

**NINTH DAY**  
**GENESEE COUNTY LEGISLATURE**  
**Batavia, New York**  
**Wednesday, May 10, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, May 10, 2017 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator DeJaneiro assisted with the audit. Prayer was offered by Legislator Stein followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Cianfrini opened a Public Hearing on Local Law Introductory No. 2 Year 2017, A Local Law To Amend The Tax Laws Of Genesee County Pursuant To Section 421-F Of The New York State Real Property Tax Law. No one spoke.

Chairman Cianfrini also opened a Public Hearing on Agricultural District No. 2 which is situated in the towns of Alabama, Batavia, Byron, Elba, Oakfield, and Pembroke. No one spoke.

Chairman Cianfrini read a joint proclamation for the 57<sup>th</sup> Anniversary of Armed Forces Week May 7-13, 2017 and thanked the men and women who have and are serving in the US Military.

The minutes of the April 26, 2017 Legislature meeting were approved upon motion of Legislator Stein seconded by Legislator Young, carried unanimously.

Legislator Clattenburg reported on her attendance at the GCC Board meeting held on May 8<sup>th</sup>. Dr. Sunser will be coming to the Ways & Means Committee to discuss the Sponsor contribution.

Legislator Stein reported on her attendance at the most recent Comprehensive Plan Executive Committee meeting where 2 new focus groups were discussed. She explained a recent presentation she made to SCOPE on the newly established, mandated Shared Services Plan. She encouraged Legislators to explain and describe Shared Services to groups whenever they have an opportunity.

Legislator Bausch attended CJAC where a Jail report was provided along with a lengthy presentation by Dr. Fernays, GCASA Medical Director. Also discussed was the extent of increased County costs that will result in the Raise the Age Law set to take effect in 2019.

Chairman Cianfrini noted the County received notification of a \$430,000 award from the NYS Office of Indigent Legal Services for the "Second Counsel at First Appearance" Grant. It was noted that Public Defender Jerry Ader will present his department review at the next Public Service Committee meeting.

The Clerk reported a press release was received from the County Planning Director listing details of an Open House. The Genesee County Housing Needs Assessment and Market Study Open House is scheduled for May 17, 2017 from 6-8 PM at the Genesee County Senior Center. The press release will be posted on the bulletin board in the Old Courthouse.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 158    AGREEMENT – 2017 YOUTH BUREAU RESOURCE**  
**ALLOCATION PLAN – APPROVAL OF**

Legislator Young 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 2016 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 2017 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 2017 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 326 votes.

**RESOLUTION NO. 159 APPOINTMENT – GENESEE COUNTY YOUTH BOARD APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Committees on Human Service and Ways and Means do recommend an appointment to the Genesee County Youth Board at this time. Now, therefore, be it **RESOLVED**, That the following individual is hereby appointed to the Genesee County Youth Board with a term and representation as noted.

**Reappointment**

Oakfield/Alabama/Elba Paul Osborn 5/1/17-4/30/20

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

**RESOLUTION NO. 160 ACCEPTANCE OF SPECIAL LEGISLATIVE GRANT AND BUDGET AMENDMENT-YOUTH BUREAU-APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Executive Director of the Genesee County Youth Bureau did receive notice of a donation in the amount of \$500 from the Genesee County Bar Association to support the current operation of the Youth Court Program and

**WHEREAS**, The Executive Director of the Youth Bureau did request an amendment to the 2017 Youth Bureau Budget to accept said funding, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 Genesee County Budget by increasing Revenue Account A.7310.2705 – Gifts & Donations in the amount of \$500 to be offset by an increase in Contractual Accounts as follows

A 7310 YCRT 4800 0000 Program Expenses \$500

**Budget Impact:** All increased appropriations accompanied by matching increased revenue. No net county cost.

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

**RESOLUTION NO. 161     2017 BUDGET AMENDMENT/COMMUNITY MENTAL HEALTH SERVICES/EQUIPMENT- APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request a Budget Amendment to the 2017 Mental Health budget to acquire Computer Software and other program equipment, and

**WHEREAS**, The Committees on Human Services and Ways & 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 2017 Genesee County Budget by

Increasing A4310.2022.0001     Micro Computers, by     \$11,098

Increasing A4310.2022.0009     Software Specific Departmental     \$ 5,000

AND,

Increasing A4310.3490.0000     State Aid Mental Health by     \$16,098

**Budget Impact Statement:** Gross Budget increased by \$16,098; No Increase to County cost due to being offset by Health Information Technology (HIT) Funds.

