

**TENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, May 24, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, May 24, 2017 at 5:30 pm at the Old Courthouse 7 Main Street, Batavia New York. Legislator Young assisted with the audit. Prayer was offered by Legislator Deleo followed by the Pledge to the Flag.

In addition to our regular meeting, Chairman Cianfrini opened a Public Hearing at 5:33 PM on the submission of an application for Community Renewal Block Grant funding from the New York State Office of Community Renewal to provide financing to assist in the creation of a brewing operation by Resurgence Brewing Company in the City of Batavia. All interested parties were invited to be heard.

Chairman Cianfrini invited Legislator Deleo to read a proclamation honoring the 75th Anniversary of the Doolittle Raid and local resident Edward Chichowski who volunteered to fly in the secret mission. Highway Superintendent Tim Hens, an Air Force Academy graduate, accepted the Proclamation and described how there are 80 goblets on display at the Air Force Academy. Each goblet has the name of a Doolittle Raid participant and is flipped over when they pass away, he believes only one is still living. Mr. Hens expressed that an appropriate remembrance will be displayed at the County Airport and thanked Legislators for acknowledging this important former resident and his role in our county's history.

Legislator Stein reported on her attendance at the GAM meeting where town leaders are presenting ideas to County Manager Gsell and the suggestion was made to schedule public hearings on the Shared Services plan during legislature meetings. While at the GAM meeting she spoke with Senator Ranzenhofer and suggested looking at an upstate/downstate cost differential which he was receptive to taking back to Albany. She attended the Mental Health Association Annual Meeting and GCASA Annual meeting where Public Health Director Paul Pettit was elected to the GCASA Board. Legislator Bausch commented on how Genesee County set the bar high for hosting Inter County meetings. Legislator DeJaneiro reported he also attended GAM. Chairman Cianfrini stated the New York State Senate passed their version of the DA salary supplement and encouraged legislators to contact Assemblyman Hawley to encourage him to support the measure when it comes up in the Assembly.

The Clerk presented an Out-of-State travel request for Treasurer Scott German to travel to Columbus, Ohio July 18-21 for NACCTFO Annual Conference with a cost to the County of \$372. Motion to approve made by Legislator Clattenburg seconded by Legislator Stein, carried unanimously.

County Manager Gsell stated the Shared Services process continues to move forward and he is working with town, village and school leaders. Schools are not mandated to participate however locally there is interest.

The Clerk proceeded with the resolutions:
RESOLUTION NO. 180 BUDGET AMENDMENT - SHERIFF/REMAINING FUNDS - VILLAGE OF BERGEN AND VILLAGE OF OAKFIELD AGREEMENTS – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Sheriff's Office has Agreements with both the Village of Bergen and the Village of Oakfield to provide additional police services for each of the villages, and **WHEREAS**, The term of the current Agreements is June 1, 2016 through May 31, 2017, and there are funds remaining for services, and

WHEREAS, The Sheriff is requesting a 2017 budget amendment to allow for the use of those funds through May 31, 2017, 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 2017 budget by increasing Sheriff's appropriations as follows:

\$7,392 to A3110.1020.0900 (OT – Bergen Patrols)

\$5,954 to A3110.1020.1000 (OT – Oakfield Patrols)

To be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) of \$13,346.

Budget Impact Statement: Increase in Sheriff's 2017 appropriations in the amount of \$13,346, with \$9,896 coming from the 2016/2017 Agreement with the Village of Bergen for additional police services, and \$5,954 coming from the 2016/2017 Agreement with the Village of Oakfield for additional police services; offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 181 BUDGET AMENDMENT - SHERIFF'S –
REIMBURSEMENT FOR TRAVEL EXPENSES-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Magloclen Confidential issued a check to the Sheriff's Office in the amount of \$1,718.98 as reimbursement for travel expenses incurred by two of our investigators as part of a homicide investigation, and

WHEREAS, The Sheriff is requesting a budget amendment for 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 2017 budget as follows:

\$1,719 to A3110.4800.3311 (Program Exp-Investigative Fund)

To be offset by increasing the following revenue account:

\$1,719 to A3110.2260 (Pub Safety Serv-Other Gov)

Budget Impact: Increase in Sheriff's 2017 appropriations of \$1,719, which comes from Magloclen Confidential reimbursing the Sheriff's Office for travel expenses incurred during a homicide investigation; offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 182 AGREEMENT RENEWAL – SHERIFF'S OFFICE/
JUSTICE BENEFITS, INC. – APPROVAL OF**

Legislator Davis 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, 2017, 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 third renewal period commencing July 1, 2017, and continuing through June 30, 2018, 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 2017 budget.

