

**THIRTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, NY
Wednesday, July 12, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, July 12, 2017 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator Clattenburg assisted with the audit. Prayer was offered by Legislator Bausch followed by the Pledge to the Flag.

Chairman Cianfrini stated the Genesee County Legislature is hosting an open comment period to obtain citizen input and to take suggestions on possible public sector shared services opportunities that have not already occurred and are in place. New York State, as part of the Adopted 2017/18 State Budget included another mandate on all local governments to discuss and develop shared services ideas and plans for eventual submittal to the County Legislature in August/September 2017 and then submittal to the New York State Department of State by October 15, 2017.

In addition to our regular meeting Chairman Cianfrini opened a Public Hearing on the proposed budget for Genesee Community College for the fiscal year beginning September 1, 2017.

Chairman Cianfrini also opened a Public Hearing on Introductory Local Law No. 3, 2017 entitled "A local Law 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 the Tax Law 186-g".

Chairman Cianfrini stated that Mr. John Sackett signed up to speak on various topics. Mr. Sackett stated that the County initiated shared services previously and did it on their own, without being mandated by the State. He commented that Genesee Community College is constructing more buildings however buildings don't educate students. He stated that free men are not equal and equal men are not free.

Chairman Cianfrini stated the open comment period would remain open along with the two public hearings. He stated that there will be two more open comment sessions on July 19 and August 9, 2017 at 5:30 PM.

The minutes of the June 28, 2017 Legislature meeting were approved upon motion of Legislator Bausch seconded by Legislator Stein, carried unanimously.

A motion to approve an out-of-state travel request for Jason Mindler, Probation Department to Epping, NH for Sig Sauer Pistols Armorer Certification Sept 19-22, 2017 at a cost to the county of \$944.00 was made by Legislator Clattenburg seconded by Legislator Deleo, carried unanimously. Chairman Cianfrini noted that Probation Director Tim Michalak was present and asked what the warranty on the 1-year old weapons covered. Mr. Michalak explained that it's for catastrophic malfunctions not maintenance and repairs.

A motion to approve an out-of-state Travel request for Tim Hens, Highway Superintendent to Columbus, OH for NACE Exec Committee Meetings and NACo Transportation Steering Committee meeting July 20-22, 2017 cost to county \$69.00 was made by Legislator Stein seconded by Legislator Davis, carried unanimously.

County Manager Jay Gsell stated that the County got clarification from NYSAC on the length of the additional sales tax extender. Chapter 61 of the Laws of 2017 included language

that the extender expired in 2020 and 2019. The conflicting language was determined to be a typo therefore Genesee County should proceed with the law expiring in 2020. Legislator Bausch asked about the Mortgage tax extender and if that was for two or three years. Mr. Gsell explained that it was also included in Chapter 61 and he understood it to be a two year extension.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 253 INSURANCE CERTIFICATE – GENESEE COUNTRY FARMERS’ MARKET, BATAVIA IMPROVEMENT DISTRICT, & CITY OF BATAVIA- 2017 APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars, and naming the Genesee Country Farmers’ Market, the Batavia Improvement District, and the City of Batavia as additional insured, for the purpose of distributing NY State Department of Health Farmers’ Market Coupons and manning an information table at the Genesee Country Farmers’ Market, held at Bank Street & Alva Place, Batavia, NY on Friday, July 21, 2017; and

WHEREAS, The Office for the Aging desires to distribute information on senior services to residents in the Batavia and Genesee County area; Now, Therefore, Be it

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary documents to name the following:

1. Genesee Country Farmers Market

Bank/Alva Place

Batavia, NY 14020

Mailing address is PO Box 303, Gasport, NY 14067

2. Batavia Improvement District (BID)

200 East Main Street

Batavia, NY 14020

3. City of Batavia

City Hall, 1 City Centre

Batavia, NY 14020

as additional insured on Friday, July 21, 2017 from the hours of 9:00 AM – 2:00 p.m.

