

**NINETEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, November 9, 2016**

The Genesee County Legislature will meet in Regular Session on Wednesday, November 9, 2016 at 5:30PM at the Old County Court House, Batavia, New York. Legislator Young assisted with the audit. Prayer was offered by Legislator Young followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Cianfrini opened a **Public Hearing** on a long-term facility lease agreement with Boshart Enterprises and Aircraft Services, Inc.

The minutes of the October 26, 2016 Legislature Meeting were approved upon motion of Legislator DeJaneiro seconded by Legislator Deleo, carried unanimously.

Chairman Cianfrini asked if any one wished to be heard regarding the long-term facility lease agreement. Hearing none, he stated the public hearing would remain open until such time as the resolution was scheduled to be voted on.

The Clerk read a notice from the GCEDC announcing a public hearing set for November 21, 2016 regarding the GCEDC and TJ Sheehan Distributing proposed project. The notice will be posted on the bulletin board adjacent to the Legislature Conference room.

Legislator Bausch reported on his attendance at the CJAC meeting earlier in the day and his visit and tour of the new Chamber of Commerce office building.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 395 APPOINTMENT – GENESEE COUNTY YOUTH BOARD  
APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Committees on Human Service and Ways and Means do recommend an appointment to the Genesee County Youth Board at this time. Now, therefore, be it **RESOLVED**, That the following individual is hereby appointed to the Genesee County Youth Board with a term and representation as noted.

**New Appointment**

Pavilion/Bethany                      Jessica Torrey                      December 1, 2016-November 30, 2019  
Legislator Stein seconded the resolution which was adopted by 288 votes (Legislator Torrey abstained 38).

**RESOLUTION NO. 396 SUPPORTING THE CONSOLIDATION OF THE VILLAGE  
OF BERGEN DEATH RECORDS WITH THAT OF THE  
TOWN OF BERGEN DEATH RECORDS**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Registrar of Vital Statistics of the Town of Bergen and the Village of Bergen have entered into an agreement to consolidate the Village of Bergen Registration District with the Town of Bergen Registration District for vital statistics into one primary registration district of the Town of Bergen, and

**WHEREAS**, In accordance with Section 4120.2(a) of the Public Health Law such action is subject to the approval of the Genesee County Legislature, and

**WHEREAS**, Based upon approval by the Genesee County Legislature, the New York State Commissioner of Health may issue an order combining the two districts. Now, therefore, Be it **RESOLVED**, That upon the request of the Town of Bergen and Village of Bergen, the Genesee County Legislature does hereby approve the consolidation and combination of the Village of

Bergen Registration District with the Town of Bergen Registration District into one Town of Bergen Registration District, subject to the approval of NYS Commissioner of Health, and Be it further

**RESOLVED**, That the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the New York State Commissioner of Health, the Clerk of the Town of Bergen, the Clerk of the Village of Bergen, the County Attorney, County Clerk and the Genesee County Public Health Director.

**Budget Impact Statement:** None.

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

**RESOLUTION NO. 397      CONTRACT RENEWAL- OFFICE FOR THE AGING/TRANSPORTATION – APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging has requested the continuing of a transportation contract with RTS-GENESEEE that includes Office for the Aging Medical, Western New York Alzheimer’s Caregiver Partnership (WNYACP) grant, and County Rural Transportation services within Genesee County to expand public transportation service for both older adults and rural Genesee County residents; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew the contract between RTS-GENESEEE @ RTS, 1372 East Main Street, Rochester, NY 14609 and the County of Genesee for the provision of medical transportation for the elderly and rural transportation program, for a combined cost of \$66,331 for the period January 1, 2017 through December 31, 2017.

**Budget Impact:** Total 2017 contract is \$66,331 and is included in 2017 county budget. An increase of up to \$9,800 from 2016 contract amounts for WNYACP grant. Rural Transportation cost is \$28,473; OFA Medical Transport is \$28,058; and WNYACP Transport is up to a maximum of \$9,800.

