

**EIGHTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, October 24, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, October 24, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Stein assisted with the audit. Prayer was offered by Legislator Torrey followed by the Pledge to the Flag.

In addition to our Regular Legislature Meeting Chairman Bausch opened a Public Hearing on Local Law Introductory No. five, Year 2018 entitled "A LOCAL LAW AMENDING LOCAL LAW NO. ONE YEAR 2012 IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A FIXED TERM/CORONERS". All interested parties were invited to be heard.

Minutes of the October 10, 2018 Legislature meeting were approved upon motion of Legislator Torrey seconded by Legislator Deleo, carried unanimously.

Legislator Stein reported on the GAM meeting where discussion continued around the sales tax agreement. It was communicated that the agreement with the city will be extended for one year and this is the agreement that includes 16% to the city and 34% to the towns and villages. A communication delivery system was also discussed. The Legislature Clerk will ensure all municipalities are included when agendas for committee and legislature meetings are sent. The next GAM meeting is November 15, 2018. A Jail tour prior to the November 15 GAM meeting was offered and several individuals will attend. Inter County Association was held in Salamanca at the Seneca-Iroquois National Museum. The NYSAC report included comments about attorney rates of \$75/hour for the past 20 years for 18B representation. They are looking at requesting a regional rate with an increase but not to be covered by Counties. Also discussed were the legalization of marijuana and costs incurred by the state of Colorado. A total of 26 counties have submitted their Raise the Age Plans to the state yet none have been approved. Genesee is among the 26 submitted. NYSAC is hosting a RTA panel discussion on November 17th. Harris Beach Law Firm is hosting a webinar where more information will be shared on training as well as the liability Counties incur where vendor/county relationships exist. Legislator Stein stated the Water Resources Agency met and reviewed phase II water plans. The WRA also approved a recommendation for the master plan consultant for phase III. The Jail committee met and reviewed the RFP's received and decided to interview two of the four submissions. Genesee County Farm Bureau held their annual meeting and voted to support the four-year staggered term proposal for county legislative terms. Legislator Maha stated that Genesee Community College Criminal Justice Program is applying for grant funds to establish a Criminal Justice Technology Center that would include a simulator for a variety of law enforcement related skills and activities.

County Manager Jay Gsell stated the Job Development Bureau provides unemployment rate information and the latest rate reported for our county is 3.5%. Non-profits and other employers of minimum wage positions are being affected by the raising minimum wage and trying to deal with long term implications of the graduated minimum wage increase. Mr. Gsell also stated we may have our first RTA 16 year old. He stated there is a 16 year old incarcerated and once they have a court appearance their status changes and they cannot be returned to general population in the jail.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 356 GRANT ACCEPTANCE - EMERGENCY
MANAGEMENT SERVICES - HAZARDOUS
MATERIALS EMERGENCY PREPAREDNESS
PLANNING (HMEP) GRANT-YEAR 2018-
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator requests authorization to accept the FY18 Hazardous Materials Emergency Preparedness (HMEP) Grant Program award in the amount of \$5,172.00 administered by the New York Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, the Hazardous Materials Emergency Preparedness program grant funds are provided by the U. S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, and

WHEREAS, the HMEP grant program prioritizes efforts that lead to the prevention of serious hazmat transportation related incidents, principally those of high consequences to people and the environment, and

WHEREAS, The Committees on Public Service does concur with the Emergency Management Services Coordinator's recommendation. Now therefore be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Division of Homeland Security and Emergency Services (DHSES), 1220 Washington Avenue, Building 7A, Albany, NY 12242 for the acceptance of FY 2018 Hazardous Materials Emergency Preparedness (HMEP) Grant - (October 1, 2018 through September 30, 2019) and to execute any and all other documentation related to this funding.

Budget Impact Statement No County cost. Grant funds in the amount of \$5,172.00 are to be appropriated in the 2019 Emergency Management Services (EMS) budget.

