

**SEVENTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, October 9, 2019**

The Genesee Legislature met in Regular Session on Wednesday October 9, 2019 at 5:30 PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Dibble assisted with the audit. Prayer was offered by Legislator Dibble followed by the Pledge to the Flag.

District #3 Legislator Gordon Dibble presented a commendation to Ms. Elaine Hensel of Corfu upon her retirement from the Ethics Board. Ms. Hensel was appointed to the Ethics Board in 1992 and served as Chair of the Board since 1996. Upon receipt of the commendation Ms. Hensel commented that she enjoyed serving on the board. She stated that if she did not have health and mobility limitations, she would have continued serving on the board.

The minutes of the September 25, 2019 Legislature meeting were approved upon motion of Legislator Deleo seconded by Legislator Stein, carried unanimously.

Legislator Young attended an Office for the Aging event where volunteers were recognized for their contributions. He was astounded by the number of senior volunteers and the volume of hours donated.

An Out of State Travel Request for Kayla Shuknecht, Health Department travel to Washington, DC for SCRIPT training October 27, 2019 – October 28, 2019 with a County cost of \$1,211.00 was approved upon motion of Legislator Young seconded by Legislator Clattenburg, carried unanimously.

County Manager Jay Gsell commented that the newly hired Mental Health Director started work on October 7, 2019. Mr. Mark O'Brien, who is the full-time Orleans County Mental Health director is working with her to help with the transition.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 359 CONTRACT RENEWAL – DSS/MH SECURITY SERVICES
– APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Resolution No. 375 adopted November 12, 2014 did authorize a contract for the provision of security services for the Department of Social Services, and

WHEREAS, Resolution No. 57 adopted February 11, 2015 did authorize an amendment to the above-noted contract to allow for the provision of security services for the Mental Health Department, and

WHEREAS, Resolution No. 288 adopted August 10, 2016 did authorize renewal of the above-noted contract for the period of September 1, 2016 through August 31, 2017, and

WHEREAS, Resolution No. 273 adopted August 10, 2017 did authorize renewal of the above-noted contract for the period of September 1, 2017 through August 31, 2018, and

WHEREAS, Resolution No. 274 adopted August 8, 2018 did authorize renewal of the above-noted contract for the period of September 1, 2018 through August 31, 2019, and

WHEREAS, Allied Universal bought out U.S Security Associates in early 2019 and that U.S. Security Associates transferred all personnel and services to Allied Universal and that Allied Universal continued to provide all the security services for the DSS/MH building at 5130 East Main Street, Batavia, and

WHEREAS, Pursuant to Genesee County Request for Bids #2014-15, it is the mutual desire of the Genesee County Commissioner of Social Services, the Acting Director of Mental Health and

Allied Universal to renew said contract for a four-month period under the current rate of \$24.30 per man hour with the same terms and conditions, and

WHEREAS, the Committee on Human Services has reviewed this request and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chairperson to enter into an agreement with Allied Universal, 180 South Clinton Avenue, Suite 110, Rochester, NY 14602 for the provision of Security Services at offices occupied by DSS and Mental Health at 5130 East Main Street, Batavia for the period September 1, 2019 through December 31, 2019 at the rate of \$24.30 per man hour.

Budget Impact Statement: The annual DSS cost of the program is \$113,600 with a local share of approximately \$28,445. The annual MH cost of the program is \$94,000 with a local share of approximately \$90,000. The funds for the remainder of 2019 are already included in each Department's current budget, and the funds for 2020 will be included in their requested 2020 Departmental budgets. The 2020 budget projections will be based on the outcome of the Request for Bid proposal for security services.

Legislator Maha seconded the resolution which passed by 300 votes, Deleo (26) abstain.

**RESOLUTION NO. 360 CONTRACTS– HEALTH DEPARTMENT/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Public Health Director did present contracts for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

WHEREAS, The Committee on Human Services 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 contracts with the following individuals, for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSSHSP) retroactively for the period September 1, 2019 through June 30, 2021 per the 2019-2021 PSSHSP rate schedule

Paula Harper

Beth Wolcott

Budget Impact: Revenue and expenses are included in the 2019 A 2960 3-5 Preschool Program Budget and will be included in the 2020 and 2021 Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

Legislator Deleo seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 361 GRANT ACCEPTANCE – HEALTH DEPARTMENT/
EARLY INTERVENTION ADMINISTRATION PROGRAM
– APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County's Early Intervention Administration contract has been awarded in the amount of \$25,681, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the administration of the Early Intervention Program, and

WHEREAS, The Committee on Human Service did review this 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 the New York State Department of Health for the acceptance of the Early Intervention Administration contract for the period October 1, 2019 through September 30, 2020 in the amount of \$25,681, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue and expenses are appropriated in the 2019 & 2020 Dept. 4059 – Early Intervention Budgets

Legislator Maha seconded the resolution which passed by 326 votes.

