

**TWELVETH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, June 27, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, June 27, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Clattenburg assisted with the audit. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Bausch opened a Public Hearing on the proposed budget for Genesee Community College for the fiscal year beginning September 1, 2018. All interested parties will be heard.

The minutes of the June 13, 2018 Legislature meeting were approved upon motion of Legislator Stein seconded by Legislator Maha, carried unanimously.

Legislator Stein reported that she attended GAM where discussion included the challenges of using the new electronic program for civil service. Towns and Villages have to report data and information to the County on a regular basis. There was also discussion of shared services and how municipalities and the County are discussing what will be most beneficial. Chairman Bausch commented that last Inter County Association meeting held at Darien Lake Theme Park was well attended. The Theme Park is the largest seasonal employer in the County with 3,200 seasonal staff. Occupancy at the Park hotel and sales at the Theme Park contribute to the increase in bed tax and sales tax for the County. Chairman Bausch also reported he is the new Chair for the Genesee Finger Lakes Regional Planning Council. Legislator Maha stated that he and Legislator Clattenburg attended the City Council presentation on a military grade armored vehicle which City and County law enforcement are interested in. Legislator Clattenburg thanked County Manager Jay Gsell for writing a letter to Senator Ranzenhofer requesting grant funds to allow the County and City to pursue installation of new water meters for City water customers. Legislator Clattenburg also commented on the need for a strong letter of support or resolution regarding collection of internet sales tax.

County Manager Jay Gsell reported that the County was the third highest contributor to the United Way Campaign this year. County Campaign Chairpersons Jocelyn Sikorski and Steve Zimmer attended the United Way wrap up meeting where the County was recognized and presented with a banner.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 221 REAPPOINTMENT - GENESEE COUNTY PLANNING BOARD - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The term of office of Berney Staats on the Genesee County Planning Board has expired and he has indicated an interest and desire for reappointment, and

WHEREAS, This candidate is in compliance with the training requirements required by New York State for reappointment under Chapter 662 of the Laws of 2006, and

WHEREAS, the Committees on Public Service and Ways & Means do recommend he be reappointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Mr. Berney Staats of Stafford, NY to serve another term on the Genesee County Planning Board for the period ending on May 31, 2021.

Budget Impact Statement: None.

Legislator Maha seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 222 BUDGET AMENDMENT - GENESEE JUSTICE/2018
CRIMINAL JUSTICE DAY TRAINING REVENUE &
EXPENSES – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee Justice Program Coordinator has made a request to amend the 2018 Genesee Justice budget in order to accommodate revenue and expenses associated with a recent Crime Victims' Rights Week Criminal Justice Day training, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend acceptance of the budget amendment and line item additional revenue and expense at this time. Now, therefore, Be it

RESOLVED that the Genesee County Treasurer is hereby authorized and directed to make the following budget item amendments to the 2018 Genesee Justice Budget as follows:

- Increase revenue:
 \$2,200 in line A.3151.2705 – Gifts and Donations
- Increase expense line item:
 \$2,200 in line A.3151 4800.0000 – Program Expenses

Budget Impact: Program Expenses are offset by increased revenue so there is no impact on the 2018 Genesee County Budget and no county funding is affected by this amendment.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 223 AWARD OF BID – EMERGENCY MANAGEMENT
SERVICES/COLDEN ENTERPRISES - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Office of Emergency Management Services is in need of upgrades for the scene surveillance camera on-board the mobile command center/emergency support unit (ESU 2), and

WHEREAS, The Genesee County Office of Emergency Management Services Coordinator did issue a Request for Proposal for material and labor relative to these upgrades as specified in Bid #2018-11, and

WHEREAS, The Genesee County Office of Emergency Management Service Coordinator and the Purchasing Director recommend awarding the sole bidder, having met specifications, and

WHEREAS, the Committees on Public Service and Ways & Means reviewed this recommendation and do concur. Now therefore, Be it

RESOLVED, That the Chair of the County Legislature is hereby authorized and directed to enter into an agreement with Colden Enterprises of 750 Ontario Street, Kenmore, NY 14217 to provide materials and labor for the upgrade to the on-board ESU 2 surveillance camera, at a cost not to exceed \$23,599.35.

