

**NINETH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, May 9, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, May 9, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Bausch assisted with the audit. Prayer was offered by Legislator Stein followed by the Pledge to the Flag.

Minutes of the April 25, 2018 Legislature Meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Maha, carried unanimously.

Legislator Stein related that Soil & Water Conservation District held their annual envirothon event at the County Park where Notre Dame High School won and will be advancing to the regional competition. The Tree Sale program offered by Soil & Water resulted in the sale of 16,000 trees and The District received a Climate Resiliency Grant of \$136,000 to use on a specific farm project. Legislator Stein commented that Genesee County Real Property staff has assisted town and village assessors and she appreciates their good work. Chairman Bausch stated that Congressman Collins is holding a Vietnam Veterans Pin Ceremony in Batavia where Vietnam Vets will be presented with a Department of Defense pin for their service to our country. Mr. Bausch is a Vietnam Veteran and plans to attend.

The Clerk reported on two Out-of-State Travel requests:

Scott German-Treasurer to Nashville, TN for NACCTFO Annual Conference July 10-13 County cost \$410, motion to approve by Legislator Clattenburg seconded by Legislator Deleo, carried (Legislator Young absent).

Cathy Uhly & Rosanne Smart-Genesee Justice to Portland, OR for 2018 Crime Victim Law Conference June 6-11 County cost-if any will be covered by Bail Fees Revenue account. OVS is covering the cost \$2,931, motion to approve by Legislator Torrey seconded by Legislator Dibble, carried (Legislator Young absent).

County Manager Jay Gsell identified that there is a power issue at the Office for the Aging and Youth Bureau and the utility company has been contacted along with County IT. All parties will be notified when the power gets restored.

The Clerk proceeded with the Resolutions:

**RESOLUTION NO. 142 PETTY CASH FUND EXTENSION-HEALTH
DEPARTMENT/ TOBACCO ENFORCEMENT PROGRAM -
- APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Public Health Director did request an extension of the Health Department's petty cash fund through the remaining grant period, 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 Genesee County Treasurer is hereby authorized and directed to continue the Health Department Tobacco Enforcement Petty Cash Fund of \$600.00, effective immediately, through March 31, 2023.

Budget Impact: All utilized funds are 100% reimbursed through the Tobacco Enforcement Grant and Article VI State Aid General Public Health Work.

Legislator Deleo seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 143 AGREEMENT- HEALTH DEPARTMENT / EARLY INTERVENTION PROGRAM / NEW YORK STATE DEPARTMENT OF HEALTH- APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Public Health Director did present an agreement with the New York State Department of Health to provide fiscal management and payment of Early Intervention claims, 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 a five-year agreement with the New York State Department of Health to provide fiscal management and payment of Early Intervention claims, effective April 1, 2018.

Budget Impact Statement: Cost savings are not anticipated during the five-year duration of this agreement. All reductions in expenditures will be offset by a proportionate reduction in revenue.

Legislator Maha seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 144 2018 YOUTH BUREAU RESOURCE ALLOCATION PLAN – APPROVAL OF

Legislator Deleo offered the following resolution:

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

WHEREAS, The Genesee County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2018 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Genesee County appropriation, and

WHEREAS, Guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Genesee County Youth Bureau and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2018 Genesee County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

Budget Impact Statement - Resource allocation to contract programs is included in the 2018 department budget. Allocations are completely offset by revenue. All payments to programs/agencies are subject to availability of state aid.

Legislator Stein seconded the resolution which was adopted by 251 votes, Clattenburg (28) no, Young (47) absent.

RESOLUTION NO. 145 APPOINTMENT -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 June 1, 2018 through December 31, 2020.