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

**RESOLUTION NO. 183 2017 SALARY SCHEDULE AMENDMENT/BUDGET
TRANSFER - SHERIFF'S OFFICE (JAIL)/
CREATION OF PART-TIME JAIL NURSE
POSITION -APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Jail is in need of a part-time Jail Nurse to provide services to inmates when the full-time Jail Nurse is off on leave time and for coverage on the weekends, and

WHEREAS, This position was originally budgeted as a contractual service, and \$10,000 was budgeted in the 2017 Jail Contracted Medical account, but the Jail has not been able to secure a contractual provider due to the required malpractice insurance, and

WHEREAS, A new position duties statement has been reviewed and approved by the Human Resources Director to create one (1) part-time Community Health Nurse position in CSEA-General, Grade 18N, and

WHEREAS, The Committees on Public Service and Ways & Means did review this request and do recommend approval at this time. Now, therefore, be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2017 Employee Salary Schedule by creating one (1) part-time Community Health Nurse in CSEA-General, Grade 18N, effective June 1, 2017, and be it further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 budget by transferring Jail appropriations as follows:

\$10,000 to Jail account A3150.1010.000 (Personal Services), offset by a transfer of \$10,000 from Jail account A3150.4650.0000 (Contracted Medical).

Budget Impact: Budget transfer required with no fiscal impact for 2017. Ample funds are available in the Jail budget .8 accounts (Social Security Tax, Medicare and Retirement).

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

**RESOLUTION NO. 184 AGREEMENT/BUDGET AMENDMENT –
SHERIFF/ SPECIAL/ADDITIONAL LAW
ENFORCEMENT SERVICES FOR
WESTERN REGIONAL OTB – APPROVAL
OF**

Legislator Deleo offered the following resolution:

WHEREAS, Western Regional OTB has expressed an interest in entering into an Agreement with Genesee County for special/additional law enforcement services to be provided by the Sheriff's Office at Batavia Downs Gaming during its 2017 summer concert season (June – July), and

WHEREAS, After discussions between the Sheriff, Undersheriff, Chief Deputy of Road Patrol, Western Regional OTB representatives, and approval by the County Attorney, and

WHEREAS, the Sheriff does recommend entering into this contract, and the Committees on Public Service and Ways & 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 and the Genesee County Sheriff are hereby authorized and directed to enter into an Agreement with Western Regional OTB, 8315 Park Road, Batavia, New York 14020, for special/additional law enforcement services, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2017 budget by increasing Sheriff's account A3110.1020.0800 (Additional Police Services) in the amount of \$15,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

BUDGET IMPACT: Appropriation of \$15,000 offset by revenue billed back to Western Regional OTB for law enforcement services.

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

RESOLUTION NO. 185

**RENEWAL AGREEMENT – SHERIFF/
SPECIAL/ADDITIONAL LAW
ENFORCEMENT SERVICES FOR DARIEN
LAKE – APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, Genesee County entered into an agreement with Darien Lake pursuant to Resolution 171 that was adopted on May 25, 2016, whereby the Sheriff's Office would provide additional law enforcement services at Darien Lake and their Performing Arts Center for the 2016 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, 2017, and

WHEREAS, Darien Lake is entering into its 2017 operating and concert season (May 1, 2017 through October 31, 2017) and has indicated a desire to renew the law enforcement services agreement with Genesee County for an additional one-year term (June 1, 2017 through May 31, 2018) and is based on the same terms and conditions from 2016, with the exception of an increase in rate per the Sheriff's Employees' Association (SEA) Collective Bargaining Agreement, and

WHEREAS, Darien Lake has been made aware that the Deputy Sheriffs' Association's (DSA) Collective Bargaining Agreement expired on December 31, 2016, and the hourly rates listed on *Addendum A* of the Agreement will change, and the difference will be billed under a separate invoice once the agreement has been ratified, 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 special/additional law enforcement services at Darien Lake for an additional one-year term (June 1, 2017 through May 31, 2018) and for the Performing Arts Center 2017 concert season (May 1, 2017 through October 31, 2017).

