

**EIGHTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, April 27, 2016**

The Genesee County Legislature met in Regular Session on Wednesday, April 27, 2016 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Prayer was offered by Legislator DeJaneiro followed by the Pledge to the Flag.

The minutes of the April 13, 2016 meeting was approved upon motion of Legislator Stein seconded by Legislator Clattenburg, carried unanimously.

Legislator Stein reported on attendance at the last GAM meeting where two towns reported they are completing paperwork to form water districts and there are comprehensive plan updates as well as updates with Green Genesee/Smart Genesee. Legislator Bausch commented on the Ag & Business center in Warsaw where Inter County was held April 15th. Legislator DeJaneiro commented on the special presentation at GAM on wireless broadband. Legislator Clattenburg announced that GCC is hosting a groundbreaking event on 4/28/16 for the Student Success Center.

The Clerk reported that Assemblyman Steve Hawley sent an acknowledgement letter that he was in receipt of Resolution 120 and he recently signed on as a prime co-sponsor and the bill was referred to the Transportation Committee. The Clerk also reported that the Town of Batavia has sent notification of a public hearing on a proposed local law to amend the Zoning Map.

The Clerk proceeded with the resolutions as follows:

**RESOLUTION NO. 125 SUPPORT OF AMENDING THE NEWYORK STATE
 ELECTRONIC EQUIPMENT RECYCLING AND REUSE
 ACT**

Legislator DeJaneiro offered the following resolution:

WHEREAS, the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) were to assist local government with managing the fast growing electronics waste stream by relying on the electronics manufacturers to fund a recycling infrastructure and relieve municipalities of the recycling and end-of-life costs; and

WHEREAS, the County of Genesee believes that the Act has succeeded in significantly increasing electronics recovery and recycling in the State but that the recycling infrastructure is unstable and local governments and other collectors are faced with mounting fees in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs) and;

WHEREAS, the consequence, specifically following the January 2015 Disposal Ban, is significant and a growing number of local municipal solid waste systems are, or likely will be faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

WHEREAS, the Act requires, and the State relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state; and

WHEREAS, once manufacturers have met their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting unexpected management costs to cash strapped local governments; and

WHEREAS, the issue is worsened by the fact that electronics sold today weigh much less than the obsolete CRT devices that make up approximately 70% of the weight of e-scrap generated, which are cost intensive to responsibly manage; and

WHEREAS, there are ever increasing quantities of unwanted electronics due to “planned obsolescence” of many consumer products by manufacturers of these items; and

WHEREAS, this has resulted in local governments across the State grappling with the burden of funding or ceasing e-scrap collection, which has been particularly difficult in rural communities that do not benefit from retail collectors or economies of scale; Now Therefore Be It

RESOLVED, that the County of Genesee does hereby call upon Governor Cuomo, the New York State Assembly, the New York State Senate and the New York State Department of Environmental Conservation to improve the current Electronic Equipment Recycling and Reuse Act intended to build toward the long term goals of creating a more stable and comprehensive, manufacturer implemented electronics recycling infrastructure by implementing actions to strengthen communication among stakeholders, clarify key statutory provisions in their present rulemaking efforts, and promote the adoption of the Proposed Statutory Changes to the Act to provide for year round, no cost collection of electronics, consistent with convenience standards for both rural and urban populations-that help alleviate the immediate financial pressures faced by local governments; and be it further

RESOLVED, that the County of Genesee shall forward copies of this resolution to Governor Cuomo, Environmental Conservation Committee Chairmen Senator Thomas O’Mara and Assemblyman Steven Englebright, Assemblyman Steve Hawley, Senator Michael Ranzenhofer and NYSAC.

Budget Impact Statement: None.

