

EIGHTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday April 24, 2013
Batavia, New York

The Genesee County Legislature met in Regular Session on Wednesday, April 24, 2013 at 7PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Stein, followed by the Pledge to the Flag.

Legislator Leadley reminded everyone of the upcoming Family Game Night held at the Office for the Aging. It is \$5 for a family and this includes pizza, drink and a free game to take home.

Legislator DeJaneiro reported that the latest GAM meeting was held at the Indian Falls Cabin Resturant and the speaker was Richard Perrin from the Genesee Transportation Council. His message was that we can expect to get some relief for our bridges and roads. At the meeting Highway Superintendent Tim Hens indicated that our problems with bridge repair continue and the magnitude for that is growing and that the county is doing the best they accomadate those needs.

Legislator Cianfrini reported that he attended the CJAC Breakfast meeting and that the guest speaker was a Special Agent from the FBI. The topic of discussion was Human Trafficking and that the focus was on labor trafficking. Mr. Cianfrini stated it was a very informative breakfast.

Legislator Stein reported that the American Legion post in the Town of LeRoy recently held a World War II Veteran Remembrance Service. This post has over 50 members that were part of World War II. The Post invited them all with family members and had a two hour program and social hour. Mrs. Stein commented how incredible it was to see the men that came out and the stories they were able to share. She was very honored to be there and is very proud of the community for hosting this event.

Chair Hancock shared the announcement for Mayday for Mandate Relief. In 2012 nearly 50 counties passed resolutions to focus attention on state mandated programs that continue to consume local property taxes and curtail critical local services that contribute to New York's high quality of life. Counties will declare Mayday again this year. If we and other counties continue to promote this Mayday for Mandate Relief we will continue to draw attention to the great need of relief and increase public support. There will be a resolution coming forward in May for this.

Chair Hancock shared the Career Center report. There were 520 job openings listed up 15% compared to 457 the previous week. The unemployment rate did decrease and the unemployment rate in Genesee County did decrease down to 8%. This is the lowest March rate since 2008. We have the lowest rate in the GLOW region.

An out of state travel request for Anne Bezon of Genesee Justice to travel to Philadelphia, PA for the NRCAC Mentorship Program was approved by Legislator DeJaneiro seconded by Legislator Clattenburg.

Legislator Bausch commented that he is pleased to see our two Albany Representatives leading the charge on the SAFE Act. Senator Ranzenhofer held a press conference on the Old Courthouse steps which was well covered which gave Genesee County a little publicity. He also thanked Legislator Stein for bringing to our attention the New York State Department of Transportation Highway Permit Proposal. There have been many people voicing their opinion on this, and that it does impact so many people.

He appreciates everyone signing the letter of opposition to this and he feels that you cannot get this out there fast enough or broad enough because the implications of this are bringing the level of American society down.

Chair Hancock did send a letter to Dr. Sunser President of GCC thanking him for the joint dinner with the Legislature on March 17th. It was an educational and delightful evening.

County Manager Gsell reported that the Robertson Johnson two year grant that the County received for the two county collaboration of the two county health departments kicked off. There was a meeting with the two counties as well as with the Coordinator Ken Oakley of Lake Plains Community Care Network who is the grant award and overseer of the \$124,000 that will be spent as part of a 16 entities around the country that will be participating in various ways and if collaboration and cooperation and joint services is something that can be replicated around the country. Health Director Pettit and David Whitcroft are the spearhead for this. More reports will be forthcoming as the plan of action is laid out.

The Clerk proceeded with the reading of the resolutions as follows:

**RESOLUTION NO. 149 AWARD OF CONSULTING SERVICES
INFORMATION TECHNOLOGY - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee County Information Technology Director is recommending Genesee County enter into a contract for General Consulting Services with Systems Management Planning (SMP) to provide up to 100 hours of staff augmentation support, and

WHEREAS, The Ways and Means Committee did review this request and recommend the approval of the General Consulting Services contract. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the General Consulting Systems contract with Systems Management Planning 75 Goodway Drive Rochester New York 14623 with an amount not to exceed \$20,000.

BUDGET IMPACT: The contract cost of \$20,000 is within the 2013 Adopted Budget in line item A.1989.4600.0000 Contracted Services.

