

**TWENTITH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, November 28, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, November 28, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Hilchey conducted the audit. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag.

The minutes of the November 14, 2018 Legislature Meeting were approved upon motion of Legislator Maha seconded by Legislator Clattenburg, carried.

Mr. Glen Adams signed up to speak and was offered the floor to state his support of the Second Amendment and his request for legislators to support the resolution on the agenda. The resolution is Genesee County Legislature Reaffirms Support of the Second Amendment. Chair Bausch thanked Mr. Adams and the other residents for attending the Legislature meeting and having their voice be heard.

Legislator Stein stated the Jail Committee is scheduled to meet tomorrow (11/29/18). The Committee interviewed two engineer/architects and will be reviewing the presentations and notes on each firm. A tour of the Jail was offered to GAM members prior to the last GAM meeting and five people attended. She also reported that a Sales Tax Committee of GAM is formed and they are reviewing proposals and recommendations. Inter County Association was held in Wellsville however due to weather there were not enough for a quorum. Genesee County is hosting Inter County in April 2019. Also noted was the Johnson Controls update recently provided by Highway Superintendent Tim Hens.

An Out-of-State Travel Request for Joseph Graff of the Sheriff's Office to travel to Quantico, VA for FBI National Academy from January 7-March 15, 2019 at a county cost of \$1,235 was approved upon motion of Legislator Hilchey seconded by Legislator Stein, carried unanimously.

Legislator Stein stated that she will recuse herself from the Soil & Water Conservation District Manager search and selection process. Chairman Bausch stated that the resolutions passed at the November 14, 2018 Legislature Meeting relating to change in sales tax distribution and revenue distribution payments have been sent to all towns and villages.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 410 BUDGET AMENDMENT - DISTRICT ATTORNEY 2018-
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the District Attorney has requested an amendment to the 2018 County Budget to allow for utilization of a portion unexpended forfeiture funds in the amount of \$193.00 and the Committees on Public Service and Ways & Means concur. Now, therefore, Be it **RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Budget by increasing District Attorney Appropriation A.1165.2010.0021 Tables/Tubs/Totes in the amount of \$193.00 to be offset by an increase in District Attorney Revenue A1000.1165.2626.0000 Forfeiture of Crimes in the amount of \$193.00.

Budget Impact Statement: Increased expense for the District Attorney's 2018 budget of \$193.00 which is totally offset by using funds allocated for the District Attorney's Office in a Forfeiture of Crimes proceeds.

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

RESOLUTION NO. 411

**ACCEPTANCE OF GRANT FUNDS - STATEWIDE
INTEROPERABLE COMMUNICATIONS GRANT -
SHERIFF - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The New York State Division of Homeland Security and Emergency Services Office of Interoperable and Emergency Communications has awarded Genesee County sustainment funds in the amount of \$664,778.00 from the Statewide Interoperable Communications Grant program, and

WHEREAS, The grant funds can be used for a variety of reimbursements including, but not limited to: currently budgeted operational costs such as radio system maintenance, tower leases, radio system utilities; new equipment purchases such as additional radio infrastructure improvements, programming, and interoperable user equipment; and a portion of currently budgeted salary expenditures, and

WHEREAS, The grant period is from January 1, 2019 – December 31, 2020, and

WHEREAS, The Sheriff is requesting acceptance of these grant funds, 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 Chair of the Legislature is hereby authorized and directed to accept the Division of Homeland Security and Emergency Services Office of Interoperable and Emergency FY2018 Statewide Interoperable Communications Formula Grant in the amount of \$664,778.00.

Budget Impact: None. The funds will be used for capital projects or short-term projects addressed via budget amendment.

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

**RESOLUTION NO. 412 ACCEPTANCE OF GRANT FUNDS-BUDGET
AMENDMENT/SHERIFF – EMERGENCY
PREPAREDNESS EXERCISES – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, the Sheriff requested authorization to accept grant funding from the NYS Division of Homeland Security and Emergency Services, in the amount of \$3,548, to participate in emergency preparedness exercises, 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 2018 budget as follows:

\$2,711 to A3110.1010.0000 (Personal Services)

\$164 to A3110.8010.0000 (Social Security Tax)

\$38 to A3110.8011.0000 (Medicare Tax)

\$635 to A3110.8020.0000 (Retirement)

to be offset by an increase in revenue account A3110.4305.2 (Federal Aid/Homeland Security) in a like amount.