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

**RESOLUTION NO. 398                      CONTRACT FOR OFFICE FOR THE AGING-GENESEEE SENIOR FOUNDATION, INC. SALARY, GENERAL AND MAINTENANCE, AND MEALS ON WHEELS SUPPORT-APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present an agreement with the Genesee Senior Foundation, Inc., to accept revenue to provide clerical and administrative salary, general and maintenance support for activities of the Genesee Senior Foundation, Inc., a not-for-profit foundation serving seniors in Genesee County and meals on wheels support, and the Committee on Human Services does recommend approval at this time. Now, Therefore, Be It

**RESOLVED**, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into an agreement with the Genesee Senior Foundation, Inc., to accept revenue of up to \$5,450 for clerical and administrative support services rendered from January 1, 2017 – December 31, 2017.

**Budget Impact:** This \$5,450 in revenue is included in 2017 county budget. No change from 2016 revenue. Revenue will go towards offsetting existing salary expenses for the Senior Financial Clerk Typist, Services Administrator, and Director positions, office expenses, and support for the Meals on Wheels program.

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

**RESOLUTION NO. 399      CONTRACT AWARD– OFFICE FOR THE AGING/LEGAL SERVICES – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a contract renewal originally awarded based on RFP 2013-118 to Center for Elder Law & Justice, Inc. 237 Main Street, Buffalo, New York, 14203-2717 for the provision of Legal Services for the Elderly in Genesee County and the Committee on Human Service does recommend approval at this time. Now, therefore, Be it

**RESOLVED,** That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to award the contract to Center for Elder Law & Justice, Inc. for the provision of Title III- B legal services through the Office for the Aging at a cost not to exceed \$8,400.00 per year with para-legal service rate of \$40 per hour and attorney rate of \$55 per hour for the period January 1, 2017 through December 31, 2017; and mileage reimbursement at the IRS rate for home visits to GCOFA legal service clients or program site locations, other than the Office for the Aging, within Genesee County.

**Budget Impact Statement:** \$8,400 for this contract is already included in the 2017 budget. The contract amount and rates are the same as 2016 contract amount, plus continuation of approximately \$150 in mileage reimbursement for legal service/para-legal contractor staff for home visits or other site locations within Genesee County. Federal Title III-B grant funds pay for this service.

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

**RESOLUTION NO. 400 CONTRACT RENEWAL – HEALTH DEPARTMENT/  
COURIER SERVICES – APROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS,** The Director of Public Health did present a contract renewal with 3D Delivery Inc. for the provision of courier services, and

**WHEREAS,** The Committee on Human Services did review the 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 renew a contract with Genesee 3D Delivery Inc., 58 Kingsbury Avenue, Batavia, New York, 14020, for the provision of courier services at the rate of \$1.70 per mile, for the period January 1, 2017 through December 31, 2017.

**Budget Impact Statement:** Anticipated expense for this contract is \$3,300. Expenses related to this contract are eligible for full reimbursement under Article 6 – State Funding for General Public Health Works.

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

**RESOLUTION NO. 401 CONTRACT RENEWAL HEALTH/ ENVIRONMENTAL  
HEARING OFFICER – THOMAS GRAHAM –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The Director of Public Health did present a contract renewal for the provision of Environmental Hearing Officer services, and

**WHEREAS,** New York State Public Health Law does allow the Genesee County Board of Health to appoint one or more health officers to hold and conduct hearings for fact finding and recommendations to the board, and

**WHEREAS,** The Committee on Human Services did review the 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 a contract renewal with Thomas Graham, 32 Farnsworth Avenue, Oakfield, NY 14125 for the provision of hearing officer services for the Public Health Department at the all-inclusive rate of \$25.00 per hour for the period

January 1, 2017 through December 31, 2017, in accordance with the terms of the contract.

**Budget Impact:** Anticipated expense for this contract is \$400. Expenses related to this contract are eligible for full reimbursement under Article 6 – State Aid for General Public Health Works.