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

**RESOLUTION NO. 150 REVISED PURCHASING POLICY AND
PROCEDURES FOR GENESEE COUNTY -
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 50, adopted February 14, 1996, did provide for the Annual presentation and review of Genesee County Purchasing Policy and Procedure, and

WHEREAS, The Genesee County Purchasing Director did present revisions to said Policy and Procedure, setting forth updated guidelines for the purchasing functions of the County of Genesee for the year 2013, and

WHEREAS, The Committee on Ways and Means did review the Purchasing Policy and Procedure for 2013 and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the terms and contents of the revisions to the Genesee County Purchasing Policy and Procedures for the Year 2013, effective immediately.

Budget Impact: None

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

**RESOLUTION NO. 151 CONTRACT RENEWAL – COST-PER-COPY
PROGRAM APPROVAL OF**

Legislator Bausch offered the following resolution.

WHEREAS, The Director of Purchasing did present a contract renewal with Eagle Systems, Inc. for the provision of copy equipment under the Cost-Per-Copy program for the second of three one-year renewal periods, and

WHEREAS, The Committee on Ways and Means did review the contract 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 enter into a contract with Eagle Systems Inc. of Buffalo, NY for the provision of copy equipment under the Cost-Per-Copy program for the second one-year period of May 1, 2013 through April 30, 2014 at the cost of \$.014 for black and white copies and \$0.06 for color copies.

Budget Impact: Funds are allocated in departmental budgets for 2013.

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

**RESOLUTION NO. 152 CONTRACT EXTENSION - SHERIFF'S OFFICE/
LIVINGSTON COUNTY PRISONER HOUSING
- APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County entered into a contract with the County of Livingston, pursuant to Resolution 42, dated January 25, 2012, for the housing of Genesee County Jail inmates at the Livingston County Jail, and

WHEREAS, The current contract expired on December 31, 2012, and

WHEREAS, The County of Livingston did propose a contract extension for the period of one year (January 1, 2013, through December 31, 2013), and is based on the same terms and conditions from 2012. Genesee County will continue to pay \$85.00 per day for each prisoner, and

WHEREAS, The Sheriff does recommend extending this contract for the one-year, 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 authorized and directed to execute the contract extension between the County of Genesee and the County of Livingston for the provision of Jail space in the Livingston County Jail at a rate of \$85.00 per day for each prisoner for the period of January 1, 2013, through December 31, 2013.

Budget Impact: Funds have been appropriated to the 2013 budget.

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

**RESOLUTION NO. 153 EQUIPMENT PURCHASE-SHERIFF'S OFFICE/K9
RESPONSE LAW ENFORCEMENT VEHICLE-
APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Sheriff's Office has grant funding available for the purchase of a new K9 Response law enforcement vehicle, and

WHEREAS, The award of bid for 2013 law enforcement vehicles was made to Delacy Ford, 3061 Transit Road, Elma, NY 14059, at a base price per vehicle of \$25,956, and

Delacy Ford has agreed to extend this pricing to the K9 vehicle as well, and
WHEREAS, The Sheriff is requesting to purchase a new K9 Response law enforcement vehicle from Delacy Ford at a purchase price of \$25,956, and

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

RESOLVED, That the Sheriff is authorized to purchase a 2013 K9 Response law enforcement vehicle from Delacy Ford, at the purchase price of \$25,956.

Budget Impact: There is \$30,487 available in the Sheriff's 2013 budget from State Homeland Security grant funding for the purchase of a K9 Response vehicle, with the purchase price of the vehicle being \$25,956.

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

**RESOLUTION NO. 154 SALARY SCHEDULE AMENDMENT
SHERIFF/CREATION OF SEASONAL DEPUTY
SHERIFF POSITIONS –APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Sheriff's Office will be providing additional law enforcement services to Darien Lake and its Performing Arts Center for the 2013 operating season and beyond, and

WHEREAS, The Genesee County Sheriff is requesting the creation of fifteen (15) seasonal Deputy Sheriff positions for the period beginning May 15 through September 30 of each year, and

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

RESOLVED, That the Genesee County Legislature is authorized and directed to amend the 2013 Employee Salary Schedule by creating fifteen (15) seasonal Deputy Sheriff positions in DSA Grade 12.