Budget Impact Statement: Increase in Sheriff’s appropriation of \$3,548, from NYSDHSES grant funding to participate in emergency preparedness exercises, offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 413 BUDGET AMENDMENT - SHERIFF'S OFFICE /
PURCHASE OF POLICE K-9 AND EQUIPMENT -
APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, Genesee County Sheriff's Office police K-9, Destro, died in early October, and a fundraising campaign was initiated to assist with the costs associated with continuing the program and purchasing a new police K-9, and

WHEREAS, Deputy Erion has agreed to continue to be the K-9 handler and has selected a new K-9 for purchase at a cost of \$8,500, which includes shipping and customs fees, with additional equipment /supplies and a health physical for the K-9 at a cost of \$1,000, and the total cost being \$9,500, and

WHEREAS, the Sheriff is requesting a budget amendment to use the money donated to the Genesee County K-9 Fund to cover these costs, 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 2018 budget by increasing Sheriff's Account A3110.4800.3317 (Program Expense – Canine Program) by \$9,500, to be offset by an increase in revenue account A3110.2705 (Gifts and Donations) of \$9,500.00.

Budget Impact Statement: Increase in Sheriff's appropriations of \$9,500 for the purchase of a K-9, a health physical for the K-9, and related equipment and supplies, to be offset by an increase in revenue from gifts and donations to the Genesee County K-9 Fund.

Prior to the vote Legislator Hilchey commented on the out-pouring of community support and that the Legislature is appreciative. The dog is presently driving around with Deputy Chris Erion and will be further assessed and trained.

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

**RESOLUTION NO. 414 REAPPOINTMENT / TRAFFIC SAFETY BOARD –
SHERIFF – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, the term for current Traffic Safety Board member Donna Hackett will expire November 30, 2018, and she has expressed a desire to be reappointed, and

WHEREAS, the Committees on Public Service and Ways & Means do recommend reappointing Ms. Hackett to an additional three-year term effective December 1, 2018, through November 30, 2021; Now, therefore, be it

RESOLVED, that the three-year reappointment of Donna Hackett for the Genesee County Traffic Safety Board is approved at this time.

Budget Impact: None.

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

**RESOLUTION NO. 415 CONTRACT FOR GRANTS NO. C000718 AMENDMENT-
PUBLIC DEFENDER-APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Public Defender does recommend the acceptance of a contract for grants amendment between the Genesee County Public Defender's Office and the New York State Office of Indigent Legal Services, Contract No.: C600018, Distribution No. 6, to extend the original contract term for one (1) year period of January 1, 2019 to December 31, 2019.

WHEREAS, the Public Service Committee did review the contract for grants amendment 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 amendment Contract No.: C600018, Distribution No. 6, to extend the original contract term for one (1) year period of January 1, 2019 to December 31, 2019.

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

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

Legislator Stein made a motion to return resolution "Set Public Hearing-Local Law Introductory No. Six Year 2018-A Local Law Regulating the Transfer of Secondhand Articles" to committee seconded by Legislator Clattenburg, carried unanimously.

**RESOLUTION NO. 416 CONTRACTUAL AGREEMENT RENEWAL-
JUSTICE FOR CHILDREN ADVOCACY CENTER -
APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator did submit a renewal of 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 and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Julie A. Walsh, LCSW, 43 Sarah Circle, Spencerport, NY 14559 to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2018 through September 30, 2019 at a cost of \$40.00/hour.

Budget Impact: Funds for this position covered through NYS Office of Victim Services and NYS Office of Victim Services grants.

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

**RESOLUTION NO. 417 AIRPORT TERMINAL BUILDING & MAINT HANGAR
DEMOLITION & SITE CONVERSION TO TAXI
WAY/APRON (DESIGN) (AIP #33-14) AND AIRPORT T-
HANGAR TAXIWAY CONSTRUCTION PHASE III (AIP
#32-14)- BUDGET AMENDMENT/CLOSE CAPITAL
PROJECTS-APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did review established capital projects at the Genesee County Airport and does recommend closing two projects, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this request and do concur at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following Budget Amendment:

Decrease 5997 5031 Interfund Transfer in the amount of \$3,332.19

Decrease 5997 4592 Federal Aid in the amount of \$59,974.19

Decrease 5997 3897 State Aid in the amount of \$3,332.39

Decrease H5997 2080 0000 Capital Expense in the amount of \$66,638.77

And be it Further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the following capital projects:

AIP #32-14; T-Hangar Taxiway Construction Phase III

AIP #33-14; Terminal Building & Maint Hangar Demolition & Site Conversion to Taxiway/Apron (Design)

Budget Impact Statement: Proper allocation of state and federal aid allows the county to reduce its overall committed local share and therefore reduce the amount of funds obligated to capital projects. Return of \$3,332.19 to Building Equipment and Reserve.

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

RESOLUTION NO. 418 COMPREHENSIVE BRIDGE CULVERTS - BUDGET AMENDMENT/CLOSE CAPITAL PROJECT- APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did review established capital projects at the Genesee County Highway Department and does recommend closing one project, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this request and do concur at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following Budget Amendment:

Decrease Revenue H.5197.5031 Interfund Transfers in the amount of \$182.38

Decrease Appropriation H.5197.2080.0000 in the amount of \$182.38

And be it Further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the following capital project:

Comprehensive Bridge Culverts

Budget Impact Statement: Proper allocation of funds allows the county to reduce its overall committed local share and therefore reduce the amount of funds obligated to capital projects. Return of \$182.38 to Building Equipment and Reserve.

