

FIFTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, September 12, 2018

The Genesee County Legislature met in Regular Session on Wednesday, September 12, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Young assisted with the audit. Prayer was offered by Legislator Dibble followed by the Pledge to the Flag.

Legislator Young presented a proclamation to Mental Health Clinical Supervisor Augusta Welsh naming September National Suicide Prevention Month. Ms. Welsh, also a member of the Genesee County Suicide Prevention Coalition, thanked the Legislature for their support of mental health initiatives including suicide prevention, awareness and work to reduce stigma. She further stated the coalition has active members from the health, mental health, business and other social service agencies.

The minutes of the August 8, 2018 Legislature meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Deleo, carried unanimously.

Chairman Bausch noted Mr. John Sackett signed in and requested to speak on taxes. Mr. Sackett commented on raising taxes and the burden on local farmers. He cited instances of farmers leaving the state due to taxes.

Legislator Maha attended the Office for the Aging Advisory Committee meeting where it was announced they are in need of drivers for various appointments and home health aides. Legislator Stein attended Inter County Association meeting in Steuben County last month where there were presentations on MEGA and a local brewer who uses New York ingredients. She also reported that Soil & Water Conservation District was awarded grant money for use at a local farm where state mandated mitigations are necessary. Chairman Bausch attended the Regional Planning Council meeting where an update of the US Census address update process was reviewed. Job Development Director Scott Gage is set to retire later this month and Legislator Clattenburg will participate on the interview committee. Cornell Cooperative Extension recently held interviews for the Executive Director position and Legislator Stein participated in that interview committee. Chair Bausch announced a Jail Committee has been formed with Assistant County Manager Matt Landers serving as committee chair. Chair Bausch announced a Committee of the Whole Meeting is called for Thursday, September 20, 2018 at 7:00 PM at County Building #2 to run concurrently with the September GAM meeting. The COW will include the Public Hearing on Shared Services and sales tax sharing discussion.

County Manager Jay Gsell stated that the new GCC Criminal Justice professor was introduced at CJAC and explained how the program is changing and becoming more responsive to the needs of law enforcement. Locally, the Batavia City Police and the Sheriff's Department are down 4 or 5 officers. The civil service exam is scheduled for September 15, 2018. Mr. Gsell echoed Chair Bausch's comments on the process for moving ahead with the Jail study and plan. The process is moving forward. Mr. Gsell stated the opioid crisis is in full force in Genesee County and we are one of the highest per thousand overdose deaths in the state. There is also a belief that Narcan administration is being underreported. There were four overdose deaths in the County last week alone.

The Clerk proceeded with the Resolutions:

**RESOLUTION NO. 293 GRANT ACCEPTANCE - HEALTH DEPARTMENT/
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
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 Children with Special Health Care Needs Program contract has been awarded in the total amount of \$19,064, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the program goals of the Children with Special Health Care Needs Program, 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 Children with Special Health Care Needs Program contract for the period October 1, 2018 through September 30, 2019 in the total amount of \$19,064, and to execute any and all other documentation related to this funding.

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

**RESOLUTION NO. 294 CONTRACT-HEALTH DEPARTMENT/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM –
LETCHWORTH CS-APPROVAL OF**

Legislator Deleo 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 Committees on Human Services and Ways & Means did review the 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 a contract with Letchworth Central School, 5550 School Road, Gainesville, NY 14066-9788 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 September 1, 2018 through June 30, 2019 at the rates established by State of New York.

Budget Impact: Revenue and expenses are included in the 2018 A 2960 3-5 Preschool Program Budget and will be included in the 2019 Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children. Legislator Maha seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 295 CONTRACT- HEALTH DEPARTMENT/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM –
AURORA AUDIOLOGY -APPROVAL OF**

Legislator Dibble offered the following resolution:

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

WHEREAS, The Committees on Human Services and Ways & Means did review the 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 a contract with Aurora Audiology & Speech Associates, Inc., 97 Hamburg Street, East Aurora, NY 14052 for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSSHSP) for the period September 1, 2018 through June 30, 2019 per the 2017-2019 PSSHSP rate schedule.