Budget Impact: Costs associated with seasonal Deputy Sheriffs will be offset by revenue.

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

**RESOLUTION NO. 155 LEASE AGREEMENT-GENESEE JUSTICE-USTICE
FOR CHILDREN ADVOCACY
CENTER / FIRST PRESBYTERIAN CHURCH -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County does contract space to administer the Justice for Children Program/Advocacy Center through the New York State Office of Victim Services and New York State Office of Children and Family Services, and

WHEREAS, The current lease at 108 Bank Street will expire on June 30, 2013, and

WHEREAS, The First Presbyterian Church, 300 East Main Street, Batavia, New York, has offered the use of a house they own just east of the Church located at 304 East Main Street, Batavia, as an interim home for the Child Advocacy Center until enough funds have been raised for a new home, and

WHEREAS, The Sheriff and the Genesee County Attorney and the First Presbyterian Church Board have reviewed and approved a lease agreement, and

WHEREAS, The Sheriff of Genesee County did request to enter into an initial three-year lease agreement and the Committee on Public Service does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature Chair and the Genesee County

Sheriff are hereby authorized and directed to enter into a lease agreement with the First Presbyterian Church for the property located at 304 East Main Street, Batavia, for the period beginning July 1, 2013 through June 30, 2016, at a cost of \$1.00 per month.

Budget Impact: There is no fiscal impact on the 2013 County budget as the lease and utilities are paid through grants from the New York State Office of Children and Family Services, the New York State Office of Victims Services and the Justice for Children GLOW Foundation.

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

Prior to roll call on the above resolution Legislator Clattenburg commended the Presbyterian for their generosity and allowing the County to have this building for \$1.00 per month.

RESOLUTION NO. 156 DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT - P25 800 MHZ/VHF HIGH BAND PAGING PROJECT

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County established a Capital Project to upgrade its 800 MHz analog trunked radio system to a P25 compliant 800 MHz digital trunked radio system pursuant to Resolution No 93, dated February 28, 2013, and

WHEREAS, Genesee County, in conducting the project review, has prepared and evaluated a Short Environmental Assessment Form (EAF) in accordance with the New York State Environmental Quality Review Act of 1975, and in accordance with adopted review procedures and the criteria set forth in Part 617. Now, therefore, Be it

RESOLVED, That upon consideration and review of the Environmental Assessment Form, the Genesee County Legislature, hereby finds and declares that the P25 800 MHz/VHF High Band Paging Project will not have a significant impact on the environment as defined by Article 8 of the Environmental Conservation Law and its underlying regulations, and Be it further

RESOLVED, That the Genesee County Legislature directs that a Negative Declaration - Notice of Determination of Non-Significance be filed pursuant to Article 8 of the Environmental Conservation Law and its underlying regulations.

Budget Impact: None

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

Prior to roll call on the above resolution Legislator Stein wanted to thank the Planning Department for doing such an incredible job a getting this matter done so quickly.

RESOLUTION NO. 157 CONTRACT AWARD/BUDGET AMENDMENT – SHERIFF/ HARRIS CORPORATION 800 MHZ RADIO SYSTEM UPGRADE – APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, Genesee County established a Capital Project to upgrade its 800 MHz analog trunked radio system to a P25 compliant 800 MHz digital trunked radio system pursuant to Resolution No 93, dated February 28, 2013, in the amount of \$6,635,095 and

WHEREAS, Genesee County issued a Request for Proposal for this upgrade and received two responses for a P25 800 MHz/VHF High Band Paging System: Motorola Solutions, Inc. of Montvale, NJ and Harris Corporation RF Communications Division of Rochester, NY, and

WHEREAS, Harris Corporation did provide the lower cost in ownership over five years, and