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

RESOLUTION NO. 419 CONTRACT RENEWAL – FACILITIES MANAGEMENT/ELEVATOR MAINTENANCE – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, The County of Genesee does contract with Thyssenkrupp Elevator Corp. for the maintenance and repair of elevators located in various county facilities, and

WHEREAS, Said contract does provide for three additional one year renewal options, and

WHEREAS, The Highway Superintendent does recommend the contract be renewed for the second of the one year periods and the Committee on Public Service does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into the first year of three one-year renewals with Thyssenkrupp Elevator Corp. for the maintenance and repair of elevators located at various county facilities for the period of January 1, 2019 through December 31, 2019 at a cost not to exceed \$19,680.

Budget Impact Statement: Facilities Management budgets for this contract in its operating budget.

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

RESOLUTION NO. 420

**GRANT AGREEMENT/BUDGET
AMENDMENT/CAPITAL PROJECT AMENDMENT
– MULTI-MODAL #4 – CASWELL RD BRIDGE
REPLACEMENT– LARGE SPAN CULVERT
PROJECT- APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County has been awarded a Multi-Modal #4 grant from New York State for use on the Caswell Rd Bridge over the Bigelow Creek in the Town of Byron, and

WHEREAS, The Superintendent of Highways recommends approving the grant and any supplemental agreements as required by the New York State Department of Transportation to aid in the replacement of the bridge, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this recommendations and do concur at this time. Now, therefore, Be it

RESOLVED, That the Chair of Genesee County Legislature is hereby authorized to execute the State Aid agreement with the New York State Department of Transportation for Multi-Modal #4 for the Caswell Rd Bridge over the Bigelow Creek (PIN 4MA338.30N) in the amount of \$50,000, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Budget by increasing H5971.3505 State Aid – Multi Modal by \$50,000 and increasing H5197.2080.0000 in a like amount, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to increase the capital project established for the Large Span Culverts by \$50,000.

Budget Impact: State Aid in the amount of \$50,000 increases the capital project established for Large Span Culverts.

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

RESOLUTION NO. 421

**2018 BUDGET AMENDMENT – COUNTY PARKS -
INTERPRETIVE CENTER/YOUTH BUREAU
GRANT AWARD APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Genesee County Parks Supervisor do request an amendment to the 2018 Genesee County Budget to allow the acceptance of Youth Bureau grant funds from the NYS Office of Child and Family Services, and

WHEREAS, The budget increase will allow the Parks Supervisor to use the funding to administer an Environmental summer program for Genesee County youth through the Environmental Education programming at the Genesee County Park and Forest Interpretive Nature Center in Bethany, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Genesee County Budget by increasing Appropriation A7110 INTC 4660.0000 County Park, Contractual in the amount of \$500.00 to be offset by an increase in Revenue A7110 INTC 3891 State Aid - Parks, in a like amount.

Budget Impact: Increase to 2018 budget expense in amount of \$500 - offset by revenue in like amount. Cost to County \$0.

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

RESOLUTION NO. 422

**2018 BUDGET TRANSFER – HIGHWAY – COUNTY
ROAD FUND (SNOW & ICE)**

Legislator Maha offered the following resolution:

WHEREAS, The County depleted its budgeted amount for the purchase of road salt within the 2018 County Road budget, and

WHEREAS, The County Superintendent of Highways has recommended transfer to the 2018 County Road budget in order to purchase additional salt for the treatment of snow and ice on the highways, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and concur at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 County Road budget through intrafund transfer by increasing Salt (D5142.4800.1005) in the amount of \$40,000.00 and decreasing Oil & Stone (D5110.4800.1001) in the amount of \$40,000.00.

Budget Impact: This is a transfer within divisions of the County Road Fund.

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

**RESOLUTION NO. 423 AWARD OF BID– PRATT ROAD BRIDGE OVER
TONAWANDA CREEK – HIGHWAY -- APPROVAL OF**

Legislator Dibble offered the following resolution:

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

WHEREAS, Genesee County advertised bid specifications for the construction of this project and received several competitive bids, and

WHEREAS, The Genesee County Highway Superintendent has reviewed the bids to determine the lowest responsible bidder, and

WHEREAS, The Committee on Public Service have reviewed these recommendations and do concur at this time,

Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute a contract with Union Concrete and Construction Co., 105 Center Rd., West Seneca, NY 14224 in the amount of \$1,589,876.60 for the construction and replacement of the Pratt Road Bridge over the Tonawanda Creek in the Town of Pembroke.

Budget Impact: The award total is \$1,589,876.60 which will be funded from the capital project established for this project.