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

**RESOLUTION NO. 402      CONTRACT RENEWAL – HEALTH DEPARTMENT/  
LABORATORY SERVICES – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** The Director of Public Health did present a contract renewal for the provision of Clinical and Environmental Laboratory Services, and

**WHEREAS,** The Committee on Human Services did review the 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 renew a contract with Erie County Public Health Laboratory, 503 Kensington Avenue, Buffalo, New York 14214 to provide Clinical and Environmental Laboratory Services for the period of January 1, 2017 through December 31, 2017 at the rates as outlined in the agreement.

**Budget Impact Statement** - Revenue and expenses are included in the 2017 A 4010 Public Health Program Budget. Anticipated expenses are reimbursed through State Aid and Private Pay Fees.

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

**RESOLUTION NO. 403                      CONTRACT RENEWAL– HEALTH DEPARTMENT/  
CLINICAL LABORATORY AND MEDICAL  
TREATMENT SERVICES – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Director of Public Health did present a contract renewal for provision of Clinical Laboratory and Medical Treatment Services, and

**WHEREAS,** The Committee on Human Services did review the 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 renew a contract with United Memorial Medical Center, 127 North Street, Batavia, New York 14020 to provide Clinical Laboratory and Medical Treatment Services for the period of January 1, 2017 through December 31, 2017.

**Budget Impact:** Anticipated expenses in the amount of \$5,500 have been built into the 2017 A 4010 Public Health Department Budget.

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

**RESOLUTION NO. 404      CONTRACT RENEWAL– HEALTH DEPARTMENT/  
MEDICAL CONSULTANT SERVICES – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS,** The Director of Public Health did present a contract renewal for the provision of Medical Consultant Services, and

**WHEREAS,** based upon the current organizational structure of the Health Department medical consultation services must be available as outlined in the New York State Codes, Rules, and Regulations, and

**WHEREAS,** The Committee on Human Services did review the 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 a contract renewal with Alan Barcomb, M.D., 1 Dennis Drive, Batavia, NY

14020 for the provision of Medical Consultant services for the Genesee County Health Department at the all- inclusive rate of \$2,500/annually, paid in quarterly installments of \$625.00 for the period January 1, 2017 through December 31, 2017.

**Budget Impact Statement:** Anticipated expense for this contract is \$2,500/year. Expenses related to this contract are eligible for full reimbursement under Article 6 – State Aid for General Public Health Works.

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

**RESOLUTION NO. 405      CONTRACT RENEWAL– HEALTH DEPARTMENT/ 3-5  
PRESCHOOL SPECIAL EDUCATION PROGRAM-  
COMMITTEE ON PRESCHOOL SPECIAL  
EDUCATION(CPSE) MUNICIPALITY REPRESENTATIVE  
CALLA – APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS,** The Public Health Director did present a contract renewal for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) of the Genesee County School Districts, and

**WHEREAS,** The Committee on Human Services 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 execute a contract renewal with Laura Calla, 34 South Main Street, Oakfield, NY 14125 at the rate of \$40.00 per hour plus mileage, at the current IRS rate, for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) in the 3-5 Preschool Special Education Program for the period January 1, 2017 through December 31, 2017.

**Budget Impact Statement:** Expenses for this service are included in the 2017 A 2960 3-5 Preschool Program budget. Genesee County receives annual state aid reimbursement of \$75 per child for the administrative costs of the program.

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

**RESOLUTION NO. 406      CONTRACT RENEWAL– HEALTH DEPARTMENT/ 3-5  
PRESCHOOL SPECIAL EDUCATION PROGRAM-  
COMMITTEE ON PRESCHOOL SPECIAL  
EDUCATION(CPSE) MUNICIPALITY REPRESENTATIVE  
WOLTER – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS,** The Public Health Director did present a contract renewal for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) of the Genesee County School Districts, and

**WHEREAS,** The Committee on Human Services 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 execute a contract renewal with Amy Wolter, 3652 Orangeport Road, Gasport, NY 14067 at the rate of \$40.00 per hour plus mileage, at the current IRS rate, for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) in the 3-5 Preschool Special Education Program for the period January 1, 2017 through December 31, 2017.

