

**TWELVTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, June 28, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, June 28, 2017 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator Davis assisted with the audit. Prayer was offered by Legislator DeJaneiro followed by the Pledge to the Flag.

The minutes of the June 14, 2017 legislature meeting were approved upon motion of Legislator Stein seconded by Legislator Young, carried unanimously.

Legislator Stein reported at Inter County Association meeting NYSAC provided updates on the Raise the Age Taskforce which consists of commissioners of departments affected will be hosting regional meetings later this summer. Also shared was that the indigent defense taskforce is created and the state pays for it however, it won't go into place until it's funded through the budget.

County Manager Jay Gsell provided an update on what is being reported from the Extraordinary Session called by the Governor. The Session started mid-day today with a Leaders conference to discuss agenda items in addition to the Mayoral control of NYC schools. The Senate was demanding the tax extenders be included however, no votes or action has been taken as of 5:30 PM.

The Clerk proceeded with the Resolutions:

**RESOLUTION NO. 229 GRANT AWARD-GENESEE JUSTICE/NYS DIVISION OF
CRIMINAL JUSTICE SERVICES-APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Program Coordinator of the Genesee Justice Program did receive notification of the award of grant funding from the New York State Division of Criminal Justice Services for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for a one-year contract term starting July 1, 2017 through June 30, 2018, and

WHEREAS, The Public Service Committee did review and does recommend acceptance of the grant funding at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby accept grant funding from the New York State Division of Criminal Justice Services in the amount of \$41,876 for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for 2017-2018, and Be it further,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary form for the acceptance of funds for the period of July 1, 2017 through June 30, 2018 in the amount of \$41,876.

Budget Impact: There is a minimal grant reduction to A 3151 3320 (State Aid-Community Service - CSS \$34,978) and A 3151 3310.31 (State Aid-ATI – ATI \$6,898). These monies are being offset with a donation from the Genesee County Bar Association. There is no amendment for the 2017 County Budget.

Legislator Clattenburg seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 230 CONTRACT EXTENSION – NYS DEFENDERS
ASSOCIATION/PUBLIC DEFENDERS CASE
MANAGEMENT SYSTEM – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Public Defender's Office does recommend the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender's Office and New York State Defenders Association, Inc. contract be extended for a period through May 3, 2018, And

WHEREAS, The Public Service Committee did review and does recommend the contract extension. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to extend the contract for the provision of the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender's Office and New York State Defenders Association, Inc., Albany, New York for the period of May 3, 2017 through May 3, 2018 for a total cost of \$2,500.00.

Budget Impact: Funds for this contract are budgeted in the 2017 budget.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 231 AWARD OF BID/SHERIFF'S OFFICE – 2018
LAW ENFORCEMENT VEHICLES**

Legislator Stein offered the following resolution:

WHEREAS, One bid was received for the purchase of five (5) 2018, all-wheel drive, law enforcement pursuit rated, SUV style vehicles, from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960, for the total purchase price of \$122,502.50, which includes a trade in allowance of \$17,000, and

WHEREAS, The bid did meet specifications, and the Sheriff does recommend that the bid for the purchase of five law enforcement vehicles be awarded to Beyer Ford, for a total purchase price of \$122,502.50, with authorization to trade-in the following four vehicles, and

Car #88	1FM5K8AR2DGC73204	2013 Ford Interceptor Utility
Car #89	1FN5K8AR6DGC73206	2013 Ford Interceptor Utility
Car #90	1FM5K8AR8DGC73207	2013 Ford Interceptor Utility
Car #91	1FM5K8ARXDGC73208	2013 Ford Interceptor Utility

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

RESOLVED, That the award of bid for the purchase of five 2018, law enforcement SUV style vehicles will be made to Beyer Ford, for the total purchase price of \$122,502.50.