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

**RESOLUTION NO. 424 REQUEST FOR THE MONROE COUNTY WATER
AUTHORITY TO ISSUE BONDS ON BEHALF OF
GENESEE COUNTY – COUNTYWIDE WATER
PROJECT PHASE 2 – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Genesee County has an Amended and Restated Water Development and Supply Agreement with the Monroe County Water Authority “Authority”; and

WHEREAS, Article 2 of the Amended and Restated Water Development and Supply Agreement do permit the Authority to issue Authority Obligations on behalf of Genesee County; and

WHEREAS, Under the same, Genesee County is required to pay for the cost of borrowing and future debt service on the Authority Obligations; and

WHEREAS, Genesee County has entered into intermunicipal agreements relative to the collection of additional water surcharge and revenue sharing among the municipalities of the

County in order to fund all costs related to Authority Obligations issued on behalf of the County, and

WHEREAS, Genesee County has completed a Master Plan and Engineering Report that identifies water supply projects needed under Phase 2 of the Countywide Water Program to add up to 2.4 million gallons a day of additional water supply, and

WHEREAS, The projects required under Phase 2 to be financed by the Authority are estimated not to exceed \$20 million, and

WHEREAS, The Genesee County Water Resources Agency has reviewed these plans and estimates and does recommend that the Genesee County Legislature request the Authority to issue debt on the behalf of Genesee County so that these projects may be undertaken, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby formally request the Authority to issue up to \$20 million in Authority Obligations on the County's behalf so that projects identified under Phase 2 of the Countywide Water Program may be funded as per the requirements of the Amended and Restated Water Development and Supply Agreement between Genesee County and the Monroe County Water Authority.

Budget Impact: Based on a \$20,000,000 borrowing for 30 years at 4%, the annual debt service would be \$1,156,602. The estimated water surcharge collection based on an additional \$0.60 per thousand gallons and increasing demand puts additional water fund revenue at \$1,211,070, which is enough for the County to cover the new bonding costs.

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

RESOLUTION NO. 425

CONSULTANT AGREEMENTS – SEQR/MASTER PLANNING AND PRELIMINARY ENGINEERING SERVICES – COUNTYWIDE WATER PROJECT PHASE 3 AND WEST SIDE WATER SUPPLY – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, Genesee County has completed a Master Plan and Engineering Report that identifies water supply projects needed under Phase 2 of the Countywide Water Program to add up to 2.4 million gallons a day of additional water supply, and

WHEREAS, Additional water supply is needed to support the long term growth of the Countywide Water System as well as the replacement of the City of Batavia Water Treatment Plant, and

WHEREAS, The Genesee County Water Resources Agency has reviewed proposals from CPL Team for the planning, engineering and environmental work needed to jump start Phase 3 and does recommend that the Genesee County Legislature approve consultant agreements at this time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chair of the Genesee County Legislature to enter into two consultant agreements with CPL Team for Master Planning and Preliminary Engineering and SEQR for a total of \$550,000.

Budget Impact: Total costs of contracts are \$550,000. It is anticipated that these contracts will be funded with locally bonded projects under Phase 2.

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

**RESOLUTION NO. 426 2018 BUDGET TRANSFER– DISTRICT ATTORNEY –
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, There is currently a shortage in funds in the District Attorney’s, Court Reporter account due to a significant increase in Grand Jury cases, and

WHEREAS, There are not enough funds available within the accounts to cover the expenses and the County Manager recommends using the 2018 General Contingency Fund, and

WHEREAS, The Public Services Committee and 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 make the following 2018 budget transfers:

\$5,500.00 from A.1990.4800.0000 Contingency, Program Expense
\$5,500.00 to A.1165.4640.0015 District Attorney, Court Reporter-T/V

Budget Impact: The 2018 General Fund Contingency has sufficient funds to accommodate this transfer and keep these accounts from going into the red for the remaining in the fiscal year. Contingency Balance after transfer = \$32,353.

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

**RESOLUTION NO. 427 GENESEE COUNTY LEGISLATURE REAFFIRMS
SUPPORT OF THE SECOND AMENDMENT**

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Legislature has gone on record unanimously opposing New York States infringement on an individual’s Second Amendment “Right of the people to keep and Bear Arms”, and

WHEREAS, Resolution No. 65-2013 MEMORIALIZATION CALLING FOR THE REPEAL OF THE SAFE ACT OF 2013 was adopted and sent to the President, Governor and other lawmakers as well as to Inter County Association and NYSAC, and

WHEREAS, This Genesee County Legislature will continue to oppose any infringement on the 2nd Amendment such as, but not limited to, long-gun/hunting/sporting gun registry or Firearm Owner Identification Card (FOID card) and/or requiring gun owners to purchase insurance for each gun legally owned, now, therefore, be it

RESOLVED, That the Genesee County Legislature goes on record reaffirming our support of the 2nd Amendment which states “A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and Bear Arms, shall not be infringed”, and be it further

RESOLVED, that the clerk of the Legislature shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader John Flanagan, Senator Mike Ranzenhofer, Assemblyman Steve Hawley, Speaker of the New York State Assembly Carl Heastie, Inter County Association and NYSAC.