Budget Impact: FY17 State Homeland Security Program funds of \$23,599.35 have been allocated for the cost of camera upgrades and have been included in the 2018 EMS department budget (A3640.2080.0710), offset by revenue in like amount (A.3640.4305.2).

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 224 CONTRACT 2018 APPELLATE SERVICES-PUBLIC
DEFENDER/LEGAL AID BUREAU OF BUFFALO,
INC. -APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Public Defender does recommend the contract between Genesee County and The Legal Aid Bureau of Buffalo, Inc. for the provision of appellate defense services for the

period of January 1, 2018 – December 31, 2020 in the amount of a maximum of \$300,000.00 over the term of the agreement, and

WHEREAS, the Committees on Public Service and Ways and Means did review the contract 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 new contract with The Legal Aid Bureau of Buffalo, Inc. for the period of January 1, 2018 through December 31, 2020.

Budget Impact Statement: This contract is fully funded by an Indigent Legal Services grant entitled Second Upstate Quality Improvement and Caseload Relief RFP in the amount of \$100,000 per year for a total of \$300,000. The revenue line associated with this contract will be A1170 3025 and the expense line associated with this contract will be line A1170 4660.

Legislator Dibble seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 225 LEASE AGREEMENT– JUSTICE FOR CHILDREN
ADVOCACY CENTER / FIRST PRESBYTERIAN CHURCH
- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Justice for Children Advocacy Center has been operating in a building owned by the First Presbyterian Church of Batavia at a cost of \$1.00 per month since July 1, 2013; and

WHEREAS, the architectural study of the building that was funded by the Justice for Children G.L.O.W Foundation has been completed and the Foundation is prepared to seek bids for a renovation project that will improve accessibility and provide the space necessary for an ever expanding number of children and families in need of services; and

WHEREAS, The funds that will be used on this project were raised and donated by the Kiwanis Club of Batavia; and

WHEREAS, In anticipation of these renovations that will necessitate a long term commitment to the present site, the First Presbyterian Church of Batavia has agreed to a fifteen year lease of the building located at 304 East Main Street in the City of Batavia; and

WHEREAS, The agreed upon rate per month is \$1.00; and

WHEREAS, Because the existing lease expired in June of 2016, the lease will commence retroactively on July 1, 2016 and conclude on June 30, 2031; and

WHEREAS, The Committee on Public Service and the Genesee County Attorney did review this request and do recommend approval at this time; Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to enter into a lease agreement with the First Presbyterian Church of Batavia New York, 300 East Main St. Batavia, NY 14020 effective July 1, 2016 through June 30, 2031.

Budget Impact: Funds for rent are fully covered by the New York State Office of Children and Family Services. Funds for the renovations will be fully covered by the Justice for Children Advocacy Center G.L.O.W Foundation and donations from the Kiwanis Club of Batavia.

Prior to the vote Legislator Clattenburg thanked the Church and its parishioners.

Legislator Hilchey seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 226 BUDGET AMENDMENT-JUSTICE FOR CHILDREN
ADVOCACY CENTER/NORTHEAST REGIONAL
CHILD ADVOCACY CENTER- TRAVEL EXPENSE
REIMBURSEMENT- APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator attended the Leadership Exchange and Coaching training from January 23-25 and the Team Facilitator Training from March 12-15, both held in Philadelphia, PA, and

WHEREAS, Both trainings were provided by the Northeast Regional Child Advocacy Center, and all expenses related to travel and lodging have been reimbursed by that agency, and

WHEREAS, The Justice for Children Program Coordinator requests permission for the County to accept reimbursement in the amount of \$949.00 from the Northeast Regional Child Advocacy Center, and

WHEREAS, The Committees on Public Service and Ways & Means did review this request and do recommend acceptance of the grant funding at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents for acceptance of this reimbursement funding in the amount of \$949.00, and that the Genesee County Treasurer is hereby authorized and directed to make the following budget amendment:

Increase revenue A.3152 1289 (General Department Income) \$949.00

Increase appropriation A.3152 4560.0000 (Travel) \$949.00

Budget Impact: These funds will fully reimburse all expenses related to the Program Coordinator's attendance at both the Leadership Exchange and Coaching training and the Team Facilitator training.

