

**FIFTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, NY
Wednesday, August 9, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, August 9, 2017 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator Bausch assisted with the audit. Prayer was offered by Legislator Young followed by the Pledge to the Flag.

Chairman Cianfrini opened a 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. Mr. Don Cunningham asked for a summary of feedback and suggestions provided to the Legislature. Chairman Cianfrini stated that he has not received any comments or suggestions. County Manager Jay Gsell stated that Genesee County will be pursuing a deferral to 2018 which will allow for a more thorough and complete shared services plan that will have a better chance of demonstrating taxpayer savings.

Next, Chairman Cianfrini opened a Public Hearing on Local Law Introductory No. 4, Year 2017, A local law amending Local Law No. 3 of the year 2015 with regard to the imposition of a mortgage recording tax within Genesee County. No one spoke on the matter.

Minutes of the July 19, 2017 Legislature meeting were approved upon motion of Legislator Bausch seconded by Legislator Stein, carried unanimously.

Legislator Deleo expressed his support for the Second Amendment Guarantee Act proposed by Congressman Chris Collins. He stated that he would like to see the Genesee County Legislature consider a supporting resolution. Chairman Cianfrini commented that the legislature could review and consider after going through the proper committees.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 273 CONTRACT RENEWAL – DSS/MH SECURITY
SERVICES – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, Resolution No. 375 adopted November 12, 2014 did authorize a contract for the provision of security services for the Department of Social Services, and

WHEREAS, Resolution No. 57 adopted February 11, 2015 did authorize an amendment to the above-noted contract to allow for the provision of security services for the Mental Health Department, and

WHEREAS, Resolution No. 288 adopted August 10, 2016 did authorize renewal of the above-noted contract for the period of September 1, 2016 through August 31, 2017, and

WHEREAS, Pursuant to Genesee County Request For Bids #2014-15, it is the mutual desire of the Genesee County Commissioner of Social Services, the Director of Mental Health and U.S. Security Associates, Inc. to renew said contract for a second period of one additional year under current rates with the same terms and conditions, and

WHEREAS, the Committee on Human Services has reviewed this request and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chairperson to enter into an agreement with U.S. Security Associates, Inc., 625 Delaware

Avenue, Suite 200, Buffalo, NY 14202 for the provision of Security Services at offices occupied by DSS and Mental Health at 5130 East Main Street, Batavia for the period September 1, 2017 through August 31, 2018 at the rate of \$22.60 per man hour.

Budget Impact Statement: The annual DSS cost of the program is \$103,395 with a local share of approximately \$25,910. The annual MH cost of the program is \$90,000 with a local share of approximately \$75,000. The funds for the remainder of 2017 are already included in each Department's current budget, and the funds for 2018 will be included in their requested 2018 Departmental budgets.

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

RESOLUTION NO. 274 2017 BUDGET AMENDMENT-YOUTH BUREAU – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Executive Director of the Genesee County Youth Bureau did request a budget amendment as sponsor funds have been received to support an upcoming event, and

WHEREAS, The Committees of Human Services and Ways and Means reviewed the request and recommend approval at this time. Now, therefore be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 Genesee County Budget by increasing Revenue Account A.7310.2705 – Gifts & Donations in the amount of \$1,350 to be offset by an increase in Expenditure Account as follows:

A 7310 4800 0000 Program Expense \$1,350

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

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

RESOLUTION NO. 275 INSURANCE CERTIFICATE – OAKFIELD COMMUNITY CENTER, TOWN OF OAKFIELD-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 Town of Oakfield as additional insured, for the purpose of conducting the Genesee County Office for the Aging annual Public Hearing and Community Forum at the Oakfield Community Center, 3219 Drake Street Road, Oakfield, NY 14125 on Friday, September 29, 2017; and

WHEREAS, The Office for the Aging desires to distribute information on senior services to residents in the Town of Oakfield 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 the Town of Oakfield, 3219 Drake Street Road, Oakfield, NY 14125 as additional insured on Friday, September 29, 2017 from the hours of 8:30 a.m. – 5:00 p.m. 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. 276 INSURANCE CERTIFICATE – YWCA OF GENESEE COUNTY, INC.-2017 APPROVAL OF

Legislator Clattenburg 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 YWCA of Genesee County, Inc. as additional insured, for the purpose of conducting the Genesee County Office for the Aging annual Public Hearing, RSVP Recognition Event, and Community Forum at the YWCA of Genesee County, Inc., 301 North Street, Batavia, NY 14020 on Tuesday, September 26, 2017; and

WHEREAS, The Office for the Aging desires to distribute information on senior services to residents in the City of Batavia 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 the YWCA of Genesee County, Inc., 301 North Street, Batavia, NY 14020 as additional insured on Tuesday, September 26, 2017 from the hours of 8:00 a.m. – 5:00 p.m. 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. 277 CONTRACT RENEWAL – HEALTH DEPARTMENT/LEAD INVESTIGATION SERVICES – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County does contract with Monroe County for the provision of elevated blood lead investigation services, and

WHEREAS, The Director of Public Health did recommend renewal of the existing contract and the Committee on Human Service does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract renewal with Monroe County for Elevated Blood Lead Investigation services for the period August 1, 2017 through July 31, 2018 at the following rates:

Administrative Fee	\$40.00/case
Public Health Sanitarian (LP Investigator)	\$40.00/hour
Water	\$39.00/sample
Dust Wipe	\$ 5.25/sample
Soil Sample	\$ 5.25/sample
Mileage mileage rate	based on most current IRS

Budget Impact: Anticipated expense for this contract is \$2,800 which is reimbursed up to 100% through Article 6, State Aide for General Public Health Works.

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

RESOLUTION NO. 278 CONTRACTS– HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – RELATED SERVICES -APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Public Health Director did present contracts for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute contracts with the following agencies/individuals, for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSSHSP) for the period August 1, 2017 through June 30, 2019 per the 2017-2019 PSSHSP rate schedule.

Alexander Central School
Gallo, Pamela
Liberty Post
Paddock, Carol

Budget Impact: Revenue and expenses are included in the 2017 A 2960 3-5 Preschool Program Budget and will be

included in the 2018 and 2019 Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

**RESOLUTION NO. 279 CONTRACT– HEALTH DEPARTMENT/
PRESCHOOL SUPPORTIVE HEALTH SERVICES
PROGRAM – THE CHILDREN’S LEAGUE-
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Public Health Director did present a contract for the provision of services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with The Children’s League of 393 North Street, Springville, NY 14141 for the provision of **Special Education Itinerant Teacher (SEIT) Services, Classroom Services (CB), and Evaluator Services** in the Preschool Supportive Health Services Program for the period July 1, 2017 through June 30, 2019 at the rates established by State of New York.