Budget Impact: Revenue and expenses are included in the 2018 A 2960 3-5 Preschool Program Budget and will be included in the 2019 Program Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children. Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 296 OPIOID CRISIS FUNDING ACCEPTANCE/BUDGET AMENDMENT – HEALTH DEPARTMENT – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Genesee County Public Health Department has been chosen to receive \$75,000 in funding to address the opioid crisis in their communities and

WHEREAS, The New York State Department of Health has awarded the Genesee County Public Health Department \$75,000 to use this funding to support costs associated with the opioid crisis and,

WHEREAS, The Committees on Human Services and Ways and Means did review this award and does recommend approval at this time. Now therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized to accept this award for \$75,000 as specified in the Local Health Department opioid crisis and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Budget by increasing Appropriations A4010 4650.0003 Contracted Services by \$18,750 and to be offset by an increase of \$18,750 in A4010 4401.10 Fed-Bio-Terrorism. \$56,250 will be appropriated in the 2019 4010 budget.

Budget Impact: \$0 cost to the county, as revenue and expenses will offset.

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

RESOLUTION NO. 297 2018 SALARY SCHEDULE AMENDMENT – HEALTH DEPARTMENT – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, the Public Health Director did request an amendment to the 2018 Employee Salary Schedule to better utilize the personnel in the Health Department, and

WHEREAS, The Public Health Director has requested the abolishment of one part time position of Community Health Nurse and the creation of one full time position of Community Health Nurse, and

WHEREAS, The Committees on Human Services 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 Personnel Officer are hereby authorized and directed to amend the 2018 Genesee County Employees Salary Schedule by Abolishing one part time position of Community Health Nurse, CSEA Grade 18N and to amend the Employee Salary Schedule by creating one full time position of Community Health Nurse, CSEA Grade 18N effective 10/8/18.

Budget Impact: The abolishing of one part time position of Community Health Nurse and the creation of one full time position of Community Health Nurse will result in a \$0 increase to the salary and fringe in the 2018 Health Department Budget. Revenue from State Aid, reimbursement from DSS for UAS assessments (\$250 per assessment), and PRI assessments will offset increased cost of moving from PT to FT.

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

**RESOLUTION NO. 298 DECLARATION OF SURPLUS REAL PROPERTY –
VILLAGE OF ELBA – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The County owns an approximately 12.4 acre parcel located on Chapel Street in the Village of Elba, identified as parcel #1.-1-28.11, and

WHEREAS, The County Highway Superintendent has determined that an approximately 11.3 acre portion of said parcel is no longer required for public use by the County, and

WHEREAS, The County Highway Superintendent and Director of Real Property Tax Services recommend declaring this portion of said parcel as surplus property to be disposed of at auction, and

WHEREAS, The parcel is landlocked and granting a right of way across the property to be retained by the County would allow access to the parcel, and

WHEREAS, The County Highway Superintendent and Director of Real Property Tax Services recommend that a right of way be granted to help increase the number of potential bidders, and

WHEREAS, The Ways and Means Committee did review this request and concurs with the recommendation. Now, therefore, Be it

RESOLVED, That the approximately 11.3 acre portion of parcel 1.-1-28.11 in the Village of Elba is no longer required for public use by the County and is hereby declared as surplus property to be disposed of at the annual property tax foreclosure auction conducted by the County Treasurer subject to the same terms and conditions as the other parcels that are sold at the auction, and Be it further

RESOLVED, That the Director of Real Property Tax Services is hereby authorized and directed to file an application with the Town of Elba Planning Board in order to split the parcel and is authorized to incur any necessary expenses necessary to file the application, including the hiring of a land surveyor to draw up a land separation map, and Be it further

RESOLVED, That the minimum bid for said parcel be set at \$5,000 to cover any costs that the County will incur with the County Legislature reserving the right to accept or reject any or all bids after the auction takes place, and Be it further

RESOLVED, That subject to the approval of the County Highway Superintendent, the County will grant a right of way to allow access from the parcel sold to Barrville Road across parcel 8.-1-73.111 in the Town of Elba and across the portion of parcel 1.-1-28.11 in the Village of Elba that is to be retained by the County, and Be it further

RESOLVED, That the County Treasurer and the Chair of the Genesee County Legislature are hereby authorized and directed to sign any and all documents and forms necessary to complete this real property transfer to the accepted bidder.