WHEREAS, After careful review by a Review Committee consisting of the Genesee County Manager, Sheriff, Undersheriff, Emergency Management Coordinator, Deputy Coordinator, Highway Superintendent, Director of Information Technology, Director of Emergency Communications, Communications Coordinator, County Attorney, Deputy County Attorney, Treasurer, City of Batavia Chief of Police, Village of Le Roy Police Sergeant, Fire Mutual Aid Advisory Board Chairman, the committee unanimously recommends the County enter into an agreement with Harris Corporation. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Harris Corporation RF Communications Division located at 1680 University Avenue, Rochester, NY 14610, for a P25 800 MHz / VHF High Band Paging System at a cost not to exceed \$8,768,163, and Be it further

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to increase the 800 MHz Radio System Upgrade Capital Project by \$4,200,000 to accommodate for upgrades to Genesee County's Public Safety Answering Point and Back-Up Center for Next Generation 9-1-1 along with other associated costs totaling no more than \$10,835,095 and Be it further

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing H.1997.5710 Bond Proceeds and Increasing Appropriation H.1997.2080 in a like amount.

Budget Impact: Increase in Project and Long Term Debt of \$4,200,000.

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

Prior to roll call on the above resolution Legislator Cianfrini commended the County Attorney's Office for their work. This is a very costly project but is a big plus for all public services. Legislator Stein added that this amount of money is not minimal but that this upgrade is imperative for the quality of life for every section of the county.

RESOLUTION NO. 158 A RESOLUTION AUTHORIZING UPGRADES TO THE MHZ RADIO SYSTEM IN AND FOR THE COUNTY OF GENESEE, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$10,835,095, AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,200,000 BONDS OF SAID COUNTY TO PAY PART OF THE COST THEREOF.

Legislator Bausch offered the following resolution:

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Genesee, New York, as follows:

Section 1. Upgrades to the MHZ radio system are hereby authorized in and for the County of Genesee, New York.

Section 2. The plan for the financing of the aforesaid purpose consists of the following:

- (a) By the issuance of not exceeding \$4,200,000 bonds of said County, hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law, and
- (b) By the application and expenditure of \$4,200,000 available funds.

Section 3. is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Genesee, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in *The Batavia Daily News*, the official newspaper of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Legislator Ferrando seconded the resolution which was adopted by 420 votes under the

two-thirds majority weighted voting plan of the Genesee County Legislature.

RESOLUTION NO. 159 FREQUENCY RECONFIGURATION AGREEMENT-SHERIFF/ NEXTEL OF NEW YORK, INC. - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Federal Communications Commission issued a Report and Order for the reconfiguration of the 800 MHz frequency band on August 6, 2004, a Supplemental to the Order on December 22, 2004, and a Second Report and Order WT Docket 02-55, dated May 9, 2008, requiring Genesee County to reconfigure its 800 MHz Radio System to meet new FCC requirements, and

WHEREAS, The FCC requires Nextel of New York, Inc. of Reston, VA, to reimburse reasonable and appropriate costs associated with reconfiguration, and

WHEREAS, Genesee County, after negotiations with Nextel, desires to enter into a Frequency Reconfiguration Agreement (FRA) with Nextel of New York with the understanding that Genesee County will simultaneously upgrade its existing 800 MHz Radio System in accordance with the 800 MHz Transition Authority (TA) guidelines issued October 7, 2008, and

WHEREAS After careful review by the Genesee County Manager, County Attorney, Deputy County Attorney, Sheriff, Treasurer, and Director of Emergency Communications, it is recommended the County approve the Frequency Reconfiguration Agreement with Nextel of New York, Inc. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Nextel of New York, Inc., 12502 Sunrise Valley Drive, 2nd Floor, OPS II Bldg, Reston, VA, 20191 and a purchase commitment reconfiguration implementation phase deployment agreement (RIPA) with Motorola Solutions, Inc. of 1812 Avenue R, Plano TX 75074 to provide hardware and equipment as provided for in the Nextel FRA for a revenue not to exceed \$1,438,076.57 as reimbursement for reconfigurations expenses and this contract is subject to approval of the County Attorney.

Budget Impact: Revenue in the amount of \$1,438,076.57 to be used as an appropriation for the 800 MHz Radio System Upgrade Capital Project and associated fees.