RESOLUTION NO. 362 GRANT ACCEPTANCE – HEALTH DEPARTMENT/CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County’s Children with Special Health Care Needs Program contract has been awarded in the total amount of \$19,064, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the program goals of the Children with Special Health Care Needs Program, and

WHEREAS, The Committee on Human Service did review this 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 the New York State Department of Health for the acceptance of the Children with Special Health Care Needs Program contract for the period October 1, 2019 through September 30, 2020 in the total amount of \$19,064, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue and expenses are appropriated to the 2019 and 2020 4010 Health Dept. Budgets.

Legislator Hilchey seconded the resolution which passed by 326 votes.

RESOLUTION NO. 363 2019 SALARY SCHEDULE AMENDMENT – HEALTH DEPARTMENT – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Public Health Director did request an amendment to the 2019 Employee Salary Schedule to better utilize the personnel in the Health Department, and

WHEREAS, The Public Health Director has requested the creation of one temporary full time position of Public Health Technician, and

WHEREAS, The Committees on Human Services and Ways and Means did review the request and do recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and Personnel Officer are hereby authorized and directed to amend the Genesee County Management Salary Schedule by creating one temporary full time position of Public Health Technician effective 10/10/2019 thru 12/31/2019.

Budget Impact: The creation of one temporary full time position of Public Health Technician will result in a \$0 increase to the 2019 Health Department Budget. The temporary PH Technician position costs (\$9,246) will be offset by using available funds from the seasonal PH Tech position (\$6,823), unpaid leave (\$1,129) and performance funds (\$1,294).

Legislator Deleo seconded the resolution which passed by 326 votes.

RESOLUTION NO. 364 CONTRACT RENEWAL – HEALTH DEPARTMENT/LEAD INVESTIGATION SERVICES – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, Genesee County does contract with Monroe County for the provision of elevated blood lead investigation services, and

WHEREAS, The Director of Public Health did recommend renewal of the existing contract and the Committee on Human Service does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract renewal with Monroe County for Elevated Blood Lead Investigation services backdated to August 1, 2019 and extending through July 31, 2020 at the following rates:

Administrative Fee	\$40.00/case
Public Health Sanitarian (LP Investigator)	\$40.00/hour
Water	\$39.00/sample
Dust Wipe	\$ 5.25/sample
Soil Sample	\$ 5.25/sample
Mileage	based on most current IRS mileage rate

Budget Impact: Anticipated expense for this contract is \$2,800 which is reimbursed up to 100% through Article 6, State Aide for General Public Health Works.

Legislator Dibble seconded the resolution which passed by 326 votes.

RESOLUTION NO. 365 OFFICE FOR THE AGING ADVISORY COUNCIL- APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Office for the Aging Advisory Council by-laws specify that the Advisory Council shall not exceed eighteen (18) members, including both Community members and Service Provider members and at least 50% of the Council members shall be Community members who are Genesee County residents age 60 and over; and

WHEREAS, Members in good standing may serve a maximum of three (3) consecutive terms with each term being three (3) years in length, for a total of nine (9) consecutive years; and

WHEREAS, A vacancy has occurred and we offered invitation to an individual to fill the vacancy based on NYSOFA regulations regarding OFA Aging Advisory Council composition; and

WHEREAS, The Committees on Human Services and Ways & Means did review this request and recommend appointment at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint the following to the Genesee County Office for the Aging Advisory Council to serve a three year term effective January 1, 2020 through December 31, 2022.

Community Member:

Gina R. Stella-LeRoy-New York

Budget Impact Statement: None

Legislator Maha seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 366 NON-DISCLOSURE AGREEMENT BETWEEN
OFA/WESTERN NEW YORK INTEGRATED CARE
COLLABORATIVE, INC. (WNYICC) -APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present the necessary documents for entering into a non-disclosure Agreement with Western New York Integrated Care Collaborative (WNYICC) Inc., 742 Delaware Avenue, Buffalo, New York 14209, a network of agencies and community based organizations which work together collaboratively to bring sustainability and health outcomes to the WNY region; and

WHEREAS, the Non-disclosure Agreement with WNYICC permits both parties to share certain financial, business, legal, or other information in connection with discussions relating to possible business arrangements and may, from time to time, enter into such business arrangements for provision of Office for the Aging programs and services; and

WHEREAS, the Committees on Human Services and Ways & Means do 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 necessary documents for Genesee County Office for the Aging to enter in to a Non-disclosure Agreement with Western New York Integrated Care Collaborative, Inc., 742 Delaware Avenue, Buffalo, New York 14209.