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

**RESOLUTION NO. 357 BUDGET AMENDMENT/SHERIFF –
OVERTIME ADDITIONAL POLICE
SERVICES - APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Sheriff's Additional Police Services Overtime account is in need of funds to cover the current shortage and projected cost through year end, and

WHEREAS, This account covers the cost of overtime pay associated with the provision of police services during various events for outside agencies, and all overtime and fringe expenses related to these overtime details are reimbursed by the agencies being provided the service, 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 as follows:

\$25,000 to A3110.1020.0800 (OT Additional Polices Services)

\$1,550 to A3110.8010.0000 (Social Security Tax)

\$363 to A3110.8011.0000 (Medicare Tax)

\$5,787 to A3110.8020.0000 (Retirement)

Offset by an increase in Sheriff's Revenue Account A3110.2804.1 (Shared Services-
Additional Police Services) of \$32,700

Budget Impact: Increase in Sheriff's 2018 appropriations of \$32,700, to cover the cost of overtime pay and related fringe for police services provided to outside agencies; offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 358 BUDGET AMENDMENT - SHERIFF/K-9
PROGRAM-APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Sheriff's Office K-9, Destro, recently passed after becoming ill with cancer, and

WHEREAS, Destro did undergo surgery and extensive veterinary care prior to passing, and

WHEREAS, Funds are needed to cover the cost of Destro's veterinary services, and funds are available from gifts and donations that have been made to the K9 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 as follows:

\$3,894 to A3110.4800.3317 (Prog Exp-Canine Program)

To be offset by increasing the following revenue account:

\$3,894 to A3110.2705 (Gifts and Donations), with funds to come from A915.6 (K-9 Assigned Unappropriated Funds)

Budget Impact Statement: Increase in Sheriff's 2018 appropriations in the amount of \$3,894, offset by an increase in revenue in a like amount, with funds to come from gifts and donations made to the K-9 Program.

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

**RESOLUTION NO. 359 REAPPOINTMENTS – SHERIFF / TRAFFIC
SAFETY BOARD – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, reappointments do exist on the Genesee County Traffic Safety Board and the Committees on Public Service and Ways & Means do recommend reappointing the following three-year terms:

Timothy Hens 10/1/18 – 9/30/21

Genesee County Highway

Timothy Yaeger 10/1/18 – 9/30/21

Genesee County Office of Emergency

Management,

Now, therefore, be it

RESOLVED, that the above three-year reappointments for the Genesee County Traffic Safety Board are approved at this time.

Budget Impact: None.

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

**RESOLUTION NO. 360 ACCEPTANCE OF STATE FUNDING/BUDGET
AMENDMENT - SHERIFF-OVERTIME-APPROVAL
OF**

Legislator Stein offered the following resolution:

WHEREAS, The Sheriff's Office sent six officers to a week-long Crisis Intervention Training Program sponsored by The Institute for Police, Mental Health and Community Collaboration in Rochester, NY, and

WHEREAS, The Institute does receive funding through a Senate Funded Initiative to the Office of Mental Health that is used to reimburse agencies for overtime and backfill expenses related to sending officers to this training, and

WHEREAS, The Sheriff's Office is eligible for \$9,000 in reimbursement funds, and the Sheriff requested authorization to accept these funds, 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 as follows:

\$9,000 to A3110.1020.0000 (Overtime Salaries)

To be offset by increasing the following revenue account:

\$9,000 to A3110.3324 (State Aid-Law Enforcement)

Budget Impact Statement: Increase in Sheriff's 2018 appropriations in the amount of \$9,000, offset by an increase in revenue in a like amount through reimbursement from the Institute for Police, Mental Health and Community Collaboration with funding from a Senate Funded Initiative.

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

**RESOLUTION NO. 361 COMPREHENSIVE LOCAL BRIDGE AND
CULVERT PROGRAM (PHASE III) –
HIGHWAY/CONSULTANT AGREEMENT-
APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent solicited interest from the Local Design Services Agreement (LDSA) list of engineering consultants as established by the New York State County Highway Superintendent's Association and the New York State Department of Transportation , and

WHEREAS, The Genesee County Highway Superintendent did provide a scope of work to the consultant and negotiated a contract price based on the scope provided and does recommend entering into a consultant agreement for this work, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chairperson of the Genesee County Legislature to enter into a consultant agreement with Clark Patterson Lee, 250 St Paul Street, Suite 500, Rochester, NY 14623 in an amount of \$59,700 for the purposes of developing plans and specifications for the replacement and construction of two additional culverts and one bridge.

Budget Impact: The consultant agreement is for \$59,700 and is funded from the Comprehensive Bridge Culvert Inspection capital project which has a total available budget of \$448,339.