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

RESOLUTION NO. 126

**GRANT ACCEPTANCE & 2016 BUDGET
AMENDMENT – EMERGENCY MANAGEMENT
SERVICES & SHERIFF’S OFFICE - FY16 STATE
HOMELAND SECURITY PROGRAM (SHSP)
GRANT – APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator and the Genesee County Sheriff request authorization to accept the FY16 State Homeland Security Program (SHSP) grant funding in the amount of \$115,000 from the US Department of Homeland Security, Federal Emergency Management Agency (FEMA); administered by the NYS Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, Grant funding priorities have been identified as the advancement of regional partnerships to build capabilities, development of citizen preparedness efforts, development of cyber security programs and policies; law enforcement information-sharing capabilities, emergency management planning efforts and sustainment of effective programs and existing capabilities, and

WHEREAS, 25% of the total grant award or \$28,750 must be utilized for law enforcement terrorism prevention activities, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of FY16 State

Homeland Security Program (SHSP) funds in the amount of \$115,000 and to execute any and all other documentation related to this funding, and

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 County Budget by increasing the Sheriff's Office Appropriation Account A3110.4800.0503 – Homeland Security in the amount of \$28,750 to be offset by an increase in Sheriff's Office Revenue Account A.3110.4305.2 – Federal Aid/Homeland \$28,750.

Budget Impact Statement No County cost. Grant funds in the amount of \$28,750 are appropriated in the 2016 Genesee County Sheriff budget. SHSP funds in the amount of \$86,250 will be appropriated in future EMO operating budget.

Legislator Bausch seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 127

DETERMINING THAT THE ON-AIRPORT OBSTRUCTION REMOVAL AND AIRPORT PERIMETER FENCE RELOCATION IS A TYPE I ACTION UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, DECLARING THE COUNTY AS LEAD AGENCY TO UNDERTAKE A COORDINATED REVIEW, AND FINDING AND CONCLUDING THAT THE PROPOSED ACTIONS WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE IMPACTS TO THE ENVIRONMENT

Legislator Deleo offered the following resolution:

WHEREAS, the County of Genesee, New York (the "County") is considering undertaking a project (the "Project") consisting of the On-Airport Obstruction Removal and Airport Perimeter Fence Relocation at the Genesee County Airport (the "Airport") located on East Saile Drive, Batavia, New York, and

WHEREAS, the Project is considered an action subject to Article 8 of the Environmental Conservation Law of the State of New York and the State Environmental Quality Review Act (SEQRA) and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), and

WHEREAS, a Full Environmental Assessment Form ("EAF") dated April 11, 2016, a copy of which is attached hereto, was prepared by C&S Engineers, Inc. to facilitate a review of the potential environmental impacts of the Project. Now therefore, Be it

RESOLVED, That upon review of the Regulations the County Legislature determines that the Project should be classified as a "Type I Action" as that term is defined in Part 617.4 of the Regulations, and Be it further

RESOLVED, That after notifying involved agencies of its intention to act as Lead Agency for the Project and receiving no objections to the County serving the role as Lead Agency, the County Legislature hereby declares itself Lead Agency to undertake a coordinated review pursuant to Part 617.6(b)(3) of the Regulations, and Be it further

RESOLVED, That the aforementioned EAF includes sufficient information on which to base its determination of significance and all the facts and circumstances, and Be it further

RESOLVED, That after careful consideration of the EAF and all the facts and circumstances, the County Legislature, hereby finds and declares that On-Airport Obstruction Removal and Airport Perimeter Fence Relocation will not have a significant impact on the environment as defined by the Regulations, and therefore issues a Negative Declaration with respect to the Project, and Be it further

RESOLVED, That that in connection with such Negative Declaration the County Legislature issues the following findings: a) the Project will not have a moderate or large impact on

RESOLUTION NO. 130

**SPECIAL EVENT- CHIARI & SYRINGOMYELIA
FOUNDATION (CSF) – DeWITT RECREATION
AREA – GENESEE COUNTY PARKS - APPROVAL
OF**

Legislator Young offered the following resolution:

WHEREAS, A Special Events application was received from the Chiari & Syringomyelia Foundation (CSF) to use the DeWitt Recreation Area for Unite@Night fundraiser on August 6, 2016, and

WHEREAS, The Parks Supervisor-Forester did review and recommends approval of, and

WHEREAS, The Committee on Public Service does concur with this request. Now, therefore,
Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Chiari & Syringomyelia Foundation (CSF) to use the DeWitt Recreation Area for Unite@Night fundraiser on August 6, 2016 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None.