Budget Impact: \$125,000 has been appropriated to the 2017 asset acquisitions for the purchase of law enforcement vehicles and vehicle equipment. The total purchase price for five vehicles is \$122,502.50.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 232 ADOPTION OF BY-LAWS & APPOINTMENT OF EX-
OFFICIO MEMBERS – SHERIFF'S OFFICE/ ENHANCED
9-1-1 OPERATIONS BOARD – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Enhanced 9-1-1 Operations Board was established by the Genesee County Legislature on June 22, 2005, pursuant to Resolution 204 (see attached), and

WHEREAS, a draft of the by-laws was created and reviewed by the Enhanced 9-1-1 Operations Board, and a decision to appoint the Director of Emergency Communications as an ex-officio member was agreed upon, and

WHEREAS, The board members have since been operating according to these by-laws, however, it has come to light that a final version of the by-laws and the ex-officio member

appointment of the Director of Emergency Communications were not officially adopted by the Genesee County Legislature, and

WHEREAS, there is a need for revisions to the by-laws and a desire to appoint the Director of Information Technology as an ex-officio member to the Enhanced 9-1-1 Operations Board, and **WHEREAS**, after careful review by the members of the Enhanced 9-1-1 Operations Board and the County Attorney, I am requesting the “revised” by-laws and ex-officio appointments of the Directors of Emergency Communications and Information Technology be officially adopted by the Genesee County Legislature, and

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

RESOLVED, that the Genesee County Legislature hereby approves the “revised” Enhanced 9-1-1 Operations Board By-Laws and be it also

RESOLVED, that the Genesee County Legislature approves the appointments of the Directors of Emergency Communications and Information Technology as ex-officio members of the Enhanced 9-1-1 Operations Board.

BUDGET IMPACT: There is no impact. Members of this Board serve without compensation.

Legislator DeJaneiro seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 233 MAINTENANCE AGREEMENT RENEWAL &
BATTERY REPLACEMENT / BUDGET AMENDMENT -
SHERIFF’S OFFICE / EATON CORPORATION
UNINTERRUPTED POWER SUPPLY - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County did contract with Eaton Corporation, represented by Lynn Associates, Inc. 6622 Main Street, Suite 4, Buffalo, New York 14221 for the purchase, installation and maintenance of the Uninterrupted Power Supply (UPS) supporting the Genesee County Emergency Dispatch Center at 165 Park Rd, Batavia, NY 14020 pursuant to Resolution #292 on August 13, 2014, and

WHEREAS, the current three-year maintenance agreement will expire on July 26, 2017, and the UPS batteries require replacing every five years; and

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

WHEREAS, Eaton Corporation and the County negotiated a three-year maintenance agreement renewal with an annual cost of \$5,570.00 each year plus the purchase of replacement batteries at a one-time cost of \$18,010.98, and

WHEREAS, After careful review by the Genesee County Sheriff, County Attorney, and Director of Emergency Communications, we recommend the County renew the maintenance agreement with Eaton Corporation for the period of July 27, 2017, through July 26, 2020, at a cost not to exceed \$16,710.00, to be paid in three annual payments of \$5,570.00, and approve the purchase of replacement batteries at a one-time cost of \$18,010.98, 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 Chair of the Genesee County Legislature authorizes and directs the Sheriff to sign the three-year renewal maintenance agreement with Eaton Corporation for the period of July 27, 2017, through July 26, 2020, at a cost not to exceed \$16,710.00, to be paid in three annual payments of \$5,570.00 and to approve the purchase of replacement batteries at a one-time cost of \$18,010.98; and 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:

\$23,581.00 to A3020.4660.SICG (Contracted Other-SICG) to be 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 \$23,581.00, to be offset by an increase in revenue in a like amount, with funds to come from NYS Statewide Interoperable Communications Grant funding.

Legislator Bausch seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 234 RESOLUTION AMENDMENT #175-2016 – SHERIFF'S OFFICE / GENESEE VALLEY EDUCATIONAL PARTNERSHIP SCHOOL RESOURCE OFFICER – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, A renewal Memorandum of Understanding (MOU) was entered into with Genesee Valley Educational Partnership (GVEP) for a School Resource Officer pursuant to Resolution #175-2016 (copy attached) adopted on May 25, 2016, and

WHEREAS, The timeframe for the MOU renewal is July 1, 2016, through June 20, 2018), and

WHEREAS, It has been found that there was an error in the date on the resolution that needs to be corrected. The resolution states the MOU is effective for July 1, 2016, through June 30, 2017, 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 to request Resolution #175-2016 be amended to reflect the correct term of July 1, 2016, through June 30, 2018.