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

Prior to roll call on the above resolution County Attorney Zambito suggested that an amendment to the resolved of the above resolution be made to clarify an issue that came up. This agreement with Nextel provides in part that they will provide the county with a certain number and type of radios that will be delivered by the Motorola Corporation and paid for by Sprint Nextel. The details of all this have been determined, the issue is that even though this is Nextel's obligation to provide these radios, they require us to enter into a separate contract with Motorola to purchase. It was suggested to amend the resolved. A motion to amend was made by Legislator Bausch and seconded by Legislator Stein. The amendment passed 9-0.

RESOLUTION NO. 160 AGRICULTURAL DISTRICT NO. 11 - TOWN OF STAFFORD – EIGHT YEAR REVIEW AND TERMINATION – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The creation of Agricultural District No. 11 was approved by the Genesee County Legislature by Resolution No. 320 adopted December 14, 1988 and certified by

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with Coyne Textile Services, 111 James E. Casey Drive, Buffalo, New York 14206 for the work clothing as per bid specifications, effective June 1, 2013 through May 31, 2014 with two more one year renewals as per bid prices.

Budget Impact: Work clothing budgeted in County Road and Road Machinery Funds
 Legislator Bausch seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 162 SURPLUS EQUIPMENT-HIGHWAY- ROAD MACHINERY -APPROVAL OF

Legislator Ferrando 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 through auction.

Road Machinery

2006	2001 Chevrolet Silverado 4x4 Pickup	S/N 2253
5040	1995 Chevrolet 1 Ton Utility Truck	S/N 2279
5042	1991 Chevrolet Stakebody	S/N 3810

Budget Impact: Revenue for Road Machinery Fund

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

RESOLUTION NO. 163 ESTABLISH/CLOSE CAPITAL PROJECTS-HIGHWAY- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Superintendent of Highways has established capital projects for the repairs of highways and bridges, and

WHEREAS, The highway and bridge projects were completed and the Superintendent of Highways recommends closing and establishing capital projects as listed below, and

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

RESOLVED, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to close/establish the following capital projects:

<u>Close Capital Projects</u>	<u>Balance</u>	<u>Existing Source</u>	<u>Action to be Taken</u>
2012 Hwy Chipseal	0	CHIPS	Close
2012 Hwy Surface Treatment	0	CHIPS	Close
2012 Hwy Overlay	0	CHIPS	Close
2012 Bridge Construction	0	CHIPS	Close
Bridge Construction	0	CHIPS	Close
<u>Establish Capital Projects</u>		<u>CHIPS</u>	<u>Source</u>
2013 Highway Chipseal		\$400,000	CHIPS
2013 Highway Surface Treatment		\$835,921	CHIPS
2013 Highway Overlay		\$221,000	CHIPS
2013 Bridge Construction		\$218,000	CHIP

by Increasing CHIPS Revenue D.9950.3501 in the amount of \$1,674,921, Increasing Transfers to Capital D.9950.9900.0000 in the amount of \$1,674.921, and Be It Further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to Increase Revenue H.5197.5031 Interfund Transfers in the amount of \$1,674,921 and Increase Appropriation on H5197.2080.0000 in a like amount.

Budget Impact: Capital Projects listed \$1,674,921.00 in CHIPS

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

RESOLUTION NO. 164 AIRPORT AIP CAPITAL PROJECTS – AMEND/CLOSE-APPROVAL OF

Legislator Cianfrini offered the following resolution:

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

WHEREAS, The Committees on Public Service and Ways and Means have reviewed these requests 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 adjustments to funding sources for the following capital projects:

Project	Federal Share	State Share	Local Share
AIP 23-09 , T-Hangar Access, TW Apron Phase II Design, Aircraft Apron	(\$4,400.00)	(\$50.00)	(\$50.00)
AIP 24-10 , T-Hangar Taxiway Apron, Development Phase II	(\$59.30)	(\$1.54)	(\$.89)
AIP 18-05 & AIP 25-10 , Design of the Runway 28 End & Taxiway C&D Rehabilitation Project Phase III and Airport/Runway Protection Zone Land Acquisition Phase IV	\$94,999.51	\$2,499.75	(\$97,499.26)

And be it Further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the following capital projects and the local share totaling \$97,550.15 be taken to General Fund - Building and Equipment Reserve.