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

RESOLUTION NO. 131

**SPECIAL EVENT - ASSOCIATION for
CONSERVATION OF RECREATIONAL and
NATURAL SPACES (ACORNS) - GENESEE
COUNTY PARK & FOREST - GENESEE COUNTY
PARKS - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, A Special Events application was received from the Association for Conservation Of Recreational and Natural Spaces (ACORNS) to use the Genesee County Park and Forest for a 5K/10K trail run and walk fundraiser on October 2, 2016, and

WHEREAS, The Parks Supervisor-Forester did review and recommends approval of, and

WHEREAS, The Committee on Public Service does concur with this request. Now, therefore,
Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Association for Conservation of Recreational and Natural Spaces (ACORNS) to use the Genesee County Park and Forest for a 5K/10K trail run and walk fundraiser on October 2, 2016 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None.

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

RESOLUTION NO. 132

**HYDRAULIC DECK MOWER AND
TRAILER/ASSET ACQUISITION – AWARD OF
BIDS**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent reviewed state bids on hydraulic deck mowers for use within the Genesee County Parks and reviewed quotes on trailers from local vendors, and

WHEREAS, The Highway Superintendent recommends purchasing a hydraulic deck mower and trailer at this time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur at this time. Now, therefore, be it

Budget Impact: The original contract was \$31,600. The cost of the change orders required is \$7,428. The total cost of the contract is now \$39,028. The change orders were needed to address additional corroded sprinkler heads that were found during repairs and to make repairs to backflow prevention devices that had seized during the time the sprinkler system was off-line.

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

**RESOLUTION NO. 135 SURPLUS EQUIPMENT-HIGHWAY-INTERNAL
SERVICE FUND/ROAD MACHINERY FUND –
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did request the following equipment be declared surplus property, and

WHEREAS, The Committees on Public Service and Ways and Means did review this list and do recommend this equipment be declared surplus property at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Legislature does hereby declare the following as surplus property to be disposed of at auction, public bid or through inter-municipal purchase.

Internal Service Fund

MP #3112 – 2007 Chev Express 15 Passenger Van

Road Machinery Fund

#6141 – 1996 Barber Greene Paver

#6021 – 1997 Badger Shovel with accessories: mower, grapple and buckets

Budget Impact: Revenue for Internal Service and Road Machinery Funds

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

**RESOLUTION NO. 136 CONTRACT AWARD – HIGHWAY – PAVEMENT
MARKINGS -- APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Department did receive bids for the painting of pavement markings on county roads and airport, and,

WHEREAS, The Genesee County Highway Superintendent has reviewed the bids and the qualifications of bidders and does recommend awarding contracts at this time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Seneca Pavement Markings, Inc., 23 Hunters Run, Horseheads, NY 14845 for the application of pavement markings as bid under Item Groups A and D as per specifications, effective June 1, 2016 through May 31, 2017 in an amount not to exceed budgeted amounts, and be it further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with O.H. Striping, Inc., 11016 River Rd, Corning, NY 14830 for the application of airport pavement markings as bid under Item Group B as per specifications, effective June 1, 2016 through May 31, 2017 in an amount not to exceed budgeted amounts, and be it further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Accent Stripe, Inc., 3275 North Benzing Rd, Orchard Park, NY 14127 for the application of epoxy pavement markings as bid under Item Group C as per specifications, effective June 1, 2016 through May 31, 2017 in an amount not to exceed budgeted amounts.

Budget Impact Statement: The County Road Fund includes \$135,000 for highway pavement markings and the Airport budget includes \$30,000 for pavement maintenance which will be used towards the application of pavement

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

**RESOLUTION NO. 137 LOWBOY TRACTOR/ASSET ACQUISITION –
AWARD OF BID**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Department did receive bids for new and unused lowboy triaxle trailer for use at the County Highway Department and do recommend awarding the bid to the lowest responsible bidder, and

WHEREAS, The Committees on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, The Genesee County Highway Superintendent is hereby authorized and directed to purchase a new and unused 2017 Kenworth W900B Triaxle Tractor from Kenworth Northeast Group Inc., 100 Commerce Dr, Buffalo, NY in an amount not to exceed \$149,851.

