

**NINTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, May 11, 2016**

The Genesee County Legislature met in Regular Session on Wednesday, May 11, 2016 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Prayer was offered by Legislator Bausch followed by the Pledge to the Flag.

Chairman Cianfrini opened a Public Hearing on a proposed easement agreement with National Grid at DeWitt Recreation Area. Interested parties were invited to be heard. There were no speakers.

The minutes of the April 27, 2016 meeting was approved upon motion of Legislator Young seconded by Legislator Deleo carried unanimously.

Legislator Clattenburg reported that during the May 9<sup>th</sup> GCC Board of Trustees meeting the event center was formally named the Richard C. Call Arena. Legislator Bausch reported on his attendance at CJAC and that the female jail population is down to 13 however, the male population is up to 90. Also discussed at CJAC was the on-going issue with use of the Interlock Device. Legislator Young announced the Business Education Alliance is having their annual breakfast on Friday, May 20<sup>th</sup> at 7:30 AM at Terry Hills, cost is \$20.

County Manager Jay Gsell reported that NYSAC continues to advocate for Counties with regard to unfunded mandates. He also stated the NYS Senate passed a bill to control unfunded mandates on schools and local governments.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 152                      GENESEE COUNTY AGRICULTURAL SOCIETY  
CONTRACT - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Genesee County Manager did present a contract to provide funding towards the 2016 Genesee County Fair, and

**WHEREAS**, The Committee on Human Services did review the contract and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a contract by and between the County of Genesee and the Genesee County Agricultural society in the amount of \$11,000.00 to be used for 4-H Judging expense and 4-H Premiums associated with the 2016 Genesee County Fair.

**Budget Impact Statement:**

2016=	\$11,000 annual 4-H Premium funding
2015=	\$11,000 annual 4-H Premium funding
2014=	\$11,000 annual 4-H Premium funding
2013=	\$6,214 annual 4-H Premium funding
2012 =	\$6,214 annual 4-H Premium funding
2011=	\$6,541 annual 4-H Premium funding
2010 =	\$7,695 annual 4-H Premium funding
2005 - 2009 =	\$8,100 annual 4-H Premium funding
2002 =	\$15,000 to Cooperative Ext to fund fair enhancements
2000 - 2001 =	\$25,000 to Cooperative Ext to fund fair enhancements
1999 =	\$25,000 additional funding for fair enhancements
1998 - 2004 =	\$9,000 annual 4-H Premium funding
1995 - 1997 =	\$8,500 annual 4-H Premium funding
1993 - 1994 =	\$7,500 annual 4-H Premium funding
1992 =	\$9,000 annual 4-H Premium funding
1989 - 1991 =	\$10,000 annual 4-H Premium funding

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

**RESOLUTION NO. 153 CONTRACT WITH MERCY FLIGHT, INC. - APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Mercy Flight, Inc., is a community based, not-for-profit corporation offering regional air medical services, and

**WHEREAS**, Funds were incorporated into the 2016 Genesee County Budget in the amount of \$14,250 to support the continued provision of air medical transfer service on behalf of Genesee County, and

**WHEREAS**, The Genesee County Manager did present a contract outlining the terms and conditions of this funding and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract between the County of Genesee and Mercy Flight, Inc., 100 Amherst Villa Road, Buffalo, NY for the provision of air medical transfer service in Genesee County for the period January 1, 2016 through December 31, 2016 for a contribution from Genesee County in the amount of \$14,250.

**Budget Impact Statement:**

2016 annual funding =	\$14,250
2015 annual funding =	\$14,250
2014 annual funding =	\$14,250
2013 annual funding =	\$14,250
2012 annual funding =	\$14,250
2011 annual funding =	\$14,250
2006-2010 annual funding =	\$15,000
1998 – 2005 annual funding =	\$10,000
1997 annual funding =	\$7,500
1996 annual funding =	\$5,000

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

Upon reading the following resolution; **CONTRACT FOR SOCIAL ADULT DAY CARE – APPROVAL OF**

Legislator Stein made a motion to withdraw the resolution seconded by Legislator Young, carried unanimously.

