

**TENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, May 25, 2016**

The Genesee County Legislature met in Regular Session on Wednesday, May 25, 2016 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Prayer was offered by Legislator Davis followed by the Pledge to the Flag. Legislator Bausch assisted with the audit.

Chairman Cianfrini opened a **Public Hearing** on 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. All interested parties were invited to be heard. There were no speakers.

The minutes of the May 11, 2016 meeting was approved upon motion of Legislator Clattenburg seconded by Legislator Deleo carried unanimously.

The Clerk reported an out of state travel request from Tim Yaeger/EMS to Atlanta, Ga May 23-27 for CSX Responder Outreach Unit Train Emergencies Training cost to the county: \$102. A motion to approve made by Legislator Young seconded by Legislator Davis, carried unanimously. A second out of state travel request for Roseanne Smart of Genesee Justice to travel to Portland, Oregon June 9-11 for the National Crime Victim Law Institute Crime Victim Law Conference cost to the county: \$1,600. A motion to approve made by Legislator Stein seconded by Legislator Bausch, carried unanimously.

Chairman Cianfrini reported on the press event attended by Sheriff Maha, EMS Coordinator Tim Yaeger, County Manager Jay Gsell and himself where the Ready Genesee App was unveiled to the public. The App provides useful tools for individuals and families for emergency preparedness planning for an emergency. Legislator Stein commented on Assistant County Manager Matt Landers work on the County self-insurance plan and the clear, professional manner he presented the previous week.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 168 CONTRACTUAL AGREEMENT –GENESEE  
JUSTICE -APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Coordinator of Genesee Justice did submit a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center; and

**WHEREAS**, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature and the Coordinator of Genesee Justice are hereby authorized and directed to enter into a contractual agreement with Kathy Colgan, 16 Country Meadow Drive, Honeoye Falls, NY 14472 for peer review, expert witness testimony, and training for the Justice for Children Advocacy Center/Team, 304 East Main Street, Batavia, NY for the period of June 1, 2016 through September 30, 2016 at a cost of \$80.00 per hour.

**Budget Impact:** Funding for this item to be covered by grant funds through the NYS OCFS.

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

**RESOLUTION NO. 169 ACCEPTANCE OF GRANT FUNDS / PUBLIC SAFETY  
ANSWERING POINT OPERATIONS GRANT - SHERIFF -  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The New York State Division of Homeland Security and Emergency Services

Office of Interoperable and Emergency Communications has awarded Genesee County a \$187,377.00 Public Safety Answering Point Operations Grant, and

**WHEREAS**, The grant funds will be used to offset a portion of the 2016 Communications Personal Services and Overtime Salaries cost in a like amount, and the revenue was appropriated to A3020.3390.911 (ST AID-911 WIRELESS) in the approved 2016 budget, and

**WHEREAS**, The Sheriff is requesting acceptance of these grant funds and

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

**RESOLVED**, That the Chair of the Legislature is hereby authorized and directed to accept the Division of Homeland Security and Emergency Services Office of Interoperable and Emergency Communications Public Safety Answering Point Operations Grant in the amount of \$187,377.00.

**Budget Impact Statement:** No increase in the budget. Revenue was included in the approved 2016 budget.

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

**RESOLUTION NO. 170     AGREEMENT RENEWAL - SHERIFF'S OFFICE /  
   JUSTICE BENEFITS, INC. - APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Genesee County entered into a contract with Justice Benefits, Inc., pursuant to Resolution 175, dated May 28, 2014, for the provision of professional assistance with revenue enhancement services, and

**WHEREAS**, the current agreement is due to expire on June 30, 2016, and

**WHEREAS**, the contract contained an option to renew for four (4) additional one-year periods upon written mutual agreement of both parties, and

**WHEREAS**, the Sheriff does recommend renewing this contract for the second renewal period commencing July 1, 2016, and continuing through June 30, 2017, and

**WHEREAS**, the Committee on Public Service 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 an agreement with Justice Benefits, Inc., 1711 East Belt Line Road, Coppell, Texas 75019-9606, for professional assistance with revenue enhancement services.

**Budget Impact Statement:** Increase in Jail revenue; appropriated to the 2016 budget.

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

**RESOLUTION NO. 171     RENEWAL AGREEMENT - SHERIFF /  
   SPECIAL/ADDITIONAL LAW ENFORCEMENT  
   SERVICES FOR DARIEN LAKE – APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Genesee County entered into an agreement with CLP Darien Lake, LLC, a Delaware limited liability company (“Darien Lake”), through its agent, DLFE Management Company, LLC, a Missouri limited liability company (“DLFE”) pursuant to Resolution 181, adopted on May 27, 2015, whereby the Sheriff’s Office would provide additional law enforcement services at Darien Lake and their Performing Arts Center for the 2015 operating/concert season, and