Legislator Clattenburg seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 227

**GRANT ACCEPTANCE/CONSULTANT
AGREEMENT/AWARD OF BID – RECONSTRUCT
TAXIWAY ‘C’ – AIRPORT -- APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, Genesee County will be awarded a federal aid grant to Reconstruct Taxiway ‘C’ at the Genesee County Airport (the “Project”), and

WHEREAS, Genesee County received a proposal from C&S Engineers for the construction inspection and administration of the Project as required under Federal Aviation Administration guidelines, and

WHEREAS, Genesee County did advertise and receive several bids for the construction of the Project, and

WHEREAS, The Genesee County Highway Superintendent has reviewed the consultant proposal and reviewed construction bids for accuracy and does recommend their approval at this time, and

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

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with C&S Companies, 499 Eileen Collins Blvd., Syracuse, NY 13212 for the construction inspection and administration of the Reconstruct Taxiway ‘C’ project in an amount not to exceed \$227,000; and be it further

RESOLVED, That the Genesee County Legislature does hereby award a construction bid to DiFiore Construction, Inc. 155 Pool Street, Rochester, NY 14600 for the Reconstruction of Taxiway ‘C’ at the Genesee County Airport in amount not to exceed \$1,994,357.40; and be it further

RESOLVED, That the consultant agreement and construction bid award are contingent upon the successful receipt of a Federal Aviation Administration Airport Improvement Program Grant that covers the costs of this project; and be it further

RESOLVED, That upon the receipt of a federal grant, 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 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 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 Federal Aviation Administration and 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 this resolution shall take effect immediately upon receipt of a federal grant for this Project.

Budget Impact: A capital project will be established for the Taxiway 'C' Reconstruction after the receipt and execution of the federal grant. The total project costs are estimated to be \$2,221,357.40 with funding shares set at 90% federal, 5% state and 5% local. The actual capital project will be based on the final amount provided for in the federal grant. The estimated local match required for this Project is \$111,067.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 228 AGREEMENT RENEWAL – HIGHWAY/ FACILITIES
MANAGEMENT/CENTRAL SERVICES – WORK
CLOTHING – APPROVAL OF**

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Highway Department is currently under contract with Cintas Corporation and this agreement allows for 3 – 1 year extensions, the Genesee County Highway Superintendent recommends renewing the contract agreement with Cintas Corporation, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with Cintas Corporation, 5740 Genesee Street, Lancaster, New York 14086 for the work clothing as per bid specifications, effective September 1, 2018 through August 31, 2019 with two more one year renewals as per bid prices.

Budget Impact Statement: Work clothing is budgeted in County Road and Road Machinery Funds, Facilities Management Operating Budget and Central Services Operating Budget

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 229 SURPLUS EQUIPMENT-HIGHWAY-ROAD
MACHINERY FUND-APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did request the following equipment be declared surplus property, and

WHEREAS, The Committees on Public Service and Ways and Means did review this list and do recommend this equipment be declared surplus property at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Legislature does hereby declare the following as surplus property to be disposed of at auction, public bid or through inter-municipal purchase.

#2003 – 2007 Ford F150 Pickup Truck

#2010 – 2007 Ford F150 Pickup Truck

#5043 – 2001 International Bucket Truck

#6059 – Davey Air Compressor

Budget Impact: Revenue for Road Machinery Fund

Legislator Dibble seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 230

CONTRACT - SHARED SERVICES/HIGHWAY-

APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Superintendent of Highways reported that the Genesee County Highway Department currently shares equipment, materials and services with other Genesee County municipalities and neighboring counties on an informal basis and to be in compliance with New York State Highway Law and General Municipal Law, Genesee County is required to adopt an agreement formalizing this arrangement, and

WHEREAS, the Superintendent of Highways reported that municipalities, including the County of Genesee, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, the Superintendent of Highways reported that it has been determined that the County of Genesee and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed, and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Genesee and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is the intent of the County of Genesee to give the Superintendent of County Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making of each individual arrangements, and

WHEREAS, Genesee County authorized such arrangements with other municipalities on February 27, 2006 and the Superintendent of Highways is requesting that such an arrangement be continued through an extension of the original agreement, and

WHEREAS, The Committee on Public Service has determined that it will be in the best interest of the County of Genesee to continue to be a party to such shared service arrangements, and does concur with this recommendation. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Highway Shared Services Agreement which shall be effective immediately through June 2020, and Be it Further

RESOLVED, The Legislative Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the Supervisors/Mayors/Board Presidents of the municipalities within Genesee County.

