

**FIRST DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, January 11, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, January 11, 2017 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Stein assisted with the audit. Prayer was offered by Legislator Deleo followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Cianfrini opened a **Public Hearing** on Local Law Introductory No. One Year 2017, A Local Law in relation to the salaries of county officers of the county of Genesee, Elected or Appointed for a fixed term. All interested parties were invited to be heard.

Chairman Cianfrini formally welcomed the new County Attorney Kevin Earl by presenting his printed name plate.

The December 14, 2016 and December 30, 2016 meeting minutes were approved upon motion of Legislator Stein seconded by Legislator Bausch, carried unanimously.

Legislator Stein reported the Ag & Farmland Protection Board has a draft of the final plan being drawn up by the consulting firm Wendel. Chairman Cianfrini announced the Chamber of Commerce is hosting an open house at their new address on Park road from 5-7 PM on January 12, 2017. Mr. Cianfrini also suggested legislators look for news from NYSAC regarding a vote in Greene County on a proposed \$52M jail.

Legislator Bausch commented on the Governor's comments made recently during a stop in Western New York stating they were insulting to individuals who serve on local boards and legislatures particularly in light of his veto of the Indigent Defense bill. He also stated that the Governor, as far as he knows, has only stopped in once to the NYSAC Legislative conference. Legislator DeJaneiro stated that he sees many policies as being well thought out and this is not a Democrat/Republican issue but a fiscal issue.

County Manager Jay Gsell reported that he attended the local presentation of Gov. Cuomo's State of the State and noted a quote used by the Governor which was from Governor Roosevelt in 1932. He also explained Counties are being asked to provide the Governor with a consolidation plan.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 1 REAPPOINTMENT – MENTAL HEALTH/COMMUNITY SERVICES BOARD FOR 2017-APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Committees on Human Service and Ways and Means do recommend reappointments to the Genesee County Mental Health Community Services Board be made at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby make the following reappointments to the Community Mental Health Services Board, effective immediately, with terms to expire as listed below:

<u>Name</u>	<u>Representing</u>	<u>Term Expires</u>
James Owen 2 Redfield Parkway Batavia, NY 14020	Education - Retired	12/2020
Mary Ella Loos 31 Pearl Street	Consumer	12/2020

Batavia, NY 14020

Budget Impact Statement: None

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

**RESOLUTION NO. 2 OFFICE FOR THE AGING ADVISORY COUNCIL –
REAPPOINTMENTS TO**

Legislator DeJaneiro offered the following resolution:

WHEREAS, Three Community Members' terms have expired on the Office for the Aging Advisory Council and two members in good standing desire to be reappointed to this Committee; and

WHEREAS, The Committees on Human Services and Ways & Means do recommend reappointment at this time. Now Therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint the following to the Genesee County Office for the Aging Advisory Council to serve a three year term effective January 1, 2017 through December 31, 2019.

Community Members:

Anita Dziekan of Batavia

Juanita Brooks of Oakfield

Budget Impact Statement: None

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

**RESOLUTION NO. 3 RENEWAL OF CONTRACT – OFA/TENDER
LOVING FAMILY CARE – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a renewal of contract resulting from RFP 2014-111 which took effect January 1, 2015 renewable for four (4) one-year (1) periods upon mutual, written consent of both parties and in the best interest of Genesee County for the provision of in-home health care needs to senior citizens for the NYS Expanded In-Home Services for the Elderly Program, the New York State Elder Caregiver Support Respite Care Program, and the New York State Department of Health Western New York Alzheimer's Caregiver Collaborative Grant; and

WHEREAS, The Committee on Human Services did review this request and does recommend approval of this contract 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 award a contract with Tender Loving Family Care, Inc. 122 West Avenue, Brockport, NY 14420 for the provision of in-home health care at a rate of \$27.00 per hour for Housekeeping/Chore (PC Level 1); \$30.00 per hour for Personal Care/Homecare (PC Level 2) and \$157.00 per visit for Aide/Nursing Supervision; or the 2017 Medicaid approved rate for Tender Loving Family Care (TLFC) or, if TLFC does not set rates with NYSDOH, rates not to exceed the highest rate authorized for any licensed home care agencies established for Genesee County by NYSDOH (whichever is less); not to exceed \$120,000 for the period January 1, 2017 – December 31, 2017. Tender Loving Family Care, Inc. does not have 2016 established Medicaid rates for Genesee County. The actual 2017 Medicaid rates are not known at this time. Therefore, the highest established Genesee County most currently approved (2016) NYSDOH Medicaid rates are set at \$26.91 per hour for Housekeeping/Chore (PC Level 1), \$29.99 per hour for Personal Care/Homecare (PC Level 2) and \$156.68 per visit for Nursing Supervision, but are subject to change based on NYSDOH rate

