

**THIRD DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, February 8, 2017**

The Genesee County Legislature met in Regular Session on Wednesday, February 8, 2017 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Davis assisted with the audit. Prayer was offered by Legislator Bausch followed by the Pledge to the Flag.

The minutes of the January 25, 2017 meeting were approved upon motion of Legislator Bausch seconded by Legislator Clattenburg, carried unanimously.

Legislator Stein reported the next meeting of the Inter County Association is February 17, 2017 hosted by Batavia Downs Gaming. Responses can be directed to Legislature Clerk LaGrou. Legislator Bausch reported that he and Legislator Torrey attended NYSAC Legislative Conference in Albany where every county in the state was represented.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 37 AGREEMENT AMENDMENT– HEALTH DEPARTMENT/
PRESCHOOL SUPPORTIVE HEALTH SERVICES
PROGRAM – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County has established contracts with providers of related services in the Preschool Supportive Health Services Program, and

WHEREAS, the Genesee County Public Health Director did present an amendment to the agreements with these service providers, and

WHEREAS, The Committee on Human 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 an amendment to the agreement with the providers of related services in the Preschool Supportive Health Services Program to add the following language to Appendix A, Related Service Rates, effective February 1, 2017.

** Beginning February 1, 2017: If a regularly scheduled group of 2 or more children has only one child available for scheduled group therapy (and a group therapy make-up can't be done), then the individual rate will be paid. On the session note it is still noted as group and the number of children present will be one. (This is only for children that have group therapy listed on their IEP and there are **two** or more children in the group but due to absence on a scheduled group therapy day, only one child is present).

Budget Impact Statement: No anticipate impact on 2017 budget.

Legislator Clattenburg seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 38 LETTER OF AGREEMENT - HEALTH DEPARTMENT –
PERRY VETERINARY CLINIC - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Public Health Director did present a Letter of Agreement with Perry Veterinary Clinic to deliver services related to the Rabies Program for the mutual benefit of both parties, 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 Letter of Agreement with Perry Veterinary Clinic, PLLC, 3699 West Main Street Road, Batavia, NY 14020 for the provision of mutual Rabies Program related services valued up to the amount of two thousand dollars (\$2,000.00) per year. This three-year agreement is effective January 1, 2017 through December 31, 2019. Services provided beyond the valued amount shall be reimbursed on a pro rata basis.

Budget Impact: Expenditures related to this agreement are offset by fees collected for Vaccination Services. Legislator Deleo seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 39 GRANT AMENDMENT – HEALTH DEPARTMENT/
LEAD POISONING PREVENTION PROGRAM –
APPROVAL OF**

Legislator Torrey offered the following resolution:

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

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

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with the New York State Department of Health for the acceptance of the Lead Poisoning Prevention Program contract for the period October 1, 2016 through September 30, 2017 in the amount of \$39,383, and to execute any and all other documentation related to this funding

Budget Impact: Revenue and expenses, in the amount of \$12,476, are appropriated in the 2016 Dept. 4010 – Health Department budget; the remaining balance in the 2017 Dept. 401 – Health Department Budget.

Legislator Stein seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 40 CONTRACT RENEWAL /CERTIFICATE OF INSURANCE-
OFA/ NEW YORK STATE CATHOLIC HEALTH PLAN,
INC., d/b/a FIDELIS CARE NEW YORK – CONGREGATE
& HOME DELIVERED - APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract renewal with NEW YORK STATE CATHOLIC HEALTH PLAN, INC., doing business as FIDELIS CARE NEW YORK™ for the provision of congregate and home delivered meals for Fidelis Care New York Medicaid Managed Care Program’s Genesee County clients eligible and authorized by Fidelis to receive Medicaid covered congregate and home delivered meals; and such meals to be provided by Genesee County Office for the Aging’s Congregate and Home Delivered Meals Programs; and

WHEREAS, The contract is automatically renewable on an annual basis; and

WHEREAS, The contract requires a certificate of insurance indicating general liability insurance in the amount of at least One (1) Million Dollars per occurrence with Three (3) Million Dollars in the aggregate naming New York State Catholic Health Plan, Inc. d/b/a Fidelis

Care New York, 95-25 Queens Boulevard, Rego Park, New York 11374, as additional insured; and

WHEREAS, the Committee on Human Services did review this request and 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 a contract with NEW YORK STATE CATHOLIC HEALTH PLAN, INC., doing business as FIDELIS CARE NEW YORK™, 95-25 Queens Boulevard, Rego Park, New York, 11374, for an ongoing period until such time as either party gives written notice of termination to the other party at least sixty (60) calendar days in advance of such termination of contract. Rate established for meals provided to Fidelis Care New York clients is as follows:

Congregate Meal	\$8.25 per meal
Regular Home Delivered Meal	\$9.25 per meal

Budget Impact: Based on the number of meals anticipated for 2017, revenue of \$19,000 is projected for all Medicaid-funded Congregate and Home Delivered Meal contracts; and is already incorporated into our 2017 county budget. Rate is \$8.25 per meal for congregare meals and \$9.25 per meal for home delivered meals.