Budget Impact Statement: None. Sharing municipal services is a cooperative effort to save money.

Legislator Clattenburg seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 231 AWARD OF BID – HIGHWAY FUEL PRODUCTS – APPROVAL OF

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent has contracted for the purchase and delivery of fuel products to the Genesee County Highway Department operated fuel farms, and

WHEREAS, The Highway Superintendent recommends awarding a bid to NOCO Energy Corporation, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur; now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute a contract with NOCO Energy Corp, 2440 Sheridan Drive, Tonawanda, NY 14150 for the sale and delivery of fuel products to the Genesee County Highway Department operated fuel farms, effective September 1, 2018 through August 31, 2019.

Budget Impact Statement: Purchase of fuel is a budgeted item in the Road Machinery Fund. The bids are based on the rack price differential system and the price is adjusted weekly.

Prior to the vote Legislator Stein commented that GAM may benefit from an RFP for smaller loads of diesel. Highway Superintendent Tim Hens stated he would look into it.

Legislator Young seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 232 2018 BUDGET AMENDMENT/SALARY SCHEDULE AMENDMENT-HIGHWAY- ASSISTANT ENGINEER-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent has requested assistance with program and project management with facility and infrastructure-related projects, especially those involving state or federal aid, and

WHEREAS, The Public Service Committee recommends the creation of an Assistant Engineer position at this time, and

WHEREAS, The Superintendent of Highways was directed to make adjustments to the 2018 budget in order to fund the position, and

WHEREAS, The Ways and Means Committee did review this request and does recommend that that a position be implemented at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Human Resources Director is hereby authorized and directed to amend the 2018 Management Salary Schedule by creating the title of Assistant Engineer (Grade 121), and be it further

RESOVLED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Budget by making the following transfers from D5110 to D5020:

Decrease D5110.1010.0000 Personal Services	\$7,970.00
Decrease D5110 .4800.1007 T&L Paving	\$44,226.00
Increase D5020.1010.0000 Personal Services	\$36,500.00
Increase D5020.8010.0000 Social Security Tax	\$2,265.00
Increase D5020.8011.0000 Medicare Tax	\$530.00
Increase D5020.8020.0000 Retirement	\$3,395.00
Increase D5020.8030.0000 Medical	\$7,213.00
Increase D5020.8040.0000 Dental	\$138.00
Increase D5020.8070.0000 Vision	\$30.00
Increase D5020.4420.0000 Equipment Rental	\$2,125.00;

Budget Impact: Funds are within existing County Road Fund. Total cost for the new position in 2018 is \$52,196. Costs covered by transfer from D5110 Road and Bridge Maintenance due to a vacancy with additional expenses coming from reduced true & level paving.

Prior to the vote Legislator Stein thanked the legislature and members of the Public Service Committee for seeing the need for the position and their time and consideration of the matter. Legislator Dibble seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 233 AWARD OF BID - SHERIFF'S OFFICE / 2019 LAW ENFORCEMENT VEHICLES- APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, five bids were received for the purchase of five (5) 2018, all-wheel drive, law enforcement pursuit rated, SUV style vehicles, with the lowest bid being submitted from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960, for a total purchase price of \$143,652.25, and

WHEREAS, the Sheriff did request the bid for the purchase of five patrol vehicles and vehicle equipment be awarded to Beyer Ford, for a total purchase price of \$143,652.25, and

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

RESOLVED, that the award of bid for the purchase of five (5) 2018, law enforcement SUV style vehicles will be made to Beyer Ford, for the total purchase price of \$143,652.25.

Budget Impact: \$156,800 has been appropriated to the 2018 asset acquisitions for the purchase of patrol vehicles and vehicle equipment. The total purchase price for five vehicles is \$143,652.25. The remaining \$13,147.75 will be used for the purchase and installation of any additional equipment needed to properly outfit the new patrol vehicles.

