#### FIRST DAY GENESEE COUNTY LEGISLATURE Batavia, New York Wednesday, January 9, 2019

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

The minutes of the December 12, 2018 Legislature meeting were approved upon motion of Legislator Torrey seconded by Legislator Maha, carried unanimously.

Chairman Bausch reported on his attendance at the Finger Lakes Regional Economic Development Council meeting. County Manager Gsell and Genesee County Economic Development Center Director Steve Hyde were also in attendance. He explained that Vinny Esposito was appointed by the Governor to serve in a regional capacity and there was an announcement made regarding grant funds awarded to Yancy's Fancy. Genesee County remains an active member of this council and takes the work very seriously. Chair Bausch stated the Water Resources Agency met this week and a small work group has been identified and includes Legislator Maha who sits on the Water Resources Agency. Legislator Maha stated he attended the Justice for Children Advocacy Center open house. He explained that Kiwanis Club of Batavia has raised \$200,000 for the Center who has a good partnership with the Church. The JCAC leases the Church owned home which will be renovated to better meet the needs of the program.

County Manager Jay Gsell commented that an arbitration panel decided (2-1) to support New York State regarding monies owed by the Seneca Nation to the State and some local governments. Genesee County had been receiving around \$320,000 per year since we have a casino/racino in the County. The County has not received the payments in 2017 or 2018. The Seneca Nation has the option to appeal the decision however there is no indication if they will.

The Clerk proceeded with the resolutions:

# RESOLUTION NO. 1 APPOINTMENT TO THE GLOW WORKFORCE DEVELOPMENT BOARD MEMBERSHIP

Legislator Clattenburg offered the following resolutions:

**WHEREAS,** The Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a Workforce Innovation and Opportunity Area under the Workforce Innovation and Opportunity Act of 2014, and

**WHEREAS,** The Federal Workforce Innovation and Opportunity Act of 2014 mandates that each local Workforce Innovation and Opportunity Area create a Workforce Development Board to administer and oversee the local Workforce Innovation and Opportunity System, and

**WHEREAS,** The Chief Elected officials are charged with the responsibility of soliciting and appointing members to this Workforce Development Board. Now, therefore, Be it **RESOLVED,** That the Genesee County Legislature does hereby approve the following appointments to the GLOW Workforce Development Board:

Tom Thomas who represents Labor Union IEU-CWA Local 81495 for Lapp Insulators has been nominated as a GLOW Workforce Representative for Labor Organizations to serve an ongoing term.

**RESOLVED,** That the GLOW Workforce Development Board will be in effect until such time that the Workforce Innovation and Opportunity Act of 2014 is repealed.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

# RESOLUTION NO. 2 CONTRACT RENEWAL – DEFERRED COMPENSATION SERVICES- APPROVAL OF

Legislator Stein offered the following resolution:

**WHEREAS,** The contract for deferred compensation services did expire December 31, 2018 and the contract has renewal provisions, and

**WHEREAS**, the County Treasurer and the Purchasing Director recommend exercising the final renewal clauses at this time with 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 one year renewal contract with ICMA-RC for 457 Plan Services to expire December 31, 2019.

Legislator Young seconded the resolution which was adopted by 326 votes.

#### **RESOLUTION NO. 3 TREASURER/REAL PROPERTY TAX REFUNDS 2019 -**APPROVAL OF

Legislator Young offered the following resolution:

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

**WHEREAS,** The tax levying body can delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Section 554 and 556, and

**WHEREAS**, The Committee on Ways and Means does recommend that the Treasurer be delegated to perform said duties. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer be and hereby is authorized and directed to carry out the requirements of Section 554 and 556 of the Real Property Tax Law, effective immediately where the Real Property Tax Director's recommended refund is \$2,500 dollars or less, and

**RESOLVED,** That on the fifteenth day of each month, the Genesee County Treasurer shall submit a report to the Genesee County Legislature of the refunds processed during the preceding month containing the name of each recipient, the location of the property, the reason for the refund and the amount of refund.

