

**FIRST DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, January 9, 2019**

The Genesee Legislature met in Regular Session on Wednesday, January 9, 2019 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Chairman Bausch and Legislator Young assisted with the audit. Prayer was offered by Legislator Hilchey followed by the Pledge to the Flag.

The minutes of the December 12, 2018 Legislature meeting were approved upon motion of Legislator Torrey seconded by Legislator Maha, carried unanimously.

Chairman Bausch reported on his attendance at the Finger Lakes Regional Economic Development Council meeting. County Manager Gsell and Genesee County Economic Development Center Director Steve Hyde were also in attendance. He explained that Vinny Esposito was appointed by the Governor to serve in a regional capacity and there was an announcement made regarding grant funds awarded to Yancy's Fancy. Genesee County remains an active member of this council and takes the work very seriously. Chair Bausch stated the Water Resources Agency met this week and a small work group has been identified and includes Legislator Maha who sits on the Water Resources Agency. Legislator Maha stated he attended the Justice for Children Advocacy Center open house. He explained that Kiwanis Club of Batavia has raised \$200,000 for the Center who has a good partnership with the Church. The JCAC leases the Church owned home which will be renovated to better meet the needs of the program.

County Manager Jay Gsell commented that an arbitration panel decided (2-1) to support New York State regarding monies owed by the Seneca Nation to the State and some local governments. Genesee County had been receiving around \$320,000 per year since we have a casino/racino in the County. The County has not received the payments in 2017 or 2018. The Seneca Nation has the option to appeal the decision however there is no indication if they will.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 1 APPOINTMENT TO THE GLOW WORKFORCE
DEVELOPMENT BOARD MEMBERSHIP**

Legislator Clattenburg offered the following resolutions:

WHEREAS, The Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a Workforce Innovation and Opportunity Area under the Workforce Innovation and Opportunity Act of 2014, and

WHEREAS, The Federal Workforce Innovation and Opportunity Act of 2014 mandates that each local Workforce Innovation and Opportunity Area create a Workforce Development Board to administer and oversee the local Workforce Innovation and Opportunity System, and

WHEREAS, The Chief Elected officials are charged with the responsibility of soliciting and appointing members to this Workforce Development Board. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the following appointments to the GLOW Workforce Development Board:

Tom Thomas who represents Labor Union IEU-CWA Local 81495 for Lapp Insulators has been nominated as a GLOW Workforce Representative for Labor Organizations to serve an ongoing term.

RESOLVED, That the GLOW Workforce Development Board will be in effect until such time that the Workforce Innovation and Opportunity Act of 2014 is repealed.

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

RESOLUTION NO. 2 CONTRACT RENEWAL – DEFERRED COMPENSATION SERVICES- APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The contract for deferred compensation services did expire December 31, 2018 and the contract has renewal provisions, and

WHEREAS, the County Treasurer and the Purchasing Director recommend exercising the final renewal clauses at this time with ICMA-RC and the Committee on Ways & Means concurs, now therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a one year renewal contract with ICMA-RC for 457 Plan Services to expire December 31, 2019.

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

RESOLUTION NO. 3 TREASURER/REAL PROPERTY TAX REFUNDS 2019 - APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The New York State Real Property Tax Law, Section 554 and 556, provides an administrative correction of error process to assist the property owner in obtaining real property tax refunds caused by certain clerical errors, unlawful entries and errors in essential fact, and

WHEREAS, The tax levying body can delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Section 554 and 556, and

WHEREAS, The Committee on Ways and Means does recommend that the Treasurer be delegated to perform said duties. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to carry out the requirements of Section 554 and 556 of the Real Property Tax Law, effective immediately where the Real Property Tax Director's recommended refund is \$2,500 dollars or less, and

RESOLVED, That on the fifteenth day of each month, the Genesee County Treasurer shall submit a report to the Genesee County Legislature of the refunds processed during the preceding month containing the name of each recipient, the location of the property, the reason for the refund and the amount of refund.

Budget Impact: Refund is charged to allowance for uncollectible which has a balance of approximately \$50,000.

