

**THIRTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, July 11, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, July 11, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Torrey assisted with the audit. Prayer was offered by Legislator Maha followed by the Pledge to the Flag.

The minutes of the June 27, 2018 meeting were approved upon motion of Legislator Stein seconded by Legislator Young, carried unanimously.

Legislator Torrey reported on the brief Genesee Community College board meeting where officers were elected. Donna Ferry will serve as Chair, Peter Call Vice Chair and Jackie Whiting Secretary. The college's strategic plan update is forthcoming.

An electronic communication dated June 11, 2018 from Beth Carr was read by the Clerk. The letter referenced her request to address the full legislature concerning the matter of how a hauler may dispose of the fluids pumped from septic systems in the county and also from port-a-potty business that a hauler is engaged in. Ms. Carr was invited to address the legislature where she further commented on the matter. Ms. Carr explained her involvement with a group of concerned Stafford residents who worked on getting Stafford to pass a local ordinance prohibiting the spread of this waste. She stated it is contradictory to invest money in upgrading septic systems yet allow the spread of port-a-potty and septic system waste. Ms. Carr further stated that several counties have a local law prohibiting this practice and named Erie and Monroe specifically. She stated that the cost of treating one load of waste is \$35.00. She further stated her concern with medications being flushed down toilets and then getting spread on land where it is leaching into water and soil. She referenced a research article that cited sea life on the west coast testing positive for medications. She requested the Legislature address the issue in our county. Vice Chair Clattenburg stated that she is recommending the matter be included on the next Human Services agenda. Human Services Chair Young indicated it would be included on the agenda.

County Manager Jay Gsell commented on the most recent Job Development report which has the Genesee County unemployment rate at 3.8%. A Job Fair is scheduled for July 24th which will allow local employers the opportunity to share information about open positions and necessary skills and training. He related the Governor announced the approved projects for the \$10MIL Downtown Revitalization Initiative Grant. The City of Batavia was selected to receive the grant and had to make recommendations to the Governor on which projects to fund. Vice Chair Clattenburg served on the volunteer committee and commented that there was a good balance of funding allocation.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 247 2018 SALARY SCHEDULE AMENDMENT - COMMUNITY
MENTAL HEALTH SERVICES/TEMPORARY
ADMINISTRATIVE OFFICER POSITION-APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The full-time Administrative Officer at Community Mental Health Services is retiring after twenty-nine years of service to the Department, and

WHEREAS, The Director of the Community Mental Health Services is requesting an amendment to the 2018 Employee Salary Schedule to create one (1) Temporary Part-time Administrative Officer, in the Management Salary Schedule, Grade 115, to assist with the

transition to a new Administrative Officer, and

WHEREAS, The Committees on Human Services 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 2018 Management Employee Salary Schedule by **creating** one (1) Temporary Part-time Administrative Officer, in the management Salary Schedule, effective July 11, 2018.

Budget Impact Statement: No Budget impact due to current vacancy. \$33,800 savings for the remainder of 2018.

Legislator Young seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 248 CONTRACT RENEWAL– RECORDS MANAGEMENT/
GENESEE COUNTY CORNELL COOPERATIVE
EXTENSION –APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Historian/Records Management Officer did prepare a renewal contract with Cornell Cooperative Extension to provide storage within the County's Records Center for their inactive records, and

WHEREAS, The Historian/Records Management Officer has provided this service to the Cornell Cooperative Extension since 1992 and has had a contract since 2006, and

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

RESOLVED, That the Genesee County Historian is hereby authorized and directed to provide Records Management services to the Cornell Cooperative Extension to house their inactive records within the County's Records Center, and be it further

RESOLVED, This contract shall be reviewed and renewed in two years.

Budget Impact: This contract will not increase the 2018 History Department budget.