Community Member:

Regina Diskin-LeRoy-New

Budget Impact Statement: None

Legislator Clattenburg seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 146

BY-LAWS REVISION-ESTABLISH MEMBERSHIP REVISIONS-OFFICE FOR THE AGING

Legislator Deleo offered the following resolution:

WHEREAS, The Federal Older Americans Act and the New York State Elder Law concerning aging network activities require each Office for the Aging (OFA) to establish an Advisory Council to represent the interests of older adults and review and comment on community policies, programs, and responsiveness to older adults, and

WHEREAS, The Genesee County Office for the Aging Advisory Council was established by Resolution of the Genesee County Legislature July 12, 1972, to address the concerns and needs of the County's senior citizen population, and

WHEREAS, The OFA Advisory Council by-laws proposes by-laws revisions as follows:
Article II Organization(6) ~~Council members shall be expected to attend all meetings. Absence for more than three (3) unexcused consecutive meetings will result in the member receiving a letter on behalf of the Advisory Council sent jointly by the Director and Chairperson inquiring about their interest and ability to continue on the Council.~~

Council members have been selected for their civic-minded devotion to the mission of the Office for the Aging. The Council's effectiveness depends upon regular attendance of all members. Members should commit to attending regularly or resign from the Council if circumstances prevent regular attendance.

If the Council member is unable to attend a meeting, they should notify the Office for the Aging Director or clerical support staff to relay the message.

Definition of a Council Attendance Issue-A Council Attendance Issue occurs if any of the following conditions exist:

- a. The member has more than three (3) absences in a row.
- b. The member misses five (5) Council meetings in a twelve (12)-month period.

Suggested Response to a Council Attendance Issue:

- a. Position will become immediately vacant. The Office for the Aging Director and Advisory Council Chairperson will jointly send letter notifying of termination.

**b. Replacement process will begin thereafter.
(May 9, 2018)**

- (8) By-law revisions will be reviewed by the Council in the first three (3) months of the calendar year every ~~two (2)~~ *five (5) years, or as necessary.* (May 9, 2018) A subcommittee may or may not be necessary for proposed revisions unless members feel more close review/revision is required.

WHEREAS, The Committee on Human Services did review this request and does recommend approval of proposed revisions at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does amend OFA by-laws as proposed by OFA Advisory Council.

Budget Impact Statement: none.

Legislator Dibble seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 147 AGREEMENT AMENDMENT - OFA/VNA HOMECARE
OPTIONS - APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present an amendment to an agreement with VNA Homecare Options, LLC, a State of New York Limited Liability Company, for the provision of home delivered and congregate meals for VNA Homecare Options' Genesee County clients eligible and authorized by VNA Homecare Options to receive Medicaid-covered home delivered and congregate meals; and such meals to be provided by Genesee County Office for the Aging's Home Delivered Meal Programs; and

WHEREAS, New York State has implemented amendments to Standard Clause Agreements for Medicaid Covered Long Term Care service provision; and

WHEREAS, the above-named Agreement, dated the 11th Day of June 2015, is hereby amended effective February 1, 2018 adjusting the Standard Clauses for New York State to reflect the most recent changes; and

WHEREAS, The Committee on Human Services did review this request and does recommend approval of this amendment at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into an amended agreement with VNA Homecare Options, LLC, a State of New York Limited Liability Company, 1050 West Genesee Street, Syracuse, NY 13204-2215 effective February 1, 2018.

Budget Impact: Neutral. There are no changes in rates. Anticipated 2018 revenue of \$24,000 is projected for all Medicaid-funded Congregate and Home Delivered Meal contracts and is already incorporated into our 2018 county budget. Rate is \$9.25 per meal for home delivered meals and \$8.25 for congregate meals.

Legislator Clattenburg seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 148 CONTRACT WITH MERCY FLIGHT, INC. - APPROVAL
OF**

Legislator Deleo offered the following resolution:

WHEREAS, Mercy Flight, Inc., is a community based, not-for-profit corporation offering regional air medical services, and

WHEREAS, Funds were incorporated into the 2018 Genesee County Budget in the amount of \$12,825 to support the continued provision of air medical transfer service on behalf of Genesee County, and

WHEREAS, The Genesee County Manager did present a contract outlining the terms and

conditions of this funding and the Committee on Human Services 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 a contract between the County of Genesee and Mercy Flight, Inc., 100 Amherst Villa Road, Buffalo, NY for the provision of air medical transfer service in Genesee County for the period January 1, 2018 through December 31, 2018 for a contribution from Genesee County in the amount of \$12,825.