AIP 22-08, Perform Engineering Design For the Rehabilitation of the Based Aircraft Apron

AIP 23-09, T-Hangar Access, TW Apron Phase II Design, Aircraft Apron

AIP 24-10, T-Hangar Taxiway Apron, Development Phase II

AIP 18-05 & AIP 25-10, Design of the Runway 28 End & Taxiway C&D Rehabilitation

Project Phase III and Airport/Runway Protection Zone Land Acquisition Phase IV

And be it Further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to

Increase Revenue H.5997.4592 Federal Aide \$90,540.21,

Increase Revenue H.5997.3897 State Aide \$2,448.21,

Decrease Revenue H.5997.5031 Interfund Transfers \$97,550.15 offset by

Decrease in Appropriation H.5997.2080 in the amount of \$4,561.73

Budget Impact: 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 project

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

RESOLUTION NO. 165 EQUIPMENT PURCHASE – GENESEE COUNTY HIGHWAY/PARKS - COMPACT TRACK LOADER AND ATTACHMENTS -APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Genesee County Legislature has approved an Asset Acquisition Capital Project in the 2013 County budget, and

WHEREAS, The Genesee County Highway Superintendent and Genesee County Parks Supervisor do recommend awarding the purchase of a 2013 Compact Track Loader, 2013

Industrial Grapple Bucket and a 2013 High Flow Planer to Alexander Equipment, and **WHEREAS**, The Committee on Public Service does concur at this time, and Now, therefore, Be it

RESOLVED, That the Genesee County Parks Supervisor is hereby authorized and directed to purchase a 2013 Compact Track Loader, a 2013 Industrial Grapple Bucket and a 2013 High Flow Planer from Alexander Equipment in the amounts as follows for a total of \$65,807.00 and be paid from Asset Acquisition:

T750 Bobcat Compact Track Loader	\$51,936.00	Local Bid
80" Industrial Bucket Grapple	\$ 3,652.00	Local Bid
18" High Flow Planer Attachment	\$10,219.00	Local Bid

Budget Impact: The 2013 Asset Acquisition Capital Project had only \$65,000 budgeted for this purchase but after further discussion with the County Manager the overall Capital Project is over-funded and will allow for the \$807.00 overage.

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

**RESOLUTION NO. 166 MEMORANDUM OF UNDERSTANDING
AGREEMENT BETWEEN GENESEE COUNTY AND
THE GENESEE GATEWAY LOCAL
DEVELOPMENT CORP (GGLDC)**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent requests a Memorandum of Understanding agreement with the Genesee Gateway Local Development Corp (GGLDC) delegating administration of a Rural Business Enterprise Grant (RBEG) received from the USDA in the amount of \$199,821, and

WHEREAS, the Memorandum of Understanding would be for the review, approval and bidding of professional services required under the grant prior to award of construction bids and/or start of construction, 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 Chairperson is hereby authorized and directed to sign a Memorandum of Understanding with the Genesee Gateway Local Development Corp (GGLDC) for the administrative review, approval and bidding of professional services as may be required by the grant.

Budget Impact: The County will save significant administrative time by executing the MOU. A capital project has already been established for the grant.

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

**RESOLUTION NO. 167 AWARD OF BID -AIRPORT/OWNERS AND
OPERATORS LIABILITY INSURANCE –
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County did issue an RFP for airport liability insurance and one response was received, and

WHEREAS, Lawley Genesee, LCC has presented a policy premium of \$6,050 from Allianz Global Corporate & Specialty and the Genesee County Attorney does recommend award of this bid 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 enter into an agreement with Lawley Genesee, LLC, 20 Jefferson Square Batavia, NY to provide Airport Premises (Owners and Operators) Liability insurance for the Genesee County Airport effective May 1, 2013 through May 1, 2014 at an annual premium of \$6,050 with the option of three (1) year renewals.

Budget Impact Statement: No increase in premium from 2012.