Prior to the vote Legislator Deleo stated how he thought it was important to keep constitutional rights in the forefront and appreciates the support of residents who came to tonight’s meeting. Legislator Stein commented that she appreciates the support shown by organizations and their members and that the Genesee County Legislature is pleased to add to their voice. Chairman Bausch stated that the resolution had been presented at Inter County Association where it received strong support. Legislator Clattenburg stated the State is placing more on gun owners, making it more difficult to be a gun owner. Legislator Young seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 428 CONTRACT RENEWAL – GENESEE COUNTY SELF-INSURANCE WORKERS COMPENSATION/ACTUARIAL SERVICES – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Genesee County Self-Insurance did contract with S.G. Risk, LLC for actuarial services for the period January 1, 2016 through December 31, 2018 with two one-year extensions upon mutual agreement, at a cost of \$5,250 for 2019 and \$6,000 for 2020 and

WHEREAS, Said contract allowed for two additional one-year extensions and the Assistant County Manager has recommended that the contract be renewed for the first one-year extension at this time, and

WHEREAS, The Committee on Ways and Means did review the recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a first one-year extension to the contract by and between the Genesee County Self-Insurance Plan and S.G. Risk, LLC, 1050 Wall Street, West, Suite 610, Lyndhurst, NY 07071 for the provision of actuarial services for the Genesee County Self-insurance plan through December 31, 2019 at a cost of \$5,250.00.

Budget Impact: All costs are in the 2019 budget and apportioned to the participants.

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

RESOLUTION NO. 429 CONTRACT RENEWAL– GENESEE COUNTY SELF-INSURANCE WORKERS COMPENSATION/ SAFETY CONSULTANT SERVICES – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Genesee County Self-Insurance did contract with Occupational Safety and Environmental Assoc., Inc.(OSEA) for safety consultant services through December 31, 2015 with four one-year extensions upon mutual agreement, and

WHEREAS, Said contract allowed for four additional one-year extensions and the Assistant County Manager has recommended that the contract be renewed for the fourth and final one-year extension at this time, and

WHEREAS, The Committee on Ways and Means did review the recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a fourth and final one-year extension to the contract by and between the County of Genesee and Occupational safety and Environmental Association, Inc. (OSEA) 3730 California Road, Orchard Park, NY 14127 for safety consultant services at the rate of \$120.00 per hour effective January 1, 2019 through December 31, 2019.

Budget Impact: All costs are in the 2019 budget and apportioned to the participants.

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

RESOLUTION NO. 430 2018 BUDGET AMENDMENT – HUMAN RESOURCES - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Human Resources Director did request a budget amendment to cover shortfall of funds in the 2018 budget for Program Expenses, and

WHEREAS, This account has been set up to cover the cost of employee badging and the materials used such as ID cards, key fobs and lanyards. This is a function that was recently taken over by the Human Resources Department, and

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

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

Amount:	From:	To:
\$946.00	A1435.4550.0005 Training Countywide Expense	A1430.4800.0000 Program

Budget Impact Statement: No impact on the 2018 County Budget. The 2018 Training Countywide account has sufficient funds to accommodate this transfer.

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

RESOLUTION NO. 431 CONTRACT RENEWAL – HEALTH BENEFITS/THIRD PARTY ADMINISTRATOR/DENTAL – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Resolution No. 481 duly adopted on December 11, 2014 did award a contract to Health Economics Group, Inc. for third party administration services for the County’s self-funded dental benefits plan, and

WHEREAS, The RFP issued in 2014 and the 2014 Resolution No. 481 did allow for four one year renewals under the same terms and conditions and the Genesee County Human Resources Director has recommended the renewal of this contract for 2019, and

WHEREAS, The Committee on Ways and Means 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 the final of four one-year renewal contracts with Health Economics Group, 1050 University Avenue, Rochester, NY for the provision of third party administration services at the following rates effective January 1, 2019 through December 31, 2019.

Summary Plan Document Production Fee at County cost and

Dental Administration Fee Per Member Per Month:	\$2.35
COBRA Administration Per COBRA Participant Per Month:	\$2.35 + 2% of premium

Budget Impact Statement: No increase in the Administration Fee. Annual cost estimated to be \$21,000.

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

RESOLUTION NO. 432 CONTRACT RENEWAL – FLEXIBLE BENEFITS MANAGEMENT/ ADMINISTRATOR – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 426 duly adopted on November 24, 2015 did award a contract to Heath Economics Group for administration services for the County’s Flexible Benefits Plan, and

WHEREAS, The RFP issued in 2015 and the 2015 Resolution 426 did allow for three additional one year renewals and the Genesee County Human Resources Director has recommended the renewal of this contract for 2019, and

WHEREAS, The Committee on Ways and Means 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 the second of three one-year renewal contracts with Health Economics Group, 1050 University Avenue, Rochester, NY for the provision of Flexible Benefits Program Administration effective January 1, 2019 through December 31, 2019 under the same terms and conditions upon mutual consent between the parties.