Budget Impact: Revenue and expenses are included in the 2017 A 2960 3-5 Preschool Program Budget and will be included in the 2018 and 2019 Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

**RESOLUTION NO. 280 2017 SALARY SCHEDULE AMENDMENT –
HEALTH DEPARTMENT – PART-TIME TEMP
SENIOR FINANCIAL CLERK TYPIST -APPROVAL
OF**

Legislator Deleo offered the following resolution:

WHEREAS, the Public Health Director did request an amendment to the 2017 Employee Salary Schedule by creating the position of one Part-Time Temporary Senior Financial Clerk Typist position to meet the needs of the department, and

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

RESOLVED, That the Genesee County Treasurer and Human Resource Director are hereby authorized and directed to amend the 2017 Genesee County Employee Salary Schedule by creating the Part-Time Temporary position (19.5 Hrs. per wk. @ \$17.49 Hr.) of Senior Financial Clerk Typist , CSEA Grade 10, effective August 28th, 2017 through February 23rd, 2018. Salary shall be paid from budget line A2960 1010.0000.

Budget Impact:. The anticipated 2017 salary for the Part-Time Temporary Senior Financial Clerk Typist position will not exceed \$6200, in the A2960 adopted budget.

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

**RESOLUTION NO. 281 CONTRACT RENEWAL– HEALTH DEPARTMENT/
PARATRANSIT SERVICES – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County must provide transportation services for the Early Intervention and Preschool Supportive Health Services Program, and

WHEREAS, The Public Health Director did present a contract renewal for the provision of this service, and

WHEREAS, The Committee on Human Services 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 renew a contract with Student Transport, Inc. (DBA: WNY Bus Co.), 79 Sheldon Avenue, Depew, NY 14043 for the provision of paratransit services for the Early Intervention and Preschool Supportive Health Services Programs for the period of September 1, 2017 through August 31, 2018 at the following rates as bid:

Per child, per day, round trip WITHIN Genesee/Orleans County	\$ 49.32/day
Per child, per day, round trip OUTSIDE Genesee*	\$242.74/day
Per child, per day, round trip OUTSIDE Orleans*	\$242.74/day
Per child, per day, round trip OUTSIDE Genesee & Orleans County**	\$242.74/day
Additional child to an established out of Genesee/Orleans County, round trip	\$18.83/child/day
Round trip for one attendant	\$100.53
One on one nursing/medical assistant (minimum of 4 hours)	\$ 44.79/hour

*Where a one-way trip is ten (10) miles or more outside of the County Lines

**These routes include children from both Genesee and Orleans County on the same run. Costs will be allocated by splitting the initial per day charge equally, and then either county will be charged per their number of additional children on the run.

Budget Impact: Estimated annual expenses in the 2017 A 2960 Preschool Supportive Health Services budget are \$270,000 and will be included in the 2018 A 2960 Preschool Supportive Health Services budget

Budget Impact: Estimated annual expenses in the 2017 A 4059 Early Intervention budget are \$40,640 and will be included in the 2018 A 2960 Early Intervention budget. Expenses are offset, up to 100% by revenue generated from Medicaid. New York State is liable for 49% of any non-reimbursed expenditure.

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

**RESOLUTION NO. 282 GRANT AMENDMENT/BUDGET AMENDMENT -
HEALTH DEPARTMENT/ DRINKING WATER
ENHANCEMENT PROGRAM - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County's Drinking Water Enhancement Program contract has been awarded in the amount of \$90,789, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support local Drinking Water Enhancement activities, and

WHEREAS, The budget line A4010 4800.0000 Program Expense of the 2017 Public Health Budget, will be increased \$4,867 to \$90,789, which will be offset by an increase of \$4,867 to budget line A4010 3401.90 Water Enhancement and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Drinking Water Enhancement Program contract for the period April 1, 2017 through March 31, 2018, and to execute any and all other documentation related to this funding

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to accept the additional \$4,867 from the New York State Department of Health, for Genesee County's Drinking Water Enhancement Program, 2017 Budget A4010 3401.90 Water Enhancement

Budget Impact: 2017 budget line A4010 3401.90 is to increase from \$85,922 to \$90,789.

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

**RESOLUTION NO. 283 CONTRACT FOR GRANTS NO. C000618
EXTENSION-PUBLIC DEFENDER-APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Public Defender does recommend the acceptance of the contract for grants extension between the Genesee County Public Defender's Office and the New York State Office of Indigent Legal Services (C000618), Upstate Quality Improvement and Caseload Reduction Grant, for a six-month period of July 1, 2017 – December 31, 2017.

WHEREAS, the Public Service Committee did review the contract for grants and does recommend acceptance at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the contract for grants extension C000618, Upstate Quality Improvement and Caseload Reduction Grant, with the New York State Office of Indigent Legal Services for a six-month period of July 1, 2017 – December 31, 2017, and be it further

Budget Impact: The contract for grants extension will have no effect on the budget.

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

**RESOLUTION NO. 284 2017 GENESEE COUNTY AGRICULTURE AND
FARMLAND PROTECTION PLAN – ADOPTION OF**

Legislator Stein offered the following resolution:

WHEREAS, on November 14, 2001, the Genesee County Legislature adopted the Genesee County Agriculture and Farmland Protection Plan by Resolution No. 425, and

WHEREAS, it is in the interest of Genesee County and its residents to support farm operations and protect valuable agricultural resources for their contribution to the local economy, as the County's No. 1 industry, local source of food and other products, and as an important contributor to the quality of life in rural communities, and

WHEREAS, the Genesee County Agriculture and Farmland Protection Plan (2001) was developed to protect these valuable agricultural resources, and

WHEREAS, agricultural data, planning initiatives, municipal priorities, and development have changed since 2001, and

WHEREAS, Genesee County was awarded a New York State Agricultural and Farmland Protection grant of \$50,000 for the update of its Agriculture and Farmland Protection Plan, and

WHEREAS, the Draft Agriculture and Farmland Protection Plan was presented for feedback and comments at public forums, and advisory board meetings, and

WHEREAS, the 2017 Genesee County Agriculture and Farmland Protection Plan provides a strategic framework for addressing agriculture issues of concern to the County, 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 adoption of this plan has been determined to have no significant effect on the environment, and

WHEREAS, The Draft Agriculture and Farmland Protection Plan was reviewed by the Agricultural and Farmland Protection Board which recommended the adoption of the plan at its April 17, 2017 meeting, 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 2017 Genesee County Agriculture and Farmland Protection Plan is adopted, and be it further

RESOLVED, That certified copies of this resolution, along with all required documents

pertaining to this plan, be submitted to New York State Department of Agriculture and Markets for review and approval.

Budget Impact: State aid of \$50,000 and County cash match share of \$12,000 as adopted in the 2015, 2016 and 2017 Department of Planning Budget, Account A.8020.4600.0000, Contracted Services.