Legislator Maha seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 249 CONTRACT RENEWAL– RECORDS MANAGEMENT/
GENESEE COUNTY SOIL AND WATER CONSERVATION
DISTRICT – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Historian/Records Management Officer did prepare a renewal contract with the Soil and Water Conservation District to provide storage within the County's Records Center for their inactive records, and

WHEREAS, The Historian/Records Management Officer has provided this service to the Soil and Water Conservation District since 1993 and has had a contract since 2008, and

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

RESOLVED, That the Genesee County Historian is hereby authorized and directed to provide Records Management services to the Soil and Water Conservation District to house their inactive records within the County's Records Center, and be it further

RESOLVED, This contract shall be reviewed and renewed in two years.

Budget Impact: This contract will not increase the 2018 History Department budget.

Legislator Hilchey seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 250 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, 2018 through August 31, 2019 at the following rates as bid:

Per child, per day, round trip WITHIN Genesee/Orleans County	\$ 50.55/day
Per child, per day, round trip OUTSIDE Genesee*	\$248.81/day
Per child, per day, round trip OUTSIDE Orleans*	\$248.81/day
Per child, per day, round trip OUTSIDE Genesee & Orleans County**	\$248.81/day
Additional child to an established out of Genesee/Orleans County, round trip	\$19.30/child/day
Round trip for one attendant	\$103.04
One on one nursing/medical assistant (minimum of 4 hours)	\$ 45.91/hour
Wheel Chair Rate	\$286.13

Transportation for a child that (N) No Shows on a particular day shall be billed at 50% of the lowest one-way trip charge. Confirmation of (N) No Shows will be verified by the Genesee and Orleans County Fiscal Officers.

**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 2018 A 2960 Preschool Supportive Health Services budget are \$300,000 and will be included in the 2019 A 2960 Preschool Supportive Health Services budget

Budget Impact: Estimated annual expenses in the 2018 A 4059 Early Intervention budget are \$38,000 and will be included in the 2019 A 4059 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 Deleo seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 251 AFFILIATION AGREEMENT – HEALTH
DEPARTMENT/UNIVERSITY OF ROCHESTER -
APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Public Health Director did present an affiliation agreement with the University of Rochester, 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 necessary documents to enter into an affiliation agreement with the University of Rochester, having its principal place of business located at 500 Joseph C. Wilson

Boulevard, Rochester, NY 14627, effective August 1, 2018 - July 31, 2021.

Budget Impact: There is no direct cost associated with this agreement.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 252 CONTRACT RENEWAL – HEALTH DEPARTMENT/LEAD INVESTIGATION SERVICES – APPROVAL OF

Legislator Stein 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, 2018 through July 31, 2019 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	based on most current IRS mileage rate

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 Torrey seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 253 GRANT ACCEPTANCE - HEALTH DEPARTMENT/ DRINKING WATER ENHANCEMENT PROGRAM - APPROVAL OF

Legislator Dibble 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 Committee on Human Services did review this request and does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to 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, 2018 through March 31, 2019, in the amount of \$90,789 and to execute any and all other documentation related to this funding.

Budget Impact: \$90,789 is included in the 2018 Dept. 4010 – Health Department Budget.

Legislator Hilchey seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 254 INSURANCE CERTIFICATE – GENESEE COUNTY FARMERS' MARKET, BATAVIA IMPROVEMENT DISTRICT, & CITY OF BATAVIA- 2018 APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars and naming the Genesee Country Farmers' Market, the Batavia Improvement District, and the City of Batavia as additional insured, for the purpose of distributing NY State Department of Health Farmers' Market Coupons and manning an information table at the Genesee Country Farmers' Market, held at Bank Street & Alva Place, Batavia, NY on Friday, July 27, 2018; and

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

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

1. Genesee Country Farmers Market
Bank/Alva Place
Batavia, NY 14020
Mailing address is PO Box 303, Gasport, NY 14067
2. Batavia Improvement District (BID)
200 East Main Street
Batavia, NY 14020
3. City of Batavia
City Hall, 1 City Centre
Batavia, NY 14020

as additional insured on Friday, July 27, 2018 from the hours of 9:00 AM – 2:00 p.m.