**WHEREAS**, the Sheriff’s Office invoiced Darien Lake for the police services provided, and Darien Lake reimbursed the County, and

**WHEREAS**, the current agreement will expire May 31, 2016, and

**WHEREAS**, Darien Lake is entering into its 2016 operating and concert season (May 1, 2016 through October 31, 2016) and has indicated a desire to renew the law enforcement services agreement with Genesee County for an additional one-year term (June 1, 2016 through May 31,

2017) and is based on the same terms and conditions from 2015, with the exception of an increase in rate per the Deputy Sheriffs' Association (DSA) Collective Bargaining Agreement, and

**WHEREAS**, Darien Lake has been made aware that the Sheriff's Employees' Association (SEA) Collective Bargaining Agreement expired on December 31, 2015, and the hourly rates listed on *Addendum A* of the Agreement will change, and the difference will be billed under a separate invoice once the agreement has been ratified, and

**WHEREAS**, after careful review by the Genesee County Attorney, the Sheriff does recommend renewing this contract for the term stated above, and

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

**RESOLVED**, that the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for additional law enforcement services at Darien Lake for an additional one-year term (June 1, 2016 through May 31, 2017) and for the Performing Arts Center 2016 concert season (May 1, 2016 through October 31, 2016).

**Budget Impact:** \$160,000 has been appropriated to account A3110.1020.0800 (Overtime – Additional Police Services), to be offset by revenue billed back to entities for additional law enforcement services.

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

**RESOLUTION NO. 172**    **AGREEMENT RENEWAL AND BUDGET  
AMENDMENT – SHERIFF / POLICE SERVICES  
FOR VILLAGE OF BERGEN - APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, the Village of Bergen has requested to renew an agreement to contract for additional police services for the Village commencing June 1, 2016, through May 31, 2017, and

**WHEREAS**, the current Genesee County Deputy Sheriffs' Association Labor Agreement will expire December 31, 2016, and the 2017 retirement rates and mileage rate will not be available until late 2016. The Village of Bergen has been made aware that the hourly rate for 2017 is to be determined, and

**WHEREAS**, the Sheriff does recommend entering into a renewal agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

**RESOLVED**, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Bergen and the Genesee County Sheriff's Office for a period commencing June 1, 2016, through May 31, 2017, and be it further

**RESOLVED**, that the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget by increasing Sheriff's account A3110.1020.1000 (Overtime - Bergen Patrols) in the amount of \$13,500, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

**Budget Impact:** Appropriation of \$13,500 offset by revenue billed back to entities for additional law enforcement services.

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

**RESOLUTION NO. 173**    **AGREEMENT RENEWAL AND BUDGET  
AMENDMENT – SHERIFF / POLICE SERVICES  
FOR VILLAGE OF OAKFIELD - APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, the Village of Oakfield has requested to renew an agreement to contract for

additional police services for the Village commencing June 1, 2016, through May 31, 2017, and **WHEREAS**, the current Genesee County Deputy Sheriffs' Association Labor Agreement will expire December 31, 2016, and the 2017 retirement rates and mileage rate will not be available until late 2016. The Village of Oakfield has been made aware that the hourly rate for 2017 is to be determined, and

**WHEREAS**, the Sheriff does recommend entering into a renewal agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it **RESOLVED**, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Oakfield and the Genesee County Sheriff's Office for a period commencing June 1, 2016, through May 31, 2017, and be it further

**RESOLVED**, that the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget by increasing Sheriff's account A3110.1020.1000 (Overtime - Oakfield Patrols) in the amount of \$14,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

**Budget Impact Statement:** Appropriation of \$14,000 offset by revenue billed back to entities for additional law enforcement services.

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

**RESOLUTION NO. 174**

**CONTRACT RENEWAL – SHERIFF /  
LIVINGSTON COUNTY PRISONER  
HOUSING - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, the Sheriff did present a prisoner housing contract renewal with Livingston County Jail, and

**WHEREAS**, the County Attorney has reviewed and approved the terms of this Agreement, and **WHEREAS**, the Committee on Public Service did review this contract renewal and does recommend approval at this time. Now, therefore, be it

**RESOLVED**, that the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to execute the contract between the County of Genesee and the County of Livingston for the provision of Jail space in the Livingston County Jail at a rate of \$85.00 per day for each prisoner housed between January 1, 2016, through December 31, 2016.

**Budget Impact:** Funds have been appropriated to the 2016 budget.

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

**RESOLUTION NO. 175**

**SCHOOL RESOURCE OFFICER AGREEMENT  
RENEWAL –SHERIFF/GENESEE VALLEY  
EDUCATIONAL PARTNERSHIP – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, the Sheriff did present a renewal Memorandum of Understanding between Genesee County, the Genesee County Sheriff, and the Genesee Valley Educational Partnership (GVEP) for a School Resource Officer (SRO) effective July 1, 2016, through June 30, 2017.