BUDGET IMPACT: *There is no budget impact for this amendment.*

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 235 AGREEMENT APPROVAL – SHERIFF'S OFFICE / ACTIVU - APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County did contract with Activu (previously Imtech) for the installation of the Network Interface Display Monitor (Video Wall) pursuant to Resolution No. 94 adopted on March 1, 2007, and

WHEREAS, Genesee County desires to upgrade the video wall's monitors to LED Engines, and

WHEREAS, Activu provided a quote for the upgrades in the amount of \$84,997.81 per New York State OGS Contract, and

WHEREAS, The Genesee County Sheriff, County Attorney, and Director of Emergency Communications recommend a contract be approved for a cost not to exceed \$84,997.81, 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 Legislature is hereby authorized and directed to enter into an agreement with Activu, 301 Round Hill Drive, Rockaway, NJ 07866 for the upgrade of the Network Interface Display Monitor for a total cost not to exceed \$84,997.81, to be offset by revenue from the NYS Statewide Interoperable Communications Round 4 Grant.

Budget Impact: *The total cost this project, \$84,997.81, will be offset by funds from the NYS Statewide Interoperability Grant Round 4 Funds currently allocated in the 800 MHz Radios System Upgrade capital project.*

Legislator Davis seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 236

**INTER-AGENCY AGREEMENT REVISION –
SHERIFF’S OFFICE / PUBLIC SAFETY RADIO
SYSTEM – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, An Inter-Agency Agreement (IAA) was created for public safety and public service agencies to enter into in order to utilize Genesee County’s 800 MHz Radio System, and was approved by the Genesee County Legislature pursuant to Resolution #29 on January 22, 2014 (see attached), and

WHEREAS, After discussion between the Sheriff, County Attorney, District County Attorney, County Emergency Management Coordinator and the Director of Emergency Communications, it is recommended that revisions be made to the original IAA to better suit the needs of the requesting users and Genesee County, 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 public safety and public service user agencies of the County’s Public Safety Radio System utilizing the revised Inter-Agency Agreement.

BUDGET IMPACT: There is no budget impact with approval of this Inter-Agency Agreement.

Legislator DeJaneiro seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 237

**AGREEMENT RENEWAL AND BUDGET
AMENDMENT – SHERIFF / POLICE SERVICES FOR
VILLAGE OF BERGEN - APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, the Village of Bergen’s contract for additional police services for the Village expired May 31, 2017, and it has requested to renew its agreement to commence June 1, 2017, through May 31, 2018, and

WHEREAS, the current Genesee County Deputy Sheriffs’ Association Labor Agreement expired December 31, 2016, and the 2018 retirement and mileage rates will not be available until late 2017, and the Village of Bergen has been made aware that these rates will change, and it will be billed separately for the difference, and

WHEREAS, the Sheriff does recommend entering into a renewal agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Bergen and the Genesee County Sheriff’s Office for a period commencing June 1, 2017, through May 31, 2018, 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 A3110.1020.0900 (Overtime - Bergen Patrols) in the amount of \$13,500, 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 \$13,500 offset by revenue billed back to entities for additional law enforcement services.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 238

**MOU RENEWAL – SHERIFF / BYRON-BERGEN
SCHOOL RESOURCE OFFICER - APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, the Byron-Bergen Central School District desires to renew its Memorandum of Understanding with Genesee County and the Genesee County Sheriff for a School Resource Officer (SRO) for a 12-month period effective September 1, 2017, through August 31, 2018, and

WHEREAS, Reimbursement from Byron-Bergen Central School District will include the hourly rate for a grade 12/step 3 Deputy Sheriff, fringe benefits and insurances in the amount of \$108,660.94*, and

** The Genesee County Deputy Sheriffs' Association 2014-2016 contract expired on December 31, 2016, and the hourly rate will not be known until the Collective Bargaining Agreement is ratified. In addition, the yearly retirement rate is not available until late fall of each year; therefore, the 2018 reimbursement rate will change. As a result, this rate will be modified, and, if applicable, the difference will be billed under a separate invoice.*

WHEREAS, after careful review by the Sheriff and County Attorney, 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 Genesee County Sheriff are authorized to sign this MOU.

Budget Impact: Costs for the Byron-Bergen School Resource Officer are offset by revenue in the same amount.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 239 2017 BUDGET AMENDMENT – MARCH WIND
STORM INSURANCE RECOVERY – FACILITY
MAINTENANCE — APPROVAL OF**

Legislator Young 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 additional 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	\$4,381.00
Increase A.1620.4660.0000 Contracted Other	\$4,381.00

Budget Impact: Insurance proceeds of \$4,381.00 will be used to offset the expenses within the Facility Maintenance budget.

