

**FOURTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, NY  
Wednesday, July 19, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, July 19, 2017 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Davis followed by the Pledge to the Flag.

Vice Chair Clattenburg announced that the Genesee County Legislature was holding 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. All interested parties were invited to be heard.

In addition to our regular meeting Vice Chair Clattenburg opened a Public Hearing 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 establishment of milk processing operations at the former Muller Quaker Dairy facility at the Genesee Valley Agri-Business Park in the Town of Batavia, New York by HP Hood LLC. All interested parties were invited to be heard.

The minutes of the July 12, 2017 legislature meeting were approved upon motion of Legislator Stein seconded by Legislator Bausch, carried unanimously.

The Clerk shared a letter received from Rotary Club of Batavia thanking the County for allowing use of the new Airport for the annual Fly-In Breakfast fundraiser.

Vice Chair Clattenburg stated that due to the timing of Committee and Legislature meetings this week the agenda had to be posted however not all agenda items made it out of committee. A motion to amend the agenda by removing items number six, seven, eight and twelve was made by Legislator Stein seconded by Legislator DeJaneiro, carried unanimously.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 264     AGREEMENT REVISION – SHERIFF’S OFFICE /  
MEDICAL PROVIDER FOR GENESEE COUNTY JAIL  
– APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Genesee County entered into an agreement with Dr. Alan Barcomb, MD, pursuant to Resolution No. 478, dated December 9, 2015, to provide medical services for inmates incarcerated in the Genesee County Jail, and

**WHEREAS**, After discussions between the Genesee County Sheriff, County Attorney, and Jail Superintendent, it has been determined that the county does not require general liability insurance as stated in the original Agreement, and

**WHEREAS**, It is recommended that this Agreement be revised by omitting the statement regarding general liability insurance, and

**WHEREAS**, The Committee on Public Service did review this request and does recommend approval

at this time. Now, therefore, be it

**RESOLVED**, The Chair of the Genesee County Legislature is authorized and directed to approve the revised Agreement that omits the statement requiring general liability insurance.

**Budget Impact:** None.

Legislator Stein seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent.

**RESOLUTION NO. 265**

**LEASE RENEWAL – SHERIFF’S OFFICE /  
NEW CINGULAR WIRELESS PCS (AT&T) –  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Genesee County entered into a lease agreement amendment with New Cingular Wireless PCS/AT&T, pursuant to Resolution No. 206, dated May 23, 2013, and

**WHEREAS**, AT&T wishes to extend the lease for an additional five-year term as permitted by the amendment, and

**WHEREAS**, After careful review by the Genesee County Sheriff, County Attorney, and Director of Emergency Communications, we recommend the County renew the lease with AT&T for a period beginning December 1, 2017, and ending November 30, 2022, and

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

**RESOLVED**, The Chair of the Genesee County Legislature is authorized and directed to renew the lease agreement amendment with New Cingular Wireless PCS, LLC, 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004, for a period beginning December 1, 2017, and ending November 30, 2022.

**Budget Impact:** None.

Legislator Davis seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent.

**RESOLUTION NO. 266**

**COUNTYWIDE WATER SUPPLY PROGRAM – 2.4  
MGD SUPPLY INCREASE – CONSULTANT  
AGREEMENT/BUDGET AMENDMENT –  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Genesee County desires to obtain additional water supply from the Monroe County Water Authority, 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 design work required to obtain an additional 2.4 MGD water supply increase from MCWA, 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 Committees on Public Service and Ways and Means did review this recommendation and do 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 \$1,050,000

for the purposes of designing and permitting work 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.8320.9999 Balancing by \$1,050,000 and increasing EW.8320.4660.0000 Contracted-Other in a like amount.

**Budget Impact:** The consultant agreement is for \$1,050,000 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 Stein seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent.

**RESOLUTION NO. 267**

**RENEWAL OF BID – HIGHWAY – SODIUM CHLORIDE -- APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent and the Purchasing Department did receive bids in 2016 for Sodium Chloride for the control of snow and ice on county roads and,

**WHEREAS**, The Highway Superintendent recommends renewing the contract with the current vendor 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 renewal with American Rock Salt Co., LLC., P.O. Box 190, Mt. Morris, NY 14510 for the delivery of Sodium Chloride as per bid specifications, effective October 1, 2017 through September 30, 2018 at a price of \$41.75 per ton.

**Budget Impact Statement:** The County Road Fund includes \$65,000 for the purchase of Sodium Chloride.

Legislator Deleo seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent

**RESOLUTION NO. 268**

**LAND LEASE AGREEMENT – COUNTY AIRPORT – ZELIFF PROPERTIES LLC – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Genesee County currently maintains a land lease agreement with Zeliff Properties LLC, and

**WHEREAS**, Both parties agree to terminate this agreement and enter into a new agreement to facilitate the development of an additional corporate hangar space at the Genesee County Airport, and

**WHEREAS**, The Highway Superintendent and County Attorney have prepared a land lease agreement with Zeliff Properties LLC and do recommend its approval at this time, and

**WHEREAS**, The Committee on Public Service reviewed this request and does concur with the recommendation at this time. Now, therefore, Be it

**RESOLVED**, The Genesee County Legislature does hereby terminate its existing land lease agreement with Zeliff Properties LLC, and be it further

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute a new land lease agreement with Zeliff Properties LLC 4559 West Saile Drive, Batavia, NY 14020 for the term of August 1, 2017 through July 31, 2037.

**Budget Impact:** This lease covers 48,000 square feet of space and will produce approximately \$10,800 of revenue per year for the County Airport. The lease is for 20 years with the possibility for two 10-year extensions and includes a 2% annual adjustment clause on the lease rate. All facilities developed under this lease revert to the County at the end of the agreement.