**WHEREAS**, the Agreement remains the same as the previous years with the exception of the reimbursement from GVEP which is as follows:

\$50,058.56	for the time period	July 1, 2016	through	December 31, 2016
\$50,058.56*	for the time period	January 1, 2017	through	June 30, 2017
\$50,058.56*	for the time period	July 1, 2017	through	December 31, 2017
\$50,058.56*	for the time period	January 1, 2018	through	June 30, 2018

*\* The Genesee County Deputy Sheriffs' Association 2014-2016 contract expires on December 31, 2016, and the hourly rate will not be known until the Collective Bargaining Agreement is ratified. In addition, the yearly retirement and mileage rates are not available until late fall of each year; therefore, the 2017 and 2018 reimbursement rates will change. As a result, these rates will be modified, and, if applicable, the difference will be billed under a separate invoice.*

**WHEREAS**, the Committee on Public Service did review this request and does recommend approval at this time. Now, therefore, be it

**RESOLVED**, that the Chair of the Genesee County Legislature and Genesee County Sheriff are authorized to sign this Agreement.

**Budget Impact Statement:** Costs for the GVEP School Resource Officer are offset by revenue in the amount of \$50,058.56 for 2016.

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

**RESOLUTION NO. 176                      CHANGE ORDER APPROVAL –  
HARRIS CORPORATION/SHERIFF'S  
OFFICE 800 MHZ RADIO SYSTEM  
UPGRADE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County contracted with Harris Corporation RF Communications Division, located at 1680 University Avenue, Rochester, NY 14610, to provide standardized accessories for the radio equipment provided to the agencies as part of the original purchase agreement pursuant to Resolution No 157, dated April 25, 2013, and

**WHEREAS**, Genesee County received a NYS Statewide Interoperable Communications Grant which included funds to build an additional tower, improve coverage in selected facilities, upgrade our microwave network, and connect our system to a regional, four-county Harris Public Safety Radio network, and

**WHEREAS**, Harris and the County have negotiated a price of the additional work specified in Amendment 7 of the original purchase Agreement for a total cost not to exceed \$2,400,000.00, and

**WHEREAS**, After careful review by the Genesee County Sheriff, Emergency Management Coordinator, County Attorney, and Director of Emergency Communications, we recommend that a change order be approved for a cost not to exceed \$2,400,000.00 to be offset by revenue from the NYS Statewide Interoperable Communications Round 4 Grant, and

**WHEREAS**, The Committee on Ways & Means 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 approve Harris Corporation Change Order 7, at a cost not to exceed \$2,400,000.00 to be offset by revenue from the NYS Statewide Interoperable Communications Round 4 Grant.

**Budget Impact:** The entire cost of \$2,400,000.00 for the Harris Change Order 7 will be offset by revenue from the NYS Statewide Interoperable Communications Round 4 Grant.

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

**RESOLUTION NO. 177                      APPOINTMENT –PARKS, RECREATION AND  
FORESTRY ADVISORY COMMITTEE -  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The term of office for one member of the Genesee County Parks, Recreation and Forestry Advisory Committee has expired and a vacancy does exist, and

**WHEREAS**, Mary Miller is recommended for replacement to serve out the remaining 3 year term, and

**WHEREAS**, The Committees on Public Service and Ways and Means does recommend that appointment to fill the vacancy be made and this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby appoint the following to serve out the remaining term on the Genesee County Parks, Recreation, and Forestry Advisory Committee effective immediately through March 31, 2019

Mary Miller

Town of Bethany

District #6

**Budget Impact:** None

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

**RESOLUTION NO. 178      EQUIPMENT PURCHASE – HIGHWAY-  
DUMP TRUCK & PLOW EQUIPMENT - APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, Funds were incorporated into the 2016 Road Machinery Capital Project to purchase a new and unused 6 x 4 Dump Truck for use by the Genesee County Highway Department, and

**WHEREAS**, The County Highway Superintendent did review bids and specifications from the statewide truck contract offering piggyback awards from Onondaga County #7823 and recommends awarding a contract to purchase a dump truck at this time, and

**WHEREAS**, The Committee on Public Service did review this request and does recommend this purchase to be authorized at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Highway Superintendent is hereby authorized and directed to purchase a 2017 GU713 Dump Truck, Body, Wing, Plow & Harder Sander at a cost of \$224,911.02 from Beam Mack Sales & Service, Inc., 2674 West Henrietta Rd, Rochester, NY 14609; to be paid from the 2016 Road Machinery Capital Project.