Legislator Hilchey seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 234 APPOINTMENT/REAPPOINTMENTS – SHERIFF / TRAFFIC SAFETY BOARD – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, reappointments do exist on the Genesee County Traffic Safety Board and the Committees on Public Service and Ways & Means do recommend reappointing the following three-year terms:

William A. Sheron, Jr.	1/1/18 – 12/31/20	Genesee Co. Sheriff's Office
Shawn Heubusch	1/1/18 – 12/31/20	City of Batavia Police Dept.
Felipe A. Oltramari	10/1/17 – 9/30/20	Genesee Co. Planning Dept.
James D. Orr	10/1/17 – 9/30/20	Citizen Representative, and

WHEREAS, the LeRoy Police Department desires to have Sergeant Emily J. McNamara appointed to represent its agency to replace retired Sergeant Michael Hare, whose term expires 2/28/20, and

WHEREAS, the Genesee County Health Department desires to have Abby Diegelman appointed (1/1/18-12/31/20) to represent its agency to replace retired employee David Whitcroft, whose term expired 12/31/17. Now, therefore, be it

RESOLVED, that the above three-year reappointments for the Genesee County Traffic Safety Board along with the appointments of Sergeant McNamara to represent LeRoy Police Department and Abby Diegelman to represent the Genesee County Health Department are approved at this time.

Budget Impact: None.

Legislator Maha seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 235 RENEWAL AGREEMENT – SHERIFF/ SPECIAL/
ADDITIONAL LAW ENFORCEMENT SERVICES FOR
WESTERN REGIONAL OTB – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Genesee County entered into an agreement with Western Regional OTB pursuant to Resolution 184 that was adopted on May 24, 2017, whereby the Sheriff's Office would provide additional law enforcement services at Batavia Downs Gaming for its 2017 summer concert season, and

WHEREAS, This agreement expired on May 31, 2018, and

WHEREAS, Western Regional OTB is entering into its 2018 summer concert season and has indicated a desire to renew the law enforcement services agreement with Genesee County for an additional one-year term (June 1, 2018 through May 31, 2019) based on the same terms and conditions from 2017, with the exception of an increase in rates per the Deputy Sheriff's Association (DSA) and Sheriff's Employees' Association (SEA) *Labor Agreements*, and

WHEREAS, After discussions between the Sheriff, Chief Deputy of Road Patrol, Western Regional OTB representatives, and approval by the County Attorney, the Sheriff does recommend renewing this agreement for the term stated above, and

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

RESOLVED, that the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to execute the Renewal Agreement for an additional one-year term (June 1, 2018 through May 31, 2019) for special/additional law enforcement services at Batavia Downs Gaming, 8315 Park Road, Batavia, New York 14020, for its 2018 summer concert season.

Budget Impact: \$162,365 has been appropriated to account A3110.1020.0800 (Overtime – Additional Police Services), to be offset by revenue billed back to entities for additional law enforcement services.

Legislator Dibble seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 236 AGREEMENT RENEWAL AND BUDGET AMENDMENT –
SHERIFF / POLICE SERVICES FOR VILLAGE OF
BERGEN - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, the Village of Bergen's contract for additional police services for the Village expired May 31, 2018, and it has requested to renew its agreement to commence June 1, 2018,

through May 31, 2019, and

WHEREAS, the 2019 retirement and mileage rates will not be available until late 2018, and the Village of Bergen has been made aware that these rates will change, and it will be billed separately for the difference, and

WHEREAS, the Sheriff does recommend entering into a renewal agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Bergen and the Genesee County Sheriff's Office for a period commencing June 1, 2018, through May 31, 2019, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget by increasing Sheriff's account A3110.1020.0900 (Overtime - Bergen Patrols) in the amount of \$13,500, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

Budget Impact: Appropriation of \$13,500 offset by revenue billed back to entities for additional law enforcement services.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 237 2018 BUDGET AMENDMENT – DISTRICT ATTORNEY
- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, In 2017 the District Attorney's Office received forfeited funds in the amount of \$3,075.00 from a misdemeanor case. These funds were closed to a restricted reserve account at year end 2017, and

WHEREAS, These funds should have been distributed to three separate agencies, including the District Attorney Office. The District Attorney is requesting a budget amendment be done at this time to correct the situation, and

WHEREAS, The Committees on Public Service and Ways and Means do concur. Now, therefore Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 general fund budget by Increasing Revenue A.1000.9999 Balancing (utilizing the Restricted Fund Balance – DA) and Increasing Appropriation A.1165.4800.0000 Program Expense in the amount of \$3,075.00.