Budget Impact: There will be expenses incurred in order to split off the parcel, including approximately \$1,200 for surveying and \$60 for the application fee to the Town of Elba Planning Board. These expenses will be offset by any revenue received once the parcel is sold at auction.

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

Chairman Bausch asked for a motion to table the next resolution, *Agreement with City of Batavia-Sales Tax Allocation*. He stated the City of Batavia is scheduled to vote on the matter at

their September 24, 2018 meeting. There may be further research required by the State Comptroller regarding the approvable length of agreement. Motion to table Agreement with City of Batavia-Sales Tax Allocation by Legislator Maha seconded by Legislator Stein, carried unanimously.

RESOLUTION NO. 299 2018 BUDGET AMENDMENT – MOTOR POOL, CLOSING OF INTERNAL SERVICE FUND, INCREASE BUILDING & EQUIPMENT RESERVE - INFRASTRUCTURE - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, In 2017, Genesee County decided to sell or transfer all motor pool vehicles and contract with Enterprise for vehicles with the intention to close such fund , and

WHEREAS, the Genesee County Treasurer is requesting a Budget Amendment in the 2018 Internal Service Fund to cover expenses related to the closing of the fund, and

WHEREAS, the Genesee County Treasurer is recommending to increase Building & Equipment Reserve - Infrastructure, and

WHEREAS, The Committee on Ways and Means does concur. Now, therefore Be it

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to amend the 2018 Internal Service Fund Budget by Increasing M.1640.4660.0000 Contracted Other in the amount of \$252,120 and by Increasing M.9907.90000 Transfers to General Fund in the amount of \$226,178 and Increasing M.1640.2665 Sale of Equipment in the amount of \$478,298 and be it further

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to Increase the Building & Equipment Reserve - Infrastructure in the amount of \$226,178 from the surplus remaining in the Internal Service Fund, and be it further

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to close the Internal Service Fund as of September 30, 2018.

Budget Impact: An increase in expenditures of \$478,298 in the Internal Service Fund that was offset by the sale of vehicles netting a positive result of \$226,178 and will be transferred to the General Fund and put into the Building & Equipment Reserve – Infrastructure for future use.

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

RESOLUTION NO. 300 SUPPLEMENTAL AGREEMENT/ CAPITAL PROJECT AMENDMENT/BUDGET AMENDMENT – SEARLS ROAD BRIDGE OVER SPRING CREEK (PIN 4BNY.01) BRIDGE NY – APPROVAL OF

Legislator Torrey offered the following resolution:

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

WHEREAS, A Project for the Searls Road Bridge over the Spring Creek, PIN 4BNY.01 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% federal funds and 5% non-federal funds; and

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

WHEREAS, The County Highway Superintendent does recommend executing the supplemental agreement and amending the capital project for the replacement of the bridge, and

WHEREAS, The Committees on Ways and Means did review this recommendation and do concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby approves the above subject Project; and be it further

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

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

RESOLVED, That a Capital Project for the Searls Road Bridge over Spring Creek be increased in the amount of \$682,850, with \$648,707 funded from federal aid and \$34,143 funded by a local match from the 1% sales tax; and be it further

RESOLVED, that the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to make the following budget amendment. Increase A1000 1110.1 1% Sales Tax in the amount of \$34,143 to be offset by an increase in appropriation A9950.9 Interfund Transfers and increase H5197 4592 Federal Aid in the amount of \$648,707. Increase H5197 5031 Interfund Transfers \$34,143 and increase H5197 2080.0000 Highway Capital Project Expense \$682,850.

RESOLVED, That in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Genesee County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Superintendent of County Highways thereof, and be it further

RESOLVED, That the Genesee County Legislature hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and be it further

RESOLVED, That the Chairperson of the Genesee County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Genesee with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding for the local share of the federal aid and state-aid eligible Project costs and all project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, That this resolution shall take effect immediately

Budget Impact: A capital project for the Searls Road Bridge over Spring Creek to be increased to a total amount of \$682,850 with an increase of federal aid in the amount of \$648,707 and an increase in local match in the amount of \$34,143 provided from the 1% sales tax. The amendment brings the project total to \$832,350.