Budget Impact: Neutral. This non-disclosure agreement allows for the ability to explore potential contract opportunities for provision of OFA services.

Legislator Stein seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 367 TO EXERCISE AN OPTION TO PURCHASE REAL
PROPERTY FOR THE JAIL PROJECT**

Legislator Young offered the following resolution:

WHEREAS, the County of Genesee Legislature is in the process of planning for the construction of a new jail facility; and

WHEREAS, it is being proposed that this jail facility be located upon a portion of real property already owned by the County of Genesee located on West Main Street Road, East of County Building 2; and

WHEREAS, in order to complete this jail construction project it will be necessary for the County to purchase a parcel of real property located on West Main Street Road, immediately adjacent to the East of the aforesaid current County property, consisting of approximately 2.81 acres, (hereinafter “2.81 parcel”) being part of approximately 17.4 acres that is designated by tax map No. 7.1-10.11; and

WHEREAS, this 2.81 parcel is owned by Legacy Lands, LLC (hereinafter “Owner”); and

WHEREAS, the Owner and the County have executed an “Option to Purchase Real Property” dated September 11, 2019, with certain terms and conditions contained within this Option; as well as contained within a “Purchase and Sale Contract for Lots and Vacant Land” that is annexed to the Option as Exhibit A; and

WHEREAS, the engineers working on behalf of the County for the Jail project have conducted site testing upon the 2.81 parcel without uncovering any problems thereof; and

WHEREAS, the New York State Commission of Corrections approved the proposed County owned site with the addition of the adjacent 2.81 parcel. Now, therefore, Be it

RESOLVED, that the Chair of the County of Genesee Legislature is hereby authorized and directed to sign a letter to the Owner of the above approximately 2.81 acre parcel in order to provide notification that the County is exercising its Option; and be it further

RESOLVED, that the Chair is further authorized and directed to sign on behalf of the County of Genesee a proposed “Purchase and Sale Contract for Lots and Vacant Land” that was annexed as Exhibit A to the “Option to Purchase Real Property” dated September 11, 2019; together with such other and further documents or forms that the Chair needs to sign on behalf of the County of Genesee to complete the transfer and sale of the 2.81 parcel to the County, including obtaining approval from the Town of Batavia for a minor subdivision.

Budget Impact Statement: The total amount not to exceed \$20,000 (\$5,000 per acre plus closing costs) will be applied to Capital Project – Jail Construction

Legislator Torrey seconded the resolution which passed by 326 votes.

RESOLUTION NO. 368 TO AUTHORIZE THE COUNTY ATTORNEY TO USE ARBITRATION FORUMS, INC. FOR DEFENDING WORKERS COMPENSATION SUBROGATION CLAIMS

Legislator Clattenburg offered the following resolution:

WHEREAS, New York State has established an exclusive Arbitration process using an online platform named Arbitration Forums, Inc.; and

WHEREAS, the County Attorney has requested permission to enroll with Arbitration Forums, Inc., in order to defend a subrogation claim currently pending against the County, and

WHEREAS, there is no fee to become a signatory in order to use Arbitration Forums, Inc., but there will be a case by case charge thereafter of approximately \$40.00 each. Now, therefore, Be it

RESOLVED, that the County Attorney is hereby authorized to sign-up to use the Workers Compensation Subrogation process administered by Arbitration Forums, Inc., and be it further

RESOLVED, that the County Attorney is hereby authorized to pay any future expenses, which shall be in the range of approximately \$40 per claim, to be paid from the County Attorney budget.

Budget Impact Statement: No current impact on the budget. Future costs will be deducted from the County Attorney budget.

Legislator Dibble seconded the resolution which passed by 326 votes.

RESOLUTION NO. 369 JAIL CONSTRUCTION/CAPITAL PROJECT CONTRACT – APPRAISAL SERVICES – APPROVAL OF

Legislator Stein offered the following resolution

WHEREAS, Resolution 318 duly adopted on August 28, 2019, did authorize the County to enter into an “Option to Purchase Real Property” for a parcel of land on West Main Street Road, Batavia, New York; and

WHEREAS, As part of the agreement, the County is obligated to furnish an appraisal of the parcel; and

WHEREAS, The Assistant County Manager is recommending an agreement with Bruckner, Tillett, Rossi, Cahill and Associates for the appraisal services at a rate not to exceed \$1,200; and

WHEREAS, The Ways and Means Committee did review this request and does concur at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract for appraisal services with Bruckner, Tillett, Rossi, Cahill & Associates at a rate not to exceed \$1,200.