Budget Impact: None

Legislator Maha seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 255 INSURANCE CERTIFICATE –IMMACULATE
CONCEPTION MARY IMMACULATE PARISH -
APPROVAL OF**

Legislator Torrey 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 Immaculate Conception Mary Immaculate Parish, 5865 Ellicott Street Road, East Bethany, NY 14054 as additional insured, for the purpose of conducting the Genesee County Office for the Aging Health Insurance Vendor Fair at the Immaculate Conception Mary Immaculate Parish on Thursday, November 15th, 2018; and

WHEREAS, The Office for the Aging desires to distribute information on health insurance options and senior services to residents in the Towns of Bethany/Pavilion 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 Immaculate Conception Mary Immaculate Parish, 5865 Ellicott Street Road, East Bethany, NY 14054 as additional insured on Thursday, November 15th, 2018 from the hours of 8:30 AM – 5:00 PM in the amount of at least one million dollars.

Budget Impact: None

Legislator Stein seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 256 INSURANCE CERTIFICATE – SAINT MAXIMILIAN
KOLBE PARISH, EAST PEMBROKE HALL - APPROVAL
OF**

Legislator Dibble 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 Saint Maximilian Kolbe Parish, 8656 Church Street, East Pembroke, NY 14056 as additional insured, for the purpose of conducting the Genesee County Office for the Aging Health Insurance Vendor Fair at the St. Maximillian Kolbe Parish Hall on Tuesday, October 16, 2018; and

WHEREAS, The Office for the Aging desires to distribute information on health insurance options and senior services to residents in the Towns of Corfu/Pembroke 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 Saint Maximillian Kolbe Parish, 8656 Church Street, East Pembroke, NY 14056 as additional insured on Tuesday, October 16, 2018 from the hours of 8:30 AM – 5:00 PM in the amount of at least one million dollars.

Budget Impact: None

Legislator Deleo seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 257 INSURANCE CERTIFICATE – SOUTH BYRON
VOLUNTEER FIRE COMPANY, INC. - APPROVAL OF**

Legislator Young 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 South Byron Volunteer Fire Company, Inc., 7389 Route 237, South Byron, NY 14422 as additional insured, for the purpose of conducting the Genesee County Office for the Aging Health Insurance Vendor Fair at the South Byron Fire/Rec Hall on Thursday, November 1, 2018; and

WHEREAS, The Office for the Aging desires to distribute information on health insurance options and senior services to residents in the Town of Byron 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 South Byron Volunteer Fire Company, Inc., 7389 Route 237, South Byron, NY 14422 as additional insured on Thursday, November 1, 2018 from the hours of 8:30 AM – 5:00 PM in the amount of at least one million dollars.

Budget Impact: None

Legislator Stein seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 258 SERVICE AGREEMENT NATIONAL COUNCIL ON
AGING/OFFICE FOR THE AGING-AGING IN MASTERY
PROGRAM– APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a Service Agreement with the National Council on Aging, Inc. for Genesee County Office for the Aging to deliver Aging in Mastery Program (AMP) sessions; and

WHEREAS, The National Council on Aging's (NCOA) Aging in Mastery Program offers interactive classes for adults 55 and older encouraging development of sustainable behaviors that lead to health improvements, stronger economic security, enhanced well-being, and increased participation in society to help them make the most of their "gift of longevity"; and

WHEREAS, The Population Health Collaborative is the Health Foundation for Western and Central New York grant recipient whereby the Office for the Aging's previously amended 2018 County Budget allows for funding to provide AMP classes; and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chairperson of the Genesee County Legislature to execute the necessary documents to sign an agreement with National Council on Aging, Inc., 251 18th Street South, Suite 500, Arlington, VA 22202.

Budget Impact: Neutral. Expenses are fully funded with previous 2018 County budget amendment.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 259 2018 BUDGET TRANSFER -GENESEE JUSTICE –
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Program Coordinator of the Genesee Justice Program did request to amend the 2018 County Budget in order to move funds between expense categories based on OVS budget modification and an analysis of actual expenditures.