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

**RESOLUTION NO. 301 AWARD OF BID/CONSULTANT AGREEMENT– SEARLS
BRIDGE OVER SPRING CREEK – HIGHWAY --
APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, Genesee County has been awarded a BRIDGE-NY grant and desires to replace the Searls Rd Bridge over the Spring Creek, and

WHEREAS, Genesee County advertised bid specifications for the construction of this project

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, 2018 through July 31, 2019 for a total premium of \$200,147

Budget Impact: \$3,005 increase over the 2017-2018 policy, or approximately 1.5%. Funds for this insurance have been provided in the Self-Insurance budget and apportioned to the participants.

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

RESOLUTION NO. 304 2019 BUDGET AND APPORTIONMENT – GENESEE COUNTY SELF-INSURANCE – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Executive Secretary of the Genesee County Self-Insurance Plan did submit the Budget and Apportionment of Expenses for fiscal year 2019, and

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

RESOLVED, That the Budget and Apportionment of the Genesee County Self-Insurance Plan, as submitted, is hereby adopted for the year 2019, and Be it further

RESOLVED, That a certified copy of the budget and resolution be forwarded to all participants of the Genesee County Self-Insurance Plan.

Budget Impact: All costs are apportioned to the participants.

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

RESOLUTION NO. 305 SHARED SERVICES PLAN - SETTING PUBLIC HEARING

Legislator Young offered the following resolution:

WHEREAS, 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 submittal to the County Legislature in August/September and submittal to New York State Department of State by October 15, and

WHEREAS, Part of the process for discussing and developing said shared services plan is to have public meetings/opportunities for citizen input and to take suggestions on possible public sector shared services opportunities that have not already occurred and are in place, and

WHEREAS, The Committee on Ways and Means does recommend setting public hearings for shared services discussion. Now, therefore, Be it

RESOLVED, That Public Hearings on the 2018 Shared Services Plan will be held on Wednesday, September 19, 2018 at 4:30 p.m. at the Old Courthouse, Thursday, September 20, 2018 at 7:00 p.m. at County Building II, 3837 West Main Street Road, Batavia, New York and on Wednesday, September 26, 2018 at 5:30pm at the Old Courthouse, 7 Main Street, Batavia, New York.

Budget Impact Statement: None

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

RESOLUTION NO. 306 COUNTY AUDIT –JULY 11 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Maha, did review the following claims:

General Fund	\$ 7,812,978.89
Highway	137,661.95
Self Insurance	102,907.29
Water Fund	57,769.00

DSS Abstracts		120,861.47
Capital Projects		
Airport-Reconstruct Runway 10-28	\$	80,446.59
Highway-Large Span Culverts		12,000.61
Highway-Pratt Road Bridge Over Tonawanda Creek		36,417.09
Highway-Surface Treatment		98,304.03
Highway-Highway CR51 Colby Road		107,939.28
Highway-Highway Overlay		11,200.00
Highway-Highway Chipseal		119,203.01
Highway-Road machinery		7,754.00
Highway-Highway CR 5		742.91
Highway-Stroh road Bridge Over Tonawanda Creek		399,481.13
County Park-Boardwalk Replacement		2,442.81
County Managers-2017 Security Enhancements		168,032.50
Sheriff's-Sheriff's 800 Mghtz Radio System Upgrade		11,060.88
GCC –Wellness & Event Center		134,769.83
Payroll – General		
July 20, 2018	\$	1,569,570.43
August 3, 2018		1,100,228.07
Medicaid		
July 17, 2018		177,332.00
July 24, 2018		177,332.00
July 31, 2018		177,332.00
August 7, 2018		<u>177,332.00</u>
Total Audit	\$	12,801,099.77

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 Maha seconded the resolution which was adopted by 326 votes.

Chairman Bausch stated the Comprehensive Plan presentation follows the Legislature meeting. Legislator Deleo commented that all resolutions are thoroughly discussed prior to legislature meetings.

The meeting adjourned at 5:58 PM upon motion of Legislator Clattenburg seconded by Legislator Young, carried unanimously.