**RESOLUTION NO. 154 RENEWAL OF FOOD SERVICE CONTRACT RFP 2012-104 – OFA/GENESEE COUNTY CHAPTER NYSARC INC. - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present the renewal of contract for the provision of Meal Preparation Services for Office for the Aging for the congregate and home delivered meal programs administered by the Office for the Aging initially awarded through RFP 2012-104, and the Committee on Human Services does recommend approval at this time. Now, Therefore, Be it;

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew the contract with Genesee County Chapter NYSARC Inc./Genesee ARC, 64 Walnut Street, Batavia, N.Y. 14020, at a cost of \$5.83 for Home Delivered Meals – Regular Hot Meal; \$5.78 for Congregate Meals - Hot; \$4.47 for Home Delivered Meal – 2<sup>nd</sup> Cold Meal; \$5.83 for Home Delivered Meals – Frozen with a total contract not to exceed \$195,746 for the period of July 1, 2016 – June 30, 2017.

**Budget Impact Statement:** A 5% overall average per meal cost increase, but maintains the overall food service contract budget at \$195,746 that is in the 2016 County budget. Grant funds: Title III-C1, Title III C-2, WIN, NSIP

grant funds, and Medicaid Managed Long Term Care revenue funds pay for 94% of the cost of this contract, with the county paying the remaining 6% of matching funds required by the federal nutrition program Title III C grants. Legislator Bausch seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 155                      AGREEMENT – 2016 YOUTH BUREAU RESOURCE ALLOCATION PLAN – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Genesee County Youth Bureau and Department of Social Services have developed a joint plan to be eligible for state aid from the New York State Office of Children and Family Services under the Child and Family Services Planning Guidelines, and

**WHEREAS**, The Genesee County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2016 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Genesee County appropriation, and

**WHEREAS**, Guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Genesee County Youth Bureau and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it **RESOLVED**, That the Genesee County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2016 Genesee County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

**Budget Impact Statement** - Resource allocation to contract programs is included in the 2016 department budget. Allocations are completely offset by revenue. All payments to programs/agencies are subject to availability of state aid.

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

**RESOLUTION NO. 156                      APPOINTMENT – GENESEE COUNTY YOUTH BOARD APPROVAL OF**

Legislator Bausch offered the following resolution:

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

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

**New Appointment** Health Department                      Deborah Johnson                      Tenure

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

**RESOLUTION NO. 157                      CONTRACT– HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – JANET BRZEZNIAK APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Public Health Director did present a contract for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Janet Brzezniak, 9119 Upton Road, Batavia, NY 14020 for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSSHSP) for the period May 1, 2016 through June 30, 2017 per the 2015-2017 PSSHSP rate schedule.

**Budget Impact:** Revenue and expenses are included in the 2016 A 2960 3-5 Preschool Program Budget and will be included in the 2017 Program Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

**RESOLUTION NO. 158 CONTRACT- HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – NANCY BRISSETTE APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** The Public Health Director did present a contract for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

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

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Nancy Brissette, 6610 Emily Lane, Lockport, NY 14094 for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSSHSP) for the period May 1, 2016 through June 30, 2017 per the 2015-2017 PSSHSP rate schedule.

**Budget Impact:** Revenue and expenses are included in the 2016 A 2960 3-5 Preschool Program Budget and will be included in the 2017 Program Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

**RESOLUTION NO. 159 AWARD OF CONTRACT – MEDICAL DIRECTOR AND PROFESSIONAL SERVICES – NURSING HOME - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** The Genesee County Nursing Home and Assisted Living Residence seeks to obtain medical director and professional services to lead and provide medical care to residents of the Genesee County Nursing Home and Assisted Living Residence, and

**WHEREAS,** Mary Obear, MD and her group of physicians and nurse practitioners (PLLC), based at 860 Main Road, Corfu, NY, 14036, is uniquely qualified to provide the needed services, and

**WHEREAS,** Dr. Obear and PLLC have provided a proposed contract to cover such services, and

**WHEREAS,** The contract has been reviewed by the Nursing Home Administrator, the Director of Finance, the Director of Nursing and the County Attorney, the Nursing Home Administrator does recommend the award of this contract to PLLC for a period of one month, with automatic monthly renewals until the Nursing Home is sold to new owners, and

**WHEREAS,** The Committee on Human Services 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 execute a contract with Mary Obear, MD and PLLC for the purpose of providing medical director and professional services to the Nursing Home and Assisted Living Residence at an annual cost of \$40,000. This contract is for a one-month time period, beginning May 16, 2016 and renewing monthly until Genesee County no longer owns the Nursing Home.