Budget Impact Statement:

- 2018 annual funding = \$12,825
- 2017 annual funding = \$12,825
- 2016 annual funding = \$14,250
- 2015 annual funding = \$14,250
- 2014 annual funding = \$14,250
- 2013 annual funding = \$14,250
- 2012 annual funding = \$14,250
- 2011 annual funding = \$14,250
- 2006-2010 annual funding = \$15,000
- 1998 – 2005 annual funding = \$10,000
- 1997 annual funding = \$7,500
- 1996 annual funding = \$5,000

Legislator Torrey seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 149 GENESSEE COUNTY AGRICULTURAL SOCIETY
CONTRACT - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Manager did present a contract to provide funding towards the 2018 Genesee County Fair, and

WHEREAS, The Committee on Human Services did review the contract and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a contract by and between the County of Genesee and the Genesee County Agricultural society in the amount of \$9,900.00 to be used for 4-H Judging expense and 4-H Premiums associated with the 2018 Genesee County Fair.

Budget Impact Statement:

- 2018=\$9,900 annual 4-H Premium funding
- 2017=\$9,900 annual 4-H Premium funding (10% reduction)
- 2016= \$11,000 annual 4-H Premium funding
- 2015= \$11,000 annual 4-H Premium funding
- 2014=\$11,000 annual 4-H Premium funding
- 2013= \$6,214 annual 4-H Premium funding
- 2012 = \$6,214 annual 4-H Premium funding
- 2011= \$6,541 annual 4-H Premium funding
- 2010 = \$7,695 annual 4-H Premium funding
- 2005 - 2009 = \$8,100 annual 4-H Premium funding
- 2002 = \$15,000 to Cooperative Ext to fund fair enhancements
- 2000 - 2001 = \$25,000 to Cooperative Ext to fund fair enhancements
- 1999 = \$25,000 additional funding for fair enhancements
- 1998 - 2004 = \$9,000 annual 4-H Premium funding
- 1995 - 1997 = \$8,500 annual 4-H Premium funding
- 1993 - 1994 = \$7,500 annual 4-H Premium funding
- 1992 = \$9,000 annual 4-H Premium funding
- 1989 - 1991 = \$10,000 annual 4-H Premium funding

Legislator Dibble seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 150 SALARY SCHEDULE AMENDMENT-GENESEE

COUNTY CLERK/DMV - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, the Genesee County Motor Vehicle Office has seen a significant increase in both the lobby foot traffic, as well as the volume of automobile dealer transactions, and

WHEREAS, the Genesee County Clerk did request an amendment in the 2018 Employee Salary Schedule to effectively process dealer work, registrations, license renewals and have sufficient staff coverage, and

WHEREAS, The Committee on Ways and Means did review this request and does recommend changes be implemented at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2018 Genesee County Employees Salary Schedule by creating one part time (30 hours bi-weekly) position of Motor Vehicle Service Representative, CSEA Grade 8, effective May 7, 2018.

Budget Impact Statement: The part-time position pay is \$15.18/ hr for 15 hours per week, no benefits. Total of \$11,840.40 per year (\$7,893.60 prorated for 2018). For 2018, the position will be paid for with funds derived from both the period that the full time position was unfilled (\$4,738), plus the lower pay the new full time employee receives versus the pay of the former employee (\$18.05 / hour), resulting in \$14,704 in savings, or \$19,442 total for the year.

Legislator Deleo seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 151 BUDGET AMENDMENT – FACILITIES
MANAGEMENT/JAIL ELEVATOR
MODERNIZATION – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County established a 2018 Capital Project titled Jail Elevator Modernization on January 25, 2018, and

WHEREAS, The County Highway Superintendent does request a budget amendment to the 2018 Jail Elevator Modernization Capital Project for an increase in costs to the project due to an accelerated time frame, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget by increasing A9950.9 – Transfer to Capital Fund in the amount of \$15,000 to be offset by an increase in A1000.1110.1 – 1% Sales Tax in a like amount, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and direct to amend the 2018 Capital Projects by increasing appropriation H1997 2080.0000 – Equipment & Capital Outlay in the amount of \$15,000 to be offset by an increase in H1997 5031 – Interfund Transfer in a like amount.