Legislator DeJaneiro seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 240 CAPITAL PROJECT AMENDMENT/BUDGET
AMENDMENT – HIGHWAY- APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Superintendent of Highways has established capital projects for the repairs of highways and bridges, and

WHEREAS, The Superintendent of Highways recommends shifting the funding sources in their 2017 Large Span Culverts and their 2016 Road Machinery Equipment Capital Projects to maximize use of funds, and

WHEREAS, The County has been awarded a State Aid “Pass-thru” grant from the Genesee County Soil & Water Conservation District in the amount of \$83,247.21 for use with culvert replacements, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed these recommendations and does concur at this time. Now, therefore, Be it

RESOLVED, That the Chair of Genesee County Legislature is hereby authorized to execute the State Aid “Pass-Thru” agreement with the Genesee County Soil & Water Conservation District in the amount of \$83,247.21, and

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the funding sources for the following projects:

Increase 1% Sales Tax Funding of \$20,772.60 to be offset by a decrease in CHIPS funding for the 2016 Road Machinery Capital Project in a like amount

Decrease 1% Sales Tax Funding of \$20,772.60 to be offset by an increase in CHIPS funding for the 2017 Large Span Culverts Capital Project in a like amount, and be it further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 Budget for 2017 Large Span Culverts by increasing H5197 2797, Other Local Governments, in the amount of \$83,247.21 to be offset by an increase in H5197 2080 0000 in a like amount.

Budget Impact: Increase of \$83,247.21 in Aid.

Legislator Bausch seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 241

GRANT ACCEPTANCE/ESTABLISH CAPITAL PROJECT/BUDGET AMENDMENT – PRATT ROAD BRIDGE OVER TONAWANDA CREEK (PIN 4755.43) BRIDGE NY – APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS Genesee County will design, let and construct the subject project; and

WHEREAS, A Project for the Pratt Road Bridge over the Tonawanda Creek, PIN 4755.43 (the “Project”) 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 95% federal funds and 5% non-federal funds; and

WHEREAS, The County of Genesee desires to advance the Project by making a commitment of 100% of the non-federal share for the design and construction of the bridge; and

WHEREAS, The County Highway Superintendent does recommend executing the grant agreement and establishing a capital project for the replacement of the bridge, 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 hereby approves the above subject Project; and be it further

RESOLVED, That Genesee County Legislature does hereby authorize the County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and be it further

RESOLVED, That the Genesee County Legislature hereby agrees that the County of Genesee shall be responsible for all costs of the Project which exceed the amount of the BRIDGE-NY Funding awarded to the County of Genesee; and be it further

RESOVLED, That a Capital Project be established for the Pratt Road Bridge over Tonawanda Creek in the amount of \$178,000, with \$169,100 funded from federal aid and \$8,900 funded by a local match from the 1% sales tax; and be it further

RESOLVED, that the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to make the following budget amendment. Increase A1000 1110.1 1% Sales Tax in the amount of \$8,900 to be offset by an increase in appropriation A9950.9 Interfund Transfers and increase H5197 4592 Federal Aid in the amount of \$169,100. Increase H5197 5031 Interfund Transfers \$8,900 and increase H5197 2080.0000 Highway Capital Project Expense \$178,000.

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 notification by the Superintendent of County Highways thereof, and be it further

RESOLVED, That the Genesee County Legislature hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and be it 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 State Aid on behalf of the County of Genesee with the New York State Department of Transportation 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 for the local share of the federal aid and state-aid eligible Project costs and all project costs within appropriations therefore that are not so eligible; 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 be it further

RESOLVED, That this resolution shall take effect immediately

Budget Impact: A capital project will be established for the Pratt Road Bridge over Tonawanda Creek in the amount of \$178,000 with \$169,100 in federal aid and \$8,900 in local match provided from the 1% sales tax. Legislator Clattenburg seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 242

GRANT ACCEPTANCE/ESTABLISH CAPITAL PROJECT/BUDGET AMENDMENT – SEARLES ROAD BRIDGE OVER SPRING CREEK (PIN 4BNY.01) BRIDGE NY – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, Genesee County will design, let and construct the subject project; and

WHEREAS, A Project for the Searles Road Bridge over the Spring Creek, PIN 4BNY.01 (the "Project") 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 95% federal funds and 5% non-federal funds; and