**Budget Impact Statement:** There is no budget impact, as this amount has already been budgeted for Medical Director Services in 2016.

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

**RESOLUTION NO. 160  
APPROVAL OF**

**SUB-LEASE AGREEMENT – NYS ACCES-VR-**

Legislator Davis offered the following resolutions:

**WHEREAS,** Genesee County has a space lease agreement with Easttown Plaza Associates LLC, located at East Main and Clinton Streets (Easttown Plaza) Batavia, New York for use by the Genesee County Job Development Bureau and its partner agencies to operate a One Stop Center through January 31,2021, and

**WHEREAS,** The Employment & Training Director of the Genesee County Job Development Bureau recommends entering into a Sub-Lease Agreement with one of our partner agencies, the New York State ACCES- VR as follows:

\$5573.00 for the period February 1, 2016 through January 31, 2017

\$5573.00 for the period February 1, 2017 through January 31, 2018

\$5573.00 for the period February 1, 2018 through January 31, 2019

\$6268.00 for the period February 1, 2019 through January 31, 2020

\$6268.00 for the period February 1, 2020 through January 31, 2021,

payable in one installment on January 31<sup>st</sup> of each year.

**WHEREAS,** The Ways and Means Committee did review this agreement and does recommend authorization to sign at this time. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby authorize and direct the Chair to execute the necessary documents to implement this Sub-Lease Agreement between the County of Genesee and the New York State ACCES- VR Agency, for the period February 1, 2016 through January 31, 2021.

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

Legislature Chairman Cianfrini closed the public hearing at 5:48 PM.

**RESOLUTION NO. 161                      PROPERTY EASEMENT/ DEWITT RECREATION  
AREA-NATIONAL GRID ELECTRIC SERVICE – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS,** National Grid will be installing approximately 500 feet of primary underground conductor from a new in-line riser pole to the 25kVa pad mount transformer located at Dewitt Recreation Area, and

**WHEREAS,** National Grid has presented to the County an Easement Agreement for approval, and

**WHEREAS,** The Committee on Ways and Means and the County Attorney have reviewed this Easement and do recommend approval. Now, therefore, Be it

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Easement Agreement between the County of Genesee and National Grid, 5100 East Main Street, Batavia New York which grants an easement to National Grid for the installation of approximately 500 feet of primary underground conductor to the 25kVa pad mount transformer.

**Budget Impact Statement:** it will cost \$11,065 to install these lines.

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

**RESOLUTION NO. 162                      SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. TWO, YEAR 2016 - A LOCAL LAW TO AMEND THE TAX  
LAWS OF GENESEE COUNTY PURSUANT TO SECTION 485-r OF THE NEW YORK  
STATE REAL PROPERTY TAX LAW - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** There is hereby introduced to the Genesee County Legislature a proposed Local

Law Introductory No. two, Year 2016 entitled “**A LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE COUNTY PURSUANT TO SECTION 485-r OF THE NEW YORK STATE REAL PROPERTY TAX LAW**” and

**WHEREAS**, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

**RESOLVED**, That a public hearing shall be held on proposed Local Law Introductory No. two by the Genesee County Legislature on the 25th day of May at 5:30 pm at the Old Courthouse, 7 Main Street, Batavia, New York.

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

**RESOLUTION NO. 163                      2015 CAPITAL PROJECT AMENDMENT/  
2016 BUDGET AMENDMENT-EMERGENCY MANAGEMENT REPLACE TRAINING/  
STORAGE FACILITY – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The bids received for the 2015 Capital Project – Emergency Management Replace Training/Storage Facility came in above what was budgeted, and

**WHEREAS**, The Genesee County Manager has requested that the 2015 Emergency Management Replace Training/Storage Facility Capital Project be increased by \$16,609 to provide sufficient funds for the project, and

**WHEREAS**, The Committee on Ways and Means did review 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 Genesee County Budget by Increasing A9950.9 – Transfer to Capital in the amount of \$16,609 offset by an Increase in A.1000.1110.0- 1% Sales Tax in a like amount, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Capital Projects by increasing appropriation H3997.2080.0000 – Public Safety – Capital in the amount of \$16,609 offset by an increase in revenue H3997.5031 – Public Safety, Interfund Transfer in a like amount.