WHEREAS, The Ways & Means did review this request and does recommend acceptance of the budget transfer and the movement of funds between expense categories at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following line item transfers to the 2018 Genesee Justice Budget as follows:

- Decreased Expense Accounts:
 - \$1858.00 in A.3151 8030 0000 Medical
 - \$ 7.00 in A.3151 8070 0000 Vision
 - \$ 243.00 in A.3151 4110 0000 Office Supplies
 - \$ 100.00 in A.3151 4140 0000 Postage
 - \$ 300.00 in A.3151 4150 0000 Printing
 - \$1200.00 in A.3151 1010 0000 Personal Svcs.
- Increase Expense Accounts:
 - \$ 132.00 in A.3151 8040 0000 Dental
 - \$1733.00 in A.3151 4550 0000 Training
 - \$1198.00 in A.3151 2010 0020 Desk
 - \$ 645.00 in A.3151 2010 0022 Chairs

Budget Impact: There is no impact on the 2018 County Budget and no county funding is affected by this transfer.

Legislator Maha seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 260 ACCEPTANCE OF GRANT FUNDS/BUDGET
AMENDMENT - SHERIFF/DCJS GRANT AWARD –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The NYS Division of Criminal Justice Services has awarded Genesee County Legislative Initiatives grant funding in the amount of \$26,667, and

WHEREAS, The grant funds will be used to purchase emergency vehicle equipment, and clothing and equipment for arson investigators, and

WHEREAS, The Sheriff is requesting acceptance of these grant funds and an amendment to the 2018 budget, and

WHEREAS, The Ways and Means Committee did review this request and does recommend approval at this time. Now therefore be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget as follows:

\$26,667 to A3110.2030.0030 (Sheriff's Equipment)

To be offset by increasing the following revenue account:

\$26,667 to A3110.3324 (State Aid-Law Enforcement)

Budget Impact Statement: Increase in Sheriff's 2018 appropriations in the amount of \$26,667 from a NYS DCJS Grant Award; offset by an increase in revenue in a like amount.

Legislator Stein seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 261 BUDGET AMENDMENT - SHERIFF/NY STATEWIDE INTEROPERABLE COMMUNICATIONS GRANT FUNDING – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, Genesee County received a NY Statewide Interoperable Communications Grant (Round 5), that currently has a balance of \$92,472.74 remaining in unallocated grant funds, and

WHEREAS, The Sheriff's Office will be adding additional personnel and vehicles to support the new School Resource Officer positions, requiring additional portable and mobile communications devices, as well as there is a need for additional Public Safety Radio Network upgrades, and

WHEREAS, The Sheriff is requesting a budget amendment to allow for the use of these grant funds, and

WHEREAS, The Ways and Means Committee did review this request and does recommend approval at this time. Now therefore be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget as follows:

\$92,473 to A3020.4660.SICG (Contractual Other SICG)

To be offset by increasing the following revenue account:

\$92,473 to A3020.3390.SICG (State Aid-SICG)

Budget Impact Statement: Increase in Sheriff's Communications 2018 appropriations in the amount of \$92,473, offset by an increase in revenue in a like amount, with funds to come from NYS Statewide Interoperable Communications Grant (Round 5) funding.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 262 2018 ENVIRONMENTAL PROTECTION FUND – GRANT APPLICATION

Legislator Torrey offered the following resolution:

WHEREAS, Genesee County is applying for up to \$500,000 in funding under the 2018 Environmental Protection Fund Historic Preservation Grant Program for construction of the Genesee County Jail Masonry Improvements Project; and

WHEREAS, a minimum of 25% of the project costs must be matched by cash or in-kind contributions. Now, therefore, be it

RESOLVED, that the Genesee County Legislature hereby commits to providing the local share of project costs with a combination of cash and in-kind services as specified in the grant application submitted to the NYS Office of Parks, Recreation and Historic Preservation; and be it further

RESOLVED, that the County Legislature understands that this is a reimbursement grant program that may include progress payments; and be it further

RESOLVED, that the Genesee County Legislature hereby commits to maintaining the improvements.