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

**RESOLUTION NO. 168 CONTRACT – HUMAN RESOURCES/TRAINING
APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, Resolution No. 80 duly adopted on March 11, 2009 did award a contract to George Helfrich of Human Energies to provide Genesee County with a skilled Management trainer to provide training for enhanced leadership and managerial skills, and

WHEREAS, The Request for Proposal issued in 2009 did allow for four 1 year renewals and the Genesee County Manager does recommend the renewal of this contract for the period of April 1, 2013 through March 31, 2014, and the committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is here by authorized and directed to enter into a contract with George Helfrich of Human Energies of Lockport, New York for the period of April 1, 2013 through March 31, 2014 to provide Training and Consultation services for County employees.

Budget Impact: The 2013 HR budget does not include funds for countywide training. Departments will be able to utilize Mr. Helfrich for training if they desire.

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

**RESOLUTION NO. 169 CONTRACT - NURSING HOME/SUPPLEMENTAL
HEALTHCARE STAFFING SERVICES –
APPROVAL OF**

Legislator DeJanerio offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home did present a proposed contract with Supplemental Health Care for the provision of supplemental healthcare staffing for the residents of the Nursing Home on an as-needed basis, and

WEHREAS, The Committee on Ways and Means does recommend approval of said contract at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into contract with Supplemental Health Care, 2005 Sheridan Drive, Buffalo, New York, 14223, commencing May 8, 2013 and continuing in effect until May 7, 2014

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

**RESOLUTION NO. 170 CONTRACT-NURSING HOME/READYNURSE
STAFFING SERVICES-APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home did present a proposed contract with ReadyNurse Staffing Services for the provision of supplemental healthcare staffing for the residents of the Nursing Home on an as-needed basis, and

WEHREAS, The Committee on Ways and Means does recommend approval of said contract at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into contract with ReadyNurse Staffing Services David A. LeCours, National Director, 1080 Elm Street, Suite 2012, Rocky Hill, Connecticut, 06067, commencing May 8, 2013 and continuing in effect until May 7, 2014.

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

**RESOLUTION NO. 171 DENIAL OF REFUND OF TAXES – TREASURER /
TOWN OF PEMBROKE – APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has received an application for a refund of taxes in the Town of Pembroke as follows:

Town of Pembroke, Tax Map # 7.-1-11./P, owned by James Rupracht of 47-49 West Main St, Corfu, NY 14036. The applicant is claiming that a clerical error exists because his PILOT parcel is being charged a Fire District tax, and,

WHEREAS, The Director of Real Property recommends that the refund be denied pursuant to General Municipal Law §874 and Real Property Tax Law §412-a which state that properties receiving exemptions through industrial development agencies are still subject to special ad valorem levies and special assessments, and,

WHEREAS, The Committee on Ways and Means concurs that the refund be denied. Now, therefore Be it

RESOLVED, That the refund of taxes for the aforementioned parcel is denied.

Budget Impact Statement: No impact to the County.

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

**RESOLUTION NO. 172 CORRECTION TO TAX ROLLS – TREASURER /
TOWN OF BYRON – APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has received application for correction to the tax rolls in the Town of Byron as follows:

Town of Byron, Tax Map # 11.-2-46.12, owned by Robert and Deborah Szeles of 6784 Hessenthaler Rd, Byron, NY 14422. The owners paid their School taxes within the School tax collection period, but the School taxes were erroneously relieved onto the County and Town taxes, and,

WHEREAS, The Director of Real Property recommends and the Committee on Ways and Means concurs that this correction be made, and,

WHEREAS, The Byron-Bergen Central School District has already been made whole for this year, Now, therefore Be it

RESOLVED, That the Byron-Bergen Central School District be billed in the amount of \$2,167.72 for their portion of the erroneously relieved School taxes which they have been made whole for, and, Be it further

RESOLVED, That account A342 Allowance for Uncollected Taxes be reduced in the amount of \$151.74 for the County's relevy fee.

Budget Impact Statement: Net reduction to the County is \$151.74 which is for the County's 7% relevy fee.