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

**RESOLUTION NO. 362 GRANT AGREEMENT – AIRPORT – 2016
AVIATION CAPITAL GRANT PROGRAM (AIR 99) -
- APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, A Project for the Genesee County Airport, P.I.N. #4902.06 (“the Project”) is eligible for funding under the 2016 Aviation Capital Grant Program as part of the New York State’s AIR ’99 Program administered by the NYS Department of Transportation (“NYSDOT”);

WHEREAS, the County of Genesee desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project, and

WHEREAS, the Genesee County Legislature, duly convened does approve the above subject project. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby authorizes the County of Genesee to pay in the first instance 100% of the federal and non-federal share of the cost of the acquisition of 3,000 gallon Jet A and 1,000 gallon 100LL fuel trucks and an aircraft tug with 40,000 pound capacity and an acquisition of an APU/Ground Power Unit – 400HZ, 15kVA; AC/DC combo with 28 VDC; and it is further

RESOLVED, that the sum of \$475,000 is hereby appropriated from the Genesee County Legislature and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Genesee County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Chairperson of the Genesee County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or AIR 99 Program Funding on behalf of the Genesee County Legislature with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible, and it is further

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Budget Impact Statement: Project to be established in 2019 under county capital improvement plan; \$356,250 State Aid and \$118,750 local match. Grant funded project must be completed within five (5) years of acceptance of this grant.

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

RESOLUTION NO. 363 AMEND RESOLUTION 333-2018 - CAPITAL PROJECT – ESTABLISH/BUDGET AMENDMENT - FEDERAL AID MASTER AGREEMENT – PREVENTATIVE MAINTENANCE BRIDGE PAINTING – BIN 3315790/3315500/3315810 – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, a Project for Preventative Maintenance Bridge Painting (BIN 3315790, 3315500, 3315810), Towns of Darien, Bethany Alexander, P.I.N. 4GN0.00 (the “Project”), County of Genesee is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne

at the ratio of 80% Federal Funds, 15% State Funds and 5% Local Match; and
WHEREAS, Genesee County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the total project,

Now, therefore, be it

RESOLVED, that this Resolution amends and restates Resolution #333 dated September 27, 2018, and be it further

RESOLVED, that the Genesee County Legislature does hereby approve all future supplemental agreements and the federal aid master agreement for the Project; and it is hereby further

RESOLVED, that the Genesee County Legislature hereby authorizes the Chairperson to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and it is further

RESOLVED, that the Chairperson hereby is authorized and directed to execute all agreements, supplemental agreements and reimbursement requests on behalf of the County towards the execution of the project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Genesee County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to establish a capital project Preventative Maintenance Bridge Painting and amend the budget as follows: \$392,000 with federal aid of \$313,600, state aid of \$58,800 and a local match from 1% sales of \$19,600; A1000.1110.1 sales tax \$19,600 offset by an increase in A9950.9, Interfund Transfer, in a like amount, and be it further

RESOLVED, that the Genesee County Legislatures does hereby direct and authorize the Genesee County Treasurer to amend the budget by an increase to H5197.3897, state aid, in the amount of \$58,800 and increase H5197.4592, federal aid, the amount of \$313,600 and increase H5197.5031, Interfund revenue, in the amount of \$19,600, to be offset by appropriation H5197.2080.0000 in the amount of \$392,000

Budget Impact Statement: The capital project will be established based on the total cost of the project at \$392,000 with 80% federal aid of \$313,600, 15% state aid of \$58,800 and a 5% local match from 1% sales tax of \$19,600. Future phase authorizations provided under supplemental agreements.

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

**RESOLUTION NO. 364 TRANSFER OF PROPERTY --CITY OF BATAVIA
TO GENESEE COUNTY/SOUTH LYON AND
SOUTH MAIN STREET PARCELS--APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the County Highway Superintendent made a request that the City of Batavia transfer to the County of Genesee two vacant parcels of land located on the northeast and southeast corners of the South Lyon Street bridge in the City of Batavia, and

WHEREAS, the City of Batavia recently acquired title to these two properties pursuant to its tax foreclosure process and

WHEREAS, the first parcel is located on South Lyon Street and its designation by Tax Map No. 84.039-1-15, and

WHEREAS, the second parcel is located on South Main Street and is designated with Tax Map No. 84.039-1-36, and

WHEREAS, the City of Batavia has provided to the County a proposed “Sale Contract” to transfer these two parcels in an “as is” condition for the nominal prices of \$1.00, and

WHEREAS, the County Attorney and the Highway Superintendent recommend acceptance by the County upon the terms and conditions set forth in the proposed Sale Contract since there would be a tremendous value to the County in owning these parcels since it will need the additional right-of-ways with the proposed replacement of South Lyon Street bridge that is undertaken by the County, which is planned in the near future. Now, therefore, Be it

RESOLVED, that the Chairman of the Genesee County Legislature is hereby authorized and directed to execute a Sale Contract and any or all recording documents between the City of Batavia and the County of Genesee, for the transfer of two vacant parcels of land located on South Lyon Street (Tax Map No. 84.039-1-15) and South Main Street (Tax Map No. 84.039-1-36) in the City of Batavia.