Budget Impact: None

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

RESOLUTION NO. 254 INSURANCE CERTIFICATE – OUR LADY OF MERCY PARISH-2017 APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars, and naming Our Lady of Mercy Parish, 44 Lake Street, LeRoy, NY 14482 as additional insured, for the purpose of conducting the Genesee County Office for the Aging Health Insurance Vendor Fair at Our Lady of Mercy Parish on Tuesday, November 21, 2017; and

WHEREAS, The Office for the Aging desires to distribute information on health insurance options and senior services to residents in the Towns of LeRoy/Stafford and surrounding area; Now, Therefore, Be it

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Our Lady of Mercy Parish, 44 Lake Street, LeRoy, NY 14482

as additional insured on Thursday, November 21, 2017 from the hours of 8:30 AM – 5:00 PM in the amount of at least one million dollars.

Budget Impact: None

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

RESOLUTION NO. 255 APPROVAL OF 2017 MEMORANDUM OF UNDERSTANDING – OFA/DSS/INDEPENDENT LIVING OF GENESEE REGION – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Director of the Office for the Aging (OFA) did present a collaborative Memorandum of Understanding (MOU) with WNY Independent Living, Inc. d/b/a Independent Living of the Genesee Region (ILGR) and Genesee County Department of Social Services (DSS) as mandated by New York State Office for the Aging in order to expand and enhance NY Connects, taking effect on the date signed by all of the Parties or the date any other required approvals have been obtained, whichever is later, and shall continue thereafter until terminated; and

WHEREAS, NY Connects is a locally based "No Wrong Door" system that provides one stop access to free, objective, comprehensive information and assistance for people of all ages needing long term services and supports linking individuals of all ages to long term services and supports regardless of payment source; and

WHEREAS, The purpose of the MOU is to comply with NY Connects Expansion and Enhancement State Program Standards, in order to establish the interconnections required of NY Connects at the local level between the Area Agencies on Aging, Local Departments of Social Services, and Regional NY Connects Independent Living Center grantees to enter into a formalized relationship defining the roles and responsibilities, as well as necessary communication and referral processes in order to streamline access to long term services and supports; and

WHEREAS, The Committee on Human Services did review this request and does recommend approval of this MOU. Now, Therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a MOU with ILGR, Genesee County OFA and Genesee County DSS which shall continue thereafter until terminated.

Budget Impact: Neutral. This agreement pertains to NY Connects and Balancing Incentive Program funds already in the 2017 county budget.

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

RESOLUTION NO. 256 BUDGET AMENDMENT/ACCEPTANCE OF GRANT AWARDS – 2017 OFFICE FOR THE AGING – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request a budget amendment and acceptance of two grant awards: \$93,542 Case Management Planning/Centralized Intake and \$15,705 Marketing Coordination from the Rochester Area Community Foundation's Muriel H. Marshall Fund for the Aging each for the period of July 1, 2017 – June 30, 2018 and these grants total \$109,247 in Marshall Fund grant revenue in the 2017-2018 county budgets; and

WHEREAS; A budget amendment is necessary for an additional \$5,943 revenue to be incorporated with \$22,537 of these funds already in the revenue and allocations within the 2017 County Budget leaving the remaining \$80,767 to be carried over as revenue into the 2018 County Budget; and

WHEREAS; the Committees on Human Services and Ways and Means did review this request and do recommend acceptance of these grants. Now, Therefore, Be it **RESOLVED,** That the Chairperson of the Genesee County Legislature is authorized to sign the Rochester Area Community Foundation grant award letters acknowledging acceptance of these Muriel H. Marshall Fund for the Aging grants by Genesee County; and is authorized to enter into any and all agreements under the grants awarded to contract for goods and services to meet the requirements under each of the grants awarded.

