

SIXTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, September 28, 2016

The Genesee County Legislature met in Regular Session on Wednesday, September 28, 2016 at 5:30PM at the Old County Court House, Batavia, New York. Legislator Bausch assisted with the audit. Prayer was offered by Legislator DeJaneiro followed by the Pledge to the Flag. The minutes of the September 14, 2016 Legislature meeting were approved upon motion of Legislator DeJaneiro seconded by Legislator Deleo carried unanimously.

Legislator Stein reported on her recent attendance the Nursing Home Quality Assurance meeting, all deficiencies except one have been addressed and reported back to DOH. Under the leadership of Administrator Sharon Zeames, staff morale is very good. She also reported on her attendance at the Fall NYSAC Conference where workshops addressed the changing County workforce, clean energy opportunities and active shooter training.

Legislator Bausch reported that he attending the Chamber Meeting where their pending move was discussed. He echoed Legislator Steins comments about the useful nature of the NYSAC workshops, one of which addressed issues surrounding jail facilities.

Legislator DeJaneiro stated he attended GAM where town representatives present discussed the sales tax agreement and voiced their support for the agreement remaining the same. He went to the GLOW Solid Waste collection event where both electronic and prescription waste was brought in great volume. Mr. DeJaniero also attended the Health Board meeting and indicated they are applying for another drone and through a grant, have Radon testing devices available. Chair Cianfrini announced the next Sales Tax Agreement Committee Meeting is scheduled for October 6th at 7 PM.

The first Out-of-State Travel Request for Kristine Voos, Public Health Educator to travel to Anniston Alabama from 10/30-11/4/16 for Advanced Public Information Officer: Health and Hospital Emergencies cost to County - \$20.52 was approved upon motion of Legislator Young seconded by Legislator Davis, carried unanimously.

The next Out-of-State Travel Request for Tim Yaeger & Bill Schutt to travel to Emmitsburg, MD from 10/8-10/9/16 for National Fallen Fire Fighters Memorial to honor Barry Miller-deceased Bergen fire fighter cost to County \$151.50 was approved upon motion of Legislator Torrey seconded by Legislator Deleo, carried unanimously. Chair Cianfrini stated questions and concerns; the top two staff would be out of town together and questioned who would be left in charge; the number three staff Jim Bouden will be available and in contact with Tim and Bill. The second concern was the travel was not directly related to County business and would the County be liable if something happened while on the trip.

Legislator Stein announced the Office for the Aging is hosting a public hearing. In the past a lot of information has been shared and used for program planning.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 339 ACCEPTANCE OF GRANT FUNDS – BUDGET
AMENDMENT/SHERIFF – POLICE TRAFFIC SERVICES PROGRAM – APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Sheriff requested authorization to accept grant funding from the NYS Governor's Traffic Safety Committee, in the amount of \$25,408, to participate in the statewide

Police Traffic Services Program, for the time period of October 1, 2016 through September 30, 2017, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget by increasing Sheriff's account A3110.1020.0700 (Overtime – STEP Grant) in the amount of \$25,408, to be offset by an increase in revenue account A3110.4511 (Federal Aid Traffic Safety) in a like amount.

Budget Impact Statement: Increase in Sheriff's appropriation of \$25,408, from GTSC grant funding from the Police Traffic Services Program, offset by an increase in revenue in a like amount.

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

RESOLUTION NO. 340 ACCEPTANCE OF GRANT FUNDS/BUDGET

AMENDMENT - SHERIFF/DCJS LEGISLATIVE GRANT AWARD – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The New York State Division of Criminal Justice Services has awarded Genesee County a \$15,000 Legislative Grant, and

WHEREAS, The grant funds will be used to purchase night vision equipment, and patrol vehicle equipment.

WHEREAS, The Sheriff is requesting acceptance of these grant funds and an amendment to the 2016 budget, and

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

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

\$15,000 to A3110.2030.0030 (Sheriff's Equipment)

To be offset by increasing the following revenue account:

\$15,000 to A3110.3324 (State Aid-Law Enforcement)

Budget Impact Statement: Increase in Sheriff's 2016 appropriations in the amount of \$15,000 from a NYS DCJS Legislative Grant Award, offset by an increase in revenue in a like amount.

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

RESOLUTION NO. 341 AGREEMENT RENEWAL – SHERIFF'S

OFFICE/UNITED UNIFORM DISTRIBUTION,LLC – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County entered into a contract with United Uniform Co., Inc., pursuant to Resolution 34, dated January 28, 2015, for the provision of uniforms and accessories for the Sheriff's Department and Correction Officers for the period of January 1, 2015 through December 31, 2015, with the option to renew the contract for three additional one year periods, under the same terms and conditions, upon written mutual agreement of both parties, and

WHEREAS, Per Resolution #367, dated October 29, 2015, the contract with United Uniform was renewed for the period of January 1, 2016 through December 31, 2016, and

WHEREAS, In January 2016 United Uniform Company was acquired by United Uniform Distribution, LLC, which included the acquisition of the above referenced contract, with approval of the name change by Genesee County per Resolution #100, dated March 24, 2016, and

WHEREAS, The current contract with United Uniform Distribution, LLC does expire on December 31, 2016, and the Sheriff does recommend renewing this contract for an additional

one-year period to commence January 1, 2017, and continue through December 31, 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 a renewal agreement with United Uniform Distribution, LLC, for the provision of uniforms and accessories for the Sheriff's Department and Corrections Officers.