**Budget Impact:** 2016 Road Machinery Project was established in the amount of \$375,000 and included funds for the purchase of this dump truck

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

**RESOLUTION NO. 179      EQUIPMENT PURCHASE – HIGHWAY-SKID STEER  
LOADER - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Funds were incorporated into the 2016 Road Machinery Capital Project to purchase a new and unused Skid Steer Loader for use by the Genesee County Highway Department, and

**WHEREAS**, The County Highway Superintendent did review bids and specifications from OGS Contract #PC67141 and recommends awarding a contract to purchase a skid steer loader using Award #PGB22792 at this time, and

**WHEREAS**, The Committees on Public Service did review this request and does recommend this purchase to be authorized at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Highway Superintendent is hereby authorized and directed to purchase a new and unused S750 T4 Bobcat Skid-Steer Loader at a cost of \$48,669.30 from Alexander Equipment, Alexander, NY 14005; to be paid from the 2016 Road Machinery Capital Project, and be it further

**RESOLVED**, The order for this equipment will be placed with Clark Equipment Company, dba Bobcat Company, Government Sales, PO Box 6000, 250 E Beaton Drive, West Fargo, ND 58078.

**Budget Impact:** 2016 Road Machinery Project was established in the amount of \$375,000 and included funds for the purchase of this equipment.

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

**RESOLUTION NO. 180      AG PARK RD – TRANSFER OF LICENSE AGREEMENT  
FOR NATIONAL GRID – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, the Town of Batavia entered into a License Agreement with National Grid on January 15, 2013 to allow the Town to construct a road connecting the westerly end of Ag Park Rd West to NYS Route 63 (named Ag Park Rd South); and

**WHEREAS**, the Town successfully designed and constructed the roadway as shown on the drawings labeled Genesee Valley Agri-Business Park Phase III – NYS Route 63 Access Road dated September, 2013, and

**WHEREAS**, the Town of Batavia dedicated the new road to Genesee County including all their right, title and interest in the road; and

**WHEREAS**, the Town of Batavia now wishes to assign the National Grid License Agreement over to Genesee County for the long term ownership and maintenance of the roadway; and

**WHEREAS**, the Genesee County Highway Superintendent has reviewed this request and does recommend that Genesee County accept the License Agreement of said roadway; and

**WHEREAS**, the Public Service Committee has reviewed this recommendation and does concur at this time, now, therefore, be it

**RESOLVED**, the Genesee County Legislature does hereby accept assignment of the National Grid License Agreement for the Ag Park Road South, as described above, from the Town of Batavia for the long term ownership and maintenance of the roadway, and hereby directs the Chairperson of the Genesee County Legislature to sign the assignment and assumption agreement.

**Budget Impact:** None.

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

**RESOLUTION NO. 181                      2016 BUDGET AMENDMENT/ESTABLISH  
CAPITAL PROJECT/AWARD OF BID – COUNTY  
BUILDING #2 FLOOD DAMAGE RESTORATION –  
APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Genesee County Building #2 experienced significant flooding after extreme cold temperatures ruptured water supply piping, and

**WHEREAS**, The County is in receipt of funds from its insurance carrier for repairs to damaged areas, and

**WHEREAS**, The Genesee County Highway Superintendent prepared plans and specifications for repairs to the affected areas of the building, and

**WHEREAS**, The Genesee County Purchasing Director did receive bids for these plans and specification from various bidders, and

**WHEREAS**, The County Highway Superintendent did review these bids and does make a recommendation to award a bid at this time, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to establish the following capital project:

Building No 2 Flood Damage Restoration in the amount of \$127,498, and be it further

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2016 Budget:

Increase A.1000.2680 Insurance Recoveries	\$127,498
Increase A.9950.9000.0000 Transfer to Capital	\$127,498
Increase H.1997.5031 Interfund Transfers	\$127,498
Increase H.1997.2080 Capital Project Bldg No 2 Flood Repairs	\$127,498

**RESOLVED**, That the Genesee County Legislature does hereby award a construction contract to Thompson Builds of 6670 Hessenthaler Road, Byron, NY 14422 in an amount not to exceed \$96,200.

**Budget Impact:** Insurance proceeds of \$127,498 will be used to fund the capital project. The lowest responsible bidder totaled \$96,000 which was less than the capital project amount.

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

**RESOLUTION NO. 182      AWARD OF BID/CONSULTANT AGREEMENT/GRANT  
ACCEPTANCE – ON-AIRPORT OBSTRUCTION  
REMOVAL AND FENCE RELOCATION – AIRPORT --  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Genesee County has been awarded a federal aid grant to remove on-airport obstruction and relocate the perimeter fence, and

**WHEREAS**, Genesee County advertised bid specifications for the construction of this project and received several competitive bids, and

**WHEREAS**, The Genesee County Highway Superintendent and C&S Engineers have reviewed the bids to determine the lowest responsible bidder, and

**WHEREAS**, The Genesee County Highway Superintendent has also reviewed a proposal from C&S Engineers relative the construction administration and inspection for this project and does recommend approval of a consultant agreement at this time, and

**WHEREAS**, The Committee on Public Service has reviewed these recommendations and does concur at this time, Now, therefore, be it

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized to execute a contract with Terry Tree Service, 225 Ballantyne Rd, Rochester, NY 14623 for On-Airport Obstruction Removal and Fence Relocation in an amount not to exceed \$539,539.