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

**RESOLUTION NO. 162     2017 BUDGET AND CONTRACT AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES/GCASA - APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2017 GCASA contract and budget, and

**WHEREAS**, The Committees on Human Services and Ways and Means did review this request and do recommend approval at this time, and

**WHEREAS**, These additional funds are the result of a computer equipment request from New York State Office of Alcohol & Substance Abuse Services (OASAS); no additional county cost. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2017 contract and budget between the County of Genesee and GCASA, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 Genesee County Budget by

Increasing A.4313. .4660.0000     GCASA     \$50,000.00

AND

Increasing A.4313. .3494     State Aid, OASAS     \$50,000.00

**Budget Impact Statement:** No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 163     AWARD OF CONTRACT - ARC OF GENESEE ORLEANS/OFFICE FOR THE AGING FOR MEAL PREPARATION SERVICES- APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present the contract award with ARC of Genesee Orleans for the provision of Meal Preparation Services for Office for the Aging for the congregate and home delivered meal programs administered by the Office for the Aging at rates established through RFP 2017-107, and

**WHEREAS,** This is the 1<sup>st</sup> (first) year of a five year contract with potential for 4 (four) additional 1 (one) year renewals for provision of meal service preparation 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 the necessary documents to award a contact with ARC of Genesee Orleans, 64 Walnut Street, Batavia, NY 14020, at a cost of \$6.18 per meal for congregate meals; \$6.24 per meal for regular home delivered meals; \$4.78 for 2<sup>nd</sup> meal (Cold or Sandwich Meal); and \$6.24 for frozen home delivered meals; with a total contract not to exceed \$189,606 for the period of July 1, 2017-June 30, 2018.

**Budget Impact:** Neutral. A 7% overall average per meal cost increase, but maintains the overall food service contract budget at \$189,606 that is in the 2017 County budget. Grant funds: Title III C-1, Title III C-2, WIN, NSIP grant funds, and Medicaid Managed Long Term Care revenue funds pay for 93% of the cost of this contract, with the county paying the remaining 7% of matching funds required by the federal nutrition program Title III C grants. Legislator Bausch seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 164 RENEWAL OF CONTRACT – DOYLE SECURITY SYSTEMS, INC. / OFFICE FOR THE AGING FOR PERSONAL EMERGENCY RESPONSE UNITS -- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a Renewal of Contract with Doyle Security Systems, Inc. not to exceed \$4,450 for the period July 1, 2017 – June 30, 2018 resulting from RFP 2016-105 which took effect July 1, 2016 and is renewable for four (4) one-year (1) periods upon mutual, written consent of both parties and in the best interest of Genesee County for the provision of personal emergency response systems for older adults in Genesee County under the federally funded New York State Family Elder Caregiver Support Program Title III E and the Expanded In-Home Services for the Elderly Program (EISEP) 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 the necessary documents to renew a contact with Doyle Security Systems, Inc. 792 Calkins Road, Rochester, NY 14623 for the provision of personal emergency response systems at the rate of:

**Office for the Aging authorized clients:**

- 1) PERS Installation Charge \$  0  per unit
- 2) PERS Monthly Service Charge for:
  - a. Traditional Landline Device \$  18  per month
  - b. Cellular Device \$  28  per month
  - c. Automatic Fall Detection Device \$  23  per month

**Self-Identifying Private Pay Genesee County clients pricing:**

- 3) PERS Installation Charge \$  0  per unit
- 4) PERS Monthly Service Charge for:
  - a. Traditional Landline Device \$  25  per month
  - b. Cellular Device \$  35  per month
  - c. Automatic Fall Detection Device \$  30  per month

**Budget Impact:** Neutral. Total contract for 2017 not to exceed \$4,450 and is included in the 2017 county budget. Title III-E Caregiver Support Program and Expanded In-home Services for the Elderly (EISEP) funds 75% of the cost, with county funds providing required 25% match.