**Budget Impact Statement:** Expenses for this service are included in the 2017 A 2960 3-5 Preschool Program budget. Genesee County receives annual state aid reimbursement of \$75 per child for the administrative costs of the program.

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



**Budget Impact:** An increase in expenditures in the amount of \$25,000 to be offset by revenue of \$25,000. No county cost.

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

**RESOLUTION NO. 409 MEMORANDUM OF AGREEMENT – HEALTH DEPARTMENT/POINT OF DISPENSING CLINIC GENESEE COMMUNITY COLLEGE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The Public Health Director did present a Memorandum of Agreement with Genesee Community College for the purpose of opening a Point of Dispensing (POD) Clinic during an emergency and has requested approval of this agreement by the Genesee County Legislature, and

**WHEREAS,** The Committee on Human Services did review the memorandum of agreement 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 enter into an agreement with Genesee Community College for the provision of services identified for the period January 1, 2017 through December 31, 2020.

**Budget Impact Statement:** Genesee County assumes no payment liability under the terms of this agreement.

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

**RESOLUTION NO. 410 2016 BUDGET AND CONTRACT AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES/YWCA OF GENESEE COUNTY, INC. – APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS,** The Director of the Community Mental Health Services did request an amendment to the 2016 Mental Health Association in Genesee County contract and budget, and

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

**RESOLVED,** That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2016 contract and budget between the County of Genesee and the YWCA of Genesee County, Inc., and Be it further

**RESOLVED,** That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 Genesee County Budget by

Increasing A.4324. .4660.0000 YWCA of Genesee County, Inc. \$ 104.00

AND

Increasing A.4324. .3490 State Aid, Mental Health by \$ 104.00

**Budget Impact Statement:** No County Budget Impact due to the offset of State Aid.

**Action Requested:** Approval of contract and budget amendment.

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

**RESOLUTION NO. 411 2016 BUDGET AND CONTRACT AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES/RESTORATION SOCIETY (ACE EMPLOYMENT SERVICES) – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** The Director of the Community Mental Health Services did request an amendment to the 2016 Restoration Society contract and budget, and

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

**WHEREAS**, These additional funds are the result of a cost of living adjustment (COLA) from New York State Office of Mental Health with no additional county cost. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2016 contract and budget between the County of Genesee and the Restoration Society, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 Genesee County Budget by

Increasing A.4323. .4660.0000 Restoration Society \$434.00

AND

Increasing A.4323. .3490 State Aid, Mental Health by \$434.00

**Budget Impact Statement:** No County Budget Impact due to the offset of State Aid.

**Action Requested:** Approval of contract and budget amendment.

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

**RESOLUTION NO. 412 2016 BUDGET AND CONTRACT AMENDMENT -  
COMMUNITY MENTAL HEALTH SERVICES/THE  
MENTAL HEALTH ASSOCIATION IN GENESEE  
COUNTY – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2016 Mental Health Association in Genesee County contract and budget, and

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

**WHEREAS**, These additional funds are the result of a cost of living adjustment (COLA) from New York State Office of Mental Health with no additional county cost. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2016 contract and budget between the County of Genesee and the Mental Health Association in Genesee County, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 Genesee County Budget by

Increasing A.4321. .4660.0000 Mental Health Association In Genesee County \$657.00

AND

Increasing A.4321. .3490 State Aid, Mental Health by \$657.00

**Budget Impact Statement:** No County Budget Impact due to the offset of State Aid.

**Action Requested:** Approval of contract and budget amendment.

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

**RESOLUTION NO. 413 2016 BUDGET TRANSFER/COMMUNITY MENTAL  
HEALTH SERVICES/COURT COMMITMENT  
– APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Director of Community Mental Health Services did request a budget transfer to the 2016 Genesee County Budget to accommodate the transfer of funds from Mental Health Department to the Court Commitments Department to pay for additional Court Commitments ordered by Genesee County Court, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to transfer the 2016 Genesee County Budget by