Budget Impact: \$164,700 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 Clattenburg seconded the resolution which was adopted by 279 votes, Young (47) absent.

**RESOLUTION NO. 186 CONTRACT AMENDMENT /BUDGET
AMENDMENT- HARRIS CORPORATION -
SHERIFF - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County contracted with Harris Corporation to provide standardized accessories for the radio equipment provided to the agencies as part of the original purchase agreement dated April 25, 2013, and

WHEREAS, Genesee County received a NYS Statewide Interoperable Communications Grant which included funds for radio system infrastructure improvements, and

WHEREAS, Harris and the County have negotiated a price of the additional work specified in Amendment 8 of the original purchase Agreement for a total cost not to exceed \$224,840, and

WHEREAS, The Genesee County Sheriff, Emergency Management Coordinator, County Attorney, County Manager and Director of Emergency Communication recommend a contract amendment be approved for a cost not to exceed \$224,839.48, 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 Chair of the Legislature is hereby authorized and directed to approve Harris Corporation Amendment 8, at a cost not to exceed \$224,840, to be offset by revenue from the NYS Statewide Interoperable Communications Round 4 Grant. Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 budget by increasing Sheriff's Communications appropriations as follows:

\$224,840 to A3020.4660.SICG (Contracted Other–SICG)

Offset by an increase in revenue account A3020.3390.SICG (State Aid-SICG) in a like amount.

Budget Impact: Increase in Sheriff's Communications appropriations in the amount of \$224,840, to be offset by an increase in revenue in a like amount, with funds to come from NYS Statewide Interoperable Communications Grant funding.

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

**RESOLUTION NO. 187 AGRICULTURAL DISTRICT NO. 2 - TOWNS OF
ALABAMA, BATAVIA, BYRON, ELBA, OAKFIELD,
AND PEMBROKE – EIGHT YEAR REVIEW –**

**CONTINUATION AND MODIFICATION –
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The creation of Agricultural District No. 2 was approved by the Genesee County Legislature by Resolution No. 162 adopted July 9, 1975 and certified by the State of New York on October 25, 1975, and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

WHEREAS, The initial eight year review with modifications was approved by the County Legislature by Resolution No. 275 adopted December 28, 1983, and

WHEREAS, The County Legislature has subsequently modified Agricultural District No 2 through reviews in 1992, 2003, 2009

WHEREAS, The District was duly referred to the Agricultural and Farmland Protection Board which produced a report with the recommendation for the approval and modification of the District at its March 13, 2017 meeting, and

WHEREAS, On the 10th day of May 2017, pursuant to public notice, a public hearing was held on the proposed District, and

WHEREAS, In accordance with the New York State Environmental Quality Review Act of 1975, and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District under review has been determined to have no significant effect on the environment, and

WHEREAS, The Committee on Public Service does concur with the recommendation of the Agricultural and Farmland Protection Board. Now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby approve of the adoption of the proposal for the continuation and modifications of Agricultural District No. 2 in the Towns of Alabama, Batavia, Byron, Elba, Oakfield, and Pembroke as recommended by the Agricultural and Farmland Protection Board for a period of eight years, and be it further

RESOLVED, That certified copies of this resolution, along with all required maps, reports, and documents pertaining to this approved plan, be submitted to the Commissioner of the New York State Department of Agriculture and Markets for review and certification.

Budget Impact: Funds were allocated in Planning departmental budget for 2017 including Postage \$320, Copier Cost/Copy \$100, and Printing \$50.