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

RESOLUTION NO. 285 PARTICIPATION IN THE U.S. CENSUS BUREAU'S 2020 LOCAL UPDATE OF CENSUS ADDRESSES (LUCA) AND DESIGNATION OF THE GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL AS THE THIRD PARTY MEMBER TO CONDUCT THE UPDATE ON BEHALF OF THE COUNTY

Legislator Davis offered the following resolution:

WHEREAS, The U.S. Census Bureau's Local Update of Census Addresses Program (LUCA) is the only opportunity offered to tribal, state, and local governments to review and comment on the U.S. Census Bureau's residential address list that will be used to solicit 2020 Census input within their respective jurisdictions; and

WHEREAS the Genesee/Finger Lakes Regional Planning Council will sign the Title XII Confidentiality Agreement with the Census Bureau, and therefore, will be allowed to access and view the Census Master Address File for the nine counties of the Genesee-Finger Lakes Region (Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates Counties); and

WHEREAS, the County of Genesee accepts the responsibility of providing and assisting the Genesee/Finger Lakes Regional Planning Council in acquiring resources needed for the compilation of local address data resources countywide including address related databases such as E-911 address files, assessment files, taxation files, and/or other databases that include location information that the. Now, therefore, be it

RESOLVED, The County of Genesee authorizes the Chair of the Legislature to complete and sign all appropriate documentation to designate the Genesee/Finger Lakes Regional Planning Council to be the third party member to conduct the Local Update of Census Addresses on behalf of the County.

Budget Impact: None

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

RESOLUTION NO. 286 GENESEE, LIVINGSTON AND WYOMING COUNTIES INTERMUNICIPAL CONTRACT - APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee, Livingston and Wyoming Counties (GLOW) Region Solid Waste Management Program Intermunicipal Cooperation Contract is scheduled to expire on December 31, 2017, and

WHEREAS, The GLOW Region Solid Waste Management Committee does recommend the continuation of the contract, and

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

RESOLVED, That the Genesee County Legislature does hereby approve the Intermunicipal Cooperation Contract through December 31, 2019, and Be it further

RESOLVED, That the Chairperson of the Genesee County Legislature be and is hereby authorized and directed to execute the Intermunicipal Cooperation Contract on behalf of the County of Genesee.

Budget Impact Statement: \$25,805 is the projected annual contribution for 2018. In 2012 this contribution was reduced by 4.4%. From 1997 until 2011 the contribution was \$27,000. Each year the actual County Contribution is approved by the County Legislature through the annual Budget Process.

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

RESOLUTION NO. 287 CERTIFICATES OF INSURANCE- GLOW REGION SOLID WASTE MANAGEMENT COMMITTEE EVENT: REGIONAL PRIMARY CARE NETWORK HEALTH AND WELLNESS BACK TO SCHOOL FAIR- APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Recycling Administrator has been invited to participate in the Regional Primary Care Network (RPCN) Health and Wellness Back to School Fair in Mt. Morris for the purpose of providing education on waste reduction, recycling, reuse and composting and has requested approval to participate in this event on , and

WHEREAS, The Public Service Committee does concur with these recommendations. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to issue a Certificate of Insurance for participation by GLOW Region Solid Waste Management Staff to participate in the RPCN Health and Wellness Back to School Fair on August 11, 2017.

Budget Impact: There is no cost for the this event.

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

RESOLUTION NO. 288 ACCEPTANCE OF GRANT FUNDS - BUDGET AMENDMENT/SHERIFF – POLICE TRAFFIC SERVICES PROGRAM – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Sheriff requested authorization to accept grant funding from the NYS Governor’s Traffic Safety Committee, in the amount of \$26,016, to participate in the statewide Police Traffic Services Program, for the time period of October 1, 2017 through September 30, 2018, 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 account A3110.1020.0700 (Overtime – STEP Grant) in the amount of \$26,016, to be offset by an increase in revenue account A3110.4511 (Federal Aid Traffic Safety) in a like amount.

Budget Impact Statement: Increase in Sheriff’s appropriation of \$26,016, from GTSC grant funding from the Police Traffic Services Program, offset by an increase in revenue in a like amount.

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

RESOLUTION NO. 289 AWARD OF BID/ BUDGET AMENDMENT – SHERIFF’S OFFICE / CEDAR STREET TOWER MAINTENANCE - ALLSTATE TOWER, INC - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County was informed that the top 200 feet of the public safety radio tower located at 153 Cedar St, Batavia, NY 14020, lacked proper galvanization due to normal wear, and

WHEREAS, Genesee County received a NYS Statewide Interoperable Communications Grant (Round 5) which included funds for radio tower maintenance, and

WHEREAS, Genesee County issued BID 2017-13 on June 12, 2017, and received one response from Allstate Towers, Inc. for \$19,850.00, and

WHEREAS, The Genesee County Sheriff, Director of Emergency Communications, Communications Coordinator, and Purchasing Director recommend Allstate Tower, Inc. be awarded the bid at a cost not to exceed \$19,850.00 for tower painting and inspection, 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 Legislature is hereby authorized and directed to award the bid to Allstate Tower, Inc., 232 Heilman, Henderson, KY 42420, at a cost not to exceed \$19,850.00 for tower painting and inspection. 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:

\$19,850 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 \$19,850 to be offset by an increase in revenue in a like amount, with funds to come from NYS Statewide Interoperable Communications Grant (Round 5) funding.

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

RESOLUTION NO. 290 BUDGET AMENDMENT - SHERIFF'S OFFICE / COMMUNICATIONS SPECIAL SUPPLIES - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, There is a need for additional funds in the Communications account used for the purchase and maintenance of radio equipment for outside agencies in Genesee County due to an increase in requests for new pagers and other radio related equipment, and

WHEREAS, The cost of all equipment purchased will be reimbursed by the agencies as they receive the equipment. Now therefore be it

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

\$90,000 to A3020.4700.0000 (Special Supplies)

To be offset by increasing the following revenue account:

\$90,000 to A3020.2210.10 (Gen Srv, Oth Govts/EMS)

Budget Impact Statement: Increase in Sheriff's Communications 2017 appropriations in the amount of \$90,000 for the purchase and maintenance of radio equipment for outside agencies in Genesee County, offset by an increase in revenue in a like amount.

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

RESOLUTION NO. 291 AWARD OF BID – SHERIFF'S OFFICE / RADIO SYSTEM INFRASTRUCTURE INVENTORY & INTEROPERABILITY SURVEY - TELEVATE, LLC - APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS, Genesee County received a NYS Statewide Interoperable Communications Grant (Round 4) which included funds for radio system infrastructure and interoperability surveys, and

WHEREAS, Genesee County issued RFP 2017-112 on May 24, 2017, and received two responses, and

WHEREAS, The Genesee County Sheriff, Director of Emergency Communications, Communications Coordinator, Purchasing Director, and County Attorney recommend Televate,

Inc. be awarded the contract at a cost not to exceed \$69,230.00 for the radio system infrastructure and interoperability survey, 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 a contract with Televate, LLC, 8229 Boone Blvd, Suite 720, Vienna, VA 22182 at a cost not to exceed \$69,230.00 for the radio system infrastructure and interoperability survey.

Budget Impact: Total cost of \$69,230.00 previously allocated to the 800 MHz Upgrade Capital Project offset by NYS Statewide Interoperable Communications Grant (Round 4) funding.

