

**SEVENTEETH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, October 10, 2018**

The Genesee County Legislature met in Regular Session on Wednesday, October 10, 2018 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Deleo assisted with the audit. Prayer was offered by Legislator Stein followed by the Pledge to the Flag.

Minutes of the September 26, 2018 meeting were approved upon motion of Legislator Stein seconded by Legislator Hilchey, carried unanimously.

Legislator Stein reported on her attendance at the Inter County Association meeting at the NYSAC Conference on September 26, 2018 where there was an introduction to pollinator protection that includes an environment suitable for bees, hummingbirds and monarch butterflies. NYSAC Director Steve Aquario is writing a Best Practices resolution regarding pollinators that can be shared with planning boards and Inter County Association. NY Green is hosting a technical workshop on economic growth and protecting natural resources on October 29 at 7:00 pm at the Masonic Building in LeRoy. The training provides two continuing education credits. Ag & Farmland protection board meets next week and have the Alabama Round about topic on their agenda.

Chairman Bausch stated that he and several other legislators attended the Mental Health Association Legislative Breakfast where they heard an interesting presentation on the history of mental health services. He also commented that he and Legislator Hilchey met with Alabama Town Board members on October 8th to discuss the proposed sales tax agreement. Also discussed was the round-about planned for Route 77 and Ledge Road. The Town has asked NYS DOT to plan a presentation for residents.

The Clerk reported there is one Out-of-State Travel request for Highway Superintendent Tim Hens to attend the NACE Executive Committee and fall board meeting in San Antonio, TX October 13-18, 2018 the county cost is \$44.00. Motion to approve the out-of-state travel request made by Legislator Stein seconded by Legislator Clattenburg carried unanimously.

County Manager Jay Gsell reported that discussion at the Criminal Justice Advisory Council meeting revolved around the new jail and Raise the Age. Genesee County has not had a case yet but Erie and Monroe each have one case. IN Genesee County departments continue to plan for implementation including having County Judge Zambito trained. Mr. Gsell reported that to his knowledge no county plans have been approved by the State.

The Clerk proceeded with the Resolutions:

**RESOLUTION NO. 342 2018 BUDGET AMENDMENT – OFFICE FOR THE
AGING – APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request a budget amendment to the 2018 OFA County Budget due to funding increases in State and Federal grant funds for a net total of \$7,959 in increased funds needed to support the growing need for nutrition and aging services and programs for older adults; and

WHEREAS, State grant funds available have been increased due to an increase in State Community Services for the Elderly (CSE) resulting in an increase of +\$800 in State Aid in the adopted 2018 County Budget; and

WHEREAS, Federal grant funds available have been increased due to base allocation reductions for the following federal grant funds: BIP (Balancing Incentive Program); Federal Older

Americans Act grant: Title III B Support Services, Title III-C2 Home Delivered Meals (\$+1,000) and Title III E Caregiver Support (+\$6,159) and 2017 carryover Federal Aid funds for an increase of \$7,159 in the adopted 2018 County Budget; and

WHEREAS, the Committees on Human Services and Ways and Means did review this request and do recommend approval of this budget amendment. Now, Therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2018 Budget by adjusting Office for the Aging Appropriations and Revenues by the following amounts:

	Revenues:		
A.	1000.6772.3772	State Aid	\$ 800.00
A.	1000.6772.4772	Federal Aid	\$7,159.00
		TOTAL	\$7,959.00
	Appropriations:		
A.	6772.4140.0000	Postage	\$ 500.00
A.	6772.4660-0070	Interpreter	\$ 300.00
A.	6772.4660.0309	Cont Svc-Respite	\$6,159.00
A.	6772.4800.001	Prog Exp-Food	\$1,000.00
		TOTAL	\$7,959.00

Budget Impact: Neutral. Revenue increases for 2018 include State: +\$800 and Federal: +\$7,159 for a total 2018 Revenue increase of +\$7,959. 2018 County Budget Appropriation is adjusted in a like amount.

Legislator Young seconded the resolution which passed by 326 votes.

RESOLUTION NO. 343 AFFILIATION AGREEMENT – HEALTH DEPARTMENT/ NAZARETH COLLEGE OF ROCHESTER- APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Public Health Director did present an affiliation agreement with Nazareth College of Rochester, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into an affiliation agreement with Nazareth College of Rochester, having its principal place of business located at 4245 East Avenue, Rochester, NY 14618, effective November 1, 2018 – October 31, 2023.

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

Legislator Maha seconded the resolution which passed by 326 votes.