Flexible Benefits Program Administration Fee Per Member Per Month: \$2.50

Debit Card Administration \$1.00

Budget Impact Statement: Flex Plan Administration costs are paid utilizing the County's FICA savings generated by employee participation in the flexible benefits program.

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

RESOLUTION NO. 433 CONTRACT RENEWAL– THIRD PARTY ADMINISTRATOR OF SELF-FUNDED HEALTH PLAN/INDEPENDENT HEALTH – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution No. 408 duly adopted on November 9, 2017 did award a contract to Independent Health for Third Party Administrators for the County's Self-Funded Health Plan, and

WHEREAS, The RFP issued in 2017 and the 2017 Resolution No. 408 did allow for two additional one-year period renewals and the Genesee County Human Resources Director has recommended the renewal of this contract for 2019, and

WHEREAS, The Committee on Ways and Means 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 the second of three one-year renewal contract with Independent Health, 511 Farber Lakes Drive, Buffalo, New York for the provision of third party administration services for the County's Self-Funded Health Plan effective January 1, 2019 through December 31, 2019.

Per Member Per Month

2019 Medical/Vision and COBRA Administration Fee: \$38.50

Budget Impact Statement: \$324,000 is budgeted in the 2019 budget for the Self Funded Health Plan

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

RESOLUTION NO. 434 CONTRACT RENEWAL– SELF INSURED HEALTH BENEFITS PLAN CONSULTANT – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 92 duly adopted on March 8, 2017 did award a contract to Premier Consulting to be the County's health benefit plan consultant, and

WHEREAS, The RFP issued in 2016 and the 2017 Resolution No. 92 did allow for three additional one year renewals and the Genesee County Human Resources Director has recommended the renewal of this contract for 2019, and

WHEREAS, The Committee on Ways and Means 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 the first of three one-year renewal contracts with Premier Consulting, 1416 Sweet Home Road, Amherst, New York to provide Health Benefits Plan Consulting services at a cost of \$50,000 per contract year with said contract to commence February 1, 2019 through January 31, 2020.

Budget Impact Statement: The 2019 budget includes \$50,000 for this service.

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

RESOLUTION NO. 435 2018 BUDGET AMENDMENT – HUMAN RESOURCES - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Human Resources Director did request a budget amendment to cover shortfall of funds in the 2018 budget for Exam Fees due to a larger number of candidates than originally anticipated participating in the Deputy Sheriff and Police Officer Civil Service examinations, and

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

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

Amount:	Increase
\$1,644	A1430.1260 Personnel Fees
\$1,644	A1430.4800.0145 Exam Fees

Budget Impact Statement: \$9,000 was originally budgeted for Exam Fees in 2018. Deputy Sheriff and Police Civil Service examination resulted in a larger number of candidates than originally anticipated. Additional Revenue will offset new expense.

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

RESOLUTION NO. 436 SCHEDULE “A” 2019 EMPLOYEE SALARY SCHEDULE – ADOPTION OF

Legislator Stein offered the following resolution:

WHEREAS, It is necessary to establish a schedule for payment of wages in 2019 for positions covered in negotiated agreements and for other positions not included in the Genesee County Schedule B Management Salary Schedule, and

WHEREAS, The Committee on Ways and Means did review the schedule as presented by the County Manager and does recommend adoption at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and the Human Resources Director be and hereby are authorized and directed to implement payroll certifications, effective January 1, 2019 based upon the recommended Genesee County Employee Salary Schedule.

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

RESOLUTION NO. 437 SCHEDULE “B” 2019 MANAGEMENT SALARY SCHEDULE – ADOPTION OF

Legislator Young offered the following resolution:

WHEREAS, The Committee on Ways and Means did review the Management Salary Schedule “B” for 2019 and does recommend adoption at this time. Now, therefore, Be it

RESOLVED, That the County Supervisory and Non-Union Salary Schedule for 2019 be and hereby is adopted, and Be it further

RESOLVED, That the Genesee County Treasurer and the Human Resources Director be and hereby are authorized and directed to implement payroll certifications and payments based on the titles and salaries contained in Schedule “B” 2019 Management Salary Schedule, effective January 1, 2019.

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

RESOLUTION NO. 438 RENEWAL OF CONTRACT – THIRD PARTY ADMINISTRATOR OF SELF-FUNDED PHARMACY BENEFIT MANAGER SERVICES/INDEPENDENT HEALTH/PHARMACY BENEFIT DIMENSIONS, LLC – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 409 duly adopted on November 9, 2017 did award a contract to Independent Health/Pharmacy Benefit Dimensions, LLC for Pharmacy Benefit Manager services for the County's Self-Funded Prescription Drug plan, and

WHEREAS, The RFP issued in 2017 and the 2107 Resolution No. 409 did allow for two additional one-year period renewals and the Genesee County Human Resources Director has recommended the renewal of this contract for 2019, and

WHEREAS, The Committee on Ways and Means 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 Independent Health/Pharmacy Benefit Dimensions, LLC., 511 Farber Lakes Drive, Buffalo, New York for the provision of Pharmacy Benefit Manager services for the County's Self-Funded Health Plan effective January 1, 2019 through December 31, 2019 with a provision of one additional one-year period.