Budget Impact: The Asset Acquisition project included \$145,000 for the purchase of this tractor. The \$4,851 additional expense will be covered by the Asset Acquisition project balances.

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

**RESOLUTION NO. 138 ESTABLISH/CLOSE CAPITAL PROJECTS – 2016
BUDGET AMENDMENT -- HIGHWAY –APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The State of New York has provided Genesee County with Consolidated Local Street and Highway Improvement Program (CHIPS) and PAVE-NY funding, and

WHEREAS, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts that have been completed with prior year’s funding, and

WHEREAS, The Superintendent of Highways recommends closing existing projects and establishing new capital projects for work planned for this construction season, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore, Be it,

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

<u>Close:</u>	<u>Balance</u>	<u>Source</u>	<u>Action</u>
2015 Highway Chipseal	\$0.00	CHIPS	Close
2015 Highway Surface Treatment	\$0.00	CHIPS	Close
2014 Highway Recycling	\$34,463.95	CHIPS	Trans to 2016 Hwy Recycling

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following CHIPS and PAVE-NY capital projects by increasing CHIPS Revenue D9950.3501, Transfers to Capital D9950.9900, Highway Capital Project Expense H5197.2080, and Interfund Transfer H5197.5031 in the amount of \$2,056,583.29

<u>Establish:</u>	<u>Budget</u>	<u>Source</u>
2016 Highway Chipseal	\$380,000.00	CHIPS
2016 Highway Surface Treatment	\$530,000.00	CHIPS
2016 Highway Overlay	\$382,195.64	PAVE-NY
2016 Bridge Construction	\$180,000.00	CHIPS
2016 Highway Recycling	\$243,851.50	CHIPS and Transfer from 2014
2016 Road Machinery	\$375,000.00	CHIPS

Budget Impact Statement: 2016 CHIPS allocation is \$1,674,387.65 and PAVE-NY funds which are distributed according to CHIPS formula are \$382,195.64 which totals \$2,056,583.29.

of Jail space in the Steuben County Jail at a rate of \$85.00 per day for each prisoner from January 1, 2016 through December 31, 2016.

Budget Impact Statement: Funds have been appropriated to the 2016 budget. Legislator Torrey seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 142 CONTRACT FOR PERSONNEL/CIVIL SERVICE SOFTWARE SYSTEM – HUMAN RESOURCES – APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS, A Request for Proposals was issued seeking proposals from qualified individuals/organizations to provide and install a Personnel/Civil Service Software system including an Online Application and Candidate, Employee and Tracking System in order to ensure compliance with New York State Civil Service Law as well as the Genesee County Civil Service Rules and Regulations, and

WHEREAS, A Committee did review the proposal and does recommend entering into a contract for the provision of said services effective May 2, 2016 and the Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to enter into a contract with Discover e-Gov, 263 East Street, Pittsford, NY 14534 to provide Personnel/Civil Service Software at a total of \$29,750.

Budget Impact Statement: Funding through asset acquisition that was placed in the 2016 budget. Legislator Stein seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 143 RENEWAL OF CONTRACT FOR TRAINING PROGRAM – HUMAN RESOURCES – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 173 duly adopted on May 14, 2015 did award a contract to Elevate USA, Inc. to provide management training services for management employees to enhance leadership and managerial skills, and

WHEREAS, The Human Resources Director does recommend renewal of this contract for 2016 with the provision of said services and the Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into the first of four one-year renewal contracts with Elevate USA, Inc., of Philadelphia, Pennsylvania to provide as needed management training services for management employees for the period of May 1, 2016 through April 30, 2017.