Budget Impact: The grant application will be up to \$500,000 to be matched by an existing capital project that is currently funded from 1% sales tax. The capital project will be further amended to reflect the new project amount and funding shares when the County is in receipt of an actual grant.

Legislator Stein seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 263 DONATION ACCEPTANCE - LIGHTING EQUIPMENT
FOR UPTON MONUMENT - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The County has a policy for accepting donations of value over \$1,000, and

WHEREAS, Lighting Design Innovations, based out of Batavia, NY, has agreed to donate lighting equipment to illuminate the Upton Monument, with said equipment having an estimated value of \$1,500, and

WHEREAS, The County Manager and Assistant County Manager do request the approval of accepting the above mentioned donation, and

WHEREAS, The Ways and Means Committee does concur with this request, Now therefore, Be it

RESOLVED, That the Genesee County Legislature accept the lighting equipment donation from Lighting Design Innovations.

Budget Impact: Minimal if any. Any increase in utility usage will be partially offset by less illumination by the old floodlights. Prior to the vote Vice Chair Clattenburg thanked Lighting Design Innovations for the generosity shown to the County with their multiple donations of equipment and lighting plan designs.

Legislator Deleo seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 264 2018 BUDGET AMENDMENT- GRANT WRITING
SERVICES – WATER INFRASTRUCTURE AND
COMPREHENSIVE PLAN UPDATE- APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, RFQ 2015-301 was awarded to Labella Associates, DPC for Grant Writer Service for Genesee County for the period January 1, 2016 through December 31, 2017, with an option to renew the contract for three (3) additional one year periods, and

WHEREAS, The County budgeted \$5,000 for general grant writing services in the 2018 adopted budget, of which \$4,500 has been allocated for an EPF Historic Preservation Grant submittal for work at the old County Jail for needed stonework repairs, and

WHEREAS, The County wishes to retain the services of Labella Associates to assist with the application for EFC Water Infrastructure grants and the CFA for an ESDC Strategic Planning Study grant. The water infrastructure grants would be applied to the Phase III of the County's Water System, while the strategic planning study grant would provide funding for an update of the County's Comprehensive Plan, and

WHEREAS, The County Manager and County Treasurer recommend using interest earnings to cover the unanticipated expense to the 2018 Budget, and

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

RESOLVED, The County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Budget by increasing A.8989.4660.0046 Home & Community-Other –Grant Writing Services in the amount of \$12,750 offset by an increase in A.1000.2401 – Interest and Earnings

Budget Impact: Increase to the 2018 Grant Writing Services account by \$12,750 offset by use of the Interest and Earnings.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 265 GRANT ACCEPTANCE/2018 BUDGET AMENDMENT – COUNTY MANAGER’S OFFICE/HAZARD ABATEMENT BOARD GRANT– APPROVAL OF

Legislator Young offered the following resolution

WHEREAS, The Genesee County did apply for and has been approved to receive grant funding from the New York State Occupational Safety and Health Hazard Abatement Board in the amount of \$14,853.76, and

WHEREAS, the grant period runs August 1, 2018 through July 31, 2019, and

WHEREAS, the additional funding will be used to provide critical and mandatory training and education programs to employees, and

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

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute the grant agreement and all related documents associated with the New York State Occupational Safety and Health Hazard Abatement Board for the period of August 1, 2018 through July 31, 2019 and, Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget by

Increasing A.1230.4550.0040 (Training Safety) \$4,950

to be offset by an increase in revenue account A.1230.3089.6 (State Aid, Safety Training & Education) in the amount of \$4,950

Budget Impact Statement: No impact on County Budget. Increase in revenue and expense funded by the grant

Legislator Hilchey seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 266 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, member John Rizzo’s term is ending June 30, 2018 and Amy Spadaro Vanderhoof completed an application requesting appointment to a seat on 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 Ms. Amy Spadaro Vanderhoof be appointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Ms. Amy Spadaro Vanderhoof of LeRoy, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective July 11, 2018 to June 30, 2024.