TO           A4311.4600.0000                   Contracted Other                   \$20,000.00

AND

FROM       A.4310.4700.0420                   Medical Supplies                   \$ 9,500.00

FROM       A.4310.4800.0300                   ICM Client Fund                   \$10,500.00

**Budget Impact Statement:** \$20,000.00 County expense.

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

**RESOLUTION NO. 414    2016 BUDGET AMENDMENT-BOARD OF ELECTIONS/  
2016 ELECTION CYCLE**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, During our April Presidential Primary the Board of Elections did not consolidate any of our election districts due to anticipated high voter turnout which in fact was over 40%, and

**WHEREAS**, The Genesee County Board of Elections anticipate a very high voter turnout of over 75% in the November General Election and anticipate using all available election inspectors to help staff our 26 election polling sites to hopefully eliminate voter delays and ensure a smooth and orderly process, and

**WHEREAS**, Due to this need of additional manpower and the fact we also felt a need to increase the compensation for our General Election inspectors considering the longer hours they worked (5:30am to 10:00pm) compared to the primary inspectors, and

**WHEREAS**, Election Commissioners Lorie Longhany and Richard Siebert have projected they will need an additional \$15,000 to compensate the required inspectors to complete our 2016 election cycle, and

**WHEREAS**, The Committee on Ways and Means does concur. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to increase account A1450.4660.0000 Contracted Other by \$15,000 and increase revenue account 2215 Election Exp-Other Govts by \$15,000.

**Budget Impact Statement:** This expenditure is revenue neutral as the expense for inspectors will be offset by chargebacks to our 13 Towns and the City of Batavia

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

**RESOLUTION NO. 415    APPOINTMENT - REPUBLICAN ELECTIONS  
COMMISSIONER – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Pursuant to Section 3-204 of the New York State Election Law, the Genesee County Republican Committee has recommended Richard E. Siebert of Stafford, New York for appointment as Commissioner of Elections, and

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

**RESOLVED**, That Richard E. Siebert of Stafford, New York is hereby appointed to represent the Republican Party as Commissioner of Elections to serve a four-year term effective January 1, 2017 through December 31, 2020 .

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

**RESOLUTION NO. 416    SALES TAX ALLOCATION-AGREEMENT WITH CITY OF  
BATAVIA-TERMINATION OF**

Legislator Young offered the following resolution:

**WHEREAS**, Resolution No. 454-2007 did authorize the Chair of the Genesee County Legislature to execute the Sales Tax Allocation Agreement between the County of Genesee and the City of Batavia dated December 31, 2007, and

**WHEREAS**, Paragraph First of said Agreement states that the County shall, during the term of the Agreement, have exclusive authority to impose all of the taxes described in Article 28 and 29 of the Tax Law of the State of New York, pursuant to the provisions of Section 1210(a) and 1224 (p) of such law and at a rate of three percent (3%) and a percent (1%) respectively and shall not set aside any part thereof for County purposes or educational purposes except as otherwise provided in the Agreement, and

**WHEREAS**, Paragraph Fifth of said Agreement states that the agreement shall end on the 28<sup>th</sup> day of February, 2018, and

**WHEREAS**, Pursuant to paragraph Sixth of said agreement a committee has been convened to recommend to the Legislature and the City Council whether or not to amend, modify or extend the Agreement for an additional term, which recommendation has not yet been made, and

**WHEREAS**, The County representatives to said committee have proposed amendments to the Agreement with respect to the sharing and distribution of Sales Tax revenue which have not been accepted, and

**WHEREAS**, The proposed changes to the Agreement are necessary in order for the County to meet its future needs and obligations with respect to County wide infrastructure, capital projects and success of the County wide water project and are in the best interest of the community as a whole, and

