

**TENTH DAY**  
**GENESEE COUNTY LEGISLATURE**  
**Batavia, New York**  
**Wednesday, May 23, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, May 23, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Maha assisted with the audit. Prayer was offered by Legislator Torrey followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Bausch opened a Public Hearing on Local Law Introductory No. 3, Year 2018 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.

The following signed in to speak at the Public Hearing; Padma Kacthuri-rangan, Brant Penman, Tim Grooms, Leo Lynn and Chris Deleo. Speakers comments included concern that businesses would look to locate in adjacent counties that offer the exemption, concern with how systems will be assessed, clarification that existing systems will be grand-fathered in, why the State offered the 15-year exemption, what taxing jurisdictions have the authority to opt-out, and that the point of the exemption is to encourage green energy systems and reduce the carbon footprint, and a wind & solar company employee who has clients in the county commented that IDA's enter into PILOTS. Legislator Clattenburg provided comments since the matter went through the Ways & Means Committee. The law does not allow taxing jurisdictions to distinguish between residential or commercial projects therefore if the County passed a local law to opt-out of the 15-year exemption on the assessed value of the solar or wind system it has to be for both home-owners and businesses. She also described how the State Real Property Services does not provide guidance or parameters to assessors in terms of placing value on solar and wind installations. County Attorney Kevin Earl stated that if the Local Law was passed it can be repealed in the future. Chairman Bausch clarified that legislators have differing opinions on the matter and comments and input from the public are welcome and encouraged.

District #4 Legislator Young presented Eagle Scout Dominic Brown with a commendation recognizing him for his outstanding accomplishment of earning the Boy Scout rank of Eagle Scout.

Minutes of the May 9, 2018 Legislature Meeting were approved upon motion of Legislator Maha seconded by Legislator Dibble, carried unanimously.

Legislator Maha who is the Legislative Liaison to Stop-DWI advisory committee commented he attended the most recent meeting where it was stated that funding from the State is reduced however we have not been contacted with the actual amount for 2018. It is expected to be far less than last year's award of \$22,000.

Chairman Bausch reported that Congressman Collins hosted a presentation of the Vietnam Veterans Congressional pin in Batavia. The Batavia Council Chambers were full and it was estimated 90 veterans including himself and Legislator Maha received their Congressional pin.

Vice Chair Clattenburg thanked those present for coming to the public hearing and speaking about their thoughts and concerns regarding the 15-year exemption on solar and wind systems.

The Clerk proceeded with the Resolutions:

**RESOLUTION NO. 166 AWARD OF CONTRACT – EMERGENCY MANAGEMENT SERVICES/DIVAL SAFETY EQUIPMENT, INC. - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Office of Emergency Management Services shall provide annual inspection of all county fire extinguishers as required by the National Fire Protection Association (NFPA 10), and

**WHEREAS**, The Genesee County Office of Emergency Management Services Coordinator did issue a Request for Proposal for maintenance, recharge, hydro-testing, repair and replacement services of county fire extinguishers as needed, in accordance with NFPA10, and

**WHEREAS**, The Request for Proposal for these services allowed for an original one year contract, effective May 1, 2018 through April 30, 2019, and four (4) additional one-year renewals at negotiated pricing, and

**WHEREAS**, Having reviewed the bids, it is recommended by the Genesee County Office of Emergency Management Service Coordinator and the Purchasing Director to award the low bidder meeting specification, and

**WHEREAS**, the Committee on Public Service has reviewed this recommendation and does concur, Now therefore, Be it

**RESOLVED**, That the Chair of the County Legislature is hereby authorized and directed to enter into an agreement with Dival Safety Equipment, Inc. to service county fire extinguishers as stated above for the period of May 1, 2018 to April 30, 2019.

**Budget Impact:** Cost for service and maintenance of county fire extinguishers should not exceed \$2,216.71 and has been budgeted for in the 2018 Facilities Management department budget (A1620.4660).