**RESOVLED**, That the Chairperson of the Genesee County Legislature is hereby authorized to execute a consultant agreement with C&S Engineers, 499 Col Eileen Collins Blvd, Syracuse, NY 13212 in an amount not to exceed \$37,500.

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute any and all grant agreements related to this project from both the Federal Aviation Administration and New York State Department of Transportation.

**Budget Impact:** The contract, including alternate bids, is for \$577,039. Once an actual grant offer is accepted, a capital project will be established for this work that is funded with federal aid (90%), state aid (5%) and local match (5%) to be provided from the County 1% Sales Tax.

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

**RESOLUTION NO. 183      SOIL & WATER CONSERVATION DISTRICT  
DIRECTORS/ESTABLISH TERM LENGTH**





**WHEREAS**, The Committees on Public Service and Ways & Means do recommend Tadeus Konieczka be re-appointed as a Director. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby re-appoint Tadeus Konieczka of Elba, New York to the Genesee County Soil & Water Conservation District Directors through December 31, 2018.

**Budget Impact Statement:** none.

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

**RESOLUTION NO. 186 AWARD OF BID-ELECTIONS/PRINTING SUPPLIES-  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The agreement entered into July 14, 2011 by the Genesee County Legislature on behalf of the Board of Elections with Phoenix Graphics Inc. of Rochester for printing supplies expired June 30, 2016, and

**WHEREAS**, A new contract was offered for the period of July 1, 2016 through June 30, 2018 with the option for four (4) additional one year (1) renewals upon mutual written agreement between both parties and must be in the best interest of Genesee County, and

**WHEREAS**, The lowest qualified bidder was Phoenix Graphics, Inc., 1525 Emerson Street, Rochester at a total cost of \$14,205 for the 2016 Primary and General Election. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Phoenix Graphics Inc. for the printing supplies for the 2016 Primary and General Election, per bid specifications, effective July 1, 2016 through June 30, 2018 in the amount of \$14,205 prorated by the required number of ballots per election.

**Budget Impact Statement:** Budgeted for in 2016 budget-no impact.

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

**RESOLUTION NO. 187 SETTING PUBLIC HEARING – COMMUNITY  
DEVELOPMENT BLOCK GRANT/FY2013 –  
APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Genesee County was awarded a FY 2013 Community Development Block Grant from the New York State Office of Community Renewal to assist the implementation of a project to expand the operations of Yancey's Fancy, Inc. at the Buffalo East Technology Park South in the Town of Pembroke, and

**WHEREAS**, The award of such a grant requires that a public hearing be held to obtain citizen views regarding any aspect of the project's implementation including, but not limited to any construction, financing, and employment opportunities resulting from the project. Now, therefore, Be it

**RESOLVED**, That a Public Hearing on the Community Development Block Grant from the New York State Office of Community Renewal to assist the implementation of a project to expand the operations of Yancey's Fancy, Inc. at the Buffalo East Technology Park South in the Town of Pembroke will be held on Monday, June 6, 2016 at 5:00pm at the Old Courthouse, 7 Main Street, Batavia, New York

**Budget Impact:** None

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

**RESOLUTION NO. 188**

**SETTING PUBLIC HEARING INTRODUCTORY  
LOCAL LAW NO. THREE- YEAR 2016– APPROVAL  
OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law entitled: “**LOCAL LAW INTRODUCTORY NO. 3, YEAR 2016, AMENDING LOCAL LAW NUMBER FOUR OF THE YEAR 2012, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NO. ONE OF THE YEAR 1956, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NO. TWO OF THE YEAR 1962, LOCAL LAW NO. ONE OF THE YEAR 1966, LOCAL LAW NO. ONE OF THE YEAR 1972, LOCAL LAW NO. TWO OF THE YEAR 1974, LOCAL LAW NO. TWO OF THE YEAR 1977, LOCAL LAW NO. TWO OF THE YEAR 1981, LOCAL LAW NO. FOUR OF THE YEAR 1981, LOCAL LAW NO. THREE OF THE YEAR 1998 AND LOCAL LAW NO. FOUR OF THE YEAR 1999 IN RELATION TO THE GENESEE COUNTY MUTUAL SELF INSURANCE PLAN**”, 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 the Proposed Local Law Introductory No. Three, Year 2016 on Wednesday, June 8, 2016 at 5:30pm at the Genesee County Courthouse, 7 Main Street, Batavia, New York

**Budget Impact:** None

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

**RESOLUTION NO. 189      EMPLOYEE HANDBOOK/VOLUNTEER FIREFIGHTER  
AND EMERGENCY RESCUE UNIT MEMBERS –  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The County Manager is recommending a change in the Genesee County Employee Handbook to include a policy/procedure for Volunteer Firefighter and Emergency Rescue Unit Members responding to an emergency during work hours, and

**WHEREAS**, The Committee on Ways and Means has reviewed the Firefighter and Emergency Rescue Unit Members policy/procedure and does concur with the addition of the policy/procedure to the Genesee County Employee Handbook Now, therefore be it

**RESOLVED**, That the Genesee County Human Resources Director is hereby authorized and directed to add the Volunteer Firefighter and Emergency Rescue Unit Members policy/procedure to the Genesee County Employee Handbook.