Budget Impact: None. From capital revenue.

Legislator Deleo seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 152 2018 SALARY SCHEDULE AMENDMENT -
INFORMATION TECHNOLOGY DEPARTMENT/
ELIMINATE OPERATIONS SPECIALIST I AND CREATE
DEPUTY DIRECTOR – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, the Director of Information Technology did request an Organizational Restructuring of the department and the elimination of one IT Operations Specialist I CSEA Grade 15 position and the creation of one Deputy Director of Information Technology Grade 117

position, And

WHEREAS, The Genesee County Human Resource Director and the County Manager did review this proposal and recommends approval at this time. And

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

RESOLVED, That the Genesee County Treasurer and the Human Resources Director are hereby authorized and directed to amend the 2018 Genesee County Employees' Salary Schedule by deleting one position of IT Operations Specialist I, CSEA Grade 15; and creating one position of Deputy Director of Information Technology Grade 117 effective June 4, 2018

Budget Impact Statement The 2018 estimated salary and benefits difference of \$20k can be funded from Asset Acquisition Accounts Equipment Maintenance 1989.2008.0006 (\$10k) and Public Safety 1989.2060.0002 (\$10k)

Prior to the vote Legislator Maha commented that he just received a phone message from a caller who thought a 17-year employee would be cut from his job. Legislator Clattenburg seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 153 2018 SALARY SCHEDULE AMENDMENT -
INFORMATION TECHNOLOGY
DEPARTMENT/RECLASSIFICATION – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, a Financial Clerk-Typist in the Information Technology Department did request a classification review of their position, and

WHEREAS, A reclassification review was conducted by the Genesee County Human Resources Department, resulting in a recommendation by the Human Resources Director that a Financial Clerk-Typist position be reclassified to a Principal Clerk position, and

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

RESOLVED, That the Genesee County Treasurer and the Human Resources Director are hereby authorized and directed to amend the 2018 Genesee County Employees' Salary Schedule by creating one position of Principal Clerk, CSEA Grade 11; and deleting one position of Financial Clerk-Typist, CSEA Grade 8 effective June 4, 2018

Budget Impact Statement The \$525 increase for this reclassification can be covered with the approved 2018 Salary and Benefits accounts.

Legislator Torrey seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 154 SURPLUS PROPERTY DISPOSAL - INFORMATION
TECHNOLOGY - APPROVAL OF**

Legislator Stein 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 Maha seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 155 INFORMATION TECHNOLOGY GOVERNANCE AND
EMPLOYEE HANDBOOK FOR INFORMATION
SECURITY APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of Information Technology did present an updated Information Security policy and procedures manual for Genesee County staff titled ‘Genesee County Information Technology Governance and Employee Handbook for Information Security’

WHEREAS, The Committee on Ways and Means did review the handbook and recommends the approval of these Information Security Policies at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to approve the Genesee County Information Technology Governance and Employee Handbook Information Security version GCIS-0001.003

BUDGET IMPACT STATEMENT: NO BUDGET IMPACT

Legislator Dibble seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 156 DISPOSAL OF A PARCEL OF ABANDONED BUFFALO
STREET RIGHT-OF-WAY (ROW) - DETERMINATION OF
NO SIGNIFICANT ENVIRONMENTAL IMPACT**

Legislator Torrey offered the following resolution:

WHEREAS, In accordance with Article 8 of the Environmental Conservation Law of the State of New York and the State Environmental Quality Review Act regulations (SEQRA), the Genesee County Legislature announced its intention to serve as lead agency for the purpose of conducting an environmental review of the proposed disposal of a parcel of abandoned Buffalo Street ROW in the Village of Alexander and received no objections to this designation from the other involved agency, NYS Dept. of Transportation (DOT), and

WHEREAS, The aforementioned statute and regulations require that the designated lead agency make a determination of significance regarding the action upon completion of the environmental reviews, and

WHEREAS, The Genesee County Legislature has determined that the disposal of this abandoned piece of ROW is an “Unlisted Action” as defined under SEQRA, and

WHEREAS, Genesee County, in conducting the project reviews, has prepared and evaluated a Short Environmental Assessment Form (EAF) for this action. Now therefore, Be it

