

**SEVENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, April 13, 2016**

The Genesee County Legislature met in Regular Session on Wednesday, April 13, 2016 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag.

The minutes of the March 23, 2016 was approved upon motion of Legislator Stein seconded by Legislator Davis.

Legislator Clattenburg reported that she attended the GCC board meeting and shared the following; the College is celebrating the 50<sup>th</sup> anniversary with a weeklong celebration and the groundbreaking ceremony for the Student Success Center and College Event Center is set for April 28<sup>th</sup>. Legislator Bausch attended Crime Victims' Rights week conference that focused on the victims of Opioid abuse as well as the special breakfast held in place of the regular CJAC meeting. Also noted, he attended the workshop on the "Genesee Ready" App which can be downloaded for free and allows the user to access resources and develop plans in case of an emergency. Legislator Cianfrini stated he toured the new Airport Building and encouraged others to schedule a tour or visit.

The Clerk reported on out of state travel for Deputy Chris Erion, Sheriff's Dept. 39<sup>th</sup> Annual Polygraph Training Seminar in Uncasville, CT June 12-17, 2016 cost \$1,137. Motion to approve made by Legislator Clattenburg second by Legislator Torrey, carried.

Chair Cianfrini commented the next scheduled meeting of the Legal Assistance Corporation is on April 14<sup>th</sup> and he plans to attend. Proposed changes to eligibility for legal assistance are significant.

County Manager Gsell reported on the on-going issue counties are facing with the unfunded state mandate to pay full-time DA's at the same rate as judges. This will cost Genesee County taxpayers \$30,000 which was not accounted for when the budget was approved. NYSAC is working on a request for a Chapter Amendment. Mr. Gsell also reported on the interest of a Buffalo film-maker interested in using the Old County Courthouse in a production about Grover Cleveland.

The Clerk proceeded with the resolutions as follows:

**RESOLUTION NO. 108                      FUNDING AGREEMENT-GENESEE COUNTY CHAMBER OF  
COMMERCE AGREEMENT/BUSINESS EDUCATION  
ALLIANCE-APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The 1989 "Genesee 2000" strategic planning process resulted in the formation of the Business Education Alliance as an adjunct of the Genesee County Chamber of Commerce, and

**WHEREAS**, The Business Education Alliance provides services and programs that promote the formation of partnerships among businesses and schools for the continuous improvement of education and employment readiness within Genesee County, and

**WHEREAS**, The County is desirous of supporting such a program, and

**WHEREAS**, The Committee on Human Services did review the agreement and does 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 an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce, 210 East Main Street, Batavia, NY for the Business Education Alliance program during the contract term of January 1, 2016 through December 31, 2016 in the amount of \$3,452.00.

**Budget Impact Statement:** \$3,452 appropriation in the 2016 budget  
\$3,452 appropriation in the 2015 budget  
\$3,452 appropriation in the 2014 budget  
\$3,452 appropriation in the 2013 budget  
5% reduction in funding; \$3,452 appropriated in 2012 budget  
15% reduction in funding; \$3,634 appropriated in 2011 budget; first funded in 2000.  
5% reduction in funding; \$4,275 appropriated in 2010 budget; first funded in 2000.  
2005 – 2009 funding = \$4,500/year  
2000 – 2004 funding = \$5,000/year

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

**RESOLUTION NO. 109                      CONTRACT RENEWAL – NURSING HOME – LABORATORY SERVICES – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Res. No. 190 did authorize a contract with United Memorial Medical Center for the provision of laboratory services at the Genesee County Nursing Home, and

**WHEREAS**, The contract allows for the option of four additional one-year renewals with the written consent of both parties, and

**WHEREAS**, The Administrator of the Nursing Home does recommend renewing this contract for the second of the four one-year renewals through May 31, 2017, and the Committee on Human Services does concur.

Now, therefore, Be it

**RESOLVED**, The contract is subject to approval of the Genesee County Attorney and shall include a thirty day termination clause without cause, Now, therefore Be it further,

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with United Memorial Medical Center, 127 North Street, Batavia, New York 14020, for laboratory services effective June 1, 2016 through May 31, 2017.