Budget Impact Statement: \$15,000 is included in the 2016 Human Resources budget for County wide training. Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 144 SURPLUS PROPERTY DISPOSAL – INFORMATION TECHNOLOGY – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Information Technology Director has reviewed the list of obsolete computer equipment that is no longer suitable for county purposes, and

WHEREAS, The Ways and Means Committee concurs the equipment is no longer usable and recommends the equipment be declared surplus county property at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby declare the computer equipment as obsolete and surplus county property to be disposed of in an appropriate manner

using a certified recycler or sold through auction. **BUDGET IMPACT STATEMENT:** ESTIMATED COST OF DISPOSAL IS \$0 DOLLARS. Legislator Davis seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 145

SET PUBLIC HEARING – EASEMENT/DEWITT RECREATION AREA-NATIONAL GRID ELECTRIC SERVICE – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed easement agreement with National Grid, and

WHEREAS, Genesee County has requested a consolidated underground electric service for the south end of the DeWitt Recreation Area and National Grid has requested a utility easement from the County in order to provide underground service and a transformer, and

WHEREAS, A Public Hearing must held before the proposed easement is approved. Now, therefore, Be it

RESOLVED, That a public hearing shall be held on a proposed easement at DeWitt Recreation Area, by the Genesee County Legislature on the eleventh day of May, 2016 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 146

BUDGET AMENDMENT – COUNTY MANAGER-SAFETY TRAINING – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, In 2015 the County was awarded grant funding from the New York State Occupational Safety and Health Hazard Abatement Board to provide critical and mandatory training and educational programs to employees, and

WHEREAS, Due to scheduling conflicts it was necessary to move training from 2015 to 2016, and

WHEREAS, A budget amendment is needed to expend the funds in the 2016 budget, and

WHEREAS, The Ways and Means Committee did reviewed this request and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget as follows:

Increase Revenue	A.1230.3089.6	State Aid – Safety Training	\$1,775
Increase Expense	A. 1230.4550.0040	Training – Safety	\$1,775

Budget Impact statement: All training expenses are covered by grant funding. Legislator Davis seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 147

AUTHORIZATION TO AMEND AND EXTEND EXISTING AGREEMENTS FOR ELECTRICITY, RENEWABLE ENERGY CREDITS, NATURAL GAS

Legislator Young offer the following resolution:

WHEREAS, on February 11, 2015, the Genesee County Legislature approved Resolution No. 2013-117, to issue an Invitation to Bid on behalf of the Municipal Electric and Gas Alliance for the supply of electricity and renewable energy credits for municipal and other customers located in National Grid, New York State Electric and Gas, and Rochester Gas and Electric utility territories, and an Invitation to Bid on behalf of the Municipal Electric and Gas Alliance for the supply of natural gas for municipal and other customers located National Grid, New York State Electric and Gas, Rochester Gas and Electric, National Fuel and Consolidated Edison utility territories, all in accordance with provisions of New York State Law, and

WHEREAS, All political subdivisions and districts within the State of New York were authorized by the same resolution to participate in the contracts awarded as a result of this procurement, and

WHEREAS, Program Agreements with Constellation Energy Services for electricity supplies, and with Direct Energy Business for natural gas supplies were executed and implemented beginning April 1, 2015, and

WHEREAS, Market conditions have provided an opportunity for MEGA customers to benefit from current low pricing, and customers have expressed a desire to do so for longer than the present Agreements would otherwise provide, and

WHEREAS, Because such customer desires make it efficacious at this time to extend these Agreements as provided for in Paragraph 2.4 a) of such electricity agreement with Constellation, and in Paragraph 4.1 of such natural gas agreement with Direct Energy Business, it is the desire of the County, MEGA and the suppliers to do so, and

WHEREAS, MEGA has appropriately monitored both suppliers' performance under the agreement, found them to be exemplary, and has affirmed that suppliers' pricing will not be changed as a result of this proposed extension, and

WHEREAS, the MEGA board of Directors has formally requested the County to agree to a two-year extension of the existing agreements, as provided for in the Agreements and due to favorable market conditions and customer desires, now therefore be it.

RESOLVED, the Legislature hereby recommends the Chairman of the Genesee County Legislature approve the extension of the existing Program Agreements with Constellation Energy Services and Direct Energy in cooperation with MEGA, as appropriate to provide for a two-year extension of such Agreements so that they terminate March 31, 2020.

