related production facility at 5140 Ag Park Drive, Batavia, New York will be held on Thursday, April 11, 2019 at 4:30pm at the Old Courthouse, 7 Main Street, Batavia, New York

Budget Impact: None

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 117 FAIR HOUSING- OCR/CDBG-SETTING PUBLIC HEARING

Legislator Torrey offered the following resolution:

WHEREAS, As a recipient of OCR/CDBG grant funds the County is required to hold an annual public meeting on fair housing to identify any concerns and issues with fair housing practices in the County, and

WHEREAS, The Committee on Ways and Means does recommend setting a public hearing on Fair Housing. Now, therefore, Be it

RESOLVED, That a Public Hearing on Fair Housing Practices will be held on Wednesday, April 10, 2019 at 5:30 p.m. at the Old County Courthouse, 7 Main Street, in the City of Batavia, New York.

Budget Impact Statement: None

Legislator Young seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 118 ADOPTION – FAIR HOUSING POLICY & DESIGNATION OF FAIR HOUSING MONTH

Legislator Maha offered the following resolution:

WHEREAS, The County of Genesee understands the importance of taking action to further fair housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Federal Community Development Block Grant funds, and

WHEREAS, to ensure that residents are aware of fair housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the County has developed a Fair Housing Plan describing the procedures developed to further fair housing in the community, and and

WHEREAS, The County's Fair Housing Plan recognizes that public knowledge of fair housing provisions is the first step in expanding equal opportunity by appointing a Fair Housing Officer, providing information to the public, and promoting Fair Housing Activities and available resources, and

WHEREAS, The County will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing by receiving complaints and contacting the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint, or if the complainant decides to take his/her case directly to Federal Court, the County will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low- or moderate income, Now, therefore, Be it

RESOLVED, The Genesee County Legislature hereby adopts the Genesee County Fair Housing Policy as the official Plan for compliance with Community Development Block Grant, and Be it Further

RESOLVED, The Genesee County Legislature hereby designates the month of April as Fair Housing month.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 119 LEASE AGREEMENT FOR FIBER SERVICE FROM EMPIRE ACCESS - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Director of Information Technology did present a 36-month lease agreement with Empire Access for two single-mode strands of fiber from County Building II to 153 Cedar St, and

WHEREAS, The County Attorney did review the contact and the Ways and Means Committee did review the request and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with Empire Access 34 Main Street Prattsburgh, NY 14873 for a 36-month lease effective May 1, 2019 through April 30, 2022 at a cost of \$400.00 a month

BUDGET IMPACT STATEMENT

Accounts / Funding Sources include:

\$400.00 monthly charge - A.1680.4290.0600 Internet and Bandwidth.

County IT will request a budget transfer of \$5000.00 from A.1680.4600.000 Contracted Services to A.1680.4290.0600 Internet and Bandwidth to support the 2019 monthly charges and the \$1000 installation charge.

Legislator Maha seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 120 SURPLUS PROPERTY DISPOSAL - INFORMATION TECHNOLOGY - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Information Technology Director has reviewed the list of obsolete cell phones and computer equipment that is no longer suitable for county purposes, and

WHEREAS, The Ways and Means Committee concurs the equipment is no longer usable and recommends the equipment be declared surplus county property at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby declare the computer equipment as obsolete and surplus county property to be disposed of in an appropriate manner using a certified recycler or sold through auction.

BUDGET IMPACT STATEMENT: ESTIMATED COST OF DISPOSAL IS \$0 DOLLARS.

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 121 LEASE – LEGAL AID OF ROCHESTER AGREEMENT – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with Legal Aid of Rochester for the lease of space at County Building #2, 3837 West Main Street, Batavia, for administrative purposes for the period of April 1, 2019 – March 31, 2020, at a rate of \$2,224.80 annually, and

WHEREAS, The Committee on Ways and Means did review said agreement and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between Legal Aid of Rochester and the County of Genesee for

the lease of space at County Building #2, 3837 West Main Street, effective April 1, 2019 through March 31, 2020; at a cost of \$2,224.80 per year.

Budget Impact: Additional revenue of \$2,224.80 annually

Legislator Dibble seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 122 AGREEMENT OF LEASE OF SPACE/NEW YORK STATE
OFFICE OF GENERAL SERVICES/OFFICE OF REAL
PROPERTY SERVICES – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Manager did present an Agreement of Lease with New York State Office of General Services for the continued lease space for the State’s Office of Real Property Services, and

WHEREAS, The Committee on Ways and Means did review said Agreement of Lease and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute the Agreement of Lease between the New York State Office of General Services and the County of Genesee for lease of space in County Building No. Two for the period effective April 1, 2019 through March 31, 2029 and an annual cost of \$96,960 for years 1-5 and \$101,808 for years 6-10.