**WHEREAS**, Paragraph Sixth of said Agreement state that the Legislature and the City Council prior to December 1, 2016, shall by resolution, notify the other that it intends, at the end of the term, to terminate, amend or modify this Agreement, and

**WHEREAS**, In the event no Agreement is reached between the County and the City of Batavia as to the sharing and distribution of sales tax revenue the County intends to preserve its rights and to propose a sales tax at the rate of three percent (3%) and one percent (1%) pursuant to the tax law of the State of New York and to set aside all of the net collections and revenue therefrom for County purposes. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby intend and elect to terminate the Sales Tax Agreement with the City of Batavia by its terms on February 28, 2018, and Be it further

**RESOLVED**, that upon termination of the Agreement, the Genesee County Legislature does hereby intend and elect to impose all of the taxes described in Article 28 and 29 of the Tax Law of the State of New York pursuant to the provisions of Section 1210(a) and 1224(p) of said law and at a rate of three percent (3%) and one percent (1%) respectively and that of all of the net collections shall be set aside for County purposes pursuant to section 1262(a) of the Tax Law of the State of New York.

Legislator Clattenburg made a motion to amend by changing language from “terminate” to “modify” seconded by Legislator DeJaneiro.

Legislator Bausch asked County Attorney Zambito to state why he recommended use of the term “termination”. Mr. Zambito stated the language used in the resolution specifically states that if an agreement is not reached between the city and county, the county intends to preserve its rights. The city was not willing to waive the requirement of paragraph six nor did they agree to stating they would agree the Sales Tax agreement would be modified. Therefore, if the term “modify” were used, it would allow the agreement to continue in its current form. The motion to

amend was defeated (Legislators Clattenburg, DeJaneiro, Deleo yes, Legislators Cianfrini, Bausch, Davis, Young, Stein, Torrey opposed).

Legislator Bausch seconded the resolution which was adopted by 244 votes (Legislators Deleo 26, Clattenburg 28, DeJaneiro 28 opposed).

**RESOLUTION NO. 417      RETAIL LEASE AGREEMENT – MONROE COUNTY  
WATER AUTHORITY – VILLAGE OF BERGEN -  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Village of Bergen has requested that the Monroe County Water Authority supply water to the water district within the Village of Bergen, and

**WHEREAS**, The Monroe County Water Authority has presented a Retail Lease for the operation and maintenance of said districts, and

**WHEREAS**, The Operating Agreement between Genesee County and the Monroe County Water Authority requires Genesee County to concur with Retail Lease Agreement for Operation of Water System within the County, and

**WHEREAS**, The County Attorney and the Genesee County Highway Superintendent have reviewed the proposed lease and do recommend approval at this time, and

**WHEREAS**, The Committee on Ways and Means does concur with this recommendation and recommends approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby concur and approve of the proposed Retail Lease Agreement between the Town of Bethany and the Monroe County Water Authority.

**Budget Impact:** No direct budget impact from this lease agreement, but potential for revenue into the Genesee County Water fund from the collection of water surcharge from district residents each year.

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

**RESOLUTION NO. 418                      CONTRACT – NURSING HOME/ACCOUNTS  
RECEIVABLE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The County needs to ensure collection of the outstanding accounts receivable at the Genesee County Nursing Home after the transfer to Premier Healthcare has been completed, and

**WHEREAS**, The County Manager and County Treasurer have vetted several options to collect said receivables and have determined that retaining IM Solutions, Inc., 109 Chatham Avenue, Buffalo, New York, 14215 to oversee the process is the most cost effective option to achieve the highest reimbursement, and

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

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Chairman of the Genesee County Legislature to enter into a contract with IM Solutions, Inc., 109 Chatham Avenue, Buffalo, New York 14216, in an amount not to exceed \$30,000 for accounts receivable collection.