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

**RESOLUTION NO. 167 GRANT ACCEPTANCE/BUDGET AMENDMENT-  
SHERIFF'S OFFICE- CHILD PASSENGER SAFETY  
PROGRAM – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, the Sheriff requested authorization to accept grant funding in the amount of \$2,900 from the Governor's Traffic Safety Committee, to participate in the statewide "Child Passenger Safety" program, 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 2018 budget by increasing Sheriff's account A3110.4800.3318 (Child Passenger Safety Program) in the amount of \$2,900, to be offset by an increase in revenue account A3110.4511 (Federal Aid Traffic Safety) in a like amount.

**Budget Impact Statement:** Increase in Sheriff's appropriation of \$2,900, from Child Passenger Safety Program Grant funding, offset by increase in revenue in a like amount.

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

**RESOLUTION NO. 168 RENEWAL AGREEMENT – SHERIFF/  
SPECIAL/ADDITIONAL LAW ENFORCEMENT SERVICES FOR DARIEN  
LAKE – APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS**, Genesee County entered into an agreement with Darien Lake pursuant to Resolution 185 that was adopted on May 24, 2017, whereby the Sheriff's Office would provide additional law enforcement services at Darien Lake and their Performing Arts Center for the 2017 operating/concert season, and

**WHEREAS**, the Sheriff's Office invoiced Darien Lake for the police services provided, and Darien Lake reimbursed the County, and

**WHEREAS**, the current agreement will expire May 31, 2018, and  
**WHEREAS**, Darien Lake is entering into its 2018 operating and concert season and has indicated a desire to renew the law enforcement services agreement with Genesee County for an additional

one-year term (June 1, 2018 through May 31, 2019) and is based on the same terms and conditions from 2017, with the exception of an increase in rates per the Deputy Sheriff's Association (DSA) and Sheriff's Employees' Association (SEA) *Labor Agreements*, and

**WHEREAS**, after careful review by the Genesee County Attorney, the Sheriff does recommend renewing this contract for the term stated above, and

**WHEREAS**, The Committee on Public 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 and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for an additional one-year term (June 1, 2018 through May 31, 2019) for special/additional law enforcement services at Darien Lake for its 2018 operating and Performing Arts Center concert season.

**Budget Impact:** \$162,365 has been appropriated to account A3110.1020.0800 (Overtime – Additional Police Services), to be offset by revenue billed back to entities for additional law enforcement services.

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

**RESOLUTION NO. 169      AGREEMENT RENEWAL – SHERIFF'S OFFICE/ JUSTICE BENEFITS, INC. – APPROVAL OF**

Legislator Hilchey offered the following resolution:

**WHEREAS**, Genesee County entered into a contract with Justice Benefits, Inc., pursuant to Resolution 175, dated May 28, 2014, for the provision of professional assistance with revenue enhancement services, and

**WHEREAS**, the current agreement is due to expire on June 30, 2018, and

**WHEREAS**, the contract contained an option to renew for four (4) additional one-year periods upon written mutual agreement of both parties, and

**WHEREAS**, the Sheriff does recommend renewing this contract for the fourth renewal period commencing July 1, 2018, and continuing through June 30, 2019, and

**WHEREAS**, the Committee on Public 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 enter into an agreement with Justice Benefits, Inc., 1711 East Belt Line Road, Coppell, Texas 75019-9606, for professional assistance with revenue enhancement services.

**BUDGET IMPACT:** Increase in Jail revenue; appropriated to the 2018 budget.

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

**RESOLUTION NO. 170      AWARD OF BID – SHERIFF'S OFFICE / JAIL INMATE COMMUNICATION SERVICES – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, the current agreement with GTL (Global Tel\*Link Corporation), 12021 Sunset Hills Road, Suite 100, Reston, VA 20190, for inmate communication services provided to the Genesee County Jail expired May 15, 2017, and

**WHEREAS** Genesee County issued RFP 2018-102 for inmate communication services at the Genesee County Jail, and two proposals were received, and

**WHEREAS** demonstrations were provided by both vendors; and after careful review by the Genesee County Sheriff, County Manager and Jail Superintendent, it was determined that Securus Technologies, Inc. provided the best combination of competitive pricing and services, and

**WHEREAS**, the Committee on Public 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 necessary documents to award the bid for Jail inmate communication services to Securus Technologies, Inc., 4000 International Parkway, Carrollton, Texas 75007, to include 80% commission paid on inmate telephone calls to Genesee County, and for the period of May 1, 2018, through April 30, 2020, with the option to renew for three (3) additional one-year periods upon written agreement between both parties under the same terms and conditions as the original Agreement.