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

Chairman Cianfrini closed the public hearing at 5:51 PM.

**RESOLUTION NO. 190                      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 Deleo offered the following resolution:

**WHEREAS**, The following Local Law was duly introduced to the Genesee County Legislature in accordance with the Law

A LOCAL LAW, to amend the tax laws of Genesee County.

**Be it enacted**, by the Genesee County Legislature, Batavia New York, as follows:

Section 1. Exemption Established. Residential buildings that are reconstructed, altered or improved, pursuant to § 485-r of the NYS Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

Section 2. Definitions.

REDEVELOPMENT INHIBITED PROPERTY - A residential property that been neglected or abandoned because of the local economic conditions and/or conditions on the property that inhibit the property from being redeveloped by the private sector. Land that is undeveloped may not be designated as redevelopment inhibited property.

GAP FINANCING COSTS - The total cost of the property's redevelopment as approved by the local government minus the increase in the full valuation of the property upon completion of the redevelopment.

EXEMPTION PERIOD - The "gap financing costs" divided by the "incremental increase in annual property taxes" resulting from the redevelopment. The "exemption period" is rounded up to the nearest whole number and may not exceed twenty-five years.

BASE ASSESSMENT - The assessed value of the property on the day the City of Batavia designates the property as redevelopment inhibited.

INCREASED ASSESSMENT - The assessed value of the property as is determined by the assessor upon completion of the redevelopment.

INCREMENTAL INCREASE IN PROPERTY TAXES - The taxation based on the "increased assessment" minus the taxation based on the "base assessment".

Section 3. Designating redevelopment inhibited property.

A. The City of Batavia shall designate any property within the City boundaries as a redevelopment inhibited property if one or more of the following are met:

- (1) The City has acquired title to the property pursuant to Real Property Actions and Proceedings Law Article 19-A; or
- (2) The property has been continuously vacant for a period of at least three years; or
- (3) The City has acquired title to the property via foreclosure for unpaid tax pursuant to Article 11 of the Real Property Tax Law; or
- (4) The property has outstanding zoning, housing, or Uniform Code violations and the cost of remedying the violations exceeds the property's value.

Section 4. Eligibility for Exemption.

A. Redevelopment inhibited property is exempt from taxation and special ad valorem levies to the extent of any increase in value attributable to demolition, alteration, or rehabilitation, or remediation pursuant to the following procedure:

- (1) The demolition, alterations, rehabilitation, and/or remediation shall be permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permits issued and said demolition, alterations, rehabilitation, and/or remediation shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Batavia Municipal Code and the City of Batavia Bureau of Inspection upon completion; and
- (2) The property for which the exemption is sought must be a owner-occupied one-family residence; and
- (3) The owner of such property must file an Affidavit of Residency with the Assessor of the City of Batavia on or before the taxable status date of March 1, confirming continued owner-occupancy of the property; and

(4) Redevelopment inhibited property is exempt from taxation and special ad valorem levies attributable to the increased assessment minus the taxes and special ad valorem levies imposed on the base assessment.

B. In the event the property granted an exemption pursuant to this article ceases to be owner-occupied and/or the Affidavit of Residency is not filed annually for the approved exemption period, the exemption granted pursuant to this article shall cease.

C. In the event the property granted an exemption pursuant to this article ceases to be a one-family dwelling, the exemption granted pursuant to this article shall cease.

D. In the event the owner of the property is convicted of a violation or misdemeanor pursuant to New York State Uniform Fire Prevention and Building Code or the Batavia Municipal Code, the exemption granted pursuant to this article shall cease.

Section 5. Exemption Period.

A. The exemption period will equal the gap financing costs divided by the incremental increase in annual property taxes resulting from the redevelopment. The exemption period is rounded up to the nearest whole number and may not exceed twenty-five years.

B. The extent of such exemption shall decrease the last eight (8) years of the exemption period by 12 1/2% of the increase in assessment due to the redevelopment equaling 0% exemption on the final year of the exemption period.

Section 6. Application for Exemption.

A. Such exemption shall be granted only upon application by the owner of such building for the redevelopment inhibited property exemption, on a form prescribed by the City. The application must be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. The application must be filed with the Assessor of the City of Batavia within three years from the date of completing the demolition, alterations, rehabilitation, and/or remediation.

B. The owner filing such exemption does not have to be the owner responsible for completing the demolition, alterations, rehabilitation, and/or remediation.