Per Prescription

Pharmacy Administration Fee: \$1.00

Budget Impact Statement: \$24,000 is budgeted in the 2019 budget for the Self-Funded Health Plan
Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 439 HEALTH BENEFITS PLAN 2019 PREMIUM RATES - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Manager and Self-Funded Health Benefits Plan Consultant did review the self-insured health plan and monthly participation fee and does recommend monthly premium rates be adjusted effective January 1, 2019, and

WHEREAS, The Committee on Ways and Means did review the rates proposed and does recommend adoption at this time. Now, therefore, Be it

RESOLVED, That the following rates for the Genesee County Self-Insured Health Benefits Plan be adopted, effective January 1, 2019:

<u>Partnership Plus and Traditional Plans Classification</u>	<u>Rate per Month</u>
Single	\$594
2 Members (1 Adult/1 Child or 2 Adults)	\$1,188
Family, 3 or more	\$1,929
Retired, single, under 65	\$594
Retired, 2 Members under 65	\$1,188
Retired, Family 3 or more under 65	\$1,929
Retired, single, over 65, Medicare, GCC	\$594
Retired, 2 adults over 65, Medicare, GCC	\$1,188
<u>Health and Wellness Plan Classification</u>	<u>Rate per Month</u>
Single	\$538
2 Members (1 Adult/1 Child or 2 Adults)	\$1,075
Family, 3 or more	\$1,748
Retired, single, under 65	\$538
Retired, 2 Members under 65	\$1,075
Retired, Family 3 or more under 65	\$1,748
Retired, single, over 65, Medicare, GCC	\$ 538
Retired, 2 adults over 65, Medicare, GCC	\$ 1,075
<u>GCC \$5/\$10 Drug Card Classification</u>	<u>Rate per Month</u>
Single	\$100
2 Members (1 Adult/1 Child or 2 Adults)	\$200

Family	\$330
<u>Dental Classification</u>	<u>Rate per Month</u>
Dental, single	\$ 11
Dental, family	\$ 27.50
<u>Vision Classification</u>	<u>Rate per Month</u>
Vision, single	\$ 4
Vision, family	\$ 6

Budget Impact Statement: medical/Rx premium rates are increasing 3% over the 2018 rate. \$528,938 of reserve is budgeted to offset larger rate increase for 2019.

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

**RESOLUTION NO. 440 CONTRACT RENEWAL -GRANTS WRITING
CONSULTANT SERVICES – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, RFQ 2015-301 was awarded to Labella Associates, DPC for Grant Writer Services 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 Manager does recommend the renewal of this contract for the second one year term, which would continue the contract for the period January 1, 2019 through December 31, 2019, under the same terms and conditions as the original Agreement, and

WHEREAS, The Committee on Ways and Means has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement with the firm of LaBella Associates, DPC, 300 State Street, Suite 201, Rochester, NY for grants writer consultant services for Genesee County at the rate of \$90 per hour of service for a total expenditure not to exceed of \$5,000 for grant preparation, facilitation and application services for the period January 1, 2019 through December 31, 2019.

Budget Impact Statement: Annual appropriation allocation of \$5,000 has remained the same since fiscal year 2002.

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

**RESOLUTION NO. 441 AMENDMENTS TO THE 2019 TENTATIVE
BUDGET - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The 2019 Tentative Budget was reviewed by the Legislature and certain amendments to the Tentative Budget were recommended. Now, therefore Be it

RESOLVED, That the Genesee County Legislature does hereby approve the following amendments and does authorize the Budget Officer to effect these amendments into the 2019

Budget:

INCREASE GENERAL FUND REVENUES

A1000.9999	Balancing Appropriated	\$ 210,870
A6109.4609	Family Assist. – Fed Aid, Family Assist.	\$ 222,140
A6119.3619	Child Care – St. Aid, Child Care	\$ 237,320
A6119.4619	Child Care – Fed Aid, Child Care	\$ 529,220

INCREASE GENERAL FUND APPROPRIATIONS

A6109.4800.0000	Family Assist, Program Expense	\$ 248,690
A6119.4800.0000	Child Care, Program Expense	\$ 843,490
A6123.4800.0000	Juvenile Delinquent, Program Expense	\$ 107,370

Budget Impact Statement: General Fund net appropriation and revenue changes offset to \$0

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

NO. 442 2019 GENESEE COUNTY BUDGET - ADOPTION OF

Legislator Clattenburg offered the following resolution:

WHEREAS, A public hearing was held on the Tentative Budget for the year 2019 on Wednesday, November 7, 2018, at which time all interested persons were heard, and **WHEREAS**, Amendments to the 2019 Tentative Budget have been presented and duly adopted by Resolution No. 441 on November 28, 2018, and

WHEREAS, The Committee on Ways and Means does recommend adoption at this time. Now, therefore be it

RESOLVED, That the 2019 Tentative Budget presented by the Budget Officer, as amended, be and hereby is adopted as the Budget for the County of Genesee for 2019 with a total amount to be raised by property tax of \$30,292,091 and a tax rate equivalent to \$10.04.