Budget Impact: A decrease in the DA's restricted fund balance of \$3,075.00.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 238 CONTRACT-BENJAMIN J. BONARIGO, PLLC/ASSIGNED
COUNSEL PROGRAM-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Manager does recommend approval of the contract between Genesee County and the Benjamin J. Bonarigo, PLLC, to provide legal counsel as required by Article 18-B of the County Law of the State of New York, and

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

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute an agreement by and between the Benjamin J. Bonarigo, PLLC., 18 Ellicott St., Batavia, NY 14020 and the County of Genesee in the amount of seventeen thousand five hundred dollars (\$17,500) for administrative services of the Assigned Counsel Program, and

RESOLVED, That should the County of Genesee decide to implement an alternative system for Article 18-B assigned counsel this Agreement shall be subject to modification or termination upon sixty (60) days-notice from the County to Benjamin J. Bonarigo, PLLC.

Budget Impact Statement: AC Administrative Fee: annual fee - \$17,500.

Prior to the vote Legislator Clattenburg stated she would abstain from voting.

Legislator Maha seconded the resolution which was adopted by 260 votes, Torrey (38) absent, Clattenburg (28) abstain.

**RESOLUTION NO. 239 SECTION 3 PLAN – TO COMPLY WITH 24 CFR,
PART 135 OF THE UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT SECTION 3 –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds, and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met, and

WHEREAS, the County of Genesee staff has developed a Section 3 Plan in adherence to 24 CFR, Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act, and

WHEREAS, The Committee on Ways and Means did review the Section 3 Plan and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby adopt the Genesee County Section 3 Plan

Budget Impact: zero budget impact

Legislator Maha seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 240 CONTRACT RENEWAL M&T BANK P CARD PROGRAM
- APPROVAL OF**

Legislator Young offered the following Resolution:

WHEREAS, Resolution No.267 of 2015 authorized a two year contract with M&T Bank to provide a Purchasing Card Program with three 1 year optional renewals, and

WHEREAS, The County Treasurer and Director of Purchasing wish to renew the contract for one more year utilizing the second of three renewal options, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to sign a one year contract renewal with M&T Bank with the same terms and conditions as the original contract to expire on September 7, 2019.

Budget Impact Statement: None, No cost to the county.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

**RESOLUTION NO. 241 2018 SALARY SCHEDULE AMENDMENT & BUDGET
AMENDMENT - TREASURER'S OFFICE - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Treasurer conducted an experiment beginning in July 2017 by eliminating one full time staff and allowing that individual to come back part time, and

WHEREAS, The experiment worked well for the individual; it didn't work so well for the Treasurer's Office and the County Treasurer is requesting the position be put back full time

effective July 1, 2018, and

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

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2018 Salary Schedule by eliminating one part time position of Financial Clerk-Typist Grade 8 effective July 31, 2018 and establishing 1 Full Time position of Financial Clerk-Typist Grade 8 in the Treasurer's Office effective July 1, 2018, and be it, further

RESOLVED, The Genesee County treasurer is hereby authorized and directed to amend the 2018 budget by Increasing Appropriations A.1325.1 Personnel Services in the amount of \$8,461 and A.1325.8 Benefits in the amount of \$9,754 and Increasing Revenue A.1000.2401 Interest Earnings in the amount of \$18,215

Budget Impact: An increase in revenue and expense in the amount of \$18,215

Legislator Clattenburg seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 242 2018 SALARY SCHEDULE AMENDMENT – JOB DEVELOPMENT – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Employment and Training Director of the Job Development Bureau did request the creation of one (1) part-time Employment & Counselor position, and

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

RESOLVED: That the Genesee County Treasurer be and hereby is authorized and directed to amend the 2018 Genesee County Employees Salary schedule by creating one(1) part-time Employment & Training position CSEA Grade 15S, effective upon approval of the Legislature.

BUDGET IMPACT: Neutral. No impact on County Funds – Grant Funding in the amount of \$10,300 included in the 2018 Budget will be used to offset the costs of this position.