**Budget Impact**: Refund is charged to allowance for uncollectible which has a balance of approximately \$50,000.

Legislator Stein seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 4** 

# 2019 INTER-MUNICIPAL AGREEMENT – TREASURER / REAL PROPERTY – APPROVAL OF

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The City of Batavia has requested services from the Real Property Division of the Treasurer's Office including real property tax project management services, and

**WHEREAS**, In the spirit of inter-municipal collaboration and the goal of equity and fairness for all City of Batavia real property owners, the Director of Real Property does recommend the County enter into this agreement, and the Committee on Ways and Maana does appear. Now, therefore, Bo it

Means does concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized to execute an Agreement between the County of Genesee and the City of

Batavia, One Batavia City Center, Batavia, New York 14020 for professional services

at the rate of \$10,000 per year for the period January 1, 2019 through December 31,

2020, with a stipulation to continue the contract from January 1, 2021 through

December 31, 2021 and Be it further

**RESOLVED,** That under this Agreement the parties agree to discuss the continuation of this arrangement and the cost of any additional years of service.

Budget Impact: \$10,000 revenue, \$10,000 offset by appropriations per fiscal year.

Legislator Maha seconded the resolution which was adopted by 326 votes.

# **RESOLUTION NO. 5 TERMINATE AGREEMENTS WITH CHAMBER OF COMMERCE, INC. – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Genesee County is the recipient of a Small Cities Community Development Block Grant in the amount of \$200,000 pursuant to a grant received from the New York State Housing Trust Fund Corporation represented by the New York State Office for Small Cities (OFSC) through the Community Development Block Grant (CDBG) Program (OFSC Grant # 444ME19-04) and a New York State Community Development Block Grant in the amount of \$100,000 pursuant to New York State NYSCDBG Program Community Development Block Grant Agreement Project NO. 444ME18-07, and

**WHEREAS**, The Chamber is the sub-recipient of the grants pursuant to two agreements with the County and currently possesses, as a sub-recipient, CDBG cash-on-hand and notes receivable which constitute the Chamber's existing loan portfolio and which constitute Program Income (as defined in the CDBG regulations) of the County which is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development and the New York State of Office of Community Renewal (OCR) regarding their use, and

WHEREAS, OCR has notified the County and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019, and that any loan repayments received by revolving loan funds which constitute Program Income after March 31, 2019 must be remitted to OCR and, as a result, repayments received on loans held by the Chamber in its loan portfolio after such date will no longer be available to make loans in Genesee County, and

**WHEREAS**, in light of OCR's directive, the County and the Chamber have discussed the advisability of liquidating the Chamber's loan portfolio and terminating the Sub-recipient Agreements, which would allow for the return to the County of all Program Income held by the Chamber in the form of cash on hand (including the proceeds from the sale of the loan portfolio), enabling the County to utilize or commit the Program Income for CDBG-eligible activities within Genesee County prior to March 31, 2019, and

**WHEREAS**, the Chamber and the County, utilizing the services of a consultant, have analyzed and assessed the value of the outstanding loans for purposes of a sale to a third party, including applying discount rates to reflect risk factors and costs associated with collection of the loans, and arrived at a valuation of the loans outstanding as of September 30, 2018 in the amount of \$15,622.17, and

**WHEREAS**, The Genesee Gateway Local Development Corporation ("GGLDC") has approved the acquisition of the Chamber's loan portfolio for a purchase price (net of loan transfer costs) not to exceed \$14,000.00, and

**WHEREAS**, no banks have expressed an interest in acquiring the loan portfolio and the sale of the loan portfolio to a local not-for-profit corporation which will be sensitive to the unique circumstances of many of the borrowers is desirable and is consistent with the intent of the loan program to provide support to small businesses with Genesee County. Now, therefore, Be it

**RESOLVED**, that pursuant to the SEVENTH paragraphs in both Sub-recipient Agreements, upon forwarding a certified copy to, and upon agreement of the Chamber, both Sub-recipient Agreements are hereby terminated, and the County does hereby waive the 90 day prior written notice provisions therein, and Be it further

**RESOLVED**, that as required in the said SEVENTH paragraphs of both Sub-recipient Agreements, at a time after termination as agreed upon by the parties, the Chamber will turn over all funds in its possession, including the proceeds of the sale of its outstanding loans to the GGLDC, or otherwise, and thereafter provide to the County a final financial statement with copies of any and all records that may be requested by the County, and Be it further

**RESOLVED**, that the funds received from the Chamber shall be used for an eligible project or activity to be determined by the County after receipt of the funds, and Be it further **RESOLVED**, that the Chair of the Legislature is hereby authorized and directed to execute all

documents as shall be necessary or appropriate to effectuate the purposes set forth in this resolution.