Legislator Bausch seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 41 CONTRACT AWARD/CERTIFICATE OF INSURANCE -
OFA/NIAGARA ADVANTAGE d/b/a ELDERWOOD
HEALTH PLAN –CONGREGATE & HOME DELIVERED
MEALS - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract with Niagara Advantage Health Plan New York, LLC, a State of New York Limited Liability Company doing business as Elderwood Health Plan, for the provision of congregare and home delivered meals for Niagara Advantage Medicaid Managed Care Program’s Genesee County clients eligible and authorized by Niagara Advantage to receive Medicaid covered congregare and home delivered meals; and such meals to be provided by Genesee County Office for the Aging’s Congregate and Home Delivered Meal Programs; and

WHEREAS, The contract is automatically renewable on an annual basis; and

WHEREAS, The contract requires a certificate of insurance indicating general liability insurance in the amount of at least One (1) Million Dollars per occurrence with a Three (3) Million Dollars in the aggregate naming Niagara Advantage Health Plan LLC, d/b/a Elderwood Health Plan, 7 Limestone Drive, Williamsville, NY 14221 as additional insured; 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 Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with Niagara Advantage Health Plan New York, LLC, a State of New York Limited Liability Company doing business as Elderwood Health Plan, 7 Limestone Drive, Williamsville, NY 14221, for an ongoing period until such time as there is written mutual consent of both parties to terminate and either party has given written notice of termination to the other party with at least no less than sixty (60) days in advance of such termination of contract. Rates established for meals provided to Niagara Advantage clients are as follows:

Congregate Meal	\$8.25 per meal
Home Delivered Meal	\$9.25 per meal

Budget Impact: Based on the number of meals anticipated for 2017, revenue of \$19,000 is projected for all Medicaid-funded Congregate and Home Delivered Meal contracts; and is already incorporated into our 2017 county budget. Rate is \$8.25 per meal for congregate meals and \$9.25 per meal for home delivered meals.

Legislator Clattenburg seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 42 ACCEPTANCE OF SPECIAL LEGISLATIVE GRANT AND BUDGET AMENDMENT-YOUTH BUREAU-APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Executive Director of the Genesee County Youth Bureau did receive notice of the award of grant funding in the amount of \$15,000 from the NY State Education Department to provide youth development programming in Genesee County and

WHEREAS, The Executive Director of the Youth Bureau did request an amendment to the 2017 Youth Bureau Budget to accept said funding, and

WHEREAS, The Committee on Human Services and Ways and Means did review the request and do recommend approval at this time. Now, therefore be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2017 Genesee County Budget by increasing Revenue Account A.7312.3820 – St Aid, Youth Prog in the amount of \$15,000 to be offset by an increase in Contractual Accounts as follows

A 7312 4660 0000 Contracted Services \$15,000

Budget Impact: All increased appropriations accompanied by matching increased revenue. No net county cost.

Legislator Stein seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 43 APPOINTMENTS – GENESEE COUNTY YOUTH BOARD- APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Committees on Human Service and Ways and Means do recommend the appointments to the Genesee County Youth Board at this time. Now, therefore, be it

RESOLVED, That the following individuals are hereby appointed to the Genesee County Youth Board with a term and representation as noted.

New Appointment:

Youth Representative	Emma Osborn	February 1, 2017-January 31, 2020
Youth Representative	Caris Carlson	February 1, 2017-January 31, 2020
Byron/Bergen	Kathleen Carlson	February 1, 2017-January 31, 2020

Legislator Deleo seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 44 OFFICIAL TOURISM AGENCY -DESIGNATION OF

Legislator Davis offered the following resolution:

WHEREAS, The County of Genesee and the Genesee County Chamber of Commerce have determined that it is in their best interests to work together in their endeavors to promote tourism within Genesee County, and

WHEREAS, The Chamber of Commerce did present a Tourism Report for 2016 and plans for 2017 and did request the official designation as Tourism Agency for Genesee County, and

WHEREAS, The Committee on Ways and Means does recommend the official designation of the Chamber of Commerce as the County's Tourism Agency. Now, therefore, Be it

RESOLVED, That the Genesee County Chamber of Commerce be and hereby is designated as the Official Tourism Agency for the County of Genesee for the fiscal year January 1, 2017 through December 31, 2017.

Budget Impact Statement: No fiscal impact.

Legislator Torrey seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 45 CHAMBER OF COMMERCE/TOURISM CONTRACT -
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The County of Genesee is desirous of continuing its support of a program to promote tourism within Genesee County, and

WHEREAS, The County of Genesee has implemented a hotel and motel tax to fund tourism promotion within Genesee County, and

WHEREAS, The Genesee County Chamber of Commerce has presented a tourism marketing plan and budget for 2017 inclusive of the Matching Funds Program called "I Love New York", the Non-Matching Funds Program and administrative and operating expenses, and

WHEREAS, The Committee on Ways and Means has reviewed the proposed marketing plan and budget and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Chair be and hereby is authorized and directed to execute an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce for the year 2017 to be funded from the County's 2017 hotel and motel tax receipts up to an amount not to exceed \$420,000 for publicity and tourism services for the calendar year ending December 31, 2017.