Budget Impact Statement: Annual rental revenue will be included in the Central Services operating budget.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 123 SUPPORT OF HOME RULE – GENESEE COUNTY
LEGISLATURE**

Legislator Young offered the following resolution:

WHEREAS, the liberties, happiness and well-being of the citizens of Genesee County are often adversely affected by the laws, rules, regulations and edicts set forth by the State of New York, and

WHEREAS, unfunded mandates legislated by the State of New York consume a large portion of the budget of Genesee County regardless of their effectiveness in Genesee County which has led to higher taxes, and

WHEREAS, the excessive amount of bureaucracy and regulations has stifled economic growth and impeded small business start-up, expansion, and growth, thus adversely affecting the economic viability of many businesses in Genesee County, and

WHEREAS, certain laws, rules and regulations and edicts legislated by the State of New York have resulted in a trend of Genesee County residents leaving because they do not reflect the culture of Genesee County, thus resulting in less citizens on the tax rolls to support the efforts of said County, and

WHEREAS, Certain State of New York laws, rules, regulations and edicts are not applicable in Genesee County because of the culture found within Genesee County, now therefore Be it

RESOLVED, that the County of Genesee of the State of New York proclaimed the intension of invoking “Home Rule” within the parameters set forth by the NYS constitution to decide which laws, rules, regulations and edicts set forth by the State of New York are beneficial to Genesee County and support the Rights, Liberties and general well-being of its residents, and Be it Further

RESOLVED, that this resolution be forwarded to Governor Cuomo, NYS Senate Leader, NYS Assembly Speaker, Senator Michael Ranzenhofer, Assemblyman Steve Hawley, GAM, NYSAC and Inter County Association and any other interested parties.

Legislator Hilchey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 124 AUTHORIZATION FOR HOME RULE REQUEST –
TO REQUEST SPECIAL LEGISLATION FOR A FORTY
YEAR SALES TAX ALLOCATION AGREEMENT
BETWEEN THE COUNTY OF GENESEE AND THE CITY
OF BATAVIA - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The County of Genesee and the City of Batavia have negotiated an “Amended and Restated Sales Tax Allocation Agreement between the County of Genesee and the City of Batavia” herein after “Amended and Restated Agreement” which is acceptable to both parties, and

WHEREAS, Genesee County and the City of Batavia are desirous of making a long term commitment to Capital Project funding and controlling their respective property tax rate under the New York State Property Tax Cap Mandate, and

WHEREAS, this Amended and Restated Agreement is authorized by Section 1262© of the New York State Tax Law subject to approval of the Office of the Comptroller, and

WHEREAS, the Comptroller’s Office has had a long standing policy to deny approval of any Sales Tax Allocation Agreements for a period in excess of ten years, and

WHEREAS, the forty year length of the Amended and Restated Agreement is necessary for both the County of Genesee and the City of Batavia to provide long term sales tax stability that will allow both municipalities to enter into a forty year sharing agreement to maintain an affordable water supply with increased capacity; as well as to provide revenue for future respective infrastructure and capital projects. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby requests the New York State Legislature to support and pass Senate Bill No. S.04247 and Assembly Bill No. A.6590 which is the legislation necessary for the County of Genesee and City of Batavia to enter into an agreement pursuant to the authority of subdivision (c) of Section 1262 to allocate and distribute a portion of net collections due the county from its taxes imposed pursuant to the authority of subdivision (a) of Section 1262, which will make the agreement for a term not to exceed forty years and the state comptroller shall not disapprove such agreement based on the length of its term, provided that such term shall not exceed forty years, and Be it further

RESOLVED, That the Chair of the Genesee County Legislature is authorized and directed to sign the necessary Home Rule Request, and Be it further

RESOLVED, That a copy of this resolution for Home Rule Message be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer and Assemblyman Stephen Hawley.

Legislator Maha seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

RESOLUTION NO. 125 COUNTY AUDIT –MARCH 27 - APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, Legislator Dibble, did review the following claims:

| | | |
|--------------|----|--------------|
| General Fund | \$ | 1,097,589.61 |
| Highway | | 307,562.40 |

| | | |
|---|----|-------------------|
| Water Fund | | 52,500.00 |
| DSS Abstracts | | 82,963.23 |
| Capital Projects | | |
| Highway-Large Span Culverts | \$ | 3,610.50 |
| Facilities Management-Energy Performance Contract | | 140,016.00 |
| Payroll – General | | |
| March 15, 2019 | | 1,576,876.06 |
| Medicaid | | |
| March 19, 2019 | | 177,332.00 |
| March 26, 2019 | | <u>177,332.00</u> |
| Total Audit | \$ | 3,615,781.80 |

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

Vice Chair Clattenburg stated there is the matter of an out-of-state travel request tabled at the March 13, 2019 Legislature meeting. The request is for Purchasing Director Eve Hens to travel to Austin, Texas from August 24-29 for the National Institute of Government Procurement Forum at a cost to the County of \$2,490. Legislator Stein made a motion to bring it from the table seconded by Legislator Young, carried. Legislator Torrey commented that he cannot support the request due to the lack of information on the workshops, cost, time out of the office and that state-level conferences offer ample opportunity for networking and learning. Legislators Maha, Clattenburg, Dibble and Deleo echoed his comments. Legislator Dibble stated he will encourage the Budget Officer/County Manager to carefully review - at budget time - any request for out of state travel. The request was denied, Legislators Young, Stein, Hilchey yes, Legislators Dibble, Torrey, Deleo, Clattenburg, Maha no, Legislator Bausch, absent.

The meeting adjourned at 6:03 PM upon motion of Legislator Stein seconded by Legislator Torrey, carried.