**BUDGET IMPACT:** Inmate communication costs have been budgeted for in the 2018 budget. Legislator Stein seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 171      RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES, OFFICE OF INTEROPERABLE COMMUNICATIONS TO SET ASIDE SUFFICIENT 9-1-1 FUNDING TO COUNTIES IN ORDER TO PROPERLY MAINTAIN EXISTING SYSTEMS**

Legislator Stein offered the following resolution:

**WHEREAS**, the funding mechanism that counties use to help operate, maintain and upgrade 9-1-1 system capability and performance is out of date and does not correspond well to recent technology and marketplace changes, and

**WHEREAS**, unfortunately and unlike other states, too much funding (approximately 45% of \$185 million collected annually) is diverted by New York State for non 9-1-1 purposes, resulting in a system that does not direct sufficient revenue to allow counties to properly maintain existing systems, while also preparing to implement the next generation of 9-1-1 technology required under federal law, and

**WHEREAS**, under current law, for the last two budget years, \$10 million was authorized and targeted directly to PSAPs and up to \$65 million was set aside for the provision of grants and reimbursements to counties administered by the state interoperable communications grants (SICG) program, administered by the division of homeland security, and

**WHEREAS**, to our understanding a total of \$150 million of the \$400 million collected since 2016 has been authorized for county 9-1-1 purposes, but only \$20 million has been released (\$20 million for PSAPs over the two years, while \$45 million for authorized purposes from the SFY 2016-17 Budget under a new formula based methodology, while identified, has not been made available to draw down yet), and

**WHEREAS**, the goal of upgraded NextGen 9-1-1 systems is to make sure that all devices capable of connecting to the system can do so using voice, text, video images and other data formats to better inform the emergency responders to the situation they will be entering, and

**WHEREAS**, upgraded systems will be able to better pinpoint an emergency caller that may be in a remote area of the state or in a skyscraper in one of our cities. Recognizing a more precise location of those needing emergency services will improve outcomes and save lives, but this cannot be accomplished without consistent and timely funding from the state, now, therefore, be it

**RESOLVED**, that Genesee County Legislature calls upon Governor Andrew M. Cuomo and the Department of Homeland Security and Emergency Services, Office of Interoperable Communications to release all funds authorized so far and to ensure that future authorizations are released in full in the budget year they are appropriated, and be it further

**RESOLVED**, releasing these funding obligations on a regular schedule will provide certainty and build continuity as we upgrade and maintain existing systems and prepare for NextGen 9-1-1 development and implementation, and be it further

**RESOLVED**, that the County of Genesee shall forward copies of this Resolution to Governor Andrew M. Cuomo, the Commissioner of the Division of Homeland Security and Emergency Services, Senate Temporary President and Majority Leader John Flanagan; Senator Michael Ranzenhofer; Speaker of the Assembly Carl Heastie; Assembly Majority Leader Joseph D. Morelle; Assembly Minority Leader Brian M. Kolb; Member of the Assembly Stephen Hawley and all others deemed necessary and proper.

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

**RESOLUTION NO. 172                      INTERMUNICIPAL                      AGREEMENT                      –  
HIGHWAY/SIGNAGE SERVICES - ORLEANS  
COUNTY – APPROVAL OF**

Legislator Hilchey offered the following resolution:

**WHEREAS**, Orleans County requested a vendor agreement from the Genesee County Highway Superintendent for the supply and sale of signage for departments within Orleans County, and

**WHEREAS**, The County Attorneys for both Counties recommended the development and adoption of an intermunicipal agreement covering signage services, and

**WHEREAS**, The Committee on Public Service did review this agreement and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Chair of the Genesee County Legislature to execute an intermunicipal agreement with Orleans County for the supply of signage services by the Genesee County Highway Department.