WHEREAS, The County of Genesee desires to advance the Project by making a commitment of 100% of the non-federal share for the design and construction of the bridge; and

WHEREAS, The County Highway Superintendent does recommend executing the grant agreement and establishing a capital project for the replacement of the bridge, 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 hereby approves the above subject Project; and be it further

RESOLVED, That Genesee County Legislature does hereby authorize the County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and be it further

RESOLVED, That the Genesee County Legislature hereby agrees that the County of Genesee shall be responsible for all costs of the Project which exceed the amount of the BRIDGE-NY Funding awarded to the County of Genesee; and be it further

RESOVLED, That a Capital Project be established for the Searles Road Bridge over Spring Creek in the amount of \$133,000, with \$126,350 funded from federal aid and \$6,650 funded by a local match from the 1% sales tax; and be it further

RESOLVED, that the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to make the following budget amendment. Increase A1000 1110.1 1% Sales Tax in the amount of \$6,650 to be offset by an increase in appropriation A9950.9 Interfund Transfers and increase H5197 4592 Federal Aid in the amount of \$126,350. Increase H5197 5031 Interfund Transfers \$6,650 and increase H5197 2080.0000 Highway Capital Project Expense \$133,000.

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 notification by the Superintendent of County Highways thereof, and be it further

RESOLVED, That the Genesee County Legislature hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and be it 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 State Aid on behalf of the County of Genesee with the New York State Department of Transportation 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 for the local share of the federal aid and state-aid eligible Project costs and all project costs within appropriations therefore that are not so eligible; 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 be it further

RESOLVED, That this resolution shall take effect immediately

Budget Impact: A capital project will be established for the Searles Road Bridge over Spring Creek in the amount of \$133,000 with \$126,350 in federal aid and \$6,650 in local match provided from the 1% sales tax.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 243 **GENESEE COUNTY HIGHWAY/PARKS – AWARD OF BID – PREFABRICATED ALUMINUM PEDESTRIAN BRIDGE AND SAFETY RAILING**

Legislator DeJaneiro offered the following resolution:

WHEREAS, the Genesee County signed an Inter-municipal Agreement with the Town of Batavia for the purchase and installation of a wetland bridge for the DeWitt Recreation Area as part of the Ellicott Trail Project; and

WHEREAS, construction documents and specifications were prepared, advertised and the County received several bids, and

WHEREAS, the bids were reviewed for accuracy and the Genesee County Highway Superintendent and Parks Supervisor recommends an award of bid at this time; and

WHEREAS, the Public Service Committee has reviewed this recommendation and does concur at this time, now, therefore, be it

RESOLVED, the Genesee County Legislature does hereby award the Aluminum Prefabricated Pedestrian Bridge and Safety Railing as specified in the bid documents to A-Fab Initiatives, Inc., 99 Bud Mil Road, Buffalo, NY 14206 in a total amount not to exceed \$60,857.12,

Budget Impact: The total cost of the bid awards is \$60,857.12 which will be paid from the Capital Project DeWitt Phase IV. It is anticipated that the installation of this bridge will be at the end of 2017.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 244 CONTRACT RENEWAL – HIGHWAY FUEL PRODUCTS – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent has contracted for the purchase and delivery of fuel products to the Genesee County Highway Department operated fuel farms, and

WHEREAS, The Highway Superintendent recommends an extension to the current contract with Mirabito Energy Products as allowed in the original contract, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur; now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute a contract extension with Mirabito Energy Products, 49 Court Street, Box 5306, Binghamton, NY 13902, for the sale and delivery of fuel products to the Genesee County Highway Department operated fuel farms, effective September 1, 2017 through August 31, 2018.

Budget Impact Statement: Purchase of fuel is a budgeted item in the Road Machinery Fund. The bids are based on the rack price differential system and the price is adjusted weekly.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 245 GRANT ACCEPTANCE/CONSULTANT AGREEMENT/AWARD OF BID – RECONSTRUCT RUNWAY 10-28 – AIRPORT -- APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid grant to Reconstruct Runway 10-28 at the Genesee County Airport (the “Project”), and

WHEREAS, Genesee County received a proposal from C&S Engineers for the construction inspection and administration of the Project as required under Federal Aviation Administration guidelines, and

WHEREAS, Genesee County did advertise and receive several bids for the construction of the Project, and