**Budget Impact Statement:** Funds have been budgeted for 2016.

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

**RESOLUTION NO. 110                      CONTRACT RENEWAL – NURSE STAFFING AGENCY – NURSECORE/NURSING HOME – APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, Resolution No. 113 - 2014 did authorize a contract with Nursecore of Rochester for the provision of supplemental staffing of the Nursing Department at Genesee County Nursing Home on an as-needed basis, and

**WHEREAS**, It is the mutual desire of the Nursing Home Administrator and Nursecore of Rochester to renew said contract for another one-year period under the same terms and conditions, and

**WHEREAS**, The Committee on Human Services has reviewed this request and does concur.

Now, therefore, Be it

**RESOLVED**, The contract is subject to approval of the Genesee County Attorney and shall include a thirty day termination clause without cause, Now, therefore Be it further,

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to renew the contract with Nursecore of Rochester, 1302 Scottsville Road, Rochester, New York, 14624 for the provision of supplemental nurse staffing on an as-needed basis, commencing on May 8, 2016 and continuing until May 7, 2017.

**Budget Impact Statement:** 2016 budget includes funds for nurse staffing agencies.

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

**RESOLUTION NO. 111                      CONTRACT RENEWAL – NURSE STAFFING AGENCY – SUPPLEMENTAL HEALTH CARE/NURSING HOME – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Resolution No. 112 - 2014 did authorize a contract with Supplemental Health Care for the provision of supplemental staffing of the Nursing Department at Genesee County Nursing Home on an as-needed basis, and

**WHEREAS**, It is the mutual desire of the Nursing Home Administrator and Supplemental Health Care to renew said contract for another one-year period under the same terms and conditions, and

**WHEREAS**, The Committee on Human Services has reviewed this request and does concur.

Now, therefore, Be it

**RESOLVED**, The contract is subject to approval of the Genesee County Attorney and shall include a thirty day termination clause without cause, Now, therefore Be it further,

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to renew the contract with Supplemental Health Care, 2005 Sheridan Drive,

Buffalo, New York, 14223, commencing on May 8, 2016 and continuing until May 7, 2017.

**Budget Impact Statement:** 2016 budget includes funds for nurse staffing agencies.

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

**RESOLUTION NO. 112                      CONTRACT–NURSE STAFFING AGENCY–CLINICAL  
STAFFING RESOURCES/NURSING HOME– APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Due to continued nurse staffing shortages, it is necessary for the Genesee County Nursing Home to contract with another nurse staffing agency that will provide all nursing positions on an as-needed basis, and

**WHEREAS**, The Administrator of the Nursing Home did present a proposed contract with Clinical Staffing Resources that will be able to provide this service, and

**WHEREAS**, The Committee on Human Services does recommend approval of said contract at this time. Now, therefore, Be it

**RESOLVED**, The contract is subject to approval of the Genesee County Attorney and shall include a thirty day termination clause without cause, Now, therefore Be it further,

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into contract with Clinical Staffing Resources, 420 W. Broadway, 3<sup>rd</sup> Floor, Brooklyn, New York, 11211, commencing on March 25, 2016 and continuing until terminated by either party with 30 days written notice.

**Budget Impact Statement:** Funds have been allotted in the 2016 budget for staffing agencies.

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

**RESOLUTION NO. 113                      CONTRACT–INTERPRETER SERVICES–NURSING HOME–  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Department of Health requires that a skilled nursing facility meet the communication needs of all residents, and

**WHEREAS**, The Genesee County Nursing Home requires an on-call sign language interpreter to meet the communication needs of residents who communicate in American Sign Language, and

**WHEREAS**, The proposed sign language interpreter and his students are trained in sign language through Genesee Community College, and

**WHEREAS**, The proposed contractor and his students will work as independent contractors and are not Genesee County employees, and

**WHEREAS**, The Administrator of the Nursing Home requests to establish a contract with a skilled sign language interpreter, and the Committee on Human Services does concur, Now, therefore, Be it

**RESOLVED**, The contract is subject to approval of the Genesee County Attorney and shall include a thirty day termination clause without cause, Now, therefore Be it further,

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to approve a contract for a sign language interpreter with instructor Chip Green and his students at Genesee Community College to provide services to hearing impaired residents at the Genesee County Nursing Home at a cost of \$45.00 per hour of service by the interpreter, and \$25.00 per hour of service by a student, to be done on an as-needed basis beginning on April 1, 2016 and continuing until terminated in writing by either party.