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

**RESOLUTION NO. 188 REAPPOINTMENT - GENESEE COUNTY
PLANNING BOARD - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The terms of office of Lucine Kauffman, Ginny Adams and Tom Schubmehl on the Genesee County Planning Board will expire this year and they have indication an interest and desire for reappointment, and

WHEREAS, These three candidates are in compliance with the training requirements required by New York State for reappointment under Chapter 662 of the Laws of 2006, and

WHEREAS, the Committees on Public Service and Ways and Means do recommend they be reappointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Ms. Lucine Kauffman of Elba, NY, Ms. Virginia Adams of Bergen, NY and Mr. Thomas Schubmehl of Pembroke, NY to serve another term on the Genesee County Planning Board for the period ending on May 31, 2020.

Budget Impact Statement: None

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

RESOLUTION NO. 189

2017 BUDGET AMENDMENT – COUNTY PARKS - INTERPRETIVE CENTER/YOUTH BUREAU GRANT AWARD - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Genesee County Parks Supervisor do request an amendment to the 2017 Genesee County Budget to allow the acceptance of Youth Bureau grant funds, and

WHEREAS, The budget increase will allow the Parks Supervisor to use the funding to administer an Environmental summer program for Genesee County youth through the Environmental Education programming at the Genesee County Park and Forest Interpretive Nature Center in Bethany, 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 2017 Genesee County Budget by increasing Appropriation A7110 INTC 4660.0000 County Park, Contractual in the amount of \$6,550.00 to be offset by an increase in Revenue A7110 INTC 3891 State Aid - Parks, in a like amount.

Budget Impact: Increase to 2017 budget expense in amount of \$6,550 - offset by revenue in like amount. Cost to County \$0.

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

RESOLUTION NO. 190

INTERMUNICIPAL AGREEMENT – ELLICOTT TRAIL/ DEWITT RECREATION AREA – TOWN OF BATAVIA - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Town of Batavia has received federal aid to develop a multi-use trail, to be known as the Ellicott Trail, to cross through the City of Batavia, and

WHEREAS, The course of the trail is proposed to connect several parks and pass through the DeWitt Recreation Area, and

WHEREAS, The Park Supervisor and the Highway Superintendent have coordinated and reviewed the layout of the trail through the DeWitt Recreation Area and recommend a shorter path requiring a pedestrian bridge where the trail crosses through a wetland, and

WHEREAS, A capital project has been established for Phase IV of the development of the DeWitt Recreation Area that included trail development, and

WHEREAS, The Park Supervisor and Highway Superintendent recommend using this capital project to assist the Town of Batavia with the development of this trail and the placement of a pedestrian bridge, and

WHEREAS, The Town of Batavia has proposed an Intermunicipal Agreement with Genesee County that lays out responsibilities relative to construction, funding and future maintenance of the trail, and

WHEREAS, The Highway Superintendent and the County Attorney have reviewed the Intermunicipal Agreement for the Ellicott Trail and do recommend approval, 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 Genesee County Legislature does hereby authorize the Chairperson of the Genesee County Legislature to execute the Intermunicipal Agreement between Genesee County and the Town of Batavia for the Ellicott Trail.

Budget Impact: The County will construct a pedestrian bridge to allow for proper routing of the trail through the park. The cost of the pedestrian bridge are estimated at \$85,000 and will be installed by county highway crews with in-kind expenses for labor and equipment estimated at \$30,000. The cost for the bridge units will be funded from the capital project established for the DeWitt Recreation Area – Phase IV. Legislator Deleo seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 191

**SPECIAL EVENT – PETE GALVIN XC
SERIES – RACE #2 – GENESEE COUNTY
PARK AND FOREST – APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, A Special Events application was received from the Genesee Valley Harriers Running Club, Inc. to use the County Park and Forest for a trail run on September 24, 2017, and

WHEREAS, The Parks Supervisor and Highway Superintendent did review this application and recommend approval, and

WHEREAS, The Committee on Public Service does concur with this request. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Genesee Valley Harriers Running Club, Inc. to use the Genesee County Park and Forest for a trail run on September 24, 2017, as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None

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

RESOLUTION NO. 192

**SURPLUS EQUIPMENT-HIGHWAY-ROAD
MACHINERY FUND AND INTERNAL SERVICE
FUND-APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did request the following equipment be declared surplus property, and

WHEREAS, The Committees on Public Service and Ways and Means did review this list and do recommend this equipment be declared surplus property at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Legislature does hereby declare the following as surplus property to be disposed of at auction, public bid or through inter-municipal purchase.