Legislator Deleo seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 243 TITLE VI PLAN – NONDISCRIMINATION – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance, and

WHEREAS, The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not, and

WHEREAS, Genesee County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not, and

WHEREAS, A committee, which was comprised of the Compliance Officer, Human Resources Director, Assistant County Manager, Highway Superintendent, County Attorney, and additional County support staff, did review each component of the Title VI Plan and does recommend the County adopting said plan, and

WHEREAS, Pursuant to the Genesee County Title VI Plan, The Genesee County Human Resources Director will act as the Genesee County Civil Rights Coordinator, and

WHEREAS, The Committee on Ways and Means did review the Title VI Plan and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby adopt the Genesee County Title VI – Nondiscrimination Plan and the Title VI Assurances submitted by the Genesee County Compliance Officer, and Further Be it

RESOLVED, That the Genesee County Human Resources Director will act as the Genesee County Civil Rights Coordinator.

Budget Impact: zero budget impact

Legislator Dibble seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 244 GRANT ACCEPTANCE/2018 BUDGET AMENDMENT – STOP-DWI/SHERIFF – APPROVAL OF

Legislator Maha offered the following resolution

WHEREAS, The New York State STOP DWI Foundation has increased Genesee County’s allotted crackdown funding from \$10,000 to \$15,800 for the 2017/18 grant period, and

WHEREAS, a budget amendment is needed in order to expense the additional funds which will be used by local police agencies to coordinate special crackdown details, and

WHEREAS, The Ways and Means Committee 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	A.3315.4660.0502 (Enforcement Nights - Sheriff)	\$3,029
	A.3315.4660.0503 (Enforcement Nights – City Police)	\$2,150
	A.3315.4660.0504 (Enforcement Nights – LeRoy Police)	\$ 621

to be offset by an increase in revenue account A.3315.4389 (Fed Aid –Other Pub Safety) in the amount of \$5,800 and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 budget by increasing Sheriff’s account A.3110.1020.0150 (Overtime DWI) in the amount of \$3,029 to be offset by an increase in revenue account A.3110.2804 (Shared Services) in the amount of \$3,029.

Budget Impact Statement: No impact on County Budget. Increase in revenue and expense funded by GTSC grant
Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

At 5:55PM Chairman Bausch again asked if anyone had comments on the Genesee Community College Budget and the County Sponsor share. There were no comments and the Public Hearing was closed.

RESOLUTION NO. 245 2018-2019 OPERATION BUDGET-GENESEE COMMUNITY COLLEGE/SPONSOR’S SHARE- ADOPTION OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The President and Trustees of Genesee Community College have presented to the Genesee County Legislature the proposed operating budget of Genesee Community College for the academic year 2018-2019 in the amount of \$40,153,000, and

WHEREAS, The Board of Trustees has approved the amount of \$2,586,374 as the sponsor’s share of the proposed current operating budget for Genesee Community College. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve of the proposed 2018/2019 operating budget of the Genesee Community College in the amount of \$40,153,000 for academic year 2018-2019, and Be it further

RESOLVED, That the Genesee County Legislature does hereby approve of the sponsor's share of the operating budget of the Genesee Community College for the fiscal year September 1, 2018 through August 31, 2019 in the amount of \$2,586,374 and cause the same to be included in the County Tax levy for the year 2018.

Legislator Stein seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

RESOLUTION NO. 246 COUNTY AUDIT –JUNE 27 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Clattenburg did review the following claims:

General Fund	\$	939,751.59
Highway		472,738.19
Self Insurance		376.40
DSS Abstracts		101,953.34
Capital Projects		
Highway-Pratt Rd Bridge Over Tonawanda Creek	\$	28,350.31
Highway-Comprehensive Bridge Culverts		9,511.31
Highway-Large Span Culverts		22,861.36
Highway-Energy Performance Contract		1,205,021.00
Airport-Reconstruct Runway 10-28		69,017.41
Facility Management-Jail Elevator Modernization		15,000.00
Payroll – General		
June 22, 2018	\$	1,554,919.74
Medicaid		
June 19, 2018		177,332.00
June 26, 2018		<u>177,332.00</u>
Total Audit	\$	4,774,164.65

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.

Prior to the vote Legislator Clattenburg stated the energy performance contract was included in this audit.

Legislator Dibble seconded the resolution which was adopted by 288 votes, Torrey (38) absent.

The meeting adjourned at 5:56 PM upon motion of Legislator Stein seconded by Legislator Clattenburg, carried unanimously.