**Budget Impact:** Increase of revenue for the County Road Fund.

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

**RESOLUTION NO. 173                      AWARD OF BID – HIGHWAY/PAVEMENT  
MARKINGS – APPROVAL OF**

Legislator Maha 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 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, 2018 through May 31, 2019 in an amount not to exceed budgeted amounts, and be it further

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and

directed to enter into a contract with Accent Stripe, Inc., 3275 N. Benzing Rd, Orchard Park, NY 14127 for the application of pavement markings as bid under Item Group C as per specifications, effective June 1, 2018 through May 31, 2019 in an amount not to exceed budgeted amounts, and be it further

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with O & H Striping, Inc., 11016 River Road, Corning, NY 14830 for the application of pavement markings as bid under Item Group D as per specifications, effective June 1, 2018 through May 31, 2019 in an amount not to exceed budgeted amounts, and be it further

**Budget Impact Statement:** The County Road Fund includes \$145,000 for highway pavement markings.

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

**RESOLUTION NO. 174 AMEND CAPITAL PROJECT/AWARD OF CONTRACT – HIGHWAY/ FACILITY CONDITION ASSESSMENT – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent implemented automated and on-line work order system for both the Highway Department and Facility Maintenance Department, and

**WHEREAS**, The addition of a facility condition assessment would greatly increase the productivity and management of the Maintenance Edge and Capital Forecasting (Facilities) systems, and

**WHEREAS**, These services are available on NJPA contract, and

**WHEREAS**, The Genesee County Highway Superintendent recommends awarding a contract to completed the Facility Condition Assessment needed to fully implement the Dude Solutions online work order and asset management system, and

**WHEREAS**, The Committee on Public Service has reviewed this recommendation and does concur at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following capital project amendments:

Increase Capital Project Highway Work Order System in the amount of \$45,042.42

Decrease Capital Project Joint Maintenance Facility in the amount of \$45,042.42

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Chairperson of the Legislature to enter into a consultant agreement with Dude Solutions, Inc., 11000 Regency Pkwy #110, Cary, NC 27518, to provide a Facility Condition Assessment in a total amount not to exceed \$45,042.42.

**Budget Impact:** The cost of the Facility Condition Assessment is \$45,042.42. Capital project amendments will transfer money from the existing Joint Maintenance Facility project to the Highway Work Order System project. The remaining balance in the Joint Maintenance Facility project after the transfer will be \$109,957.58.

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

**RESOLUTION NO. 175 AMEND/CLOSE/ESTABLISH CAPITAL PROJECTS/ BUDGET AMENDMENT 2018-- HIGHWAY –APPROVAL OF**

Legislator Hilchey offered the following resolution:

**WHEREAS**, The State of New York has provided Genesee County with Consolidated Local Street and Highway Improvement Program (CHIPS), PAVE-NY funding and Extreme Winter Recovery (EWR) funding, and

**WHEREAS**, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts that have been completed with prior year's funding, and

**WHEREAS,** The Superintendent of Highways recommends closing existing projects, transferring any existing balances, and establishing new capital projects for work planned for this construction season, 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 County Treasurer to close/establish the following capital projects and transfer existing balances as required:

**Transfer/Close:**

<b>Title</b>	<b>Balance</b>	<b>Source</b>	<b>Transfer/Close</b>
CR#1 Stroh Rd	\$209.85	1% Sales Tax	CR#51 Colby Rd
CR#22 Lewiston Rd	\$15,808.29	1% Sales Tax	CR#51 Colby Rd
CR#30 Slusser Rd	\$253.15	EWR	2018 Hwy Surface Treatment
2017 Highway Overlay	\$9.30	PAVE-NY	CR#5
2016 Bridge Construction	\$0.00	CHIPS	CLOSE
2016 Road Machinery	\$2,124.10	CHIPS	2018 Highway Overlay
2016 Highway Chipseal	\$2,799.12	CHIPS	2018 Highway Overlay
2016 Highway Overlay	\$39,435.61	CHIPS	2018 Highway Overlay
2016 Hwy Surface Treatment	\$50,980.76	CHIPS	2018 Highway Overlay
2017 Bridge Construction	\$35,489.43	CHIPS	2018 Highway Overlay
2017 Highway Chipseal	\$9,013.33	CHIPS	2018 Highway Overlay
2017 Highway Recycling	\$4,211.17	CHIPS	2018 Highway Overlay
2017 Hwy Surface Treatment	\$1,492.21	CHIPS	2018 Highway Overlay