C. Once granted, the residential redevelopment inhibited property tax exemption runs with the land for the exemption period pursuant to this article.

Section 7. When Effective.

This article shall take effect immediately.

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

**WHEREAS**, A Public Hearing was held at 5:30 PM on the 25TH day of May, 2016 at the Genesee County Legislature Chambers, Old Courthouse, 7 Main St., Batavia, New York at which time all interested persons who wished to speak were heard. Now, therefore, Be it

**RESOLVED**, That a LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE COUNTY to be known as Local Law Number three, Year 2016 be and hereby is adopted.

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

**RESOLUTION NO. 191**

**CONTRACT FOR GRANTS NO. C000318**

**EXTENSION-PUBLIC DEFENDER-APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Public Defender does recommend the acceptance of the contract for grants extension between the Genesee County Public Defender's Office and the New York State Office of Indigent Legal Services (C000318), Distribution #3, for a one-year period of June 1, 2016 – May 31, 2017.

**WHEREAS**, the Public Service Committee did review the contract for grants and does recommend acceptance at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the contract for grants extension C000318, Distribution # 3, with the New York State Office of Indigent Legal Services for a one-year period of June 1, 2016 – May 31, 2017, and be it further

**Budget Impact Statement:** The contract for grants extension will have no effect on the budget. Legislator Davis seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 192                      CONTRACT EXTENSION – NYS DEFENDERS  
ASSOCIATION/PUBLIC DEFENDERS CASE  
MANAGEMENT SYSTEM – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Public Defender’s Office does recommend the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender’s Office and New York State Defenders Association, Inc. contract be extended for a period through May 3, 2017 and the Committee on Public Service does concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to extend the contract for the provision of the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender’s Office and New York State Defenders Association, Inc., Albany, New York for the period of May 4, 2016 through May 3, 2017 for a total cost of \$2,500.00.

**Budget Impact:** Funds for this contract are budgeted in the 2016 budget.

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

**RESOLUTION NO. 193      AGRICULTURAL AND FARMLAND PROTECTION  
BOARD – APPOINTMENT OF MEMBERS**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Legislature established the Agricultural and Farmland Protection Board on January 13, 1993 in accordance with Section 302 of New York State Agriculture and Markets Law; and

**WHEREAS**, The Law requires the Board’s membership to be comprised of:

- Four farmers
- One representative of agri-business
- One representative of an organization dedicated to farmland preservation
- The chairperson of the county soil and water conservation district’s board of directors
- A member of the county legislative body
- A county cooperative extension agent
- The county planning director
- The county director of real property tax services, and

**WHEREAS**, The terms of office of LuAnne McKenzie and James Veazey who serve as “farmer members” on the Genesee County Agricultural and Farmland Protection Board expired on October 1, 2015 and Ms. McKenzie has indicated an interest and desire for reappointment, and

**WHEREAS**, Mr. Veazey recommended his daughter, Janette Veazey-Post, who has indicated an interest and desire for appointment, and

**WHEREAS**, The Public Service and Ways & Means Committees do recommend Ms. McKenzie be reappointed and Ms. Veazey-Post be appointed at this time. Now, therefore, Be it **RESOLVED**, That the Genesee County Legislature does hereby reappoint LuAnne McKenzie of Pavilion, NY and Janette Veazey-Post of Elba, NY to serve a term on the Genesee County Ag & Farmland Protection Board for the period June 1, 2016 through June 1, 2020.

**Budget Impact Statement:** None.

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

**RESOLUTION NO. 194     SETTING PUBLIC HEARING ON INCLUSION OF VIABLE  
AGRICULTURAL LAND INTO AGRICULTURAL  
DISTRICT NO. 3**

Legislator Stein offered the following resolution:

**WHEREAS**, The Genesee County Legislature established by Resolution No. 399 of 2003 the annual thirty-day period to consider inclusion of new parcels to existing Agricultural Districts to run from January 26<sup>th</sup> to February 24<sup>th</sup>, and

**WHEREAS**, During the 2016 Annual Enrollment Period one parcel in the Town of Stafford (Tax Map Parcel No. 12.-1-65) was requested to be included into Agricultural District No. 3, and

**WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, Section 303-b specifies that the County Legislative Body shall hold a public hearing regarding the proposed requests. Now, therefore, Be it

**RESOLVED**, That a Public Hearing shall be held on the requests to be included into Agricultural District No. 3 on Wednesday, June 22, 2016 at 5:30 PM at the Genesee County Old Courthouse, Batavia, New York.

**Budget Impact:** The only direct budget impact will be the cost for printing the legal ad itself.

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

**RESOLUTION NO. 195             AWARD OF BID / EMERGENCY MANAGEMENT  
REPLACE TRAINING/ STORAGE FACILITY –  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution

**WHEREAS**, Bids have been received by the Genesee County Purchasing Director for the 2015 Capital Project – Emergency Management Replace Training/Storage Facility, and

**WHEREAS**, Having reviewed the bids, it is the recommendation of the EMS Coordinator and the Purchasing Director to award to the low bidder meeting specifications, and

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

**RESOLVED**, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Whitney East, Inc. of 1054 Scottsville Road, Rochester, New York for the replacement of the training/storage facility for a cost of \$118,835.00.