Revenues:

	OFA-Genesee Area Comm		
A. 1000.6772.1972.2	Fou	+	\$5,943
	TOTAL		\$5,943

Appropriations:

A. 6772.1010.0000	Personal Services	+	\$2,890
A. 6772.4110.0000	Office Sup	+	\$25
A. 6772.4110.0011	Copier CPC Program	+	\$138
A. 6772.4130.0000	Paper	+	\$25
A. 6772.4140.0000	Postage	+	\$58
A. 6772.4170.0000	Advertise	+	\$473
A. 6772.4290.0300	Long Distance	+	\$15
A. 6772.4290.0400	NY Phone Basic Svc	+	\$25
A. 6772.4290.0600	Internet	+	\$10
A. 6772.4540.0000	Personnel Mileage	+	\$112
A. 6772.4550.0000	Personnel Training	+	\$25
A. 6772.8010.0000	FICA (Social Security Tax)	+	\$169
A. 6772.8011.0000	FICA (Medicare Tax)	+	\$52
A. 6772.8020.0000	Retirement	+	\$461
A. 6772.8030.0000	Medical	+	\$1,433
A. 6772.8040.0000	Dental	+	\$26
A. 6772.8070.0000	Vision	+	\$6
	TOTAL		\$5,943

Budget Impact: +\$5,943 for 2017 County Budget.

Marshall Fund grant awards totaling \$60,643 (\$38,106 from July 1, 2016-July 30, 2017 grant and \$22,537 from July 1, 2017 – June 30, 2018 grant) were calculated into the 2017 county budget. Remaining grant funds of \$80,767 from July 1, 2017-June 30, 2018 grant funds will be carried into 2018 county budget.

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

RESOLUTION NO. 257 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-PROJECT DAIRY

Legislator Davis 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 implementation of Project Dairy in the Town of Batavia, New York as an economic development project, 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 regarding any specific project proposals, Now, therefore, be it

RESOLVED, that the County shall hold a public hearing on Wednesday, July 19, 2017 at 5:30 PM in the Old Courthouse, 7 Main Street, Batavia, NY 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. 258 CONTRACT RENEWAL M&T BANK P CARD PROGRAM - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Resolution No.267 of 2015 authorized a two year contract with M&T Bank to provide a Purchasing Card Program with three 1 year optional renewals, and

WHEREAS, The County Treasurer and Director of Purchasing wish to renew the contract for one more year utilizing the first of three renewal options, 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 sign a one year contract renewal with M&T Bank with the same terms and conditions as the original contract to expire on September 7, 2018.

Budget Impact Statement: None, No cost to the county.

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

RESOLUTION NO. 259 RESOLUTION CALLING ON GOVERNOR CUOMO AND THE NEW YORK STATE LEGISLATURE TO PROVIDE COUNTY GOVERNMENT PERMANENT AUTHORITY TO EXTEND CURRENT SALES TAX RATES

Legislator Torrey offered the following resolution:

WHEREAS, County governments of 53 counties are reliant upon sales tax revenue generated under provisions of Section 1 Clause 29 of Subparagraph (i) of § 1210 of the Tax Law, and has required passage of biennial extenders acting upon home rule messages submitted by the legislative bodies of those 53 counties impacted, and

WHEREAS, The Senate has taken up and passed S.6566 which would grant permanent authority for counties to extend their existing sales tax rates by a vote of their legislative body every two years, and

WHEREAS, Genesee County calls on the members of the State Assembly and Senate to provide counties with permanent authority to continue their current sales tax rates, a local home rule revenue authority New York City was granted nearly a decade ago, but was not provided to counties, and

WHEREAS, These local sales tax revenues enable counties and other local governments that receive a share of this revenue, to pay for state mandated programs and provide critical local services that would otherwise disappear, and

WHEREAS, The lack of action on county home rule requests during the regularly scheduled legislative session demonstrates the need for permanent authority. The consequence of inaction impacts the ability of counties (and the cities, towns and villages who share these sales tax revenues) to govern and provide programs and services at the local level, and

WHEREAS, The State of New York has substantially added to the cost of New York State Medicaid by mandating various services not obligated under federal law and requiring property taxpayers to fund this mandate via county property taxes. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby call upon Governor Andrew M. Cuomo, the New York State Assembly and the New York State Senate to grant permanent authority for counties to extend their existing sales tax rates by a vote of their legislative body every two years, and Be it further,

RESOLVED, That the County of Genesee shall forward copies of this Resolution to Governor Andrew M. Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley, NYSAC, Inter County Association and Genesee Association of Municipalities.