**RESOLVED,** That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following CHIPS, PAVE-NY and EWR funded capital projects by increasing CHIPS Revenue D9950.3501, Transfers to Capital D9950.9900, Highway Capital Project Expense H5197.2080, and Interfund Transfer H5197.5031 in the amount of \$2,221,747.68.

**New Projects:**

<b>Title</b>	<b>Balance</b>	<b>Source</b>
CR#51 Colby Rd	\$426,018.14	\$410,000 1% Sales Tax + Transfers (CR#1/CR#22)
CR#5	\$420,791.05	PAVE-NY + Transfers (2016 & 2017 Highway Overlay)
2018 Hwy Surface Treatment	\$240,751.35	EWR + Transfer (CR#30 Slusser Rd)
2018 Road Machinery	\$150,000	CHIPS
2018 Highway Chipseal	\$175,000	CHIPS
2018 Highway Recycling	\$335,000	CHIPS
2018 Highway Overlay	\$1,050,059.97	CHIPS + Transfers

**RESOLVED,** That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following capital project by increasing Highway Capital Project Expense H5197.2080, Interfund Transfer H5197.503, 1% Sales Tax A1000.1110.1, and Transfer to Capital A9950.9 in the amount of \$410,000.00

**New Projects:**

<b>Title</b>	<b>Balance</b>	<b>Source</b>
CR#51 Colby Rd	\$426,018.14	\$410,000 1% Sales Tax + Transfers (CR#1/CR#22)

**RESOLVED,** That the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the following capital project by increasing CHIPS Revenue D9950.3501, Transfers to Capital D9950.9900, Highway Capital Project Expense H5197.2080, and Interfund Transfer H5197.5031 in the amount of \$69,000

Increase Capital Project Vibratory Roller by \$69,000 (CHIPS) for total amount of \$176,000

**Budget Impact Statement:** 2018 CHIPS allocation is \$1,668,903.34; 2018 PAVE-NY allocation is \$381,346.14; 2018 EWR allocation is \$240,498.20. Total 2018 allocation from all three fund sources equals \$2,290,747.68. Available CHIPS rollover is \$10611.12; available PAVE-NY rollover is \$39,444.91; available EWR rollover is \$253.15. New 1% sales tax contribution for Colby Rd per 2018 capital plan is \$410,000. Transferring existing 1% capital from closed projects frees up \$16,018.14. Grand total capital available for 2018 projects is \$2,866,620.51.

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

**RESOLUTION NO. 176                                      AWARD OF BID –HIGHWAY/TANDEM SMOOTH  
DRUM    VIBRATORY/OSCILLATING  
COMPACTOR ROLLER –APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** The Genesee County Highway Superintendent reviewed state bids on rollers for use at the County Highway Department and does recommend awarding the bid to the lowest responsible bidder, and

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

**RESOLVED,** The Genesee County Highway Superintendent is hereby authorized and directed to purchase a new and unused 2018 Hamm HD+140iVO Tandem Smooth Drum Vibratory/Oscillating Compactor from Monroe Tractor, 1001 LeHigh station Rd, Henrietta, NY 14467 in an amount not to exceed \$175,823. And, be it further

**Budget Impact:** The equipment will be purchase using state-provided CHIPS capital funds. A capital project has been established for the purchase of Road Machinery Equipment. Budgeted amount for the purchase of the tractor and all attachments is \$176,000.