Legislator DeJaneiro seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent

**RESOLUTION NO. 269**

**2017 SALARY SCHEDULE AMENDMENT/BUDGET TRANSFER- DISTRICT ATTORNEY/ SALARY INCREASE - APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Genesee County Manager did request an amendment in the 2017 Management Salary Schedule in accordance with the New York State Commission on Legislative, Judicial and Executive Compensation recommendations which mandates an increase in the full time District Attorney salary pursuant to Judiciary Law 183-a, which links judicial salaries with county district attorneys' salaries and requires district attorneys' salaries to be at least as high as the County Court Judge in the County, and

**WHEREAS**, Federal judges received a COLA increase on April 1, 2017 of approximately .98 percent, requiring Genesee County to increase the full time District Attorney's salary respectively , and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this request and do concur with the County Manager's recommendation. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2017 Genesee County Management Salary Schedule by increasing the District Attorney's annual salary from \$183,350 to \$185,200, effective April 1, 2017. Be it, Further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following 2017 budget transfer:

\$1,559	from	A.1990.4800.0000	Contingency, Program Expense
\$1,316	to	A.1165.1010.0000	District Attorney, Personal Services
\$ 19	to	A.1165.8011.0000	District Attorney, Medicare Tax
\$ 224	to	A.1165.8020.0000	District Attorney, Retirement

**Budget Impact:** Increased salary and benefit expenses totaling \$1,559 will be covered by the Contingency fund. There is no State funding in place for this State mandated increase.

Prior to the vote Legislator Stein commented how the Governor included shared services in the 2017-2018 budget yet the salary increase for the DA is mandated with no additional state aid.

Vice Chair Clattenburg stated that historically, funding from the State followed when there were increases. Legislator Davis asked if the next DA elected will have a starting salary that includes the COLA. County Manager Gsell stated that they will start with that salary. Mr. Davis went on to state that in the future, the County may have difficulty filling the Public Defender position with a qualified candidate especially since the pay is less than half.

Legislator Stein seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent.

Vice Chair Clattenburg again asked if anyone wished to be heard with regard to the submission of a grant application to the NYS Office of Community Renewal for Community Block Grant Funding for the warehouse project for Hood LLC. No one spoke and the public hearing was closed at 5:40 PM.

**RESOLUTION NO. 270**

**AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING- WAREHOUSE PROJECT/HOOD LLC**

Legislator Stein offered the following resolution:

**WHEREAS**, HP Hood LLC (the “Company”) plans to acquire, renovate and equip an existing 363,000 square-foot manufacturing facility and construct an approximately 100,000 square-foot refrigerated warehouse in the Town of Batavia (hereinafter the “Project”), and

**WHEREAS**, the Company’s decision to undertake the Project was based in part on the offer of certain incentives by the Empire State Development Corporation and the New York State Office of Community Renewal (the “OCR”), and

**WHEREAS**, the Genesee Gateway Local Development Corporation (the “GGLDC”) is assisting in the facilitation of the project and has requested that the County provide the OCR funding to the GGLDC as a grant for the purpose of making term and deferred loans to the Company, and

**WHEREAS**, the GGLDC has the capacity to administer the OCR grant in the best interests of the County, and

**WHEREAS**, the Project will result in substantial benefit to the County in the form of, among other things, new employment positions, private investment, and markets for milk production, and

**WHEREAS**, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the Project; Now, therefore, be it

**RESOLVED**, that the County Chairman is hereby authorized to submit a grant application in an amount to be determined by the OCR and not to exceed the sum of one million (\$1,000,000), such amount to be provided as a grant to the GGLDC to finance a portion of the equipment purchases required for the Project, and be it further

**RESOLVED**, that the Chairman is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

**RESOLVED**, that the Chairman is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, subject to review and approval by the County Attorney.

Legislator Davis seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent.

**RESOLUTION NO. 271 SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. 4, OF THE 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 4, Year 2017 entitled “**A LOCAL LAW AMENDING LOCAL LAW NO 3 OF THE YEAR 2015, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2013 AMENDING LOCAL LAW NO. 2 OF THE YEAR 2011, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2009 AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE**”, 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 4, Year 2017, by the Genesee County Legislature on the 9<sup>th</sup> day of August, 2017 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Deleo seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent

**RESOLUTION NO. 272**

**CONTRACT AMENDMENT – CONSULTANT  
SERVICES – FORMER GENESEE COUNTY  
NURSING HOME – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Resolution No. 222 duly adopted on June 14, 2017, approved the consultant services of David A. Lockwood to assist in the preparation of the annual Medicaid Cost Report for the former Genesee County Nursing Home at an amount not to exceed \$400 (8 hours x \$50.00/hr.), and

**WHEREAS**, It has been determined that the hours necessary to complete the assignment will be higher than the originally estimated, and

**WHEREAS**, The Ways and Means Committee has reviewed the contract amendment and does recommend approval at this time, Now, therefore, Be it

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized to sign the contract amendment with David A Lockwood of Orleans County, New York for consulting services at an amount not to exceed \$1,100.00 ( 22 hours x \$50.00/hr.).

**Budget Impact:** \$1,100.00 will be paid from the Nursing Home sale proceeds

Prior to the vote, Legislator Stein commented that she appreciated Mr. Lockwood's availability and timely completion of the required Medicaid report.

Legislator Bausch seconded the resolution which was adopted by 213 votes, Cianfrini (28), Young (47) and Torrey (38) absent.

Vice Chair Clattenburg again asked if anyone wished to comment or offer ideas for shared services, no one spoke.

The meeting adjourned at 5:44 PM upon motion of Legislator Stein seconded by Legislator Bausch, carried unanimously.