Budget Impact: \$1,200 expense will be applied to Capital Project – Jail Construction

Legislator Young seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 370 DEFERRED COMPENSATION PLAN ADMINISTRATOR –
AWARD OF CONTRACT**

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County did establish a Deferred Compensation Plan for County employees by Resolution 240 adopted September 10, 1986, and

WHEREAS, The contract for Deferred Compensation services will expire December 31, 2019 and

WHEREAS, the Deferred Compensation Committee did accept and review proposals for the administration of the Deferred Compensation Plan and the committee recommends awarding a five year contract with two one year optional renewals to ICMA-RC and the Committee on Ways & Means concurs, now therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a five year contract with ICMA-RC of Washington, DC for administration services and as trustee for the Deferred Compensation Plan for Genesee County for the period of January 1, 2020 through December 31, 2024 with two one year optional renewals.

Budget Impact: County will receive \$15,000 from ICMA to pay for 457 plan audit.

Legislator Torrey seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 371 DESIGNATION OF COUNTY SURPLUS PROPERTY –
PURCHASING – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Purchasing Director did request that the following list of county property, from various county departments and that is no longer used or needed by those county departments or other county departments, be declared surplus property:

Department of Social Services

- Table- no identification
- Wooden chair- no identification
- Vinyl (green), Grey framed Chair purchased 9/24/1974 for \$26.50, Manufacturer: United
- Task Chair, green purchased 12/5/05 for \$327.23, Manufacturer: Knoll-RPM
- Task Chair, green purchased 5/31/05 for \$304.50, Manufacturer: Knoll-RPM
- Black Vinyl Chair purchased for \$65.00, Manufacturer: Nightingale Ind. Ltd

Health Department

- 2 old liquid measuring cans with cases
- 1 old baby scale with case – unable to calibrate
- 1 broken dolley
- Examination Table
- Examination Light

County Manager

- 4 Desk Chairs- old (age unknown)

WHEREAS, The Committee on Ways and Means did review this request and do so recommend approval at this time, Now, therefore, Be it

RESOLVED, That the Genesee County Purchasing Department is hereby authorized to declare the following items as surplus which are to be disposed of through public auction or junked as appropriate.

Budget Impact Statement: Proceeds from any items sold at auction will go back into the County's General Fund.

Legislator Stein seconded the resolution which passed by 326 votes.

RESOLUTION NO. 372 APPOINTMENT - GENESEE COUNTY CORONER

Legislator Maha offered the following resolution:

WHEREAS, a vacancy has been created for one of the four positions of County of Genesee Coroner based upon the passing of Donald Coleman, and

WHEREAS, pursuant to Section 400 (7) of the County Law, a vacancy in the Office of Coroner shall be filled by the County of Genesee Legislature, and such appointee shall hold office until the thirty-first day of December following the first annual election at which the vacancy can be filled by election, and

WHEREAS, the deadline for being able to be placed on the 2019 election ballot to fill the vacancy starting January 1, 2020, was August 5, 2019 (3 months before the election date of November 5, 2019), the appointee will be on the November 2020 ballot to be elected for a four year term starting January 1, 2021. Now, therefore, Be it

RESOLVED, that Adam L. Palumbo residing at 7 Soccio Street, Batavia, New York, is hereby appointed as the County of Genesee Coroner to fill a current vacancy to serve until December 31, 2020.

Prior to the vote Legislator Clattenburg stated Mr. Palumbo was present. Mr. Palumbo introduced himself and his wife and stated that he appreciates the support and looks forward to serving the residents of Genesee County. He has lived in Batavia for seven years. He stated he will visit the County Clerk tomorrow for the Oath of Office.

Legislator Hilchey seconded the resolution which was passed by 326 votes.

RESOLUTION NO. 373 COUNTY AUDIT –OCTOBER 9 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Dibble, did review the following claims:

General Fund	\$	526,135.81
Highway		38,871.35
Self Insurance		34,602.25
DSS Abstracts		451,231.01
Capital Projects		
Highway-Highway Cr #5	\$	123,636.25
Highway-Pratt Road Bridge Over Tonawanda Creek		292,428.34
Highway-Highway Overlay		70,889.10
Highway-Highway Large Span Culverts		272,002.12
Highway-Highway CR #51, Colby Road		8,400.00
Highway-Preventive Maintenance Bridge Painting		184,645.88
Park-Area "D" Shelter Improvements		568.93
Park-Dewitt Park Improvements Phase IV		995.15
Water-County Wide Water System Upgrade		41,466.00
Payroll – General		
September 27, 2019		1,612,099.37
Medicaid		
October 1, 2019		177,332.00
October 8, 2019		<u>177,332.00</u>
Total Audit	\$	4,012,635.56

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 Deleo seconded the resolution which passed by 326 votes.

The meeting adjourned at 5:49PM upon motion of Legislator Clattenburg seconded by Legislator Torrey, carried unanimously.