WHEREAS, The Genesee County Highway Superintendent has reviewed the consultant proposal and reviewed construction bids for accuracy and does recommend their approval at this time, and

WHEREAS, The Committee on Public Service reviewed this request and does concur at this time, Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with C&S Companies, 499 Eileen Collins Blvd., Syracuse, NY 13212 for the construction inspection and administration of the Reconstruct Runway 10-28 project in an amount not to exceed \$305,500; and be it further

RESOLVED, That the Genesee County Legislature does hereby award a construction bid to Northeast Diversification, Inc. 2 Cadby Industrial Park, Lancaster, NY 14086 for the Reconstruction of Runway 10-28 at the Genesee County Airport in amount not to exceed \$3,100,024.36; and be it further

RESOLVED, That the consultant agreement and construction bid award are contingent upon the successful receipt of a Federal Aviation Administration Airport Improvement Program Grant that covers the costs of this project; and be it further

RESOLVED, That upon the receipt of a federal grant, the Genesee County Legislature hereby approves the above subject Project; and be it further

RESOLVED, That Genesee County Legislature does hereby authorize the County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and be it 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 notification by the Superintendent of County Highways thereof, and be it 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 State Aid on behalf of the County of Genesee with the Federal Aviation Administration and the New York State Department of Transportation 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 for the local share of the federal aid and state-aid eligible Project costs and all project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That this resolution shall take effect immediately upon receipt of a federal grant for this Project.

Budget Impact: A capital project will be established for the Reconstruction of Runway 10-28 after the receipt and execution of the federal grant. The total project costs are estimated to be \$3,405,524.36 and 90% federal, 5% state and 5% local. The actual capital project will be based on the final amount provided for in the federal grant. The estimated local match required for this Project is \$170,276.

Legislator Clattenburg seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 246

**GRANT ACCEPTANCE/CONSULTANT
AGREEMENT– TAXIWAY “C”
RECONSTRUCTION (DESIGN) – AIRPORT --
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid grant to design the Taxiway “C” Reconstruction at the Genesee County Airport (the “Project”), and

WHEREAS, Genesee County received a proposal from C&S Engineers for the design of the Project as required under Federal Aviation Administration guidelines, and

WHEREAS, The Genesee County Highway Superintendent has reviewed the consultant proposal does recommend approval at this time, and

WHEREAS, The Committee on Public Service reviewed this request and does concur at this time, Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with C&S Companies, 499 Eileen Collins Blvd., Syracuse, NY 13212 for the design of the Taxiway "C" Reconstruction project in an amount not to exceed \$180,000; and be it further

RESOLVED, That the consultant agreement is contingent upon the successful receipt of a Federal Aviation Administration Airport Improvement Program Grant that covers the costs of this project; and be it further

RESOLVED, That upon the receipt of a federal grant, the Genesee County Legislature hereby approves the above subject Project; and be it further

RESOLVED, That Genesee County Legislature does hereby authorize the County Treasurer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and be it 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 notification by the Superintendent of County Highways thereof, and be it 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 State Aid on behalf of the County of Genesee with the Federal Aviation Administration and the New York State Department of Transportation 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 for the local share of the federal aid and state-aid eligible Project costs and all project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That this resolution shall take effect immediately upon receipt of a federal grant for this Project.

Budget Impact: A capital project will be established for the Taxiway "C" Reconstruction (Design) after the receipt and execution of the federal grant. The total project costs are estimated to be \$180,000 and 90% federal, 5% state and 5% local. The actual capital project will be based on the final amount provided for in the federal grant. The estimated local match required for this Project is \$9,000.

Legislator Bausch seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 247 **CONSULTANT AGREEMENT – SOUTH LYONS
STREET BRIDGE LOAD RATING – HIGHWAY —
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The South Lyons Street Bridge over Tonawanda Creek within the City of Batavia is owned and maintained by the County of Genesee, and

WHEREAS, The bridge was recently inspected by state bridge engineers and found to have several deficiencies that require a response indicating the safe operating load rating of the structure, and

WHEREAS, The Superintendent of County Highways recommends that the County engage a structural engineer to determine the safe capacity of the bridge, and

WHEREAS, The Superintendent of County Highways reviewed a proposal from Erdman-Anthony engineers to perform a load rating of the bridge and does recommend approval of this proposal at this time, and

WHEREAS, The Committees on Public Service did review this recommendation and does concur; now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby authorize the Chairperson of the Genesee County Legislature to execute a consultant agreement with Erdman Anthony, 145 Culver Rd, Suite 200, Rochester, NY 14620 for the load rating of the South Lyons Street Bridge over Tonawanda Creek in an amount not to exceed \$2,000.