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

**RESOLUTION NO. 165      RENEWAL OF CONTRACT-TENDER LOVING FAMILY CARE, INC./ OFFICE FOR THE AGING FOR SOCIAL ADULT DAY CARE – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a contract renewal with Tender Loving Family Care, Inc. for the provision of social adult day care for older adults to provide respite service under the Western New York Alzheimer’s Caregiver Partnership (WNYACP), the federally funded New York State Family Elder Caregiver Support Program Title III-E, and to provide the ancillary service of Social Adult Day Service for older adults enrolled in the Expanded In-Home Services for the Elderly Program; and

**WHEREAS,** 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 enter into agreement with the Tender Loving Family Care, Inc., 97 West Avenue, Brockport, NY 14420 for social adult day care services at the rate of \$74 for a 5 Hour Block during the day; \$82 per day for a full day, 9 a.m. – 4 p.m.; and \$115 for an Extended Day, 7 a.m. – 6 p.m. not to exceed \$41,000 for the period July 1, 2017 through June 30, 2018.

**Budget Impact:** The \$41,000 budgeted for this contract is already included in the 2017 budget with \$7,500 under Title III-E Respite grant and \$3,500 from Expanded In-Home Services for the Elderly grant, and \$30,000 from WNYACP.

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

**RESOLUTION NO. 166      CONTRACT RENEWAL– JOB DEVELOPMENT BUREAU/ OFFICE FOR THE AGING, TITLE V SCSEP PROGRAM – APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a contract with Genesee County Job Development Bureau for the provision of providing employment training, placement and support services for senior citizens in Genesee County under the federally funded Older Americans Act Title V Senior Community Services Employment Program (SCSEP) for the period of July 1, 2017 – June 30, 2018; 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 the necessary documents to award a contact with Genesee County Job Development Bureau, 587 East Main Street, not to exceed \$27,617 for the period July 1, 2017 – June 30, 2018.

**Budget Impact:** Neutral. Federal Title V grant of \$27,617 will offset costs of this contract to continue this senior employment program in our county and is already included in the 2017 county budget.

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

**RESOLUTION NO. 167      LEASE AGREEMENT WITH LIFESPAN/OFFICE FOR THE AGING – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did request approval of a lease agreement renewal with Lifespan of Greater Rochester, Inc., 1900 Clinton Avenue S., Rochester, N.Y. 14618 for the period of July 1, 2017 – June 30, 2018 for rental of one 80 square foot office space

to house a Lifespan employee working in the Muriel H. Marshall Fund for the Aging in Genesee funded Financial Management Program at a cost of \$13.91 per square foot, for an annual rent of \$1,112.80; and

**WHEREAS;** The Rochester Area Community Foundation has renewed the grant with Lifespan of Greater Rochester, Inc. to provide financial management services; and the program coordinates with other Marshall Fund grantee services as well as Genesee County Office for the Aging programs and services; and to facilitate such coordination it is mutually beneficial to be housed in the Office for the Aging which has available office space available; and

**WHEREAS;** the Committee on Human Services did review this request and does recommend approval of this lease agreement. Now, Therefore, Be it

**RESOLVED,** That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to renew a lease agreement with Lifespan of Greater Rochester, Inc., 1900 Clinton Avenue S., Rochester, N.Y. 14618 for the period of July 1, 2017 – June 30, 2018 for a yearly cost of \$1,112.80, paid in quarterly installments of \$278.20 per quarter.

**Budget Impact:** Neutral. Rental income is already included as a revenue in 2017 County Budget.

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

**RESOLUTION NO. 168 PROVIDER AGREEMENT AMENDMENT/ HEALTH DEPARTMENT/MEDICAL CONSULTANT – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** Resolution No. 404-16 allowed for execution of an agreement renewal with Alan Barcomb, MD for the provision of Medical Consultant Services; and

**WHEREAS,** the Provider has advised the County that he will be changing insurance companies to obtain a professional liability policy, and can no longer obtain general liability insurance using this new company, and

**WHEREAS,** the County Attorney has recommended that Workers Compensation is also not required for the services performed by the provider, and

**WHEREAS,** the County Attorney has recommended proposed changes to the Provider Agreement that are legally acceptable as to form and content, and

**WHEREAS,** the Committee on Human Services did review this request and does recommend approval. Now therefore, Be it

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an amendment to the agreement with Alan Barcomb, MD of 1 Dennis Drive, Batavia, NY, effective May 15, 2017 as follows:

- Sections 8.1, 8.3 and 8.7 of the prior Provider Agreement shall be amended to eliminate the requirements for general liability insurance and workers compensation insurance.