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

**RESOLUTION NO. 260 2017 BUDGET AMENDMENT – CDBG FUNDS
CARRYOVER – APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Manager did request an amendment to the 2017 County Budget to carryover from the 2016 County Budget unexpended CDBG Funds designated for the Genesee County Economic Development Center for the purpose of assisting with the expansion of P.W. Minor, 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 Genesee County Treasurer is hereby authorized and directed to amend the 2017 County Budget by increasing Appropriation A6421.4800.0055 CDBG-PW Minor in the amount of \$4,134 to be offset by an increase in Revenue A6421.4997.6 GDBG-PW Minor in a like amount

Budget Impact Statement: No net effect on 2017 County Budget; provides ability for program to fully utilize grant funds.

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

At 5:46PM Chairman Cianfrini again asked if anyone wished to be heard on the proposed budget for Genesee Community College for the fiscal year beginning on September 1, 2017 then closed the public hearing. There were no comments.

At 5:47PM Chairman Cianfrini again asked if anyone wished to be heard on Introductory Local Law #3, 2017 which repeals the wireless communications surcharge authorized by article six of county law of the state of New York and imposes the wireless communications surcharges pursuant to the authority of tax law 186-g then closed the public hearing. There were no comments.

**RESOLUTION NO. 261 INTRODUCTORY LOCAL LAW NO. 3 OF THE YEAR
2017-APPROVAL OF**

Legislator Clattenburg 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 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”

Be it enacted by the Genesee County Legislature of the County of Genesee, as follows:

SECTION 1. A local law to impose a surcharge on wireless communication providers within the County of Genesee, Local Law No. 5 of the Year 2004, is hereby REPEALED.

SECTION 2. Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Genesee on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law Introductory No. 3 provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. Administration of surcharges. The surcharges imposed by this LOCAL LAW shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 4. Applicability of State law to surcharges imposed by this LOCAL LAW. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this LOCAL LAW with the same force and effect as if those provisions had been set forth in full in this LOCAL LAW, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this LOCAL LAW.

SECTION 5. Net collections received by this County from the surcharges imposed by this LOCAL LAW shall be expended only upon authorization of the Genesee County Legislature of the County of Genesee and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Effective date. This LOCAL LAW shall take effect December 1, 2017.

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 Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory No. Three Year 2017, and

WHEREAS, A Public Hearing was held at 5:30 PM on the 12th day of July 2017 at the Genesee County Legislature Chambers, Old Courthouse, 7 Main Street, Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, that A Local Law 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 to be known as Local Law No. Three, Year 2017 be and hereby is adopted.

Legislator Stein seconded the resolution which was adopted by 362 votes.

**RESOLUTION NO. 262 2017-2018 OPERATION BUDGET-GENESEE
COMMUNITY COLLEGE/SPONSOR'S SHARE-ADOPTION OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The President and Trustees of Genesee Community College have presented to the Genesee County Legislature the proposed operating budget of Genesee Community College for the academic year 2017-2018 in the amount of \$40,923,000, and

WHEREAS, The Board of Trustees has approved the amount of \$2,586,374 as the sponsor's share of the proposed current operating budget for Genesee Community College. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve of the proposed 2017/2018 operating budget of the Genesee Community College in the amount of \$40,923,000 for academic year 2017-2018, and Be it further

RESOLVED, That the Genesee County Legislature does hereby approve of the sponsor's share of the operating budget of the Genesee Community College for the fiscal year September 1, 2017 through August 31, 2018 in the amount of \$2,586,374 and cause the same to be included in the County Tax levy for the year 2018.

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

RESOLUTION NO. 263 COUNTY AUDIT – JULY 12 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Clattenburg, did review the following claims:

General Fund	\$	1,835,743.34
Highway		59,405.10
Nursing Home		1,499.00
Water Fund		59,066.56
DSS Abstracts		137,939.81
Capital Projects:		
Park – Park Interpretive Center HVAC	\$	7,148.00
Highway – 2017 Highway Recycling		4,308.56
Highway – 2017 Bridge Construction		17,323.45
GCC – Wellness & Event Center		515,129.84
Payroll – General		
July 7, 2017		1,176,816.21
Medicaid		
July 3, 2017		179,222.00
July 11, 2017		<u>179,222.00</u>
Total Audit	\$	4,172,823.87

Now, therefore, Be it

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

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

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

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