Budget Impact Statement: 2019 property tax levy represents an increase of \$996,819 over 2018's.

Prior to the vote, Chairman Bausch thanked the County Manager's department staff and department heads for their attention and work on creating the 2019 County Budget. County Manager Jay Gsell commented that the Comptroller's office accepted the Genesee County Tax Cap submittal sent in by County Treasurer Scott German.

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

RESOLUTION NO. 443 MAKING APPROPRIATIONS FOR THE CONDUCT OF COUNTY GOVERNMENT FOR FISCAL YEAR 2019

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Legislature adopted a Budget for fiscal year 2019 by Resolution No. 442 dated November 28, 2018. Now, therefore, Be it

RESOLVED, That the adopted amounts in the 2019 Budget be and hereby are appropriated for the objects and purposes specified, effective January 1, 2019, and Be it further

RESOLVED, That the sum of \$30,292,091 is hereby levied against the taxable property in the county and the Director of Real Property Tax Services is hereby authorized and directed to apportion and spread the said sum against the properties within the county which are subject to taxation.

Budget Impact Statement: 2019 property tax levy represents a tax levy increase of \$996,819 over 2018's.

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

RESOLUTION NO. 444 DISTRIBUTION OF MORTGAGE TAX-SECOND PAYMENT 2018-APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Clerk and Treasurer have reported to this Legislature that there is now available for distribution to the several towns and villages and the City of Batavia, mortgage tax money amounting to \$408,348.50, and

WHEREAS, The Committee on Ways & Means did review the mortgage tax money available and recommends distribution of said sum among the several towns, villages, and the City of Batavia, according to the provisions of Section 261 of the tax laws as follows:

City Of	Batavia	\$ 77,545.10
Towns Of	Alabama	12,492.40
	Alexander	9,944.37
	Batavia	70,069.07
	Bergen	19,166.67
	Bethany	7,141.82
	Byron	13,596.89

	Darien	20,916.25	
	Elba	30,839.52	
	LeRoy	51,959.54	
	Oakfield	14,501.10	
	Pavilion	13,465.51	
	Pembroke	25,131.56	
	Stafford	15,064.62	
Villages Of	Alexander	1,038.50	
	Attica	356.28	
	Bergen	2,594.26	
	Elba	3,970.69	
	LeRoy	14,766.65	
	Oakfield	2,266.34	
	Corfu	1,521.36	
Total			\$408,348.50

Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to pay the Town Supervisors, Village Treasurers, and the Treasurer of the City of Batavia the amounts aforesaid from the Mortgage Tax account.

Budget Impact Statement:	2017 2 nd payment \$411,573.27	2016 2 nd payment \$379,929.40
	2015 2 nd Payment \$340,055.66	2014 2 nd Payment \$272,880.58
	2013 2 ND Payment \$326,302.91	2012 2 nd Payment \$313,581.21
	2011 2 nd payment \$264,130.74	2010 2 nd payment \$278,579.69
	2009 2 nd payment \$347,348.01	2008 2 nd Payment \$345,640.73

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

RESOLUTION NO. 445 SETTING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. 7 YEAR 2018 – SALARIES OF COUNTY FIXED TERM OFFICERS-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law entitled: “**A LOCAL LAW IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE ELECTED OR APPOINTED FOR A FIXED TERM,**” 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 the Proposed Local Law Introductory No. 7, Year 2018 on Wednesday, December 12, 2018 at 5:30 p.m. at the Genesee County Courthouse, 7 Main Street, Batavia, New York.

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

RESOLUTION NO. 446 COUNTY AUDIT –NOVEMBER 28 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Hilchey, did review the following claims:

General Fund	\$	1,844,690.65
Highway		60,231.71
Water Fund		20,600.00
DSS Abstracts		118,526.68

Capital Projects

Airport-8 Bay T-Hangar	\$	187,031.25
Highway-Large Span Culverts		4,317.96

Highway-Highway CR51 Colby Road	62,483.47
Highway-Highway Overlay	512,150.57
Highway-Stroh Road Bridge Over Tonawanda Creek	243,333.69
Facilities Management-EMS Training Ground	856.00
Facilities Management-Energy Performance Contract	906,684.00
Sheriff's - 800 Mghtz Radio System Upgrade	1,000.00
Payroll – General	
November 23, 2018	\$ 1,543,375.53
Medicaid	
November 20, 2018	177,332.00
November 27, 2018	<u>177,332.00</u>
Total Audit	\$ 5,859,945.51

Now, therefore, Be it

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

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

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

The meeting adjourned at 6:02 PM upon motion of Legislator Torrey seconded by Legislator Deleo, carried unanimously.