Road Machinery Fund

(4) E144 Harder Slide In Sanders

(1) E112 Harder Slide In Sander

Internal Service Fund

MP #1147 – 2009 Ford Focus

MP #1180 – 2009 Chevrolet Impala

Budget Impact: Revenue for Road Machinery Fund and Internal Service Fund

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

RESOLUTION NO. 193

CONSULTANT AGREEMENT – STROH RD (CR#1) BRIDGE OVER TONAWANDA CREEK – APPROVAL OF

Legislator Bausch 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, A committee reviewed letters of interest and performed interviews and did recommend the most qualified consultant, 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 \$38,100 for the purposes of designing the replacement of the Stroh Road Bridge over the Tonawanda Creek in the Town of Alexander.

Budget Impact: The consultant agreement is for \$38,100 and is funded from the Comprehensive Bridge Culvert Program capital project.

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

RESOLUTION NO. 194

ESTABLISH CAPITAL PROJECT – 2017 BUDGET AMENDMENT – HIGHWAY/SLUSSER RD –APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS, The State of New York has provided Genesee County with Extreme Weather Recovery funds via the Consolidated Highway Improvement Program (CHIPS) formula, and

WHEREAS, The Superintendent of Highways recommends establishing a new capital project 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 establish the following NYS-EWR funded 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 \$240,498

Establish:

Slusser Rd (CR#30)

Budget

\$240,498

Source

NYS-EWR

Budget Impact Statement: Project is funded by state funds via the NYS Extreme Winter Recovery funds in the amount of \$240,498.

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

RESOLUTION NO. 195

**CONTRACT AWARD – HIGHWAY –
PAVEMENT MARKINGS - APPROVAL OF**

Legislator Deleo 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 D as per specifications, effective June 1, 2017 through May 31, 2018 in an amount not to exceed budgeted amounts.

Budget Impact Statement: The County Road Fund includes \$135,000 for highway pavement markings. Legislator Davis seconded the resolution which was adopted by 279 votes, Young (47) absent.

RESOLUTION NO. 196

**2017 BUDGET AMENDMENT – MARCH
WIND STORM INSURANCE RECOVERY –
FACILITY MAINTENANCE -- APPROVAL
OF**

Legislator Stein offered the following resolution:

WHEREAS, Genesee County experienced significant damage to several buildings after an extreme wind event crossed the County in March 2017, and

WHEREAS, The County is in receipt of funds from its insurance carrier for repairs to damaged facilities, and

WHEREAS, The Genesee County Facility Maintenance department made repairs and contracted for repairs to restore damage, and

WHEREAS, The County Highway Superintendent does recommend amending the 2017 Budget at this time, 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 Genesee County Treasurer to make the following amendments to the 2017 Budget:

Increase A.1000.2680 Insurance Recoveries \$36,771.10

Increase A.1620.4660.0000 Contracted Other \$36,771.10

Budget Impact: Insurance proceeds of \$36,771.10 will be used to offset the expenses within the Facility Maintenance budget.

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

RESOLUTION NO. 197

**HVAC CONTROLS, VIDEO MONITORING,
SECURITY, ACCESS & FIRE ALARM
PREVENTATIVE MAINTENANCE
CONTRACT – AIRPORT – APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did received a NYSOGS Contract #PT36300 price quote from U&S Services for a preventative maintenance contract for the HVAC Controls, Video Monitoring, Security and Access and the Fire Alarm at the County Airport Terminal and Main Hangar, and,

WHEREAS, The Genesee County Highway Superintendent and County Attorney has reviewed this contract and does recommend awarding a contract 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 U&S Services Inc., 95 Stark St, Tonawanda, NY 14150 for the preventative maintenance of the Airport Terminal and Main Hangar HVAC Controls, Video Monitoring, Security and Access and the Fire Alarm effective June 1, 2017 through May 31, 2018 in an amount not to exceed \$4,050.

Budget Impact Statement: The Airport budget includes funds for facility maintenance in the amount of \$20,400.