**Budget Impact Statement:** Funds are available in the Nursing and Social Services 2016 budget.

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

**RESOLUTION NO. 114                      GRANT ACCEPTANCE/BUDGET AMENDMENT-HEALTH  
DEPARTMENT/EBOLA AND OTHER INFECTIOUS  
DISEASE PREPAREDNESS AND RESPONSE ACTIVITIES-  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Public Health Director has received notification from Health Research, Inc. (HRI) that the Genesee County Health Department has been awarded \$19,000 in reimbursement for Ebola AND Other Infectious Disease Preparedness and Response Activities, and

**WHEREAS**, The Public Health Director has requested that the County accept this funding, which stipulates that this reimbursement will be used for Ebola and Other Infectious Disease Preparedness and



**Budget Impact Statement:** No budget amendment required.

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

**RESOLUTION NO. 117                      OFFICE FOR THE AGING ADVISORY COUNCIL–  
APPOINTMENT TO**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Office for the Aging Advisory Council by-laws specify that the Advisory Council shall not exceed eighteen (18) members, including both Community members and Service Provider members; with at least 50% of which shall be Community members who are Genesee County residents age 60 and over or their caregivers; and

**WHEREAS**, A vacant position currently exists on the Office for the Aging Advisory Council, and we offer invitation to individuals to fill open positions based on NYSOFA regulations regarding OFA Advisory Council composition; and

**WHEREAS**, The Committees on Human Services and Ways and Means do recommend appointment 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 effective April 14, 2016 through December 31, 2018.

Community Member:Brenda Jonathan, Tonawanda Band of Seneca Indians of New York, Basom

**Budget Impact Statement:** None

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

**RESOLUTION NO. 118                      PARTICIPATION AGREEMENT GREATER ROCHESTER  
REGIONAL HEALTH INFORMATION ORGANIZATION-  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present a Participation Agreement with Greater Rochester Regional Health Information Organization, a health information sharing and aggregation organization to share and aggregate data for treatment, payment, operations, public health and research-related purposes, and for other purposes authorized by patients; and

**WHEREAS**, The Genesee County Office for the Aging utilizes PeerPlace, a secure, web-based client database system contains information that would be useful to client health care providers treating consenting patients; and

**WHEREAS**, The Committee on Human Services did review this request and does recommend approval of this agreement 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 Participation Agreement with Greater Rochester Regional Health Information Organization, 200 Canal View Blvd., Suite 200, Rochester, NY 14623

**Budget Impact:** None

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

**RESOLUTION NO. 119                      RFP 2016-103 BACKUP STORAGE AWARD  
INFORMATION TECHNOLOGY - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Information Technology Director is recommending the award of RFP 2016-103 Backup Storage to Layer-3 Technologies, a Certified Women's Business Enterprise and

**WHEREAS**, The Ways and Means Committee did review this request and recommend the award of RFP 2016-103 Backup Storage to Layer-3 Technologies. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the award of RFP 2016-103 Backup Storage to Layer-3 Technologies: 1645 Lyell Avenue, Ste 200, Rochester, NY 14606 in an amount not to exceed \$43,150.

**Budget Impact Statement:** This project is funded through Asset Acquisition account A.1989.2008.0006 Equipment Renewal. The YTD Balance is \$132,081.

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

**RESOLUTION NO. 120**

**SUPPORTING NEW YORK STATE SENATE BILL S4964a AND  
NEW YORK STATE ASSEMBLYBILL A8201, WHICH WOULD  
INCREASE THE COUNTIES' SHARE OF DEPARTMENT  
OF MOTOR VEHICLE (DMV) REVENUE TO PROVIDE A MORE  
EQUITABLE SHARE FOR COUNTIES**

Legislator Davis offered the following resolution:

**WHEREAS**, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) Office, and

**WHEREAS**, local DMV Offices provide valuable customer service and process many no-fee transactions on behalf of New York State, and

**WHEREAS**, even when residents attempt to conduct transactions online directly through New York State, they often encounter problems or delays requiring the local DMV to utilize valuable time and resources to mitigate or correct the problem with no fee or compensation for the county, and

**WHEREAS**, under current law, New York State's share of all fees collected from the work performed by the county-operated DMV's is 87.3 percent, and

**WHEREAS**, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV Offices has increased in that time period, and

**WHEREAS**, the New York State Governor and Legislature have repeatedly stated that mandate relief and lowering the property tax burden on local residents are key priorities, and

**WHEREAS**, increasing the county share of DMV revenue sharing rate with New York State will not result in any increased cost or fees to local residents or taxpayers, and will provide counties with the needed revenue to continue to provide necessary local government services, and

**WHEREAS**, there is a clear inequity present when a county DMV provides all mandated services at considerable county expense, including overhead and staffing to fulfill these DMV needs for state residents, yet the state takes 87.3 percent of the revenue generated from providing said services, and

**WHEREAS**, the New York State Association of County Clerks (NYSACC) strongly supports S4964A (Ritchie)/A8201 (Brindisi) which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and to help offset county property taxes,

**NOW THEREFORE, BE IT RESOLVED**, That the Genesee County Legislature supports New York Senate Bill S4964 and New York Assembly Bill A8201, which would increase the counties' share of Department of Motor Vehicle (DMV) revenue to provide a more equitable share for counties, and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, NYS Assemblyman Stephen Hawley, Senator Michael Ranzenhofer, NYSAC and the New York State Association of County Clerks.