RESOLVED, That upon consideration and review of the EAF, the Genesee County Legislature, as lead agency, hereby finds and declares that the proposed disposal of 9,400 sq. ft. of abandoned ROW at the intersection of NYS Rt. 20 and Buffalo Street in the Village of Alexander, NY will not have a significant impact on the environment as defined by Article 8 of the Environmental Conservation Law and its underlying regulations, and Be it further

RESOLVED, That the Genesee County Legislature directs that a Negative Declaration - Notice of Determination of Non-Significance be filed pursuant to Article 8 of the Environmental Conservation Law and its underlying regulations.

Budget Impact: None.

Legislator Hilchey seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 157 ACCEPTING JURISDICTION OF A PORTION OF THE
BUFFALO STREET RIGHT-OF-WAY AND
AUTHORIZING ABANDONMENT AND TRANSFER TO
ADJOINING PROPERTY OWNER-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Gadd Properties, LLC owner of real property located at 3266-3270 Buffalo Street in the Village of Alexander, New York (Tax Map No. 2.-1-36.1), has contacted the New York State Department of Transportation and the Genesee County Highway Superintendent, requesting the transfer of a 9,400 square feet triangular parcel of a portion of the Buffalo Street right-of-way located in the Village of Alexander (hereinafter “parcel”), and

WHEREAS, the Genesee County Legislature has initiated and completed the necessary process pursuant to the State Environmental Quality Review Act (SEQRA), by completing a short environmental assessment form, and simultaneously herewith will adopt a Resolution to direct that a negative declaration be entered based upon a determination that there will be no significant environmental impact, and

WHEREAS, the Highway Superintendent and the County Attorney having reviewed all pertinent information, recommend moving forward with the acceptance of jurisdiction of said right-of-way and the transfer thereof to the adjoining property owner. Now, therefore, Be it **RESOLVED**, that the County of Genesee hereby requests the transfer of jurisdiction from the State of New York to the County of Genesee and accepts the transfer of jurisdiction regarding said parcel, and Be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute on behalf of the County of Genesee the short evaluation assessment form that has been completed regarding said parcel, and Be it further

RESOLVED, that said parcel is hereby declared to be surplus since it is not needed for any Genesee County public purpose, and thereby shall be abandoned, and Be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a Quit Claim Deed of said parcel, together with such other necessary recording documents, in order to transfer title to said parcel to Gadd Properties, LLC, and Be it further

RESOLVED, that certified copies of this resolution and the SEQRA resolution together with the accompanying documents, be sent by the Clerk of the Legislature or her designee to the appropriate office of Region 4 of the New York State Department of Transportation.

Legislator Clattenburg seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 158 DISPOSAL OF A PARCEL OF ABANDONED NYS ROUTE
20 (TELEPHONE RD) RIGHT-OF-WAY (ROW) -
DETERMINATION OF NO SIGNIFICANT
ENVIRONMENTAL IMPACT**

Legislator Torrey offered the following resolution:

WHEREAS, In accordance with Article 8 of the Environmental Conservation Law of the State of New York and the State Environmental Quality Review Act regulations (SEQRA), the Genesee County Legislature announced its intention to serve as lead agency for the purpose of conducting an environmental review of the proposed disposal of a parcel of abandoned NYS Rt. 20 (Telephone Rd.) ROW in the Town of Pavilion and received no objections to this designation from the other involved agency, NYS Dept. of Transportation (DOT), and

WHEREAS, The aforementioned statute and regulations require that the designated lead agency make a determination of significance regarding the action upon completion of the environmental reviews, and

WHEREAS, The Genesee County Legislature has determined that the disposal of this abandoned piece of ROW is an “Unlisted Action” as defined under SEQRA, and

WHEREAS, Genesee County, in conducting the project reviews, has prepared and evaluated a Short Environmental Assessment Form (EAF) for this action. Now therefore, Be it **RESOLVED**, That upon consideration and review of the EAF, the Genesee County Legislature, as lead agency, hereby finds and declares that the proposed disposal of 6,200 sq. ft. of abandoned ROW at the intersection of NYS Rt. 20 and Pavilion Center Rd in the Town of Pavilion, NY will not have a significant impact on the environment as defined by Article 8 of the Environmental Conservation Law and its underlying regulations, and Be it further **RESOLVED**, That the Genesee County Legislature directs that a Negative Declaration - Notice of Determination of Non-Significance be filed pursuant to Article 8 of the Environmental Conservation Law and its underlying regulations.