**Budget Impact:** The balance of unappropriated 1% sales tax after this transaction will be \$2,153,993.17

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

**RESOLUTION NO. 164                      APPOINTMENT-GENESEE FUNDING  
CORPORATION -APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Genesee Funding Corporation is managed by its Board of Directors, which shall establish general policies governing its operations, and

**WHEREAS**, The GFC By-Laws establish the number of Directors shall be no less than three but no more than nine, with an exact number of Directors to be established by a resolution adopted by the Members. The Directors shall consist of four Directors appointed by the Genesee County Legislature and two appointed by the Genesee County Economic Development Corporation (GCEDC), and

**WHEREAS**, A recent Legislature appointment vacancy has occurred, Dr. William Lapple has submitted a written request to the Genesee County Legislature requesting appointment to the seat for the six member board of the Genesee County Funding Corporation, And

**WHEREAS**, The Committee on Ways and Means does recommend Dr. William Lapple be appointed at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby appoint Dr. William Lapple of LeRoy, New York to the Genesee County Funding Corporation effective May 11, 2016.

**Budget Impact Statement:** none.

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

**RESOLUTION NO. 165                      APPOINTMENT-GENESEE COMMUNITY COLLEGE BOARD OF TRUSTEES -APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Genesee Community College Board of Trustees is the policy making body of the College, and

**WHEREAS**, The GCC Board of Trustees is responsible for a wide range of College business including approval of new curricula, appointing a new president and review and approval of the college budget and recommending its adoption to the Genesee County Legislature, and

**WHEREAS**, Trustee Laurie Miller has served on the Board since 2000 and her term is set to expire June 30, 2016, and

**WHEREAS**, Laurie Miller has submitted a letter requesting re-appointment by the Genesee County Legislature for another seven year term, and

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

**RESOLVED**, That the Genesee County Legislature does hereby appoint Laurie Miller of Alexander, New York to the Genesee Community College Board of Trustees effective July 1, 2016 through June 30, 2023.

**Budget Impact Statement:** none.

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

**RESOLUTION NO. 166      SPECIAL EVENT- OLD COUNTY COURTHOUSE- APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, A facility use request was received from Marshall Films, Inc. to film scenes for the movie Marshall on Tuesday, May 31, 2016 – Thursday June 2, 2016 at the Old County Courthouse, 7 Main Street, Batavia, NY, and

**WHEREAS**, Marshal Films, Inc.’s general liability policy will extend coverage in the amount of \$1 million per occurrence and \$2 million aggregate for this event and will endorse the policy to provide additional insured status to the County of Genesee, and

**WHEREAS**, The Genesee County Manager did review and recommend approval, and

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

**RESOLVED**, That the Genesee County Legislature does hereby grant permission to Marshal Films, Inc. for filming the movie Marshall at the Old County Courthouse on Tuesday, May 31, 2016 – Thursday, June 2, 2016.

**Budget Impact:** No Cost to County

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

**RESOLUTION NO. 167      COUNTY AUDIT– MAY 11 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2016 General Fund	\$	457,994.58
2016 Highway		69,203.60
2016 Nursing Home		184,174.62
2016 Self Insurance		48,222.20
DSS Abstracts		676,383.20

**2016 Capital Projects:**

Airport Construct New Terminal Building & Maintenance Hangar		5,083.10
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County Park Improvements, Pavilion A/B Roof, Repairs & Fireplaces	1,281.14
DeWitt Park Utility Extensions & Security Improvements	150.00
Highway 2015 Highway Recycling	2,264.14

**Payroll – General & Nursing Home**

April 29, 2016	1,280,182.42
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**Medicaid**

May 3, 2016	180,837.00
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May 10, 2016	<u>180,837.00</u>
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<b>Total Audit</b>	\$ 3,086,613.00
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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 Clattenburg seconded the resolution which was adopted by 326 votes.

A motion to adjourn was made by Legislator Clattenburg seconded by Legislator DeJaneiro carried unanimously.