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

RESOLUTION NO. 292 CREATION OF TEMPORARY DEPUTY SHERIFF POSITION / SHERIFF'S OFFICE - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Deputy Sheriff Jodie Hebdon recently submitted his retirement notification effective October 28, 2017, and

WHEREAS, The Sheriff's Office has two Deputy Sheriff vacancies that will take effect the end of July and middle of August from other department retirements and are working on filling those vacancies, and

WHEREAS, the next basic police training academy is being held at Niagara University starting September 11, 2017, creating an overlap in time between Deputy Hebdon's retirement date and the academy start date, the Sheriff's Office would not be able to enroll a third Deputy Sheriff in the basic police academy without creating a temporary Deputy Sheriff for the period of September 11 through October 27, 2017. The Sheriff's Office would have to wait an additional six months for the next basic police academy to be held, which would be in February 2018, and

WHEREAS, In order to fill this third Deputy Sheriff vacancy, the Sheriff is requesting the creation of a temporary Deputy Sheriff position for the period beginning September 11 through October 27, 2017, at a cost not to exceed \$12,662.06, and

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

RESOLVED, that the Genesee County Legislature is authorized and directed to amend the 2017 Employee Salary Schedule by creating a temporary Deputy Sheriff position for a period beginning September 11 through October 27, 2017, at a cost not to exceed \$12,662.06.

Budget Impact: There are funds available in the Sheriff's personnel line item to cover the cost associated with the temporary Deputy Sheriff position.

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

RESOLUTION NO. 293 GRANT AWARD RENEWAL-JUSTICE FOR CHILDREN ADVOCACY CENTER/2017-18 NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Legislator Davis offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator has been notified that an existing grant contract from the New York State Office of Children and Family Services will be renewed for the grant year running from October 1, 2017 to September 30, 2018, and

WHEREAS, The Justice for Children Program Coordinator has requested that the County accept an award in the amount of \$155,350.00 from the New York State Office of Children and Family Services, and

WHEREAS, This award represents a modest increase over the 16-17 award, which was \$153,729.00, and

WHEREAS, Funds from this grant will enable to Justice for Children Advocacy Center to meet the growing demand for the services in the Batavia, Warsaw, and Albion offices, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents for acceptance of this grant funding for the period of October 1, 2017 through September 30, 2019 in the amount of \$155,350.00.

Budget Impact: The New York State Office of Children and Family Services funds direct victim services at the Justice for Children Advocacy Center, including victim advocacy, mental health treatment, and medical care.

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

**RESOLUTION NO. 294 FIVE YEAR GRANT AWARD-JUSTICE FOR CHILDREN
ADVOCACY CENTER/REGIONAL ADVOCACY- NYS
OFFICE OF CHILDREN AND FAMILY SERVICES**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator has been notified that the Justice for Children Advocacy Center has been selected for a five-year grant award from the New York State Office of Children and Family Services to sustain the Regional Child Advocacy Program, and

WHEREAS, The Justice for Children Program Coordinator is requesting that the County accept an award in the amount of \$500,000.00 from the New York State Office of Children and Family Services, and

WHEREAS, The contract term runs from October 1, 2017 through September 30, 2022, and the annual award amount will be \$100,000.00, and

WHEREAS, This award will enable the Justice for Children Advocacy Center to sustain its status as a Regional Child Advocacy Center by supporting the satellite offices in Albion and Warsaw, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents for acceptance of this grant funding for the period of October 1, 2017 through September 30, 2022 in the amount of \$500,000.00.

Budget Impact: The New York State Office of Children and Family Services funds satellite offices in Albion and Warsaw that enable the Justice for Children Advocacy Center to provide mental health, victim advocacy, and forensic interviewing services to children and families in Orleans and Wyoming Counties.

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

**RESOLUTION NO. 295 GRANT AWARD- JUSTICE FOR CHILDREN
ADVOCACY CENTER/ 2017-2019 FORENSIC
INTERVIEWING NYS OFFICE OF VICTIM
SERVICES**

Legislator Torrey offered the following resolution:

WHEREAS, The Justice for Children Program coordinator has been notified that the Justice for Children Advocacy Center has been awarded a two-year grant from the New York State Office of Victim Services that will support the forensic interviewing program, and

WHEREAS, The Justice for Children Program Coordinator is requesting that the County accept an award in the amount of \$65,847.00 from the New York State Office of Victim Services, and

WHEREAS, The term of this contract will be from September 1, 2017 through August 31, 2019, and

WHEREAS, Funds from this grant will enable to Justice for Children Advocacy Center to meet the growing demand for forensic interviewing services in the Batavia, Warsaw, and Albion offices, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents for acceptance of this grant funding for the period of September 1, 2017 through August 31, 2019 in the amount of \$65,847.00.

Budget Impact: The New York State Office of Victim Services funds forensic interviewing services at the Justice for Children Advocacy Center.

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

RESOLUTION NO. 296 CONTRACTUAL AGREEMENT RENEWAL-FORNESIC INTERVIEWING –COLGAN/ JUSTICE FOR CHILDREN ADVOCACY CENTER -APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Coordinator of the Justice for Children Advocacy Center did submit a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center satellite offices; and

WHEREAS, The Public Service Committee did review the contractual agreement 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 hereby authorized and directed to enter into a contractual agreement with Kathy Colgan with residence at 16 Country Meadow Drive, Honeoye Falls, NY 14472 for forensic interviewing, peer review, and training for the Justice for Children Advocacy Center/Team, 243 South Main Street, Albion, NY and 31 Duncan Street, Warsaw, NY for the period of September 1, 2017 through August 31, 2018 at a cost of \$80.00 per hour.

Budget Impact: Funds for contractual agreements are fully covered by grants from NYS Office of Victim Services. Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 297 CONTRACTUAL AGREEMENT RENEWAL-FORENSIC INTERVIEWING- MITCHELL/ JUSTICE FOR CHILDREN ADVOCACY CENTER -APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Coordinator of the Justice for Children Advocacy Center did submit a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center satellite offices; and

WHEREAS, The Public Service Committee did review the contractual agreement 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 hereby authorized and directed to enter into a contractual agreement with Jessica Mitchell with residence at 971 Redman Road, Hamlin, NY for forensic interviewing at the Justice for Children Advocacy Center, 243 South Main Street, Albion, NY and 31 Duncan Street, Warsaw, NY for the period of September 1, 2017 through August 31, 2018 at a cost of \$40.00 per hour.

Budget Impact: Funds for contractual agreements are fully covered by grants from NYS Office of Victim Services.

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

**RESOLUTION NO. 298 CONTRACTUAL AGREEMENT RENEWAL-MCQUILLAN
JUSTICE FOR CHILDREN ADVOCACY CENTER -
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator did submit a contractual agreement for a Mental Health Clinical Therapist for the Justice for Children Advocacy Center; and

WHEREAS, The Public Service Committee did review the contractual agreement 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 a contractual agreement with Brenda McQuillan with residence at 5283 Oak Orchard Road, Albion, NY to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY and 243 South Main Street, Albion, NY for the period of August 14, 2017 through September 30, 2018. The hourly rate from August 14, 2017 thru December 31, 2017 will be at a cost of \$30.00 per hour. The hourly rate starting January 1, 2018 thru September 30, 2018 will be at a cost of \$33.00 per hour.