Budget Impact: None.

Legislator Hilchey seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 159 ACCEPTING JURISDICTION OF A PORTION OF THE
NEW YORK STATE ROUTE 20 (TELEPHONE ROAD)
RIGHT-OF-WAY AND AUTHORIZING ABANDONMENT
AND TRANSFER TO ADJOINING PROPERTY OWNER-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Shari A. Joy owner of real property located at 6928 Telephone Road in the Town of Pavilion, New York (Tax Map No. 9.-1-41), has contacted the New York State Department of Transportation and the Genesee County Highway Superintendent, requesting the transfer of a parcel consisting of approximately 6,200 square feet in the Town of Pavilion, and

WHEREAS, the Genesee County Legislature has initiated and completed the necessary process pursuant to the State Environmental Quality Review Act (SEQRA), by completing a short environmental assessment form, and simultaneously herewith will adopt a Resolution to direct that a negative declaration be entered based upon a determination that there will be no significant environmental impact, and

WHEREAS, the Highway Superintendent and the County Attorney having reviewed all pertinent information, recommend moving forward with the acceptance of jurisdiction of said right-of-way and the transfer thereof to the adjoining property owner. Now, therefore, Be it **RESOLVED**, that the County of Genesee hereby requests the transfer of jurisdiction from the State of New York to the County of Genesee and accepts the transfer of jurisdiction regarding said parcel, and Be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute on behalf of the County of Genesee the short evaluation assessment form that has been completed regarding said parcel, and Be if further

RESOLVED, that said parcel is hereby declared to be surplus since it is not needed for any Genesee County public purpose, and thereby shall be abandoned, and Be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a Quit Claim Deed of said parcel, together with such other necessary recording documents, in order to transfer title to said parcel to Sharie A. Joy, and Be if further

RESOLVED, that certified copies of this resolution and the SEQRA resolution together with the accompanying documents, be sent by the Clerk of the Legislature or her designee to the appropriate office of Region 4 of the New York State Department of Transportation.

Legislator Stein seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 160 SET PUBLIC HEARING – LOCAL LAW
INTRODUCTORY NO. 3 YEAR 2018 -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No 3, Year 2018 entitled “**A LOCAL LAW PURSUANT TO SECTION 487(8)(a) OF THE REAL PROPERTY TAX LAW TO ELIMINATE A TAX EXEMPTION FOR CERTAIN ENUMERATED ENERGY SYSTEMS-ADOPTION 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 3, Year 2018, by the Genesee County Legislature on the 23rd day of May, 2018 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Deleo seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 161 APPOINTMENT – HEALTH INSURANCE
PORTABILITY AND ACCOUNTABILITY ACT
(HIPAA) PRIVACY OFFICER – APPOINTMENT OF**

Legislator Stein offered the following resolution:

WHEREAS, It is necessary for Genesee County to appoint a Privacy Officer to effectuate the County’s compliance with provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and

WHEREAS, Resolution No. 74-2014 appointed Anita Cleveland, Genesee County Director of Human Resources to serve as Privacy Officer, and

WHEREAS, The County has created a Compliance Officer position to act as the Genesee County Privacy Officer, and

WHEREAS, The Committee on Ways and Means does recommend this appointment be made at this time. Now, therefore, Be it

RESOLVED, That Ms. Kimberly Mills, Genesee County Compliance Officer be and hereby is appointed as Genesee County Privacy Officer effective immediately.