RESOLUTION NO. 344 SEPTIC REPLACEMENT FUND/BUDGET AMENDMENT – HEALTH DEPARTMENT – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The New York State Department of Health awarded the Genesee County Public Health Department \$150,000 to use to reimburse home owners who replaced septic systems near certain approved bodies of water in Genesee County, And

WHEREAS, The Committees on Human Services And Ways and Means did review this Budget Amendment 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 Health Department Budget to reflect the increase of \$150,000 in Appropriations A4010 4800.0000 and to be offset by an increase in A 4010 3401 State Aid, Public Health of \$150,000.

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

Legislator Stein seconded the resolution which passed by 326 votes.

RESOLUTION NO. 345 SET PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. FIVE YEAR 2018 – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. five, Year 2018 entitled “**A LOCAL LAW AMENDING LOCAL LAW NO. ONE YEAR 2012 IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A FIXED TERM/CORONERS**, and

WHEREAS, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No. Five, Year 2018, by the Genesee County Legislature on the 24th day of October, 2018 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Dibble seconded the resolution which passed by 326 votes.

RESOLUTION NO. 346 GRANT ACCEPTANCE - HEALTH DEPARTMENT/ RADON PROGRAM - APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County’s Radon Program contract has been awarded in the amount of \$3,356, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support local Radon activities, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Radon Program contract for the period July 1, 2018 through June 30, 2019 in the amount of \$3,356, and to execute any and all other documentation related to this funding and,

Budget Impact: \$3,356 is included in the 2018 Dept. 4010 – Health Department Budget.

Legislator Torrey seconded the resolution which passed by 326 votes.

RESOLUTION NO. 347 GRANT ACCEPTANCE– HEALTH DEPARTMENT/LEAD POISONING PREVENTION PROGRAM – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that the Genesee County’s Lead Poisoning Prevention Program contract has been approved in the amount of \$39,383, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support local Lead Poisoning Prevention Activities, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with the New York State Department of Health for the acceptance of the Lead Poisoning Prevention Program contract for the period October 1, 2018 through September 30, 2019 in the amount of \$39,383, and to execute any and all other documentation related to this funding

Budget Impact: \$39,383 is included in the 2018 & 2019 Dept. 4010 – Health Department Budget. \$0 cost to the County as revenue and expense will offset

Legislator Clattenburg seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 348 CONTRACT RENEWAL – HEALTH DEPARTMENT/
EARLY INTERVENTION ADMINISTRATION PROGRAM
– APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County’s Early Intervention Administration contract has been awarded in the amount of \$25,681, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the administration of the Early Intervention Program, and

WHEREAS, The Committee on Human 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 is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Early Intervention Administration contract for the period October 1, 2018 through September 30, 2019 in the amount of \$25,681, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue and expenses are appropriated in the 2018 & 2019 Dept. 4059 – Early Intervention Budgets

Legislator Stein seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 349 2018 BUDGET ITEM TRANSFER – JOB DEVELOPMENT
BUREAU – APPROVAL OF**

Legislator Clattenburg offered the following resolutions:

WHEREAS, The Employment and Training Director of the Job Development Bureau has requested transfers be made within his accounts to allow for proper funding to cover Medical Buy Back and Dental Buy Back expenses through December 31, 2018 And

WHEREAS, The Committee on Ways and Means and the County Manager have reviewed 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 make the following budget item transfer:

\$ 1950	from:	CD6290 8030.0001	Medical Buy Back
\$ 78		CD6290 8040.0001	Dental Buy Back
\$ 1950	to:	CD6293 8030.0001	Medical Buy Back
\$ 78		CD6293 8040.0001	Dental Buy Back

Legislator Deleo seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 350 BUDGET TRANSFER – SHERIFF / JAIL- FEMALE &
MALE INMATE HOUSING - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Jail is in need of funds to cover projected deficits in both the male and female housing accounts due to a higher than anticipated inmate population and Commission of Correction requirements, and

WHEREAS, There are funds available in the Jail's Personal Services account to cover the deficits due to open positions and employee retirements, and

WHEREAS, The Sheriff has requested a budget transfer to transfer funds to cover this expense, and

WHEREAS, the Committee on Ways & 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 make the following 2018 budget transfer:

\$110,000 from Jail Account A3150.1010 (Personal Services)

\$40,000 to Jail Account A3150.4660.0005 (Female Housing – Contract)

\$70,000 to Jail Account A3150.4660.0019 (Male Housing – Contract)

Budget Impact: None.

Legislator Clattenburg seconded the resolution which passed by 326 votes.