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

**RESOLUTION NO. 177                                      AWARD OF BID – HIGHWAY/TRACTOR AND  
IMPLEMENTS – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS,** The Genesee County Highway Superintendent reviewed state bids on tractors for use at the County Highway Department and does recommend awarding the bid to the lowest responsible bidder, and

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

**RESOLVED,** The Genesee County Highway Superintendent is hereby authorized and directed to purchase a new and unused M6-131DTC-F Tractor and 20 Ft Rotary Mower, 6 Ft Offset Flail Mower and a Rotary Boom Mower Attachment from Bentley Brothers, 13936 State Route 31, Albion, NY 14411 in an amount not to exceed \$128,779.56. And, be it further

**Budget Impact:** The equipment will be purchase using state-provided CHIPS capital funds. A capital project has been established for the purchase of Road Machinery Equipment. Budgeted amount for the purchase of the tractor and all attachments is \$130,000.

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

**RESOLUTION NO. 178      REAPPOINTMENT   -HIGHWAY    SUPERINTENDENT-  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** The term of office of Timothy Hens, Highway Superintendent will expire on May 25, 2018, and

**WHEREAS,** Mr. Hens has demonstrated commitment to safe, reliable, professional and cost effective planning and maintenance of County resources, facilities and infrastructure, and

**WHEREAS,** The Chairman of the Legislature, Chair of Public Service Committee and all Legislators received a request from Mr. Hens for reappointment to a sixth term as Highway



Superintendent, and

**WHEREAS**, The Committees on Public Service and Ways and Means do recommend reappointment at this time, Now, therefore, Be

**RESOLVED**, That Mr. Timothy Hens is hereby reappointed as Genesee County Highway Superintendent, effective May 26, 2018 through May 25, 2022.

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

Due to notification by the Assistant County Manager that \$20,000 less is being taken from the reserve and instead coming from the 1% sales tax and we will be borrowing and repaying \$20,000 less than what was presented at Ways & Means Legislator Clattenburg made a motion to amend the following resolution seconded by Legislator Stein, carried unanimously.

**RESOLUTION NO. 179 AMEND/CLOSE/ESTABLISH CAPITAL PROJECTS – 2018 BUDGET AMENDMENT – ENERGY PERFORMANCE CONTRACT –APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County is proposing to enter into an Energy Performance Contract to complete capital projects paid for with energy savings measures, and

**WHEREAS**, The County currently has existing capital projects which will be completed under this contract, and

**WHEREAS**, The Superintendent of Highways recommends closing existing projects, transferring any existing balances, and establishing a new capital project for the Energy Performance Contract, and

**WHEREAS**, The Genesee County Legislature desires to fund the contract using current reserve funds, and

**WHEREAS**, The Ways and Means Committee did review this recommendation and does concur. Now, therefore, Be it,

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the Energy Performance Contract capital project in the total amount of \$4,016,738

**New Projects:**

<b>Title</b>	<b>Balance</b>	<b>Source</b>
Energy Performance Contract	\$4,016,738	\$756,000 1% Sales Tax + \$432,279 Transfers \$1,828,459 Infrastructure Reserve Fund \$1,000,000 Fund Balance

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to close the following capital projects and transfer existing balances as required:

**Transfer/Close:**

<b>Title</b>	<b>Balance</b>	<b>Source</b>	<b>Transfer</b>
Sheriff HVAC	\$43,115.00	1% Sales Tax	Energy Perf Contract
Animal Shelter Improvements	\$64,296.00	1% Sales Tax	Energy Perf Contract
Highway Garage HVAC/Air Quality	\$324,868.46	1% Sales Tax	Energy Perf Contract

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the 2018 Budget by increasing A.1000.1110.1 1% Sales Tax in the amount of \$756,000, increasing A.1000.9999 Balancing (utilizing fund balance) in the amount of \$1,000,000, increasing A.1000.9999 Balancing (utilizing Infrastructure Reserve) in the amount of \$1,828,459, increasing A9950.9 Transfer to Capital and H.1997.5031 Interfund Transfer in the amount of \$3,584,459 and increase expense H.1997.2080.0000 in the amount of \$3,584,459.