Budget Impact: Funds for contractual agreements are fully covered by grants from NYS Office of Victim Services and NYS Office of Children and Family Services and are already included in the 2017 Justice for Children Advocacy Center Budget.

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

**RESOLUTION NO. 299 APPLICATION – EMERGENCY MANAGEMENT
SERVICES-BEMS COURSE SPONSORSHIP - APPROVAL
OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Office of Emergency Management Services has been a course sponsor for the Advanced Emergency Medical Technician (AEMT) program for over ten years, and

WHEREAS, The New York State Department of Health requires periodic renewal of course sponsorship to continue providing emergency medical training, and

WHEREAS, Complying with this requirement, the Office of Emergency Management Services has prepared the application for renewal and does request approval from the Genesee County Legislature. Now, therefore Be it

RESOLVED, That the Genesee County Legislative Chair and the Emergency Management Services Coordinator are hereby authorized and directed to apply for Renewal of Course Sponsorship to the New York State Department of Health.

Budget Impact: None.

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

**RESOLUTION NO. 300 AWARD OF CONTRACT – EMERGENCY MANAGEMENT
SERVICES/MULTI-HAZARD MITIGATION CONTRACT -
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Resolution #102, dated March 23, 2017, did authorize acceptance of the FY15 Pre-Disaster Mitigation Competitive (PDMC) grant award, and

WHEREAS, The Genesee County Office of Emergency Management Coordinator did present a Request for Proposal for consultant services to assist with the updates to the County's Multi-Hazard Mitigation Plan, and

WHEREAS, The selection committee has reviewed the submitted proposals and is now recommending that Genesee County enter into an agreement with Tetra Tech, Inc. to serve as Consultant for the County's Multi-Hazard Mitigation Plan at a cost not to exceed \$67,548.24. Now, therefore, Be it

RESOLVED, That the Chair of the County Legislature is hereby authorized to enter into an agreement with Tetra Tech, Inc. for development of an updated Multi-Hazard Mitigation Plan

Budget Impact: FY15 Pre-Disaster Mitigation Competitive Grant award in the amount of 90,064.77 for plan development. (\$67,548.24 with a required County match of \$22,516.53 to be met in in-kind services.).

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

**RESOLUTION NO. 301 CONSULTANT AGREEMENT – SEARLES RD
OVER SPRING CREEK - APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County has been awarded a BRIDGE-NY grant to replace the Searles Road over Spring Creek bridge in the Town of Byron, and

WHEREAS, Superintendent of Highways has reviewed and evaluated engineering proposals submitted for this work under a qualification based selection, and

WHEREAS, The Superintendent of Highways has negotiated a contract with Fisher Associates and recommends approval of a consultant agreement with them at this time, and

WHEREAS, The Committee on Public Service has 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 Fisher Associates, P.E., L.S., L.A., D.P.C. 135 Calkins Rd, Suite A, Rochester, NY 14623 for the design of the work required on the Searles Rd over the Spring Creek bridge in an amount not to exceed \$122,000.

Budget Impact: The agreement is for \$122,000. The capital project established for this project has \$133,000 available.

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

**RESOLUTION NO. 302 CONSULTANT AGREEMENT – PRATT RD OVER
TONAWANDA CREEK - APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, Genesee County has been awarded a BRIDGE-NY grant to replace the Pratt Road over Tonawanda Creek bridge in the Town of Pembroke, and

WHEREAS, Superintendent of Highways has reviewed and evaluated engineering proposals submitted for this work under a qualification based selection, and

WHEREAS, The Superintendent of Highways has negotiated a contract with Barton & Loguidice and recommends approval of a consultant agreement with them at this time, and

WHEREAS, The Committee Public Service has 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 Barton & Loguidice, D.P.C. 11 Centre Park, Suite 203, Rochester, NY 14614 for the design of the work required on the Pratt Rd over the Tonawanda Creek bridge in an amount not to exceed \$178,000.

Budget Impact: The agreement is for \$178,000. The capital project established for this project has \$178,000 available.

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

RESOLUTION NO. 303 REJECTION OF BID – 8-BAY T-HANGARS – AIRPORT – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has been awarded a state grant to construct additional T-Hangars at the Genesee County Airport, and

WHEREAS, Genesee County advertised bid specifications for the construction of this project and received only one bid, and

WHEREAS, The Genesee County Highway Superintendent and the project engineer, C&S Engineers, have reviewed this bid and found it to exceed the engineer's estimate of reasonable construction and the budget for this project and recommend rejecting the bid at this time, and

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

RESOLVED, That the Genesee County hereby rejects the bid received from Ledge Creek Development, Inc. for the construction of an 8-Bay T-Hangar at the Genesee County Airport.

Budget Impact: The lone bid submitted was for \$898,000 which exceeded the budget authorized for construction. A capital project has been established for this work that is funded with state aid and local match. The bid was approximately \$378,000 higher than the construction authorization for this project and no electrical bids were received.

Legislator Clattenburg commented that only one bid was received and it came in \$400,000 over budget.

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

RESOLUTION NO. 304 AWARD OF BID – CENTRAL SERVICES – GARBAGE AND REFUSE REMOVAL -- APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Department did receive bids in 2017 for the removal of garbage and refuse from County Facilities and,

WHEREAS, The Highway Superintendent recommends awarding the contract with Waste Management of New York, LLC, 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 Waste Management of New York, LLC., 100 Ransier Drive, West Seneca, NY 14224 for the removal of garbage and refuse as per bid specifications, effective January 1, 2018 through December 31, 2019 at price of \$18,448.96 in the first year and \$18,910.08 in the second year.

Budget Impact Statement: The Central Services Fund includes \$14,500 for the removal of garbage and refuse from certain County Facilities and the Airport and Highway Department fund trash removal separately.

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

RESOLUTION NO. 305 PARK – SPECIAL EVENT – CYCLOCROSS

Legislator Torrey offered the following resolution:

WHEREAS, The Park Supervisor-Forester has been contacted by the WNY Cyclocross Club to host a racing event at the Genesee County Park and Forest on November 19, 2017, and

WHEREAS, This activity is covered under the Special Events policy for the County Park System, and

WHEREAS, WNY Cyclocross Club has completed an application and submitted the appropriate insurance documentation and fees, and

WHEREAS, The Park Supervisor-Forester and County Highway Superintendent have reviewed this request and do recommend approval of the event at this time, and

WHEREAS, The Committee on Public Service did review this request and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the special event request by the WNY Cyclocross Club for the purpose of a bicycle race within the County Park and Forest on November 19th 2017.

Budget Impact: The special event fee is \$100.