Budget Impact Statement: There is no cost to the county. The transfer of land will greatly aid the future replacement of the South Lyon St Bridge by the County avoiding significant property acquisition costs under federal or state aid.

Prior to the vote Legislator Maha stated it is his hope that this is the first step in getting the bridge replaced.

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

**RESOLUTION NO. 365 2018 BUDGET TRANSFER/AMENDMENT –
COUNTY PARK, INTERPRETIVE CENTER,
FACILITIES MANAGEMENT, COUNTY ROAD
FUND –APPROVAL OF**

Legislator offered the following resolution:

WHEREAS, There is currently a shortage in funds in the County Park, Interpretive Center, Facilities Management and County Road Fund accounts due to a clerical error when calculating salaries during the 2018 budget process , and

WHEREAS, There are not enough funds available within the accounts to cover the expenses and the County Manager recommends using the 2018 General Contingency Fund, and

WHEREAS, The Public Services Committee and 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 make the following 2018 budget transfers:

\$8,225.00	from	A.1990.4800.0000	Contingency, Program Expense
\$1,136.00	to	A.1620.1010.0000	Facilities Management, Personal Services
\$ 70.00		A.1620.8010.0000	Facilities Management, Social Security Tax
\$ 16.00		A.1620.8011.0000	Facilities Management, Medicare Tax
\$ 180.00		A.1620.8020.0000	Facilities Management, Retirement
\$1,492.00		A.7110.1010.0000	County Park, Personal Services
\$ 93.00		A.7110.8010.0000	County Park, Social Security Tax
\$ 22.00		A.7110.8011.0000	County Park, Medicare Tax
\$ 236.00		A.7110.8020.0000	County Park, Retirement

\$1,221.00	A.7110.INTC.1010.0000	County Park, INTC, Personal Services
\$ 76.00	A.7110.INTC.8010.0000	County Park, INTC, Social Security Tax
\$ 18.00	A.7110.INTC. 8011.0000	County Park, INTC, Medicare Tax
\$ 159.00	A.7110.INTC.8020.0000	County Park, INTC, Retirement
\$3,506.00	A.9902.9000.0000	Transfer to County Road

and, Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following 2018 budget amendment by:

Increasing

D5010.1010.0000- County Road Fund, Personal Services -	\$2,840.00
D5010.8010.0000- County Road Fund, Social Security Tax -	\$ 176.00
D5010.8011.0000 – County Road Fund, Medicare Tax -	\$ 41.00
D5010.8020.0000 – County Road Fund, Retirement -	\$ 449.00

Offset by

Increasing

D.5010.5031 – County Road Fund, Interfund Transfer -	\$3,506.00
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Budget Impact: The 2018 General Fund Contingency has sufficient funds to accommodate this transfer and keep these accounts from going into the red for the remaining in the fiscal year. Contingency Balance after transfer = \$37,853.

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

At 5:50 pm Chairman Bausch closed the public hearing. No one spoke on the matter.

RESOLUTION NO. 366 LOCAL LAW INTRODUCTORY NO. FIVE YEAR 2018 – A LOCAL LAW AMENDING LOCAL LAW NO. ONE YEAR 2012 IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A FIXED TERM/CORONER – ADOPTION OF

Legislator Young offered the following resolution:

WHEREAS, The Following Proposed Local Law Introductory No. Five, Year 2018 was duly introduced to the Genesee County Legislature in accordance with the Law:

**LOCAL LAW INTRODUCTORY NO. FIVE YEAR 2018
COUNTY OF GENESEE, NEW YORK**

**A LOCAL LAW AMENDING LOCAL LAW NO. ONE YEAR 2012 IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A FIXED TERM-CORONERS
BE IT ENACTED** by the Genesee County Legislature as follows:

Section 1. The compensation for a Genesee County Coroner shall be based upon an annual salary as follows: \$2,000 per year, with increases tied to annual management adjustments, in addition to a \$100.00 fee per case. Genesee County observed holiday cases to be paid at \$150 per case.