Legislator Dibble seconded the resolution which was adopted by 326 votes.

## RESOLUTION NO. 6 LEASE RENEWAL-GENESEE COMMUNITY COLLEGE/VET TECH PROGRAM – APPROVAL OF

Legislator Stein offered the following resolution:

**WHEREAS**, In 2011 Genesee County did enter into an agreement with Genesee Community College for lease of space at County Building No. Two for the Veterinary Technology Program through Genesee Community College, and

**WHEREAS**, Genesee Community College has expressed their desire to renew the lease for an additional year to include only the storage area, and

**WHEREAS,** The Genesee County Manager and County Attorney have reviewed the said agreement and do recommend the one year lease renewal agreement and the Committee on Ways and Means does concur. Now, therefore, Be it

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between Genesee Community College and the County of Genesee for the lease of space in County Building No. Two effective August 1, 2018 through July 31, 2019; at a cost of \$2,183.60

**Budget Impact:** Rent for 212 sq. ft. at \$10.30/sq. ft. = \$2,183.60.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

### **RESOLUTION NO. 7**

### GENESEE COUNTY ETHICS AND DISCLOSURE LAW-DESIGNATION OF POLICY MAKING POSITIONS AND BOARDS-APPROVAL OF

Legislator Young offered the following resolution:

**WHEREAS**, Local Law No. One Year 1992 did create the Genesee County Ethics and Disclosure Law which requires the Legislature to determine annually additional County Officers and Employees holding policy-making positions, and

**WHEREAS**, The Committee on Ways and Means did review positions and boards and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, that the Genesee County Legislature does hereby designate the following boards and additional positions as policy-making, thereby obligated to complete and file an annual statement of financial disclosure on or before May 31 of each year. GCC Board of Trustees **GCEDC Board GGLDC** Board Genesee County Funding Corporation Board GCEDC President/CEO, Sr. VP of Operations, VP Business Dev., CFO, Dir. Of Marketing Genesee County Board of Health Genesee County Community Services Board Genesee County Planning Board Genesee County Soil & Water Directors Genesee County Ethics Board Genesee County Water Resources Agency Board **County Assistant Attorneys** Assistant District Attorneys Assistant County Manager

Legislator Deleo seconded the resolution which was adopted by 326 votes.

# OFFICIAL NEWSPAPER FOR THE COUNTY OF

### GENESEE – APPROVAL OF

Legislator Stein offered the following resolution:

**RESOLUTION NO. 8** 

**WHEREAS,** The Genesee County Republican Committee and the Genesee County Democratic Committee did recommend the Daily News, 2 Apollo Drive, Batavia, New York as the Official Newspaper for the Year 2019, pursuant to Chapter 214 of the County Law. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby designate the Daily News as the Official Newspaper for the Year 2019.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

### **RESOLUTION NO. 9 COUNTY AUDIT – JANUARY 9 - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Bausch, did review the following claims:

2018 General Fund	\$ 1,108,582.03
2019 General Fund	664,358.93
2018 Self Insurance	12,996.24
2019 Self Insurance	50,036.75
2018 Highway	123,702.05
2019 Highway	91.82
2018 Water Fund	72,347.16
DSS Abstracts	214,966.58
Capital Projects	
Airport-Reconstruct Taxiway "C"	\$ 379.58
Airport-Construct 8-Bay T-Hangar	66,856.25
Highway-Large Span Culverts	2,927.96
Highway-Highway-Searls Rd Bridge over Spring Creek	15,754.90
County Managers-2017 Security Enhancements	18,039.53
Facilities Management-Energy Performance Contract	300,700.00

Sheriff's- 800 Mghtz Radio System Upgrade	8,900.00
Jail- Jail Elevator Modernization	35,743.00
Payroll – General	
December 21, 2018	\$ 1,558,740.25
January 4, 2019	1,103,215.96
Medicaid	
December 18, 2018	177,332.00
December 24, 2018	177,332.00
December 31, 2018	177,332.00
January 8, 2019	177,332.00
Total Audit	\$ 6,067,666.99
Now therefore Rait	

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 Young seconded the resolution which was adopted by 326 votes.

The meeting adjourned at 5:42 pm upon motion of Legislator Stein seconded by Legislator Deleo, carried unanimously.