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

**RESOLUTION NO. 306 AMEND 2017 CAPITAL PROJECT – HIGHWAY –
APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The State of New York has provided Genesee County with Consolidated Local Street and Highway Improvement Program (CHIPS) , NYS-EWR and PAVE-NY funding, and

WHEREAS, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts, and that amount differs from the letter received by NYS, and

WHEREAS, The Superintendent of Highways recommends adjusting these existing projects, 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 make the following changes to the CHIPS, EWR-NY and PAVE-NY funded capital projects by decreasing CHIPS Revenue D9950.3501, Transfers to Capital D9950.9900, Highway Capital Project Expense H5197.2080, and Interfund Transfer H5197.5031 in the amount of \$727.21

<u>Capital Project</u>	<u>Amount/Action</u>	<u>Source</u>
2017 Slusser Road	Increase Fund .20	NYS – EWR
2017 Highway Overlay	Increase Fund \$193.07	PAVE – NY
2017 Bridge Construction	Decrease Fund \$920.48	CHIPS

Budget Impact Statement: Decrease a total of \$727.21 in CHIPS revenue

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

**RESOLUTION NO. 307 RESOLUTION AWARDDING CONTRACT FOR GENESEE
COUNTY JAIL SPACE NEEDS ANALYSIS**

Legislator Bausch offered the following resolution:

WHEREAS, NYS Sheriffs/County Governments are required to operate a County Jail for the incarceration of both sentenced and un-sentenced inmates and other NYS ready and parole prisoners, And

WHEREAS, Genesee County has been operating an 87 bed County Jail since 1985 with a 10 bed variance that allow 10 additional people to be detained, And

WHEREAS, said 87-97 bed jail had its physical origin in the early 1900's and the NYSCoC has recently conducted another compliance survey in early 2017 which raised concerns with regard to both the physical integrity of the facility and the adherence to supervision and programming for said inmates,

WHEREAS, said NYSCoC survey requires Genesee County to conduct a 2017/18 jail space needs analysis in the hope of maintaining said 10-bed variance, Now therefore Be it

RESOLVED, that the Public Service Committee of the Genesee County Legislature that is hereby authorizing the Chairperson of the County Legislature to execute a contract for professional services to SMRT Architects, Engineers and Planners, Latham, New York in an amount not to exceed \$33,950 which funds are available in the 2017 County budget asset acquisition allocation equal to \$110,000.

Legislator Bausch commented this is the first small step in a long process. Legislator DeJaneiro commented on his hope that the study will reveal a joint facility with Orleans County will be the best course of action.

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

RESOLUTION NO. 308 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 departments or other county departments, be declared surplus property:

Health Department

- Coliform Incubator Bath – not sure if it works
- Very old little metal rolling cabinet – white
- Very Large Incubator – no idea if it works, it was previously utilized by the lab
- Incubator about the size of a mini refrigerator – again, no idea if it works
- Desk Lamp
- Bankers Boxes with a Permanent Seal
- Typewriters
 - Canon AP810-III
 - IBM Wheelwriter
- Calculators
 - Sharp EL-1197V
- Toner
 - (2) Brother DR-250 drum Unit
 - Brother TN-250 Toner Cartridge
- X-ray viewer
- 6 3-drawer metal index files (non-locking)

District Attorney

- Typewriter Stand

History Department

- Biel's microfilm reader #03539
- Biel's microfiche reader #04207

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 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 Clattenburg seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 309 CONTRACT EXTENSION FOR PREPARATION OF TAX BILLS – APPLIED BUSINESS SYSTEMS, INC. – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Genesee County does contract for the preparation of tax bill laser printing and inserting into window envelopes, and

WHEREAS, Genesee County and Applied Business Systems, Inc., entered into a one year contract with the option to extend the contract up to four additional one year periods with mutual consent of both parties, and

WHEREAS, Applied Business Systems, Inc., has consented to extending the contract for an additional one year period with all pricing remaining the same, and

WHEREAS, The Director of Real Property does recommend approval for exercising the one year contract extension, and

WHEREAS, The Committee on Ways and Means did review this contract and does concur, Now, therefore, Be it

RESOLVED, That Genesee County does agree to a one year contract extension with Applied Business Systems, Inc., 26 Harvester Avenue, Batavia, New York 14020 for the processing of tax bills for the period September 1, 2017 through August 31, 2018, in accordance with the contract dated July 28, 2014.

Budget Impact Statement: Approximate yearly expense of \$8,500 which is offset by revenues received from chargebacks to other taxing entities. Pricing will remain the same as the previous year.

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

RESOLUTION NO. 310 2017 GENESEE COUNTY CHARGEBACKS TO TOWNS AND CITY OF BATAVIA – TREASURER / REAL PROPERTY – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has submitted a list of chargebacks to the several Towns and City of Batavia for assessment rolls, tax rolls, tax bills, supplies, and assessment update services, and

WHEREAS, The Committee on Ways and Means does recommend apportionment of this expense, Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize the following amounts to be billed to the several Towns and City of Batavia:

2017 Chargebacks Applied to 2018 Town / City Budgets

TOWN	PARCELS	ASSESSMENT ROLLS/BILLS	NYSORPTS LICENSE FEE	TOTAL
Alabama	1,130	\$3,390.00	\$1,000.00	\$4,390.00
Alexander	1,430	\$4,290.00	\$1,000.00	\$5,290.00
Batavia(T)	3,014	\$9,042.00	\$616.76	\$9,658.76
Bergen	1,651	\$4,953.00	\$1,000.00	\$5,953.00
Bethany	1,013	\$3,039.00	\$287.02	\$3,326.02
Byron	1,349	\$4,047.00	\$565.03	\$4,612.03
Darien	1,827	\$5,481.00	\$517.66	\$5,998.66
Elba	1,502	\$4,506.00	\$1,000.00	\$5,506.00
LeRoy	3,510	\$10,530.00	\$1,049.22	\$11,579.22

Oakfield	1,516	\$4,548.00	\$634.97	\$5,182.97
Pavilion	1,508	\$4,524.00	\$450.78	\$4,974.78
Pembroke	2,454	\$7,362.00	\$695.32	\$8,057.32
Stafford	1,568	\$4,704.00	\$1,000.00	\$5,704.00
Batavia(C)	5,538	\$16,614.00	\$1,133.24	\$17,747.24
TOTALS	29,010	\$87,030.00	\$10,950.00	\$97,980.00

and, Be it further

RESOLVED, That the amounts to be paid to the County Treasurer are credited to Revenue A.1325 2226 Sales / Supplies to Other Governments, in the current budget year.

Budget Impact Statement: Licensing fee revenue of \$10,950.00 is paid to the NYSORPTS for software licensing. Assessment services and roll / bill revenue of \$87,030.00 covers salary and all other expenses incurred in providing these services to the municipalities. The 2016 chargebacks totaled \$97,872.00.

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

RESOLUTION NO. 311 RELEVY OF UNPAID SCHOOL AND VILLAGE TAXES – TREASURER – AUTHORIZATION FOR

Legislator Bausch offered the following resolution:

WHEREAS, The Real Property Tax Law requires that, by November 15, 2017, all rural Genesee County School Districts return their respective unpaid 2017-2018 school taxes to the County Treasurer for inclusion in the following year’s town and county levy, and

WHEREAS, The Legislature entered into an agreement with the various villages within the county that, upon notification to the county, by the villages, within the time period as defined in the agreement, the unpaid village taxes will be relevied as part of the town and county levy.