Budget Impact Statement: none.

Prior to the vote Legislator Young commented that Ms. Vanderhoof will be an asset to the GCEDC Board. Legislator Stein commented it is assuring to have a board member who is invested in business and the community. Vice Chair Clattenburg thanked Ms. Vanderhoof and all volunteers who serve on the multitude of County advisory and decision-making boards. Legislator Stein seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 267 WATER SURCHARGE INCREASE NOTIFICATION
-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Resolution No.120, duly adopted on April 11, 2018, did designate the County Water Master Plan which includes a plan to increase the County's current capacity by approximately 2.4 million gallons of water per day, and

WHEREAS, The County of Genesee has negotiated Amended and Restated Water Agreements with Genesee County municipalities, which will allow "Water to Pay for Water" through the collection of additional water surcharge on water users for the water system improvements, and

WHEREAS, The projected water surcharge increase required for Phase 2 is approximately \$0.60 per thousand gallons of water consumed. The ultimate final rate will be determined prior to construction based on actual costs and receipt of outside aid/grants. Now, therefore, Be it **RESOLVED**, The County Legislature will increase the water surcharge from \$0.60 to \$1.20 per thousand gallons of water consumed for the planned water system improvements outlined in the County Water Master Plan for the additional 2.4 million gallons of water per day and will initiate the notification provision in the Amended and Restated Water Agreement for said increase to the City, Towns and Villages to be effective January 1, 2019.

Legislator Hilchey seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 268 RESOLUTION URGING SUPPORT OF AN INTERNET
SALES TAX BILL ALLOWING ENFORCEMENT OF
SALES TAX LAWS FOR INTERNET-BASED PURCHASES
ORIGINATING IN NEW YORK STATE**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Legislature unanimously passed Resolution No. 81 A *RESOLUTION URGING THE STATE TO ENACT LEGISLATION TO ENSURE A FAIR AND LEVEL PLAYING FIELD FOR ALL RETAILERS BY ADDRESSING SHORTFALLS IN INTERNET SALES TAX COLLECTION PRACTICES* on February 28, 2018: And

WHEREAS, The recent U.S. Supreme Court ruling in South Dakota V. Wayfair, et. al. overturned a long-standing precedent set forth in the Quill decision, which required a physical presence in the state to collect the tax; And

WHEREAS, Internet-based purchases continue to grow at a much faster rate than brick and mortar retail sales; And

WHEREAS, Enacting Internet fairness and tax conformity does not create a new tax, it allows for the collection of taxes already owed; and

WHEREAS, There is a multitude of reasons why the State needs to update sales tax laws to keep pace with the current marketplace and technology and help counties survive under the mandated property tax cap as sales tax is fast becoming the second major revenue source in county budgets; and

WHEREAS, This is not a new tax, but in fact the tax is still being paid by consumers-not at point of sale but when they pay their property tax bill; and

WHEREAS, New York must move swiftly to protect its' sovereign powers and lawful prerogative against potential congressional overreach that could narrow state authority by enacting one-size-fits-all legislation; and

WHEREAS, Genesee County would benefit in the range of \$1.35million - \$2.43 million in annual sales tax local share growth which 50% is shared with our City, Towns and Villages; now therefore

BE IT RESOLVED, The Genesee County Legislature calls on the Governor and the State Legislature to effectuate an extraordinary 2018 Legislative session to submit a Program Bill that adopts the recently proposed Internet Fairness and Tax Conformity Act that considers the Supreme Court Decision and would be a more comprehensive approach; and be it

FURTHER RESOLVED, That the Legislature Clerk forward copies of this resolution to Governor Andrew M. Cuomo, New York State Senator Michael Ranzenhofer, New York State Assemblyman Steve Hawley, the New York State Association of Counties and Inter County Association urging them to act in unison and assert our State's right option.