**Budget Impact Statement:** There is no cost associated with this amendment.

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

**RESOLUTION NO. 169 AFFILIATION AGREEMENT – HEALTH DEPARTMENT/STATE UNIVERSITY OF NEW YORK AT BROCKPORT - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Public Health Director did present an affiliation agreement with the State University of New York at Brockport, and

**WHEREAS,** The Committee on Human Services 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 enter into an affiliation agreement with the State University of New York at Brockport, having its principal place of business located at State University Plaza, Albany, New York 12246, effective May 15, 2017.

**Budget Impact:** There is no direct cost associated with this agreement.

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

**RESOLUTION NO. 170 AFFILIATION AGREEMENT – THE UNIVERSITY OF FINDLAY - APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Public Health Director did present an affiliation agreement with the University of Findlay, and

**WHEREAS**, The Committee on Human Services 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 enter into an affiliation agreement with the University of Findlay, having its principal place of business located at 1000 N. Main Street, Findlay, Ohio 45840, effective May 15, 2017.

**Budget Impact:** There is no direct cost associated with this agreement.

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

**RESOLUTION NO. 171 GRANT ACCEPTANCE/BUDGET AMENDMENT - HEALTH DEPARTMENT/ RABIES REIMBURSEMENT PROGRAM - APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Genesee County Public Health Director has received notification from the New York State Department of Health, that Genesee County's Rabies Reimbursement Program contract funds have been approved, to be used during the 2017 year, in the amount of \$15,661, and

**WHEREAS**, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used for the reimbursement of expenditures associated with rabies control activities, and

**WHEREAS**, The Budget line A4010 3472 State Aid, Rabies of the 2017 Public Health Budget, will be increased \$1,212 to \$15,661, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Rabies Reimbursement Program for the period April 1, 2017 through March 31, 2019, and to execute any and all other documentation related to this funding.

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to accept the additional \$1,212 from the New York State Department of Health, for Genesee County's Rabies Reimbursement Program, 2017 Budget A4010 3472 State Aid, Anti-Rabies.

**Budget Impact:** The estimated grant award each year of the multiyear contract is \$15,661. 2017 Budget line A4010 3472 State Aid, Anti-Rabies \$14,449 increased by \$1212 to \$15,661.

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

**RESOLUTION NO. 172      GENESEE 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 2017 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 2017 Genesee County Fair.

**Budget Impact Statement:**      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 Deleo seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 173                      CONTRACT WITH MERCY FLIGHT, INC. -  
APPROVAL OF**

Legislator Bausch 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 2017 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, 2017 through December 31, 2017 for a contribution from Genesee County in the amount of \$12,825.

**Budget Impact Statement:**      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 DeJaneiro seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 174 AUTHORIZATION TO HOLD REQUISITE PUBLIC HEARING TO SUPPORT AN APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County is contemplating the submission of an application for Community Development Block Grant (“CDBG”) funding from the New York State Office of Community Renewal (“OCR”) to assist in the creation of a brewing operation by Resurgence Brewing Company in the City of Batavia, and

**WHEREAS**, the submission of such an application requires that a public hearing be held to obtain citizen comments regarding community and economic development needs in the County and to comment on any specific project proposals,

Now, therefore, be it

**RESOLVED**, that the County shall hold a public hearing on the 24<sup>th</sup> day of May 2017 at 5:30 PM at the Old Courthouse, 7 Main Street, Batavia, New York. to obtain citizen comments regarding community and economic development needs in the County and the proposed CDBG application to the OCR.

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

**RESOLUTION NO. 175 GENESEE COUNTY CONSENTING TO THE USE OF CERTAIN PAYMENTS IN LIEU OF TAXES BY THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER FOR THE TOWN OF PEMBROKE AND VILLAGE OF CORFU SEWER INFRASTRUCTURE PROJECT AND AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO EXECUTE & DELIVER ANY AGREEMENTS IN FURTHERANCE OF SAME**

Legislator Davis offered the following resolution:

**WHEREAS**, Yancey’s Fancy, Inc. (the “Company”) submitted an application to the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the “Agency”) requesting the Agency's assistance with respect to a certain project consisting of: (A) the acquisition by the Agency of title to or a leasehold interest in a parcel or parcels of land located on Main Road, Town of Pembroke, Genesee County, New York (the “Land”); (B) the construction and equipping by the Company, as agent for the Agency, on the Land of an expansion to an existing facility utilized by the Company for the manufacture, packaging and distribution of cheese products (the “Improvements”) and (C) the acquisition of and installation in and around the Improvements by the Company, as agent of the Agency, of certain items of equipment and other tangible personal property (the “Equipment”); and, collectively with the

Land and the Improvements, the “Facility”); and

**WHEREAS**, in connection with the Application and in furtherance of the Project’s positive financial impact within the Town of Pembroke (the “Town”) and the County of Genesee, New York (the “County”), the Company desires for the Town and the Village of Corfu, New York the (“Village”) to improve the existing sewer infrastructure servicing the Facility and other Town and Village properties through an expansion to the existing, or the construction of an additional, wastewater treatment plant, located at the Town and Village’s existing wastewater treatment plant, with associated improvements to Murder Creek for wastewater discharge (the “Town of Pembroke and Village of Corfu Sewer Infrastructure Project”); and

**WHEREAS**, the Company has requested the Agency’s support in establishing a PILOT Increment Financing (“PIF”) structure whereby the Agency, in accordance with General Municipal Law Section 858(15) and with the consent of the Town, the School District and the County (collectively, the “Affected Taxing Jurisdictions”), would receive from the Company, during the term of the that certain Payment in lieu of Tax Agreement by and between the Agency and the Company, dated March 1, 2014 (the “PILOT”) all amounts due and payable under the PILOT to pay the costs of planning, designing, constructing and equipping the Town of Pembroke and Village of Corfu Sewer Infrastructure Project; and

**WHEREAS**, after considering the positive impact of the Town of Pembroke and Village of Corfu Sewer Infrastructure Project on the Affected Tax Jurisdictions, including the expansion of needed sewer infrastructure within the Town and the Village, the County desires to consent to the above described use of the PILOT payments pursuant to and in accordance with General Municipal Law Section 858(15). Now, Therefore, Be It Resolved,

Section 1. The County hereby authorizes the Agency to retain all amounts payable under the PILOT for purposes of paying the costs expended on the Town of Pembroke and Village of Corfu Sewer Infrastructure Project. The County hereby waives its right to receive any amounts due and payable under the PILOT.

Section 2. The Chair of the Legislature of the County is hereby authorized to execute and deliver any and all agreements necessary or related to the foregoing.

Section 3. This Resolution shall take effect immediately.

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

**RESOLUTION NO. 176 AGREEMENT WITH ROTARY CLUB OF BATAVIA, NY,  
INC. FLY-IN BREAKFAST - GENESEE COUNTY  
AIRPORT - APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Genesee County Legislature did receive a request from the Rotary Club of Batavia, NY, Inc. to hold a Fly-In Breakfast at the Genesee County Airport on Sunday, June 18, 2017, 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 Chair of the Genesee County Legislature is hereby authorized and directed to enter into agreement with the Rotary Club of Batavia, NY, Inc. for access to and use of the Genesee County Airport on June 16, 17, 18, 19 and 20, 2017 subject to the rules and

regulations of the Genesee County Airport to conduct a public Fly-In Pancake Breakfast on June 18, 2017.

**Budget Impact Statement:** Minimal utility expense offset by Rotary Club promotion of Airport.

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

**RESOLUTION NO. 177 OFFICIAL NEWSPAPER FOR THE COUNTY OF  
GENESEE – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** The Genesee County Republican Committee and the Genesee County Democratic Committee did recommend the Daily News, 1 Apollo Drive, Batavia, New York as the Official Newspaper for the Year 2017, pursuant to Chapter 214 of the County Law. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby designate the Daily News as the Official Newspaper for the Year 2017.

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

Chairman Cianfrini closed the Public Hearing on Local Law Introductory No. 2 Year 2017 at 5:51 PM. At 5:52 Chairman Cianfrini closed the Public Hearing on Agricultural District #2.

**RESOLUTION NO. 178 LOCAL LAW INTRODUCTORY NO. 2 YEAR 2017,  
A LOCAL LAW TO AMEND THE TAX LAWS OF  
GENESEE COUNTY PURSUANT TO SECTION 421-f OF  
THE NEW YORK STATE REAL PROPERTY TAX LAW  
-APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS,** The following Local Law was duly introduced to the Genesee County Legislature in accordance with the Law

A LOCAL LAW, to amend the tax laws of Genesee County.