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize all unpaid school taxes and unpaid village taxes be relevied against the various towns in the County of Genesee immediately upon receipt by the County Treasurer’s Office.

Budget Impact Statement: None, it is an authorization to relevy unpaid taxes.

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

RESOLUTION NO. 312 CONTRACT- TREASURER/INDEPENDENT AUDIT CONTRACT WITH FREED MAXICK , LLP - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The current contract for auditing services with Freed Maxick, LLP has expired, and

WHEREAS, An RFP was issued and four responses being received, the County Treasurer recommends going with the accounting firm offering the lowest cost of \$31,000 all-inclusive per year for five years covering the audits for years 2017 thru 2021, and

WHEREAS, The Committee of Ways and Means concurs. Now therefore, be it

RESOLVED, The Chairman of the Genesee County Legislature be and hereby is authorized and directed to execute a five year contract between the County of Genesee and Freed Maxick, LLP, 1 Evans Street, Batavia, NY 14020, to provide auditing services per the RFP at a cost of \$31,000 per year.

Budget Impact: This is a \$1,000 increase over the previous five year contract.

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

RESOLUTION NO. 313 RESOLUTION AMENDING RESOLUTION NO 297 OF THE YEAR 1980 IN RELATION TO GENESEE

**COUNTY SALES AND COMPENSATING USE TAXES,
INCREASING THE RATE OF TAXES ON SALES AND USES OF
TANGIBLE PERSONAL PROPERTY AND OF CERTAIN
SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND
AMUSEMENTS CHARGES, PURSUANT TO ARTICLE 29 OF
THE TAX LAW OF THE STATE OF NEW YORK**

Legislator Young offered the following resolution:

BE IT RESOLVED by the Genesee County Legislature:

That Resolution No. 297 of the Genesee County Legislature adopted November 26, 1980, as amended by Resolution No. 16 of 1981, adopted January 14, 1981, as amended by Resolution No. 184, adopted June 22, 1994 as amended by Resolution No. 227, adopted July 31, 1995, as amended by Resolution No. 218 adopted July 28, 1997, as amended by Resolution No. 327 adopted August 11, 1999, as amended by Resolution 333 adopted September 12, 2001, as amended by Resolution 211 adopted June 25, 2003 as amended by Resolution 298 adopted September 10, 2003, and as amended by Resolution No. 226 adopted July 12, 2005 and as amended by Resolution No. 309 adopted August 8, 2007, as amended by Resolution No. 270 adopted August 12, 2009, as amended by Resolution No. 311 adopted September 28, 2011, as amended by Resolution No. 337 adopted September 11, 2013 **as amended by Resolution No. 353 adopted October 14, 2015** be amended in its several parts as follows:

Section 1: The first sentence of section two of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 2: Imposition of sales tax.

On and after March 1, 1981, there is hereby imposed and there shall be paid a tax of three percent (3%) upon, and for the period commencing September 1, 1994, and ending **November 30, 2017**, there is hereby imposed and there shall be paid an additional tax of one percent (1%) upon:

Section 2: Subdivision (f) of section three of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent (1%) imposed for the period commencing September 1, 1994 and ending **November 30, 2020**, the provisions of subdivision (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivision (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994 any transaction which may not be subject to the additional tax imposed effective on that date.

Section 3: Section four of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 4: Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994 except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible

personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontract or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2020**, the tax shall be at the rate of four percent (4%) and on and after **December 1, 2020**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent (4%), and on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed as taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2020**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2020**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for tangible personal property manufactured, processed, or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvements to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2020**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2020**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for

any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2020**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2020**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (f) by its author or other creator shall not be deemed a taxable use by such person.

Section 4: Subdivision (k) of section six of Resolution No. 297 of the year 1980, enacted in November 26, 1980, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes ; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending **November 30, 2020**.

Section 5: Paragraph (B) of subdivision one of section eleven of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending **November 30, 2020**, in respect to the use of property used by the purchaser in this county prior to September 1, 1994.

Section 6: Subdivision (h) of section fourteen of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(h) Notwithstanding any other provision of law to the contrary, net collections attributable to the additional one percent rate of sales and compensating use taxes imposed by sections two and four of this resolution for the period December 1, 2005, through **November 30, 2020**, shall be divided in the same manner and proportion as the net collections attributable to the County's existing three percent rate of such taxes during such period are divided.

Section 7: This resolution shall take effect **December 1, 2017**.

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

RESOLUTION NO. 314

**CONTRACT – SELF INSURANCE/
EXCESS INSURANCE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Self Insurance Plan did purchase excess insurance through Midwest Employers Casualty Company through July 31, 2017, and

WHEREAS, The County Manager's Office did submit a proposal for continuing this coverage through July 31, 2018, and

WHEREAS, The Committee on Ways and Means did review this proposal 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 a contract with Midwest Employers Casualty Company, 14755 North

Outer Forty Drive, Chesterfield, Missouri, 63017 to provide Excess Insurance for the Genesee County Self-Insurance Plan effective August 1, 2017 through July 31, 2018 for a total premium of \$197,143

Budget Impact: \$7,237 decrease over the 2016-2017 policy, primarily from the sale of the County Nursing Home. Funds for this insurance have been provided in the Self-Insurance budget and apportioned to the participants.

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

RESOLUTION NO. 315

APPOINTMENT-GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (“GCEDC”)-APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Industrial Development Agency (GCIDA) was created by an Act of the Legislature of the State of New York on May 8, 1970 by Chapter 565 of the laws of 1970 and set forth in section 895-e of the General Municipal Law of the State of New York, and

WHEREAS, The GCIDA was created by Resolution No. 177 of the Genesee County Legislature on September 23, 1970 to consist of 5 members “who shall serve at the pleasure of the Genesee County Legislature”, and

WHEREAS, The membership of the GCIDA was increased by Resolution No. 225 of the Genesee County Legislature on September 19, 1979 from 5 to 7 members with “said term of office expiring at the pleasure of the Genesee County Legislature.”, and

WHEREAS, Todd Bender submitted an appointment application to the Genesee County Legislature requesting appointment to the seven member board of the Genesee County Industrial Development Agency, d/b/a the Genesee County Economic Development Center (“GCEDC”), and

WHEREAS, The Committee on Ways and Means does recommend Mr. Todd Bender be appointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Mr. Todd Bender of Batavia, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective August 9, 2017 to June 30, 2023.

Budget Impact Statement: none.

Chairman Cianfrini clarified a statement he made at the Ways & Means Committee meeting regarding his concern with the appointment to the GCEDC Board. He stated that his reference to a concerted effort to remove Maryann Waiter was made by staff, specifically Steve Hyde, not GCEDC Board members. He said that fellow board members valued the expertise and perspective she brought to the board therefore they appointed her to the GCLC board.

Legislator Davis seconded the resolution which was adopted by 298 votes, Legislator Cianfrini (28) No.