**Budget Impact Statement:** Resolution No. 163-2016 amended the project budget. Payment for said facility will be made from Capital Project - Emergency Management Replace Training/Storage Facility, Resolution No.2015-98.

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

**RESOLUTION NO. 196             2016 SALARY SCHEDULE AMENDMENT-  
DISTRICT ATTORNEY – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, the District Attorney did request a classification review of their Receptionist's position, and

**WHEREAS**, A reclassification review was conducted by the Genesee County Human Resources office, resulting in a recommendation by the Human Resources Director that the Receptionist

position be reclassified to a Legal Clerk Typist position, and

**WHEREAS**, The Public Service & Ways and Means Committees did review this recommendation and recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2016 Genesee County Employees' Salary Schedule by creating one position of Legal Clerk Typist, CSEA Grade 7; and deleting one position of Receptionist, CSEA Grade 7 effective May 30, 2016.

**Budget Impact Statement:** No fiscal implication or impact as a result of title change since both titles are in the same grade on the CSEA wage schedule.

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

**RESOLUTION NO. 197      2016 BUDGET AMENDMENT – CDBG FUNDS  
CARRYOVER – APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, The Genesee County Manager did request an amendment to the 2016 County Budget to carryover from the 2015 County Budget unexpended CDBG Funds designated for the Genesee County Economic Development Center for the purpose of constructing a truck access road within the Buffalo East Technology Park south in the Town of Pembroke, 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 Genesee County Treasurer is hereby authorized and directed to amend the 2016 County Budget by increasing Appropriation A6421.4800.0030 CDBG-Buffalo East Tech Park in the amount of \$48,805 to be offset by an increase in Revenue A6421.4997.5 GDBG-Buffalo East Tech Park in a like amount

**Budget Impact Statement:** No net effect on 2016 County Budget; provides ability for program to fully utilize grant funds. 2015 Grant Funds available \$48,804.23. Last draw request \$48,804.17 but due to whole dollar accounting practice request has been rounded up.

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

**RESOLUTION NO. 198                      2016 SALARY SCHEDULE AMENDMENTS/  
NURSING HOME/ ADMINISTRATION SERVICES –  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Since the termination of the contract with CM Healthcare Innovations (CMHI), LLC for licensed administrator management services the County has contracted with Michael Perry, LeRoy, NY as Supervising Licensed Nursing Home Administrator and Dawn Canale as temporary Nursing Home Administrator, and

**WHEREAS**, The County has been actively pursuing a permanent Genesee County Nursing Home Administrator until the facility can be transitioned to private ownership, and

**WHEREAS**, In order to have a seamless transition from a contracted Nursing Home Administrator to a County employee it is necessary to create a full time Nursing Home Administrator position. 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 full-time position of Nursing Home Administrator in Grade 121 effective May 31, 2016, and Be it further

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2016 Management Salary Schedule by deleting the temporary Nursing Home Administrator position effective May 31, 2016.



**Budget Impact:** Salary will be covered by the amount previously budgeted in the 2016 Nursing Home Management Contracted Services line.

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

**RESOLUTION NO. 199 COUNTY AUDIT – MAY 25 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2016 General Fund	\$	661,160.27
2016 Highway		53,268.37
2016 Nursing Home		547,118.70
2016 Self Insurance		35.41
2016 Water		28,940.46
DSS Abstracts		181,991.70

**2016 Capital Projects:**

Airport Construct New Terminal Building & Maintenance Hangar	14,547.05
Airport Terminal Building & Maint. Hangar Demo & Site Conversion	34,500.00
County Park Improvements, Pavilion A/B Roof, Repairs & Fireplaces	677.79
DeWitt Park Utility Extensions & Security Improvements	13,457.55
Facility Management Sheriff Admin. Sprinkler Repairs	1,890.00
Jail Upgrade Jail Camera/Recording System	11,908.71
County Manager 2 Bank Street Security Updates	285.30
Highway Comprehensive Bridge & Culverts	4,507.68
Highway River Street Bridge	9,367.75
Highway 2016 Bridge Construction	6,297.86
GCC Wellness & Event Center	33,950.15

**Payroll – General & Nursing Home**

May 13, 2016	1,270,068.36
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**Medicaid**

May 17, 2016	180,837.00
May 24, 2016	<u>180,837.00</u>

<b>Total Audit</b>	\$ 3,235,647.11
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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 Davis seconded the resolution which was adopted by 326 votes.

A motion to adjourn was made by Legislator Stein seconded by Legislator Young carried unanimously.