**Budget Impact Statement:** Significant increase in revenues generated by Genesee County DMV.

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

**RESOLUTION NO. 121**

**AGREEMENT WITH ROTARY CLUB OF BATAVIA, NY, INC.  
FLY-IN BREAKFAST - GENESEE COUNTY AIRPORT -  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Legislature did receive a request from the Rotary Club of Batavia, NY, Inc. to hold a Fly-In Breakfast at the Genesee County Airport on Sunday, June 19, 2016, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into

agreement with the Rotary Club of Batavia, NY, Inc. for access to and use of the Genesee County Airport on June 17, 18, 19, 20 and 21, 2016 subject to the rules and regulations of the Genesee County Airport to conduct a public Fly-In Pancake Breakfast on June 19, 2016.

**Budget Impact Statement:** Minimal utility expense offset by Rotary Club promotion of Airport.

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

**RESOLUTION NO. 122                      LEASE – FRIENDS OF BATAVIA PEACE GARDEN  
FOUNDATION AGREEMENT – APPROVAL OF**

Legislator Clattenburg 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 682 sq. ft. of space at the Engine House, 3 West Main Street, Batavia, for administrative purposes for the period of May 1, 2016 – April 30, 2017, 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 682 sq. ft. of space at the Engine House, 3 West Main Street, effective May 1, 2016 through April 30, 2017; at a cost of \$100.00 per year.

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

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

**RESOLUTION NO. 123                      APPOINTMENT-GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A GENESEE COUNTY  
ECONOMIC DEVELOPMENT CENTER (“GCEDC”)-APPROVAL  
OF**

Legislator Davis offered the following resolution:

**WHEREAS**, The Genesee County Industrial Development Agency (GCIDA) was created by an Act of the Legislature of the State of New York on May 8, 1970 by Chapter 565 of the laws of 1970 and set forth in section 895-e of the General Municipal Law of the State of New York, and

**WHEREAS**, The GCIDA was created by Resolution No. 177 of the Genesee County Legislature on September 23, 1970 to consist of 5 members “who shall serve at the pleasure of the Genesee County Legislature”, and

**WHEREAS**, The membership of the GCIDA was increased by Resolution No. 225 of the Genesee County Legislature on September 19, 1979 from 5 to 7 members with “said term of office expiring at the pleasure of the Genesee County Legislature.”, and

**WHEREAS**, Peter Zeliff has submitted a written request to the Genesee County Legislature Chairman requesting appointment to remain in the seat for the seven member board of the Genesee County Industrial Development Agency, d/b/a the Genesee County Economic Development Center (“GCEDC”), and

**WHEREAS**, The Committee on Ways and Means does recommend Mr. Peter Zeliff be appointed at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby appoint Mr. Peter Zeliff of Batavia, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective July 1, 2016 to June 30, 2022.

**Budget Impact Statement:** none.

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

**RESOLUTION NO. 124                      COUNTY AUDIT – APRIL 13 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2015 General Fund	\$	88,553.65
2016 General Fund		3,760,199.21
2016 Highway		852,232.23
2016 Water		27,541.18
2016 Nursing Home		218,272.25
2016 Self Insurance		47,436.00
DSS Abstracts		547,574.34

**2016 Capital Projects:**

Airport Construct New Terminal Building & Maintenance Hangar	123,679.34
Facility Management Sheriff's Admin. Sprinkler Repairs	39,028.00
GCC Wellness & Event Center	156,971.26
County Park Improvements, Pavilion A/B Roof, Repairs & Fireplaces	36.61
DeWitt Park Utility Extensions & Security Improvements	65.04

**Payroll – General & Nursing Home**

April 1, 2016	1,268,163.53
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**Medicaid**

March 29, 2016	177,425.00
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April 5, 2016	180,837.00
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April 12, 2016	<u>180,837.00</u>
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<b>Total Audit</b>	\$ 7,668,851.64
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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 Stein seconded the resolution which was adopted by 326 votes.