**RESOLVED,** That the Genesee County Legislature hereby ratifies and confirms the sale of the properties listed below to the following:

<u>Purchaser</u>	<u>Parcel</u>	<u>Tax Map #</u>	<u>Town</u>	<u>Price</u>
Traci Wester & Patrick Wester	#1	3.-1-122.1	Batavia	\$15,000
Jerry Arena	#2	8.-2-30	Batavia	\$ 4,800
Jeannie Kirch	#3	8.-1-22	Bethany	\$76,000
Lee Shuknecht & Joan Shuknecht	#4	17.-1-24.12	Elba	\$59,000
Ronald Panek & Geraldine Panek	#5	16.-2-78	Pavilion	\$37,000
Denise Young	#6	2.-1-30	V/Alexander	\$32,000
Joseph Spadaro, 123 Property Management, LLC	#7	9.-3-34	V/Leroy	\$35,000
Joseph Spadaro, 123 Property Management, LLC	#8	7.-1-46	V/Leroy	\$38,000
Michael Lauterborn	#9	7.-2-3	V/Leroy	\$ 4,000
Michael Lauterborn	#10	7.-2-4	V/Leroy	\$ 1,900
Michael Lauterborn	#11	7.-2-24	V/Leroy	\$ 300
Michael Lauterborn	#12	7.-2-25	V/Leroy	\$ 300

And, Now therefore, Be it **RESOLVED**

That payment of the net must be received from the buyer within sixty (60) days of ratification of the contract or the sale is considered void and all deposited monies will be forfeited.

Budget Impact: Total sale of properties exceeds outstanding taxes owed by approximately \$209,598.92

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

**RESOLUTION NO. 182 RETAIL LEASE AGREEMENT FOR OPERATION OF WATER DISTRICTS-TOWN OF BYRON AND MONROE COUNTY WATER AUTHORITY**

Legislator Young offered the following resolution:

**WHEREAS,** The Town of Byron and the Monroe County Authority have entered into an Retail Lease Agreement dated April 11, 2018, for the MCWA to operate and maintain the Water Districts in the Town of Byron, and

**WHEREAS,** The County Attorney and the County Highway Superintendent have reviewed this agreement and recommend approval of the same, and

**WHEREAS,** The Committee on Ways and Means has reviewed this Agreement. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby approve a “Retail Lease Agreement for Operation of Water Districts, Town of Byron to Monroe County Water Authority” for the dated April 11, 2018, entered into by and between the Towns of Byron and the Monroe County Water Authority.

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

**RESOLUTION NO. 183 2018 SALARY SCHEDULE AMENDMENT – JOB DEVELOPMENT BUREAU – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The GLOW WIB Finance Committee did approve a performance based raise for the GLOW WIB Manager and funding for the rate increase is provided through GLOW WIB, and

**WHEREAS**, The County Manager did request an amendment to the 2018 Management Salary Schedule to include the performance based rate increase for the GLOW WIB Manager, and

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

**RESOLVED**, The Genesee County Treasurer and Human Resources Director are hereby directed to amend the 2018 Management Salary Schedule by increasing the GLOW WIB Managers base salary to \$63,163+ longevity, effective April 1, 2018.

**BUDGET IMPACT:** increase of \$1,463 will be covered by GLOW WIB

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

**RESOLUTION NO. 184 STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS-NEW YORK STATE RETIREMENT SYSTEM- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**Be it RESOLVED**, That the County of Genesee hereby establishes the following as standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities.

Title	Standard Work Day (hrs/day)	Name	Tier 1	Current Term begin & end	ROA results	ROA not submitted
Legislator	6 hrs	Rochelle Stein	no	1/1/18-12/31/19	23.94	
Legislator	6 hrs	Gregg Torrey	no	1/1/18-12/31/19	22.56	
Legislator	6 hrs	Andrew Young	no	1/1/18-12/31/19	19.72	
District Attny	7.5 hrs	Lawrence Friedman	no	1/1/18-12/31/21	27.43	

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

**RESOLUTION NO. 185 LEGISLATURE RULES 2018-2019/AMENDMENTS- APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Rules of the Genesee County Legislature were adopted by Resolution No. 80 on February 28, 2018, and