setting adjustments; will be extended into 2017 until new Medicaid rates are established. If actual 2017 approved Medicaid rate is less than the RFP proposed renewal rate, the rate charged for 2017 would be the lower of the two and would be applied retroactively back to January 1, 2017.

Budget Impact: Total contract for 2017 not to exceed \$120,000 and is included in the 2017 county budget. Legislator DeJaneiro seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 4 AWARD OF CONTRACT – OFA/COMMUNITY
CARE OF WESTERN NEW YORK – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a renewal of contract resulting from RFP 2014-111 which took effect January 1, 2015 renewable for four (4) one-year (1) periods for the provision of in-home health care needs to senior citizens for the NYS Expanded In-Home Services for the Elderly Program, the New York State Elder Caregiver Support Respite Care Program, and the New York State Department of Health Western New York Alzheimer’s Caregiver Collaborative Grant; and

WHEREAS, The Committee on Human Services did review this request and does recommend approval of this contract 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 award a contract with Community Care of Western New York, Inc. dba Home Care & Hospice, 1225 W. State Street, Olean, NY 14760 for the provision of in-home health care at the at a rate of \$25.35 per hour for Housekeeping/Chore (PC Level 1); \$25.67 per hour for Personal Care/Homecare (PC Level 2); and \$85.07 for Nursing Supervision; or the 2017 Medicaid approved rate for Community Care of WNY or, if Community Care of WNY does not set rates with New York State Department of Health (NYSDOH), rates not to exceed the highest rate authorized for any licensed home care agencies established for Genesee County by the NYSDOH (whichever is less); not to exceed \$120,000 for the period January 1, 2017 – December 31, 2017. Currently, 2016 established rates for Community Care of Western New York are set at \$25.35 per hour for Housekeeping/Chore (PC Level 1), \$25.67 per hour for Personal Care/Homecare (PC Level 2) and \$85.07 per visit for Nursing Supervision, but are subject to change based on NYSDOH rate setting adjustments). The actual 2017 Medicaid rates are not known at this time; so if actual 2017 approved Medicaid rate is less than the RFP proposed renewal rate, the rate charged for 2017 would be the lower of the two and would be applied retroactively back to January 1, 2017.

Budget Impact: Total contract for 2017 not to exceed \$120,000 and is included in the 2017 county budget. Legislator Deleo seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 5 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.

Reappointment

City of Batavia

Amy Barone

1/1/2017-12/31/2019

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

**RESOLUTION NO. 6 MEMORANDUM OF AGREEMENT WITH
COOPERATIVE EXTENSION - APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, A Memorandum of Agreement has been prepared between the County of Genesee and the Cornell Cooperative Extension Association of Genesee County for the expenditure of funds appropriated in the 2017 Genesee County Budget in the amount of \$338,548. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute said Memorandum of Agreement between the County of Genesee and Cornell Cooperative Extension Association of Genesee County for the year 2017 in the amount of \$338,548.

Budget Impact Statement: 2017 funding = \$338,548; 10% reduction
2016 funding = \$376,164; same level as 2015
2015 funding = \$376,164; same level as 2014
2014 funding = \$376,164; same level as 2013
2013 funding = \$376,164; same level as 2012
approx. 5% reduction; \$17,454 less than 2011's funding
2011 funding = \$393,618; 15% reduction in funding; \$69,462 less
2010 funding = \$463,080; 5% reduction in funding or \$24,373 less
2009 and 2008 funding = \$487,453; 2007 to 2002 = \$478,320