RESOLUTION NO. 351 SUB-CONTRACTOR AGREEMENT-NYS HAZARD ABATEMENT BOARD GRANT-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The County has been approved to receive grant funding from the New York State Occupational Safety and Health Hazard Abatement Board for training and educational programs, and

WHEREAS, The County's Safety Consultant, Occupational Safety and Environmental Assoc., Inc. (OSEA) has assisted in the grant application and as a result of the grant award will be providing the additional safety training and education, and

WHEREAS, A Sub-Contractor agreement is needed with OSEA to utilize the grant funds, and

WHEREAS, The Committee on Ways and Means did review the sub-contractor agreement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute the sub-contractor agreement with Occupational Safety and Environmental Assoc., Inc. (OSEA), 3730A California Road, Orchard Park, New York 14127, to provide the additional safety and educational training programs at a cost not to exceed \$14,550. The grant period runs from August 1, 2018 through July 31, 2019.

Legislator Maha seconded the resolution which passed by 326 votes.

RESOLUTION NO. 352 2018 SALARY SCHEDULE AMENDMENT – HEALTH DEPARTMENT – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Public Health Director did request an amendment to the 2018 Employee Salary Schedule

to better utilize the personnel in the Health Department, and

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

WHEREAS, The Committee on Ways and Means did review the request and does recommend approval at this time, now therefore, be it

RESOLVED, That the Genesee County Treasurer and Personnel Officer are hereby authorized and directed to amend the 2018 Genesee County Employees Salary Schedule by creating one temporary part-time position of Community Health Nurse, CSEA Grade 18N effective 10/22/18 thru 4/22/19.

Budget Impact: The creation of one temporary part-time position of Community Health Nurse will result in a \$0 increase to the salary and fringe expense lines, in the 2018 Health Department Budget.

Legislator Deleo seconded the resolution which passed by 326 votes.

RESOLUTION NO. 353 JOB DEVELOPMENT DIRECTOR–APPOINTMENT OF

Legislator Clattenburg offered the following resolution:

WHEREAS, A vacancy does currently exist for the position of Employment and Training Director II and the Committee on Ways and Means does recommend that an appointment be made at this time. Now, therefore, Be it

RESOLVED, That Teresa Lynn VanSon is hereby appointed as Employment and Training Director II of Genesee County Job Development Bureau, Grade 116 of the Genesee County Management Salary Schedule at a salary of \$66,000, effective October 15, 2018.

Legislator Torrey seconded the resolution which passed by 326 votes.

RESOLUTION NO. 354 COUNTY AUDIT –OCTOBER 10 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Deleo, did review the following claims:

General Fund	\$	433,777.04
Highway		49,399.05
Capital Projects		
Highway-Large Span Culverts	\$	14,632.30
Highway-Highway 2018 Overlay		3,982.41
County Park-DeWitt Improvements, Phase IV		82.68
County Managers-2017 Security Enhancements		1,526.82
EMS-EMS Training Grounds		6,392.71
Payroll – General		
September 28, 2018	\$	1,554,348.33
Medicaid		
October 2, 2018		177,332.00
October 9, 2018		<u>177,332.00</u>
Total Audit	\$	2,418,805.34

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 passed by 326 votes.

Chairman Bausch acknowledged Legislator Clattenburg who stated that the New York State Department of Labor in coordination with the Division of Human Rights released final versions of the State's model sexual harassment documents for employers last week. She further stated employers need to adopt a final policy that meets State Standards by October 9, 2018. The Human Resources director presented an updated policy that meets those standards therefore she made a motion to suspend the rules and add a resolution to amend the sexual harassment policy seconded by Legislator Hilchey, carried unanimously.

**RESOLUTION NO. 355 HUMAN RESOURCES – GENESEE COUNTY SEXUAL
HARASSMENT POLICY – POLICY AMENDMENT**

Legislator Clattenburg offered the following resolution:

WHEREAS, the NYS Department of Labor released its final mandated amendment for a compliant sexual harassment policy, a complaint form and training required by NYS Labor Law 201-g, for all employers in New York State, to be implemented by October 9, 2018, and

WHEREAS, new mandated amendments require all employers to ensure their anti-sexual harassment policy contains state-mandated language, a standardized complaint form, and annual prevention training, and

WHEREAS, the Human Resources Director did present an amendment to the Genesee County Sexual Harassment policy to reflect the state-mandated language outlined in the New York State Sexual Harassment Model Policy. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the amendment to the Genesee County Sexual Harassment policy for the inclusion of NYS Labor Law 201-g mandated requirements, effective October 9, 2018.

Budget Impact: No budget impact.

Legislator Maha seconded the resolution which passed by 326 votes.

The meeting adjourned at 5:48 pm upon motion of Legislator Clattenburg seconded by Legislator Deleo, carried unanimously.