Section 2: The above compensation shall take effect at the commencement of the next full term of elective office of each coroner as duly elected and beginning on or after January 1, 2019.

Section 3. This Local Law is subject to referendum on petition pursuant to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Local Law shall take effect upon proper filing with the Office of the Secretary of State, and,

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number Five Year 2018 and

WHEREAS, A Public Hearing was held at 5:30 p.m. on October 24, 2018 in the Legislature Chambers of the Old Courthouse, Batavia, New York, at which time all interested persons who wished to speak were heard. Now therefore, Be it

RESOLVED, that “**A LOCAL LAW AMENDING LOCAL LAW NO. ONE YEAR 2012 IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A FIXED TERM-CORONERS**” be known as Local Law No. Six Year 2018, for the County of Genesee as introduced October 10, 2018 be and hereby is adopted.

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

RESOLUTION NO. 367 CAPITAL PROJECTS/AUTHORIZATION TO CLOSE/ BUDGET TRANSFER – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Manager and County Treasurer reported that certain Capital Projects have been completed and have recommended that said Capital Projects be closed at this time, and

WHEREAS, The Committee on Ways and Means have reviewed the requests and recommend that said Capital Projects be closed respectively at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby authorized and directed to make the following transfer:

\$9,235.55	From	Capital Project, Sheriff’s Office – Booking Area Renovations
	To	Building and Equipment Reserve
\$3,952.81	From	Capital Project, Sheriff/Jail – Upgrade of Jail Camera/Recording System
	To	Building and Equipment Reserve

and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to close the following completed Capital Projects:

Sheriff’s Office – Booking Area Renovations

Sheriff/Jail – Upgrade of Jail Camera/Recording System

Budget Impact Statement: No impact on 2018 County Budget;

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

RESOLUTION NO. 368 BUDGET FOR 2019 - SETTING PUBLIC HEARING

Legislator Young offered the following resolution:

WHEREAS, The Tentative Budget for 2019 is being prepared by the Genesee County Budget Director and will be duly filed with the Clerk of the County Legislature, and

WHEREAS, The Committee on Ways and Means does recommend setting a public hearing for the 2019 Budget. Now, therefore, Be it

RESOLVED, That a Public Hearing on the 2019 Genesee County Budget will be held on Wednesday, November 7, 2018 at 6:00 p.m. at the Old County Courthouse, 7 Main Street, in the City of Batavia, New York.

Budget Impact Statement: None

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

RESOLUTION NO. 369 SALES TAX ALLOCATION SECOND AMENDED AGREEMENT BETWEEN THE COUNTY OF GENESEE AND THE CITY OF BATAVIA- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The County of Genesee (hereinafter “County”), and the City of Batavia (hereinafter “City”), entered into an “Agreement – Sales Tax Allocation County of Genesee and City of Batavia” dated December 31, 2007 (hereinafter “2007 Agreement”), and

WHEREAS, This “2007 Agreement” provided for a division of the net proceeds of sales tax imposed by the County, by and among the County, the City and the Towns and Villages located in Genesee County, and

WHEREAS, Pursuant to the Fifth Paragraph of this “2007 Agreement”, the terms and conditions of the Agreement were to end on February 28, 2018, and

WHEREAS, On November 10, 2016, the County Legislature adopted a Resolution No. 416-2016 which notified the City of Batavia of its intention to terminate the “2007 Agreement”, in the event that the parties did not timely enter into a new Agreement, and

WHEREAS, The City and County did subsequently enter into a “Sales Tax Allocation Amended Agreement Between the County of Genesee and the City of Batavia”, dated June 19, 2017, which extended the term of the “2007 Agreement” until December 31, 2018, and

WHEREAS, the City and County have been negotiating to enter into a new Agreement for a term of 40 years, and have been advised that in order to obtain approval for an Agreement for this length of time it will be necessary to obtain special legislation from the New York State Legislature, which the parties intend to pursue, and

WHEREAS, to allow time to complete the special legislative process the City and County need to extend the “2007 Agreement” for an additional period of one year, and

WHEREAS, A Committee was formed and has convened as set forth in the Sixth Paragraph of the “2007 Agreement”, in order to make a recommendation to the Legislature and the City Council as to whether or not to amend, modify or extend this “2007 Agreement” for an additional term, and

WHEREAS, This Committee has met numerous times, and has in fact recommended to the Legislature and the City Council that the “2007 Agreement” be extended for a period of 1 year, and

WHEREAS, The County Legislature intends to accept and act upon this recommendation by entering into a Second Amended Agreement to extend the termination date until December 31, 2019. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute on behalf of the County a proposed “Sales Tax Allocation Second Amended Agreement between the County of Genesee and the City of Batavia”, in order to extend the term of the prior Sales Tax Allocation Agreement, dated December 31, 2007, for an additional term of 1 year to end on December 31, 2019.