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

**RESOLUTION NO. 7 AGREEMENT RENEWAL WITH HOLLAND PURCHASE
HISTORICAL SOCIETY FOR OPERATION OF HOLLAND
LAND OFFICE MUSEUM - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Holland Land Office Museum is a registered National Historic Landmark and serves as a history museum housing the collections of the Holland Purchase Historical Society for the purpose of preserving, displaying and interpreting the history and culture of the County of Genesee, and

WHEREAS, The Genesee County Legislature in 1999 divested the County from the day-to-day operation of a County History Museum by allowing the Holland Purchase Historical Society to assume this responsibility, and

WHEREAS, The Genesee County Manager did present a proposed agreement with the Holland Purchase Historical Society for the continuation of their services, and

WHEREAS, The Committee on Human Services has reviewed this agreement and does recommend approval of said agreement at this time. Now, therefore Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter into agreement with the Holland Purchase Historical Society, Inc. for the purpose of presenting programs of historical events and concern and for maintaining and operating a public museum for the period January 1, 2017, through December 31, 2017 at an annual cost of \$33,554.

Budget Impact Statement: 2017 funding = \$33,554
2016 funding = \$37,282
2015 funding = \$37,282
2014 funding = \$37,282
2013 funding = \$37,282; same funding as 2012
5% reduction in funding; \$1,962 less than 2011's funding
2011 funding = \$39,245 ; 15% reduction in funding; \$6,925 less than 2010's funding
2010 funding = \$46,170; 5% reduction in funding or \$2,430 less
2009 to 2005 funding = \$48,600 each year
2002 through 2004 = \$54,000; 2001 = \$60,000

Prior to the vote, Legislator Stein restated her position of non-support due to the lack of information from the Holland Land Office Museum. Legislator Clattenburg stated she thought

that if the Legislature is going to divest of this support to this agency, they must be consistent and divest of all support to outside agencies and groups. Chairman Cianfrini stated he questions if the County should continue to own the building and it has become a luxury we can no longer afford. He stated he will support operations for one more year.

Legislator DeJaneiro seconded the resolution which was adopted by 283 votes Legislator Stein No (43).

RESOLUTION NO. 8 AMENDMENT – 2017 TAX WARRANTS – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 501 of the year 2016 adopted by the Genesee County Legislature established Town Tax Warrants for the various Towns within Genesee County, and

WHEREAS, After the adoption of said resolution an error was discovered on the summary page of the Town of LeRoy’s budget that showed the amount to be raised for the Town of LeRoy Water District as \$27,200 when in fact that amount should have read \$24,243.50. Now, therefore, Be it

RESOLVED, That Resolution No. 501-16 be amended as follows:

Town	Warrant Amount
Alabama	\$1,344,593.65
Alexander	\$1,936,502.14
Batavia	\$6,404,609.86
Bergen	\$2,406,134.74
Bethany	\$1,450,738.46
Byron	\$1,916,296.75
Darien	\$2,948,134.06
Elba	\$1,775,641.33
LeRoy	\$5,127,858.65
Oakfield	\$2,096,054.57
Pavilion	\$1,857,416.71
Pembroke	\$3,576,596.37
Stafford	\$2,130,147.86

Total \$34,970,725.15

and Be it further

RESOLVED, That an amended tax warrant for the Town of LeRoy be issued under the seal of the County of Genesee, signed by the Chair and the Clerk of the Legislature, and delivered to the Town of LeRoy Tax Collector for collection of taxes for the year 2017.

Budget Impact: The Town of LeRoy warrant is decreased by \$2,956.50. This amount is retained by the Town of LeRoy, so there is no impact to the County.

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

**RESOLUTION NO. 9 REAL PROPERTY TAX CORRECTIONS AND REFUNDS
2017 – TREASURER – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

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

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

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to carry out the requirements of §554 and §556 of the Real Property Tax Law, effective immediately, where the Real Property Tax Director's recommended correction or refund is two thousand five hundred dollars or less, and Be it further

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

Budget Impact: No immediate impact, correction and refund amounts will vary from year to year. Refunds are charged to allowance for uncollectible which has a balance of approximately \$103,067.

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

RESOLUTION NO. 10 REAPPOINTMENTS – STOP-DWI ADVISORY BOARD – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The term of office has expired for Jocelyn Sikorski, citizen member of the STOP-DWI Advisory Board and she has indicated a desire and ability to continue service, and

WHEREAS, The Committee on Ways and Means does recommend the reappointment of citizen Jocelyn Sikorski. Now, therefore, Be it

RESOLVED, That Jocelyn Sikorski of Alexander, New York be reappointed as citizen members of the Genesee County STOP-DWI Advisory Board to serve another term effective immediately through December 31, 2019.