Budget Impact Statement: Appropriation fully funded by Bed Tax revenue; County will only supply funding for Tourism activity to the extent actual revenues from bed tax are realized, not to exceed fiscal year appropriation of \$420,000.

Legislator Stein seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 46 REVISED PURCHASING POLICY AND PROCEDURES
FOR GENESEE COUNTY - APPROVAL OF**

Legislator Clattenburg 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 2017, and

WHEREAS, The Committee on Ways and Means did review the Purchasing Policy and Procedure for 2017 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 2017, effective immediately.

Budget Impact: None

Legislator Deleo seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

**RESOLUTION NO. 47 REVISED PURCHASING CARD PROCEDURES FOR
GENESEE COUNTY - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Purchasing Director did present revisions and updates to Purchasing Card Procedures, setting forth updated guidelines for the purchasing card functions of the County of Genesee for the year 2017, and

WHEREAS, The Committee on Ways and Means did review the Purchasing Card Procedure for 2017 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 2017, effective immediately.

Budget Impact: None

Legislator Deleo seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 48 MORTGAGE TAX INCREASE EXTENSION– REQUEST FOR AUTHORIZING LEGISLATION – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The County of Genesee has imposed an additional one-quarter of one percent (0.25%) local tax on mortgages for real property situated within the County of Genesee in addition to the tax imposed on said mortgages with the local tax of one-quarter of one percent to be used for the purpose of offsetting expenses of the Recording/County Clerk’s Office or any County General Fund purpose in Genesee County, and

WHEREAS, The legislation enacted by Chapter 301 of the Laws of 2015 authorizing such additional mortgage tax will expire October 31, 2017 and the County Legislature wishes to extend its provisions. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby petition State Senator Michael Ranzenhofer and Assemblyman Stephen M. Hawley to draft and introduce such legislation and further requests the New York State Legislature to support the legislation necessary to continue a one-quarter of one percent (0.25%) increase in Genesee County’s mortgage tax rate for the maximum period of three years allowed by Section 253-k(6) of the Tax Law to expire on October 31, 2020, and Be it further

RESOLVED, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer and Assemblyman Stephen M. Hawley and any other agency as indicated by the Chair of the Genesee County Legislature.

Legislator Davis seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 49 REQUEST FOR AUTHORIZING LEGISLATION-SALES TAX/CONTINUATION OF ONE PERCENT INCREASE EXTENSION-APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, State Legislation authorizing Genesee County to continue its imposition of an additional 1% Local Sales Tax expires on November 30, 2017, and

WHEREAS, The Committee on Ways & Means does recommend requesting approval for continuation at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby request New York State Senator Michael Ranzenhofer and Assemblyman Stephen Hawley to draft and introduce Legislation authorizing Genesee County to renew the additional 1% Sales Tax, and Be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley, NYSAC and GAM.

Legislator Clattenburg seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 50 CONTRACT RENWAL –COUNTY ATTORNEY-BROKER RISK MANAGEMENT SERVICES/APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS, In 2016 Genesee County did contract with Lawley Genesee for Broker/Risk Management Services to review and evaluate the County's risks and appropriateness of various coverages, and

WHEREAS, The County Attorney does wish to continue this contract with Lawley Genesee and the Committee on Ways and Means reviewed this recommendation and does concur at this time. Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to renew a contract to Lawley Genesee, 20 Jefferson Square, Batavia, NY 14020, for the provision of Broker/Risk Management Services in the amount of \$22,000 for the period February 1, 2017 through January 31, 2018.

Budget Impact: The cost for this service will be offset by an immediate reduction in premiums as well as future savings.

Legislator Stein seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

RESOLUTION NO. 51 COUNTY AUDIT – FEBRUARY 8 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Davis did review the following claims:

2017 General Fund	\$	458,802.07
2016 General Fund		98,909.12
2017 Highway		727,856.69
2017 Nursing Home		24,159.37
2016 Nursing Home		280,202.28
2017 Self Insurance		57,978.15
2017 Water		260,897.09
DSS Abstracts		300,354.36
2017 Capital Projects:		
Sheriff 800mhz Radio System Upgrade		201,485.00
Co.Park Improvements Pav. A/B Roof Repairs & Fireplaces		495.17
Airport Construct New Terminal & Maint. Building		29,536.14
Airport Reconstruct Runway 10-28 Design		60,000.00
GCC Wellness & Event Center		982,817.34
Payroll – General & Nursing Home		
February 3, 2017		1,027,883.92
Medicaid		
January 31, 2017		178,282.00
February 7, 2017		<u>178,282.00</u>
Total Audit	\$	<u>4,867,940.70</u>

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.

Prior to the vote, Legislator Bausch noted the title "Payroll-General & Nursing Home" can now be changed to "Payroll-General".

Legislator Torrey seconded the resolution which was adopted by 298 votes, DeJaneiro (28) absent.

The meeting adjourned at 5:43 PM upon motion of Legislator Clattenburg seconded by Legislator Davis, carried unanimously.