Legislator Maha seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 269 APPOINTMENT-WATER RESOURCES AGENCY-
APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, An unfulfilled term of office does exist on the Genesee County Water Resources Agency due to the unexpected and unfortunate death of long-time member William Kappus of Corfu, New York, and

WHEREAS, An application was submitted by Ms. Chris Thornley, a retired Monroe County Water Authority employee and the Ways & Means Committee does concur with this appointment Now, therefore, Be it

RESOLVED, That Ms. Chris Thornley of Corfu, New York is hereby appointed to serve the remaining term of William Kappus effective immediately through December 31, 2018.

Budget Impact: None, members serve on a voluntary basis.

Prior to the vote Legislator Dibble commented on the relevant background experience of Ms. Thornley and that her appointment to the Water Resources Agency is timely given the planning and work on water and meeting community demands that lie ahead of the Agency and County. Legislator Stein echoed those comments and stated the County is fortunate to have a volunteer with her breadth of knowledge. Vice Chair Clattenburg restated her thanks to those residents who willingly share their time and talent with the County by serving on boards and committees.

Legislator Maha seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

**RESOLUTION NO. 270 SET PUBLIC HEARING – LOCAL LAW
INTRODUCTORY NO. 4 YEAR 2018 – APPROVAL
OF**

Legislator Stein offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 4, Year 2018 entitled “**LOCAL LAW INTRODUCTORY NO. FOUR OF THE YEAR 2018 COUNTY OF GENESEE, NEW YORK A LOCAL LAW AMENDING LOCAL LAW NO. ONE OF THE YEAR 1967 IN RELATION TO INCREASING AND STAGGERING THE TERMS OF OFFICE OF THE MEMBERS OF THE GENESEE COUNTY LEGISLATURE**, 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 2018, by the Genesee County Legislature on the 8th day of August, 2018 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Prior to the vote Vice Chair Clattenburg stated members of the Legislature will be listening very closely to public comment at the Public Hearing on the matter. She further clarified that if the local law is passed the voters will ultimately decide if legislator terms are lengthened and staggered.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

RESOLUTION NO. 271 COUNTY AUDIT –JULY 11 - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Legislator Torrey, did review the following claims:

General Fund	\$	2,115,396.27
Highway		187,910.51
Self Insurance		3,609.71
Water Fund		53,267.22
DSS Abstracts		431,193.57
Capital Projects		
Airport-Reconstruct Runway 10-28	\$	1,144,859.52
Highway-Large Span Culverts		47,929.05
Highway-Searls Road Bridge Over Spring Creek		2,908.50
Highway-Surface Treatment		12,257.19
Highway-2018 Vibratory Roller		175,823.00
County Managers-2017 Security Enhancements		7,814.28
GCC –Wellness & Event Center		169,185.85
Payroll – General		
July 6, 2018	\$	1,177,922.57
Medicaid		
July 3, 2018		177,332.00
July 10, 2018		<u>177,332.00</u>
Total Audit	\$	5,884,741.24

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.

Vice Chair Clattenburg thanked Legislator Torrey for his assistance with conducting the audit.

Legislator Dibble seconded the resolution which was adopted by 281 votes, Bausch (45) absent.

Vice Chair Clattenburg stated that Chair Bausch listed unfinished business on the agenda; Local Law Introductory No. 3, Year 2018 A Local Law Pursuant to Section 487(8)(A) of the Real Property Tax Law to Eliminate a Tax Exemption for Certain Enumerated Energy Systems. She further explained that a motion and second were required to take up the matter. With no motion and second the matter would remain on the table and could be addressed at a future meeting where the Chairman was present. At 5:56 pm Legislator Young made a motion to adjourn seconded by Legislator Stein, carried unanimously.