Budget Impact: The cost of the consultant agreement is \$2,000 and will be covered by the County Road Fund. Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 248 AWARD OF PROPOSAL – ENERGY
PERFORMANCE CONTRACT – FACILITY
MAINTENANCE — APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Purchasing Director and Superintendent of County Highways issued a request for proposals for potential energy performance contracts through qualified Energy Service Companies (ESCO); and

WHEREAS, The proposals were evaluated by a selection committee comprised of the County Manager, Assistant County Manager, Highway Superintendent, Purchasing Director and the Facility Maintenance Supervisor; and

WHEREAS, The selection committee recommended that Johnson Controls was the most qualified firm to perform a facility assessment and energy audit to determine potential projects and identify energy savings; and

WHEREAS, The Committee on Public Service did review their recommendation and does concur; now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby authorize the Chairperson of the Genesee County Legislature to execute an energy performance contract with Johnson Controls, Inc., 7612 Main Street, Fishers, NY 14564.

Budget Impact: There is no cost to the county to perform the facility assessment and energy audit.

Legislator Bausch seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 249 SET PUBLIC HEARING – LOCAL LAW
INTRODUCTORY NO. 3 YEAR 2017 – APPROVAL
OF**

Legislator Davis offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 3, Year 2017, **OF THE GENESEE COUNTY LEGISLATURE OF THE COUNTY OF GENESEE, REPEALING THE WIRELESS COMMUNICATIONS SURCHARGE AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF THE STATE OF NEW YORK; AND IMPOSING THE WIRELESS COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF TAX LAW §186-g** and

WHEREAS, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No. 3 , Year 2017, by the Genesee County Legislature on the twelfth day of July, 2017 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 250 SET PUBLIC HEARING-GENESEE COMMUNITY
COLLEGE/2017-2018 BUDGET-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The President and Trustees of the Genesee Community College have prepared a proposed operating budget for academic year 2017-2018 in the amount of \$40,923,000 with a sponsors share of \$2,586,374, and

WHEREAS, The Committee on Ways & Means has reviewed said budget and does recommend presentation to the Genesee County Legislature, and

WHEREAS, Pursuant to law, it is necessary to hold a public hearing on said budget prior to adoption. Now, therefore, Be it

RESOLVED, That a Public Hearing shall be held on the proposed operating budget for the Genesee Community College for academic year 2017-2018 at 5:30PM on Wednesday, July 12, 2017 at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator DeJaneiro seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 251 PARTICIPANT AGREEMENT – SELF INSURANCE/WORKERS COMP – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Local Law No. 3 of the Year 2016 established the requirement for all participants in the Genesee County Mutual Self Insurance Plan (the Plan) to adopt and sign a participant agreement which stipulates the roles and responsibilities between the participant and the Plan, and

WHEREAS, the Committee on Ways and Means, which does have the oversight of the Plan, did review said agreement and does recommend the Chairman of the Genesee County Legislature sign on behalf of the County of Genesee. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the participant agreements between each participant and the Plan.

Budget Impact: zero budget impact

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 252 COUNTY AUDIT – JUNE 28 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Davis did review the following claims:

2017 General Fund	\$	944,986.88
2017 Highway		78,999.15
2017 Nursing Home		7,434.00
DSS Abstracts		233,794.83

Capital Projects:

Treasurer's Office Enhanced Security	790.12
Highway 2017 Bridge Construction	7,861.74
Highway 2017 Large Span Culverts	9,934.38
Highway 2016 Road Machinery	8,925.48
Airport On Airport Obstruction Removal & Perimeter Fence	4,284.49
Airport Demolish Terminal Bldg & Maint Hangar & Site Conversion	28,081.66
GCC Wellness & Event Center	1,635,149.15

Payroll

June 23, 2017	1,525,201.53
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Medicaid

June 20, 2017	179,222.00
June 27, 2017	<u>179,222.00</u>
Total Audit	\$ 4,843,887.41

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

The meeting adjourned at 5:49 upon motion of Legislator Deleo seconded by Legislator Clattenburg, carried unanimously.