Budget Impact: None – these are volunteer Board Members

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

RESOLUTION NO. 11 GENESEE COUNTY ETHICS AND DISCLOSURE LAW-DESIGNATION OF POLICY MAKING POSITIONS AND BOARDS-APPROVAL OF

Legislator Clattenburg offered the following resolution:

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

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

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

GCC Board of Trustees

GCEDC Board

GGLDC Board

Genesee County Funding Corporation Board

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

Genesee County Board of Health

Genesee County Community Services Board
Genesee County Planning Board
Genesee County Soil & Water Directors
Genesee County Ethics Board
Genesee County Water Agency Board
Assistant County Attorneys
Assistant District Attorneys
Assistant County Manager

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

At 5:49 PM, Chairman Cianfrini closed the public hearing on the introductory local law in relation to the salaries of county officers after inviting all interested parties to speak.

**RESOLUTION NO. 12 LOCAL LAW INTRODUCTORY NO. 1, YEAR 2017
- ADOPTION OF**

Legislator Bausch offered the following resolution:

WHEREAS, The following proposed Local Law Introductory No 1, Year 2017 was duly introduced to the Genesee County Legislature in accordance with the Law:

**LOCAL LAW INTRODUCTORY NO. 1, YEAR 2017
COUNTY OF GENESEE, NEW YORK**

**A LOCAL LAW IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE
COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A FIXED TERM**

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. The salary of County Officers set forth below shall be as follows:

a.	Commissioner of Social Services	\$ 96,845
b.	Commissioner of Elections – D	\$ 46,003
c.	County Attorney	\$124,097
d.	Highway Superintendent	\$106,211
e.	Director of Real Property Tax Services	\$ 60,963
f.	Director of Human Resources	\$ 73,600
g.	Public Defender	\$ 96,364
h.	County Clerk	\$ 90,414

Section 2. The above salary shall take effect January 1, 2017.

Section 3. This Local Law is subject to referendum on petition pursuant to the provisions of Section 24 of the Municipal Home Rule Law.

Section 4. This Local Law shall take effect upon proper filing with the Office of the Secretary of State, and,

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin boards in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number 1, Year 2017 and

WHEREAS, A Public Hearing was held at 5:30 p.m. on the eleventh day of January, 2017 Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore Be it

RESOLVED, That “**A LOCAL LAW IN RELATION TO THE SALARIES OF COUNTY OFFICERS OF THE COUNTY OF GENESEE, ELECTED OR APPOINTED FOR A**

FIXED TERM” to be known as Local Law Number 1, Year 2017, for the County of Genesee as introduced on December 14, 2016 be and hereby is adopted.

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

RESOLUTION NO. 13 COUNTY AUDIT – JANUARY 11 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Stein, did review the following claims:

General Fund 2016	\$	828,439.95
General Fund 2017		558,429.06
Highway 2016		197,211.67
Highway 2017		235.07
Self Insurance 2016		12,522.32
Self Insurance 2017		51,149.75
Nursing Home 2016		629,205.20
Water Fund 2016		86,740.10
DSS Abstracts 2016		857,126.77
DSS Abstracts 2017		4,128.70
Capital Projects:		
Highway – Sheriff FTC Firing Range Upgrade	\$	5,400.00
Highway – 2016 Road Machinery		224,911.02
Highway – River Street Bridge		23,382.31
Highway – 2016 Bridge Construction		9,806.79
Airport – Construct New Terminal		76,760.00
GCC – Wellness & Event Center		1,443,472.88
Payroll – General & Nursing Home		
December 23, 2016		1,785,063.71
January 6, 2017		1,288,559.06
Medicaid		
December 20, 2016		178,282.00
December 27, 2016		178,282.00
January 3, 2017		178,282.00
January 10, 2017		<u>178,282.00</u>
Total Audit	\$	8,795,672.36

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.

The meeting adjourned at 5:54 PM upon motion of Legislator Stein seconded by Legislator Torrey, carried unanimously.