**Be it enacted,** by the Genesee County Legislature, Batavia New York, as follows:

**Section 1. Exemptions for Capital Improvements to Residential Buildings in the Village of Bergen.**

**Exemptions Established**

Residential buildings within the Village of Bergen, New York that are reconstructed, altered or improved, pursuant to § 421-f of the NYS Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

**Amount of exemption**

A. The exemption equals the base exemption, multiplied by one of the following percentages. The extent of such exemption shall decrease by 12 ½% of the exemption base each year during such additional period pursuant to the following.

<b>Year 1</b>	<b>100%</b>
<b>Year 2</b>	<b>87.5%</b>
<b>Year 3</b>	<b>75%</b>
<b>Year 4</b>	<b>62.5%</b>
<b>Year 5</b>	<b>50%</b>
<b>Year 6</b>	<b>37.5%</b>
<b>Year 7</b>	<b>25%</b>
<b>Year 8</b>	<b>12.5%</b>
<b>Year 9</b>	<b>0%</b>

- B. Such exemption shall be limited to \$80,000 in increased market value, but not less than \$5,000, of the property attributable to such reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate or special equalization rate, except where the state equalization rate or special equalization rate equals or exceeds 95%, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

**Section 2. Eligibility for Exemption**

- A. No such exemption shall be granted for reconstruction, alterations or improvements unless:
1. Such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted; and
  2. The value of such reconstruction, alteration or improvement exceeds \$3,000; and
  3. The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old; and
  4. The reconstruction, alteration or improvement shall have been permitted by the Village of Bergen Code Enforcement Officer such that a building permit issued and said reconstruction, alteration or improvement shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Bergen Municipal Code and the Code Enforcement Officer's approval upon completion; and
  5. The property for which exemption is sought must be a one or two family residence.
- B. For purposes of this section the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs.
- C. In the event that a building granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall cease.

**Section 3. Time to file application**

Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board. The application shall be filed with the Assessor of the Town of Bergen on or before the taxable status date of March 1. Any exemption pursuant to this article shall be granted only upon application by the owner thereof on the form prescribed by the State Board. The application shall be filed with the Assessor of the Town of Bergen on or before the taxable status date of March 1 to be eligible for any exemption to be entered on the assessment roll prepared on the basis of said taxable status date.

**Section 4. Effective date**

This local law shall take effect upon filing in the Office of the Secretary of State, and end March 1, 2033

**WHEREAS**, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing of said proposed Local Law on the bulletin board in the Courthouse and did cause notice of the Public Hearing to be published in the official newspaper as required by law,

**WHEREAS**, A Public Hearing was held at 5:30 PM on the 10th day of May, 2017 at the Genesee County Legislature Chambers, Old Courthouse, 7 Main St., Batavia, New York at which time all interested persons who wished to speak were heard. Now, therefore, Be it **RESOLVED**, That a LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE COUNTY to be known as Local Law Number Two, Year 2017 be and hereby is adopted. Legislator Davis seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 179 COUNTY AUDIT – MAY 10 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2017 General Fund	\$	486,530.18
2017 Highway		236,558.38
2017 Nursing Home		3,774.52
2017 Self Insurance		55,265.90
DSS Abstracts		602,681.97

**Capital Projects:**

Sheriff 800MHZ Radio System Upgrade		600.00
Highway Comprehensive Bridge Culverts		21,410.57
Highway River Street Bridge		4,952.23
Highway 2017 Bridge Construction		7,406.80
Airport Demolish Terminal Bldg& Maintenance Hangar		176,085.60
Airport On Airport Obstruction Removal & Perimeter Fence		3,264.82
DeWitt Park Improvements Phase IV		1,096.34
GCC Wellness & Event Center		1,087,472.72

**Payroll**

April 28, 2017		1,502,097.13
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**Medicaid**

May 2, 2017		179,222.00
May 9, 2017		<u>179,222.00</u>

<b>Total Audit</b>	\$	<u>4,547,641.16</u>
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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 stated the Treasurer had provided requested reports of revenue and expenses for the Nursing Home and she appreciated the work that went into gathering the information and writing the report.

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

At 5:54PM the meeting adjourned upon motion of Legislator Deleo seconded by Legislator Clattenburg, carried unanimously.