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

**RESOLUTION NO. 198 DESIGNATION OF COUNTY SURPLUS PROPERTY
– PURCHASING – APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Purchasing Director did request that the following list of county property, from various county departments and that is no longer used or needed by those county departments or other county departments, be declared surplus property:

- 6 desk chairs on casters
- 11 assorted chairs
- 4 stacking chairs
- 2 rolling open files with hangers
- 6 folding chairs
- 4 stand-alone fabric work station dividers
- 4 other various fabric dividers
- 1 4'x6' black chalkboard
- 2 Biel's micro-film readers
- Puppet Stage
- TV/VCR unit/combo
- Cassette radio
- Laser jet printer/hp photosmart
- 2 – Metal 2 door lockers (handles broken on one)
- Large Metal Desk

WHEREAS, The Committee on Ways and Means did review this request and do so recommend approval at this time, Now, therefore, Be it
RESOLVED, That the Genesee County Purchasing Department is hereby authorized to declare the following items as surplus which are to be disposed of through public auction or junked as appropriate.

Budget Impact Statement: Proceeds from any items sold at auction will go back into the County's General Fund.

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

**RESOLUTION NO. 199 CONTRACT-TREASURER/AUDITING SERVICES-
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Treasurer did present a contract for auditing services for indirect cost allocation reimbursement for County Departments for a five-year period, and

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

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter into contract with Venesky & Company, Cicero, NY for the provisions of indirect cost allocation services for the Genesee County Treasurer for a five year period starting with year 2017 through 2021 to be performed in 2018-2022 at a cost not to exceed eleven thousand five hundred dollars (\$11,500.00) each year.

Budget Impact: The cost of this service will remain the same at \$11,500 per year. This contract allows some departments to chargeback the state and others allowing the county to receive an estimated additional \$570,000 per year of revenue, the county would not receive without this service.

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

**RESOLUTION NO. 200 2017 BUDGET AMENDMENT - IGT -
NURSING HOME - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The State of New York and the Federal Government Medicaid Program have agreed to re-institute the Inter Governmental Transfer (IGT) Program to assist public nursing homes through their financial crisis, and

WHEREAS, New York State and the federal Medicaid Program is allowing county owned nursing homes to recapture IGT for 2015 in the amount of \$6,035,745 with the requirement of Genesee County having a 50% match (\$3,017,872.50), and

WHEREAS, The Genesee County Treasurer recommends the use of Fund Balance to maximize the IGT payment and

WHEREAS, The Committee on Ways and Means concurs, Now, therefore Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 budget by Increasing Appropriation A.6100.4800.0000 MMIS in the amount of \$3,017,873 and Increasing Revenue A.1000.9999 Balancing in a like amount utilizing Fund Balance for the IGT funds.

Budget Impact: An increase in expenditures of \$3,017,872.50 in the General Fund and increase in revenue to the General Fund Nursing Home Revenue of \$6,035,745

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

**RESOLUTION NO. 201 2017 BUDGET ITEM TRANSFER - DEBT SERVICE -
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The County of Genesee has refinanced the debt on the Sheriff's Office earlier this year with estimated savings of nearly \$180,000 over the next 10 years; and **WHEREAS**, The County Treasurer is requiring a budget item transfer to switch funds from Interest on Debt to the Principal on Debt of \$40,000.00 resulting in a savings of \$14,795 in 2017 with a reduction of Interest expense of \$54,795 from the refunding; and **WHEREAS**, The Committee Ways and Means does concur. Now, therefore Be it **RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to transfer funds from A.9710.7000 Interest on Debt to A.9710.6000 Principal on Debt in the amount of \$40,000.00

Budget Impact: None, this is to properly charge expenses. The refunding resulted in a savings to the General Fund of \$14,795 in the 2017 budget.