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

**RESOLUTION NO. 419      CAPITAL PROJECT/UPGRADE OF JAIL CAMERA/  
RECORDING SYSTEM -- AMENDMENT TO AND  
BUDGET AMENDMENT – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, 2014 Resolution # 50 established the Upgrade of Jail Camera/Recording System capital project in the amount of \$86,486, and

**WHEREAS**, 2015 Resolution # 42 amended the project to include the cost of the 2 stand-alone computer systems and cabling required to run the camera and recording system at a cost of \$6,599, and

**WHEREAS**, It has now been determined that additional cameras are needed to cover blind spots in the cell block areas. County Manager is requesting an amendment to the project for \$3,925 for six additional cameras needed to complete the project, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to increase the Capital Project Upgrade of Jail Camera/Recording System \$3,925 using 1% additional sales tax revenue. Be, it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget as follows: Increase Revenue A.1000.1110.1 (1% Sales Tax) in the amount of \$3,925, Increase Appropriation A.9950.9 (Transfer to Capital) in a like amount. Increase Revenue H. 3397.5031(Interfund Transfer) \$3,925 and increase Appropriations H.

3397.2080(Capital Project Expense) in a like amount

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

**RESOLUTION NO. 420      SET PUBLIC HEARING- LOCAL LAW INTRODUCTORY  
NO. 4, YEAR 2016 LOCAL LAW TO AUTHORIZE  
OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY  
GENERAL MUNICIPAL LAW §3-c (A/K/A “2% TAX CAP”)  
FOR THE GENESEE COUNTY 2017 BUDGET**

Legislator Bausch offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 4, Year 2016 entitled “**A LOCAL LAW TO AUTHORIZE**

**OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL  
LAW §3-c (A/K/A “2% TAX CAP”) FOR THE GENESEE COUNTY 2017 BUDGET**, 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. 4, Year 2016, by the Genesee County Legislature on the twenty-first day of November, 2016 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Davis seconded the resolution which was adopted by 298 votes Legislator Clattenburg (28) opposed.

At 5:54 Chairman Cianfrini closed the public hearing on the long-term facility lease with Boshart Enterprises.

**RESOLUTION NO. 421                      FACILITY LEASE – BOSHART ENTERPRISES AND  
AVIATION SERVICES, INC. – COUNTY AIRPORT –  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Boshart Enterprises and Aircraft Services Inc has expressed an interest to enter into long-term facility lease at the Genesee County Airport for aviation related purposes, and

**WHEREAS**, The Genesee County Airport has leased office, hangar and tie-down spaces to Boshart Enterprises and Aircraft Service Inc in the past, and

**WHEREAS**, The Highway Superintendent and County Attorney have prepared a lease agreement and do recommend leasing the facilities at this time, and

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

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to enter into a facility lease agreement with Boshart Enterprises and Aircraft Services Inc per the terms of the agreement.

**Budget Impact:** This lease will produce approximately \$69,500 of revenue per year for the County Airport. The lease is for 5 years with two 5 year extensions and includes an adjustment clause on the lease rate.

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

**RESOLUTION NO. 422 COUNTY AUDIT – NOVEMBER 9 - APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Legislator Young did review the following claims:

2016 General Fund	\$	591,057.55
2016 Highway		147,821.20
2016 Nursing Home		158,159.43
2016 Self Insurance		48,669.81
DSS Abstracts		499,539.88
<b>2016 Capital Projects:</b>		
Highway River Street Bridge		12,073.70
Highway 2016 Bridge Construction		17,934.59
GCC Wellness & Event Center		1,137,556.15
Airport Construct New Terminal & Maint Hangar		11,616.00
Airport Terminal Bldg & Maint Hangar Demo & Site Conversion		1,500.00
Airport Reconstruct Runway 10-28 Design		1,500.00
<b>Payroll – General &amp; Nursing Home</b>		
October 28, 2016		1,749,193.20
<b>Medicaid</b>		
November 1, 2016		178,282.00
November 8, 2016		<u>178,282.00</u>
<b>Total Audit</b>	\$	4,733,185.51

Now, therefore, Be it

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

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

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

At 5:55PM the meeting adjourned upon motion of Legislator Bausch seconded by Legislator Torrey.