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

RESOLUTION NO. 173 REAPPOINTMENTS/APPOINTMENT – OAK

**ORCHARD SMALL WATERSHED PROTECTION
DISTRICT ADMINISTRATIVE BOARD–
APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, The term of office did expire for John Kasmer Jr., John Torrey and Phil Vigneri, Jr. on the Oak Orchard Small Watershed Protection District Administrative Board and there remains one open vacancy on the Board and the Committees on Public Service and Ways and Means do recommend reappointment and appointment at this time. Now, therefore, Be it

RESOLVED, That John Kasmer Jr. of 6638 Route 98 Elba, NY, John Torrey of 12 Maple Ave. Elba, NY and Phil Vigneri Jr. of 5929 Oak Orchard Rd., Elba, NY are hereby reappointed as members of the Genesee Oak Orchard Small Watershed Protection District Administrative Board effective immediately through April 24, 2015, and Be it further

RESOLVED, That Christian Yunker of 7572 Bank St. Rd., Elba, NY is hereby appointed as a member of the Genesee Oak Orchard Small Watershed Protection District Administrative Board effective immediately through April 24, 2015.

Budget Impact: None – this Board is comprised of volunteer members

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

**RESOLUTION NO. 174 HOLD HARMLESS AGREEMENT-
LEGISLATURE/MEMORIAL DAY PARADE-
APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Legislature has the opportunity to participate in the 2013 Memorial Day Parade in the City of Batavia, and

WHEREAS, The City is requesting the County sign a Hold Harmless Agreement and issue a Certificate of Insurance naming the City of Batavia as an additional insured for this event. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to sign the Hold Harmless Agreement and directed to issue a Certificate of Insurance for participation in the 2013 Memorial Day Parade in the City of Batavia.

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

**RESOLUTION NO. 175 LEASE – FRIENDS OF BATAVIA PEACE GARDEN
FOUNDATION AGREEMENT – APROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with the Friends of Batavia Peace Garden Foundation for the lease of space at the Engine House, 3 West Main Street, Batavia, for administrative purposes for the period of May 1, 2013 – April 30, 2014, at a rate of \$100.00 annually, and

WHEREAS, The Committee on Ways and Means did review said agreement and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between the Friends of Batavia Peace Garden Foundation and the County of Genesee for the lease of space at the Engine House, 3 West Main Street, effective May 1, 2013 through April 30, 2014; at a cost of \$100.00 per year.

Budget Impact: Revenue to the County of \$100.00 for the above referenced fiscal year

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

RESOLUTION NO. 176 CONTRACT RENEWAL – COUNTY NURSING HOME/MANAGEMENT SERVICE AGREEMENT – APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, Resolution No. 187 duly adopted on May 5 , 2010 did award a contract with Insource Healthcare Solutions, LLC for management services for the operation of the Genesee County Nursing Home, and

WHEREAS, The contract did allow for four 1 year renewals under the same terms and conditions with mutual negotiation of the annual service fee, and

WHEREAS, Resolution No. 137 duly adopted on March 28, 2012 did amend the existing contract with Insource Healthcare solutions to supply a full-time licensed Long Term Administrator effective May 1, 2012 through April 30, 2013, and

WHEREAS, The County Manager does recommend the renewal of this contract for an additional 1 year period to commence May 1, 2013, 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 the third 1 year renewal agreement effective May 1, 2013 through April 30, 2014 with Insource Healthcare Solutions, LLC, 701 Seneca Street, Suite 205, Buffalo, New York 14210 for full time licensed Nursing Home Administration and management services of the Genesee County Nursing Home at a monthly cost of \$13,333.00

Budget Impact: Funds have been appropriated in the 2013 Nursing Home budget

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

RESOLUTION NO. 177 COUNTY AUDIT – ARIL 24 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2013 General Fund	\$	3,104,345.13
2013 Highway		58,296.39
2013 Water		526,666.58
2013 Self Insurance		11,400.00
2013 Nursing Home		682,033.90
DSS Abstracts		398,626.20

2013 Capital Projects:

Highway – North Pembroke Rd Bridge	29,044.04
Highway – Black St. Road Bridge Design	80.60
Highway – Griswold Road Bridge	21,669.75

Payroll – General & Nursing Home

April 19, 2013	1,713,102.40
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Medicaid

April 16, 2013	186,456.00
April 23, 2013	186,456.00

Total Audit	\$ 6,918,176.99
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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 Lawrence seconded the resolution which was adopted by 326 votes.

The meeting was adjourned upon motion of Legislator Stein seconded by Legislator Ferrando at 8:05 PM.