SEQR Action: Type II

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

RESOLUTION NO. 148

**A RESOLUTION CALLING ON THE STATE OF
NEW YORK TO FULLY REIMBURSE COUNTIES
FOR DISTRICT ATTORNEY SALARY INCREASES
SET BY THE STATE**

Legislator Stein offered the following resolution:

Whereas, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

Whereas, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary, and

Whereas, on April 1st the state approved the Commission's recommendation, and

Whereas, New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (DA) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on county size and full-time or part-time status, and

Whereas, for over 50 years, the state has funded all salary increases that they imposed on the counties, and

Whereas, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase as well; and

Whereas, this salary increase recommendation occurred well after all counties set their 2016 budgets in law, and

Whereas, to the extent that the Commission's recommendations, do in fact, supersede the provisions of Judiciary Law section 221-d as applicable to District Attorney's annual salary, and

Whereas, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law, and

Whereas, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries, and

Whereas, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap, and

Whereas, for many counties this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016.

Now, Therefore, Be It Resolved, that the County of Genesee calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers.

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

RESOLUTION NO. 149 COUNTY AUDIT – APRIL 27 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Torrey did review the following claims:

General Fund	\$ 5,111,453.05
Nursing Home	494,393.83
Highway	127,729.82
Water	551,514.23
Self Insurance	11,883.37
DSS Abstracts	88,326.27
Capital Projects:	
Airport Construct New Terminal Building & Maintenance Hangar	6,559.55
Sheriff's 800 Mhz Radio System Upgrade	4,977.50
Highway – River Street Bridge	15,868.37
Payroll – General & Nursing Home	
April 15, 2016	2,158,106.10
Medicaid	
April 19 2016	180,837.00
April 26, 2016	<u>180,837.00</u>
Total Audit	\$ 8,932,486.09

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 Deleo seconded the resolution which was adopted by 326 votes.

At this time, Legislator Stein made a motion for Rule 19 for the general purpose of realigning the administration of the Nursing Home in preparation for the next phase of the transition second by Legislator Young, carried unanimously.

RESOLUTION NO. 150

**2016 SALARY SCHEDULE AMENDMENTS/
NURSING HOME/TEMPORARY
ADMINISTRATIONSERVICES – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Due to the termination of the contract with CM Healthcare Innovations (CMHI), LLC for licensed administrator management services the State Department of Health requires that the facility appoint a full time acting Administrator in conjunction with the services of a Licensed Nursing Home Administrator, and

WHEREAS, The County Manager has requested the creation of a full time temporary Nursing Home Administrator to provide coverage during the interim period while a contracted administrator is providing license coverage until a new Licensed Administrator has assumed duties. Now, therefore Be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2016 Management Salary Schedule by creating one temporary full-time position of Nursing Home Administrator in Grade 121 at a salary of \$83,858 effective April 27, 2016 until a new licensed Administrator has assumed duties, and Be it further

RESOLVED, That Ms. Dawn Canale, Director of Nursing Services at the Genesee County Nursing Home is appointed as temporary Genesee County Nursing Home Administrator effective April 27, 2016 at a salary of \$83,858 until a new licensed Administrator has assumed duties, and Be it further

RESOLVED, That Ms. Kristina Ferrando, Assistant Director of Nursing Services at the Genesee County Nursing Home, be appointed as temporary Director of Nursing Services in Grade 116 at a salary of \$73,000 effective April 27, 2016 until a new licensed Administrator has assumed duties.

Budget Impact: Temporary salary increases will be offset by savings from the termination of the CM Healthcare Innovations contract.

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

RESOLUTION NO. 151

**CONTRACT-NURSING HOME/LICENSED
ADMINISTRATOR SERVICES – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Nursing Home does require the services of a Licensed Nursing Home Administrator, and

WHEREAS, Michael Perry has agreed to contract with Genesee County to provide licensed Nursing Home Administrator coverage on a part-time basis. Now, therefore Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Michael Perry of LeRoy, New York for the provision of New York State Licensed Nursing Home Administrator Services for the Genesee County Nursing Home at the rate of One Hundred dollars (\$100.00) per hour, for a maximum of twelve (12) hours per week, effective April 27, 2016 until a new licensed Administrator has assumed duties.

Budget Impact: Contractual costs will be offset by savings from the termination of the CM Healthcare Innovations contract

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

Motion to adjourn at 6:00 PM by Legislator Torrey seconded by Legislator Davis, carried.