**SALES TAX ALLOCATION SECOND AMENDED AGREEMENT
BETWEEN THE COUNTY OF GENESEE AND THE CITY OF BATAVIA**

THIS AGREEMENT made the _____ day _____, 2018, by and between the County of Genesee, a municipal corporation of the State of New York, with offices located at the Old Courthouse, 7 Main Street, Batavia, New York, 14020 (hereinafter "County"), and the City of Batavia, a municipal corporation of the State of New York with offices located at One Batavia City Centre, Batavia, New York 14020 (hereinafter "City").

WITNESSETH:

WHEREAS, the Parties previously entered into an "Agreement Sales Tax Allocation County of Genesee and City of Batavia", dated December 31, 2007, (hereinafter "2007 Agreement") and

WHEREAS, the Parties subsequently entered into a "Sales Tax Allocation Amended Agreement Between the County of Genesee and the City of Batavia", dated June 19, 2017, which extended the term of the "2007 Agreement" until December 31, 2018, and

WHEREAS, the Parties desire and intend to extend the "2007 Agreement" for an additional 1 year.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. The Fifth Paragraph of the "2007 Agreement" shall be revised to extend the term for an additional period of 1 year, to end on December 31, 2019, instead of the date of December 31, 2018.

2. The parties acknowledge that the prior notice by the County to the City to terminate the Agreement pursuant to the second paragraph of the Sixth Paragraph shall remain in full force and effect; except that the termination date is extended until December 31, 2019.

3. Any and all terms and conditions set forth in the "2007 Agreement", which are not specifically revised or amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have signed this Second Amended Agreement the day and year first written above.

CITY OF BATAVIA

By: _____

Eugene Jankowski, Jr.
President, City Council
Legislature

COUNTY OF GENESEE

By: _____

Robert Bausch
Chairman, County

Prior to the vote Legislator Clattenburg stated this agreement is extending the current sales tax agreement for one year which will enable the county to pursue special legislation allowing for a 40-year agreement. Legislator Young stated he voted no at Ways & Means and will vote no again because we have come so far with plans and calculations for a new agreement.

Legislator Deleo seconded the resolution which was adopted by 279 votes, Young (47) no.

RESOLUTION NO. 370 COUNTY AUDIT –OCTOBER 24 - APPROVAL OF
Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Stein, did review the following claims:

General Fund	\$	1,734,675.16
Highway		34,473.13
Self Insurance		50,834.70
Water Fund		581,061.75
Sales Tax Distribution		5,883,338.72
DSS Abstracts		517,125.17
Capital Projects		
Airport-8 Bay T-Hangar	\$	259,587.50
County Park-DeWitt Improvements, Phase IV		1,117.26
Highway-Large Span Culverts		46,577.77
Highway-Pratt Road Bridge Over Tonawanda Creek		3,306.63
Highway-Surface Treatment		11,931.69
Highway-Highway CR51 Colby Road		11,834.64
Highway-Highway Overlay		280,432.49
Highway-Highway Chipseal		54,757.85
Highway-Road Machinery		6,975.00
Highway-Highway Recycling		32,722.50
Highway-Stroh road Bridge Over Tonawanda Creek		156,295.10
Highway-Highway Searls Road Bridge		7,037.36
Facilities Management-EMS Training Ground		21,858.27
Facilities Management-Energy Performance Contract		586,906.00
GCC –Wellness & Event Center		4,934.00
Payroll – General		
October 12, 2018	\$	1,107,724.60
Medicaid		
October 16 2018		177,332.00
October 23, 2018		<u>177,332.00</u>
Total Audit	\$	11,750,171.29

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.

Prior to the vote Legislator Stein commented there were 15 capital projects along with sales tax distribution for this audit cycle. Also noted was the \$112,000 in jail costs which does not include medical or prescription costs.

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

The meeting adjourned at 5:55 PM upon motion of Legislator Clattenburg seconded by Legislator Torrey, carried unanimously.