**WHEREAS**, The policy for placement of items for Standing Committee Agendas was amended by the Ways and Means Committee on June 21, 1990 so the following items would be acted on in the Committee of jurisdiction only as a recommendation to the Ways and Means Committee; Salary Schedule Amendments, Abolish/Creation of Positions, Budget Amendments and Transfers, Capital Budget Changes, Appointments, Extended Leaves of Absence, Surplus Property-Declaration or Removal of and Water, and

**WHEREAS**, The policy also states the following; exceptions to the above would be when an issue requires Legislative action prior to the next scheduled Committee meeting, in such instances, the Chairperson of the Committee of Jurisdiction can agree to such items being placed solely on the agenda of the Ways and Means Committee, and

**WHEREAS**, It is the desire of the Ways and Means Committee to add this additional item; New Contracts or Agreements, Now therefore Be it

**RESOLVED**, That the Rules of the Genesee County Legislature be amended to include all of the above items to be acted on in the Committee of Jurisdiction only as a recommendation to the Ways & Means Committee and the Rules of the Legislature for 2018 be approved as amended.

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

Upon confirmation that all who wished to be heard had made their comments Chairman Bausch closed the Public Hearing at 6:11 PM.

Legislator Clattenburg commented that she wanted to provide the public with more time and opportunity to comment on Local Law Introductory No. 3 Year 2018-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 and made a motion to table seconded by Legislator Deleo, carried Dibble (43), Young (47), Stein (43) no.

**RESOLUTION NO. 186 COUNTY AUDIT –MAY 23 - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Legislator Maha, did review the following claims:

General Fund	\$	770,778.67
Highway		54,518.99
Water		4,055,850.13
DSS Abstracts		115,396.45
<b>Capital Projects</b>		
Highway-Pratt Rd Bridge Over Tonawanda Creek	\$	1,050.00
Highway-Searls Road Bridge Over Spring Road		15,899.46
Park-County Park Pavilion A/B Roof Repairs & Fireplaces		783.90
Park-County Park Dewitt Improvements, Phase IV		234.37
Airport-Reconstruct Runway 10-28		24,972.39
Airport-Reconstruct Taxiway “C”		9,525.00
<b>Payroll – General</b>		
May 11, 2018	\$	1,081,620.17
<b>Medicaid</b>		
May 15, 2018		177,332.00
May 22, 2018		<u>177,332.00</u>
<b>Total Audit</b>	\$	6,485,293.53

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 326 votes.

Legislator Clattenburg made a motion to suspend the rules of the Legislature, Motion for Rule 19, State legislation was introduced that authorizes retroactive tier III membership in the NYS retirement system for Steven Grice. Resolution 33-2018 which supports retroactive tier status was passed by this body on January 25, 2018 however a Home Rule Resolution is required. Due to the Legislative Session ending date of June 20, 2018, the Home Rule Resolution is timely seconded by Legislator Stein carried unanimously.

**RESOLUTION NO. 187 AUTHORIZATION FOR HOME RULE REQUEST –  
RETROACTIVE RETIREMENT STATUS - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Steven Grice became Deputy County Clerk, an appointed full-time position under Michael Cianfrini on February 16, 2016, and

**WHEREAS**, Mr. Grice had started working as a County employee June 22, 1981 but was not offered the opportunity to join the NYS Public Employee Retirement System which would have established his status as a Tier III retirement system employee, and

**WHEREAS**, The New York State Comptroller, sole trustee of the New York State Retirement System has ruled favorably on Mr. Grice's petition to be granted Tier III retroactive status to his initial 1981 employment date, and

**WHEREAS**, the Genesee County Legislature did pass Resolution No. 33-2018 authorizing a one-time contribution of approximately \$5,660 to satisfy Mr. Grice's status as a "current" Tier III contributor for immediate past service. 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.8598 and Assembly Bill No. A.10717 which is the legislation necessary to grant Tier III retroactive status to Steven Grice to his initial 1981 employment date, and Be it further

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

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

**Budget Impact Statement:** A charge of \$5,660 will be charged to the retirement benefits line of the County Clerk. Legislator Torrey seconded the resolution which was adopted by 326 votes.

At 6:16 PM the meeting adjourned upon motion of Legislator Young seconded by Legislator Stein, carried unanimously.