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

RESOLUTION NO. 4 2019 INTER-MUNICIPAL AGREEMENT – TREASURER / REAL PROPERTY – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The City of Batavia has requested services from the Real Property Division of the Treasurer's Office including real property tax project management services, and

WHEREAS, In the spirit of inter-municipal collaboration and the goal of equity and fairness for all City of Batavia real property owners, the Director of Real Property does recommend the County enter into this agreement, and the Committee on Ways and

Means does concur. Now, therefore, Be it

WHEREAS, no banks have expressed an interest in acquiring the loan portfolio and the sale of the loan portfolio to a local not-for-profit corporation which will be sensitive to the unique circumstances of many of the borrowers is desirable and is consistent with the intent of the loan program to provide support to small businesses with Genesee County. Now, therefore, Be it **RESOLVED**, that pursuant to the SEVENTH paragraphs in both Sub-recipient Agreements, upon forwarding a certified copy to, and upon agreement of the Chamber, both Sub-recipient Agreements are hereby terminated, and the County does hereby waive the 90 day prior written notice provisions therein, and Be it further

RESOLVED, that as required in the said SEVENTH paragraphs of both Sub-recipient Agreements, at a time after termination as agreed upon by the parties, the Chamber will turn over all funds in its possession, including the proceeds of the sale of its outstanding loans to the GGLDC, or otherwise, and thereafter provide to the County a final financial statement with copies of any and all records that may be requested by the County, and Be it further

RESOLVED, that the funds received from the Chamber shall be used for an eligible project or activity to be determined by the County after receipt of the funds, and Be it further

RESOLVED, that the Chair of the Legislature is hereby authorized and directed to execute all documents as shall be necessary or appropriate to effectuate the purposes set forth in this resolution.

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

**RESOLUTION NO. 6 LEASE RENEWAL-GENESEE COMMUNITY
 COLLEGE/VET TECH PROGRAM – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, In 2011 Genesee County did enter into an agreement with Genesee Community College for lease of space at County Building No. Two for the Veterinary Technology Program through Genesee Community College, and

WHEREAS, Genesee Community College has expressed their desire to renew the lease for an additional year to include only the storage area, and

WHEREAS, The Genesee County Manager and County Attorney have reviewed the said agreement and do recommend the one year lease renewal agreement and the Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between Genesee Community College and the County of Genesee for the lease of space in County Building No. Two effective August 1, 2018 through July 31, 2019; at a cost of \$2,183.60

Budget Impact: Rent for 212 sq. ft. at \$10.30/sq. ft. = \$2,183.60.

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

**RESOLUTION NO. 7 GENESEE COUNTY ETHICS AND DISCLOSURE
 LAW-DESIGNATION OF POLICY MAKING
 POSITIONS AND BOARDS-APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Local Law No. One Year 1992 did create the Genesee County Ethics and Disclosure Law which requires the Legislature to determine annually additional County Officers and Employees holding policy-making positions, and

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

RESOLVED, that the Genesee County Legislature does hereby designate the following boards and additional positions as policy-making, thereby obligated to complete and file an annual statement of financial disclosure on or before May 31 of each year.

GCC Board of Trustees

GCEDC Board

GGLDC Board

Genesee County Funding Corporation Board

GCEDC President/CEO, Sr. VP of Operations, VP Business Dev., CFO, Dir. Of Marketing

Genesee County Board of Health

Genesee County Community Services Board

Genesee County Planning Board

Genesee County Soil & Water Directors

Genesee County Ethics Board

Genesee County Water Resources Agency Board

County Assistant Attorneys

Assistant District Attorneys

Assistant County Manager

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

**RESOLUTION NO. 8 OFFICIAL NEWSPAPER FOR THE COUNTY OF
GENESEE – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Republican Committee and the Genesee County Democratic Committee did recommend the Daily News, 2 Apollo Drive, Batavia, New York as the Official Newspaper for the Year 2019, pursuant to Chapter 214 of the County Law. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby designate the Daily News as the Official Newspaper for the Year 2019.

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

RESOLUTION NO. 9 COUNTY AUDIT –JANUARY 9 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Bausch, did review the following claims:

2018 General Fund	\$	1,108,582.03
2019 General Fund		664,358.93
2018 Self Insurance		12,996.24
2019 Self Insurance		50,036.75
2018 Highway		123,702.05
2019 Highway		91.82
2018 Water Fund		72,347.16
DSS Abstracts		214,966.58
Capital Projects		
Airport-Reconstruct Taxiway “C”	\$	379.58
Airport-Construct 8-Bay T-Hangar		66,856.25
Highway-Large Span Culverts		2,927.96
Highway-Highway-Searls Rd Bridge over Spring Creek		15,754.90
County Managers-2017 Security Enhancements		18,039.53
Facilities Management-Energy Performance Contract		300,700.00

Sheriff's- 800 Mghtz Radio System Upgrade	8,900.00
Jail- Jail Elevator Modernization	35,743.00
Payroll – General	
December 21, 2018	\$ 1,558,740.25
January 4, 2019	1,103,215.96
Medicaid	
December 18, 2018	177,332.00
December 24, 2018	177,332.00
December 31, 2018	177,332.00
January 8, 2019	<u>177,332.00</u>
Total Audit	\$ 6,067,666.99

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 Young seconded the resolution which was adopted by 326 votes.

The meeting adjourned at 5:42 pm upon motion of Legislator Stein seconded by Legislator Deleo, carried unanimously.