RESOLUTION NO. 316 APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Eileen Kirkpatrick, who has served as DSS Commissioner since July 31, 2004, is retiring from her position effective October 16, 2017, and

WHEREAS, The Interview Committee and the Ways & Means Committee do recommend that David Rumsey, who has held the position of Commissioner of Social Services in Wyoming County, be appointed to the position of Commissioner of Social Services. Now, therefore, Be it

RESOLVED, that the Genesee County Legislature does hereby appoint David Rumsey as Commissioner of Social Services effective October 16, 2017 through October 16, 2022 at Grade 121, at an annual rate of \$85,844 in the Genesee County Management Salary Schedule.

Budget Impact: Position budgeted in 2017 DSS budget.

Legislator Stein commented that we are fortunate to have a sitting commissioner who lives in Genesee County that wants to come to his "home" county to serve the department of Social Services constituents and work with local staff. Chairman Cianfrini commented that Ms. Kirkpatrick set the bar high but Mr. Rumsey is a highly qualified candidate. Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

Chairman Cianfrini repeated that a Public Hearing had been opened for public comment on Local Law Introductory No. 4, Year 2017, A local law amending Local Law No. 3 of the year 2015 with regard to the imposition of a mortgage recording tax within Genesee County. The public hearing was closed at 6:02 pm with no one speaking on the matter.

RESOLUTION NO. 317 LOCAL LAW INTRODUCTORY NO. 4, YEAR 2017 A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF THE YEAR 2015, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2013, AMENDING LOCAL LAW 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- ADOPTION OF

Legislator Torrey offered the following resolution:

WHEREAS, The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law: LOCAL LAW INTRODUCTORY NO. 4, YEAR 2017, LAW NO. 3 OF THE YEAR 2015, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2013 AMENDING LOCAL LAW 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

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

Section 1. Section 1 of Local Law No. 3 of the year 2015 is hereby amended to read as follows:

Section 1. Imposition of Tax

Pursuant to Chapter 579 of the Laws of 2004, for the period beginning January 1, 2005 and ending November 1, 2020, there is hereby imposed, in the County of Genesee, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage or real property situated within the County of Genesee and recorded on or after January 1, 2005 and a tax of \$0.25 on such Mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 2. Effective Date

This local law shall take effect on November 1, 2017, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Genesee County Clerk, the Secretary of State and the State Comptroller within five days after the date it is duly enacted. And,

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on 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 Daily News, the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local **Law Introductory Number 4 of the Year 2017**, and

WHEREAS, The Public Hearing was held at **5:30PM on the 9th day of August, 2017** in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That LOCAL LAW INTRODUCTORY NO. 4, YEAR 2017 AMENDING LOCAL LAW NO. 3 OF THE YEAR 2015, AMENDING LOCAL LAW NO 2, YEAR 2013, AMENDING A 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 **to be known as Local Law Number four, year 2017 for the County of Genesee is hereby adopted.**

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

RESOLUTION NO. 318 COUNTY AUDIT – AUGUST 9 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch, did review the following claims:

General Fund	\$	6,115,224.53
Self Insurance		63,008.77
Highway		258,407.16
Nursing Home		17,819.05
Water Fund		1,261,421.13
DSS Abstracts		704,581.16
Capital Projects:		
Park – GC Park Boardwalk Replacements	\$	1,576.69
Highway – 2017 Highway Recycling		5,808.30
Highway – 2017 Bridge Construction		19,579.06
Highway – 2017 Highway Overlay		10,792.72
Highway – River Street Bridge		378,313.81
Airport – Reconstruct Runway 10-28		24,000.00
Airport – Obstruction Removal		146,666.68
Airport – Demolition Term Bldg & Maint AHangar		299,064.16
Airport – Construct 8 Bay T-Hangar		17,500.00
Sheriff's – 800 Mghtz Radio System Upgrade		246,960.09
GCC – Wellness & Event Center		955,973.22
Payroll – General		
July 21, 2017		1,514,201.11
August 4, 2017		1,097,317.25
Medicaid		
July 18, 2017		179,222.00
July 25, 2017		179,222.00
August 1, 2017		179,222.00
August 8, 2017		<u>179,222.00</u>

Total Audit

\$ 13,855,002.89

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 DeJaneiro seconded the resolution which was adopted by 326 votes.

Legislator Bausch made a motion to suspend the rules of the Legislature to place an item on the agenda. He explained that the Genesee County Funding Corporation is working with Mercy Flight to assist in financing the Mercy Flight Project which includes land acquisition, construction and installation of equipment. The project requires securing bonds to assist with the project costs. The motion was seconded by Legislator Stein, carried unanimously

RESOLUTION NO. 319 RESOLUTION OF THE GENESEE COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF GENESEE COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE GENESEE COUNTY FUNDING CORPORATION OF UP TO \$2,500,000 TAXABLE AND/OR TAX-EXEMPT REVENUE BONDS (MERCY FLIGHT, INC. PROJECT), SERIES 2017

Legislator Bausch offered the following resolution:

WHEREAS, the Genesee County Legislature (the "Legislature"), as the elected legislative body of Genesee County, New York (the "County") has been advised by the **GENESEE COUNTY FUNDING CORPORATION** (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of **MERCY FLIGHT, INC.** (the "Company"), a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Taxable and/or Tax-Exempt Revenue Bonds (Mercy Flight, Inc. Project), Series 2017, in an aggregate principal amount not to exceed \$2,500,000 (the "Bonds"); and

WHEREAS, the project (the "Project") shall consist of: (1) the acquisition of approximately two (2) acres of land located off of Route 98 and Call Parkway (next to Gateway II) on Oak Orchard Road, Town of Batavia, Genesee County, New York, being more particularly identified as tax map number 4-1-26.112 (the "Land"); (2) the construction and equipping on the Land of an approximately 11,500 square-foot one-story ambulance headquarters to include storage and maintenance space for ambulances, administrative offices and training facilities (the "Improvements"); (3) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and (4) the paying of all or a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds (the costs associated with items (1) through (4) above being hereinafter collectively referred to as the "Project Costs"); and

WHEREAS, on May 16, 2017, the Town of Batavia Planning Board, in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") issued a negative declaration (the "Negative Declaration") in accordance with to SEQRA with respect to the Project; and

WHEREAS, pursuant to Section 147(c) of the Code, interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the County Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, on July 17, 2017, the Issuer held such a public hearing upon proper notice in compliance with the Code; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the Full Environmental Assessment Form and related documents submitted by the Company to the Issuer; (c) the notice of public hearing published by the Issuer on June 30, 2017, in *The Daily News*, together with the affidavit of publication of such newspaper, (d) the minutes of such public hearing held on July 17, 2017; and (e) the Issuer's Official Intent Resolution, adopted on June 21, 2017, with respect to the proposed issuance of the Bonds; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Genesee County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State nor any political subdivision thereof including, without limitation, Genesee County, New York shall be liable thereon. Now, Therefore, Be It Resolved, by the Genesee County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code and on the recommendation of the Genesee County Ways and Means Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Bonds; *provided* that, the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Genesee County, New York, shall be liable thereon.

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

The meeting adjourned at 6:08 PM upon motion of Legislator Stein, seconded by Legislator Bausch, carried unanimously.