Legislator Maha seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 162 2018 BUDGET AMENDMENT – COUNTY MANAGER’S
OFFICE/HAZARD ABATEMENT BOARD GRANT–
APPROVAL OF**

Legislator Dibble offered the following resolution

WHEREAS, The Genesee County did receive grant funding from the New York State Occupational Safety and Health Hazard Abatement Board in the amount of \$14,229 for the 2017-2018 grant cycle, and

WHEREAS, due to scheduling conflicts the trainings were unable to be completed in 2017 leaving \$5,929 in unspent funds, and

WHEREAS, In order to utilize the remaining funds in the 2018 budget it is necessary to amend the 2018 Budget, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget by

Increasing A.1230.4550.0040 (Training Safety) \$5,929

to be offset by an increase in revenue account A.1230.3089.6 (State Aid, Safety Training & Education) in the amount of \$5,929

Budget Impact Statement: No impact on County Budget. Increase in revenue and expense funded by grant.

Legislator Stein seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 163 LEASE – FRIENDS OF BATAVIA PEACE GARDEN FOUNDATION AGREEMENT – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with the Friends of Batavia Peace Garden Foundation for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, Batavia, for administrative purposes for the period of May 1, 2018 – April 30, 2019, at a rate of \$100.00 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 the Friends of Batavia Peace Garden Foundation and the County of Genesee for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, effective May 1, 2018 through April 30, 2019; at a cost of \$100.00 per year.

Budget Impact: Revenue to the County of \$100.00 for the above referenced fiscal year

Legislator Clattenburg seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO.164 DISTRIBUTION OF MORTGAGE TAX-FIRST PAYMENT 2018-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Clerk and Treasurer have reported to this Legislature that there is now available for distribution to the several towns and villages and the City of Batavia, mortgage tax money amounting to \$383,585.91, and

WHEREAS, The Committee on Ways & Means did review the mortgage tax money available and recommends distribution of said sum among the several towns, villages, and the City of Batavia, according to the provisions of Section 261 of the tax laws as follows:

City Of	Batavia	\$116,592.78
Towns Of	Alabama	6,450.39
	Alexander	7,788.25
	Batavia	62,064.77
	Bergen	13,535.03
	Bethany	11,714.96
	Byron	5,622.36
	Darien	23,064.06
	Elba	6,240.65
	LeRoy	44,005.23
	Oakfield	8,323.98
	Pavilion	14,873.51
	Pembroke	28,938.02
	Stafford	14,953.02
Villages Of	Alexander	812.92

Attica	284.70
Bergen	1,865.56
Elba	806.44
LeRoy	12,586.62
Oakfield	1,305.78
Corfu	1,756.88

Total **\$383,585.91**

Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to pay the Town Supervisors, Village Treasurers, and the Treasurer of the City of Batavia the amounts aforesaid from the Mortgage Tax refund.

Budget Impact Statement:

2017 1 st payment	\$384,918.90
2016 1 st payment	\$278,153.64
2015 1 st Payment	\$292,934.98
2014 1 ST Payment	\$244,843.58
2013 1 st Payment	\$303,549.03
2012 1 st Payment	\$276,484.73

Legislator Hilchey seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 165 COUNTY AUDIT –MAY 9 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Bausch, did review the following claims:

General Fund	\$	421,296.17
Nursing Home		11.00
Highway		138,849.67
Self Insurance		1,474.00
Water		35,697.12
DSS Abstracts		411,128.24

Capital Projects

Highway-Pratt Rd Bridge Over Tonawanda Creek	\$	1,522.96
Highway-Large Span Culverts		4,829.74
Highway-River Street Bridge		40,805.30
Highway-Comprehensive Bridge Culverts		24,160.00
Highway-Work Order System		12,500.00
Park-Park Area D Shelter Improvement		550.00
Park-County Park Dewitt Improvements, Phase IV		60,857.12
Airport-Reconstruct Runway 10-28		7,825.57
County Manager-2017 Security Enhancements		4,052.09
Fac Mgmnt-Highway Facility Overhead Doors		19,775.00
GCC-Wellness & Event Center		96,124.00

Payroll – General

April 27, 2018	\$	1,535,073.64
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Medicaid

May 1, 2018		177,332.00
May 8, 2018		<u>177,332.00</u>

Total Audit **\$ 3,171,195.62**

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 279 votes, Young (47) absent.

The meeting adjourned at 5:52 PM upon motion of Legislator Deleo seconded by Legislator Clattenburg, carried.