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

**RESOLUTION NO. 202 COUNTYWIDE WATER SUPPLY
PROGRAM) – ENVIRONMENTAL IMPACT
STATEMENT/SEQR – CONSULTANT
AGREEMENT/BUDGET AMENDMENT –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County desires to obtain additional water supply from the Monroe County Water Authority, and

WHEREAS, Genesee County has determined that an update of the Final Environmental Impact State for the Genesee County Water Supply Program is required, and

WHEREAS, Clark Patterson Lee has worked with the Genesee County Water Resources Agency, the Monroe County Water Authority, Genesee County and its municipalities for over 20 years regarding the development of the Countywide Water System and developed the original Environmental Impact Statement, and

WHEREAS, The Genesee County Highway Superintendent did provide a scope of work to Clark Patterson Lee for the work required to update the Environmental Impact Statement and perform the required environmental reviews, and

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

WHEREAS, The Committee on Ways and Means 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 \$160,000 for the purposes of updating the Environmental Impact Statement and performing the required environmental reviews necessary for the County to move forward with projects to obtain additional water supply from the Monroe County Water Authority, and be it further

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the 2017 Budget by increasing EW.8320.2140 Metered Sales by \$160,000 and increasing EW.8320.4660.0000 Contracted-Other in a like amount.

Budget Impact: The consultant agreement is for \$160,000 and is funded from the Water Fund. The Water Fund is being amended with additional revenue from increased water sales and offset by a contractual expense.

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

RESOLUTION NO. 203 LEASE – FRIENDS OF BATAVIA PEACE GARDEN FOUNDATION AGREEMENT – APROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with the Friends of Batavia Peace Garden Foundation for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, Batavia, for administrative purposes for the period of May 1, 2017 – April 30, 2018, at a rate of \$100.00 annually, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between the Friends of Batavia Peace Garden Foundation and the County of Genesee for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, effective May 1, 2017 through April 30, 2018; at a cost of \$100.00 per year.

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

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

RESOLUTION NO. 204 DISTRIBUTION OF MORTGAGE TAX-FIRST PAYMENT 2017-APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Clerk and Treasurer have reported to this Legislature that there is now available for distribution to the several towns and villages and the City of Batavia, mortgage tax money amounting to \$384,918.90, and

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

City Of	Batavia	\$ 142,294.49
Towns Of	Alabama	5,421.16
	Alexander	4,054.45
	Batavia	52,494.86
	Bergen	14,832.14
	Bethany	8,420.00
	Byron	10,283.16
	Darien	19,350.17
	Elba	11,238.42
	LeRoy	29,314.02
	Oakfield	11,738.94
	Pavilion	15,187.04

	Pembroke	28,046.62
	Stafford	16,067.60
Villages Of	Alexander	424.80
	Attica	148.98
	Bergen	2,042.94
	Elba	1,500.47
	LeRoy	8,428.06
	Oakfield	1,876.73
	Corfu	1,753.85
Total		\$384,918.90

Now, therefore, Be it

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

Budget Impact Statement: 2016 1st payment \$278,153.64, 2015 1st Payment \$292,934.98, 2014 1ST Payment \$244,843.58, 2013 1st Payment \$303,549.03, 2012 1st Payment \$276,484.73

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

Chairman Cianfrini restated that a Public Hearing was open on the submission of an application for Community Development Block Grant funding from the New York State Office of Community Renewal to provide financing to assist in the creation of a brewing operation by Resurgence Brewing Company in the city of Batavia and invited all interested parties to be heard. The Public Hearing was closed at 6:00 PM with no one speaking on the matter.

RESOLUTION NO. 205 COUNTY AUDIT – MAY 24 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Young did review the following claims:

2017 General Fund	\$	684,213.48
2017 Highway		74,519.26
2017 Nursing Home		16,220.89
2017 Self Insurance		298.88
2017 Water		51,881.76
DSS Abstracts		215,512.34

Capital Projects:

Sheriff 800MHZ Radio System Upgrade	206,692.51
Highway 2017 Bridge Construction	2,020.00
DeWitt Park Improvements Phase IV	5,514.84
GCC Wellness & Event Center	411,709.28

Payroll

May 12, 2017	1,049,111.12
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Medicaid

May 16, 2017	179,222.00
May 23, 2017	179,222.00

Total Audit	\$	3,076,138.36
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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 Torrey seconded the resolution which was adopted by 279 votes, Young (47) absent.

The meeting adjourned at 6:045 PM upon motion of Legislator Stein seconded by Legislator Deleo, carried unanimously.