BUDGET IMPACT: Uniforms are purchased with funds from the personnel uniform account, pursuant to the Collective Bargaining Agreement. The requested budget total for 2017 is \$86,817, which includes Law Enforcement, Jail, Communications and Animal Control divisions.

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

**RESOLUTION NO. 342 RENTAL AGREEMENT – JUSTICE FOR CHILDREN
ADVOCACY CENTER WARSAW– APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Legislature did approve the acceptance of funding from the New York State Office of Children and Family Services in the amount of \$75,000.00 for the grant year running from 10/1/16 to 9/30/17, and

WHEREAS, Included in the acceptance of the 2016-17 NYS Office of Children and Family Services grant are lease agreements for two satellite offices, one in Albion and one in Warsaw, and

WHEREAS, The Justice for Children Program Coordinator has toured sites in both Albion and Warsaw, and has identified locations in each of these communities that provide a suitable site for a satellite location of the JFCAC, and

WHEREAS, The office space in Albion is located at 31 Duncan Street, Warsaw, New York, 14569 and is managed by Warsaw Redevelopment, LLC, and

WHEREAS, The agreed upon rate per month is \$1015.00, and includes gas, electric, water/sewer, and garbage utilities, and

WHEREAS, The lease with Warsaw Redevelopment, LLC will be for a period of one year, to commence on October 15, 2016, 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 enter into a lease agreement with Warsaw Redevelopment, LLC, 2071 Crittenden Road, Alden, New York, 14004 for the rental of the office located at 31 Duncan Street, Warsaw, New York, 14569 effective October 15, 2016 through October 15, 2017.

Budget Impact: Funds for lease agreements are fully covered by grants from the NYS Office of Children and Family Services and are already included in the 2016 and 2017 Genesee Justice Budgets as the proposed leases cover both budget years.

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

**RESOLUTION NO. 343 RENTAL AGREEMENT – JUSTICE FOR CHILDREN
ADVOCACY CENTER ALBION – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Legislature did approve the acceptance of funding from the New York State Office of Children and Family Services in the amount of \$75,000.00 for the grant year running from 10/1/16 to 9/30/17, and

WHEREAS, Included in the acceptance of the 2016-17 NYS Office of Children and Family Services grant are lease agreements for two satellite offices, one in Albion and one in Warsaw, and

WHEREAS, The Justice for Children Program Coordinator has toured sites in both Albion and Warsaw, and has identified locations in each of these communities that provide a suitable site for a satellite location of the JFCAC, and

WHEREAS, The office space in Albion is located in the Arnold Gregory Complex at 243 South Main Street, Albion, New York, 14411 and is managed by the DeGeorge Property Group, and

WHEREAS, The agreed upon rate per month is \$1016.00, including heat, water, and electric utilities, and

WHEREAS, The lease with the DeGeorge Acquisition Group, LLC will be for a period of one year, to commence on October 15, 2016, 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 enter into a lease agreement with DeGeorge Acquisition Group, LLC, 1067 Gateway Drive, Farmington, New York 14425 for the rental of the office located at 243 South Main Street, Suite 156, Albion, New York 14411 effective October 15, 2016 through October 15, 2017.

Budget Impact: Funds for lease agreements are fully covered by grants from the NYS Office of Children and Family Services and are already included in the 2016 and 2017 Genesee Justice Budgets as the proposed leases cover both budget years.

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

RESOLUTION NO. 344 CONTRACTUAL AGREEMENT RENEWAL- JUSTICE FOR CHILDREN ADVOCACY CENTER -LEVITSKY- APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator did submit a contractual agreement for a Mental Health Clinical Therapist 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 is hereby authorized and directed to enter into a contractual agreement with Kimberly R. Levitsky, LCSW, 275 Lake Avenue, Rochester, NY 14608 to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2016 through September 30, 2017 at a cost of \$35.00/hour.

Budget Impact: Funds for this position covered through NYS Office of Victim Services grant.

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

RESOLUTION NO. 345 CONTRACTUAL AGREEMENT RENEWAL-JUSTICE FOR CHILDREN ADVOCACY CENTER -WALSH-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator did submit a contractual agreement for a Mental Health Clinical Therapist 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 is hereby authorized and directed to enter into a contractual agreement with Julie A. Walsh, LCSW, 43 Sarah Circle, Spencerport, NY 14559 to provide mental health services to child-victims and their families for

the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2016 through September 30, 2017 at a cost of \$40.00/hour.

Budget Impact: Funds for this position covered through NYS Office of Victim Services grant.

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

RESOLUTION NO. 346 CONTRACTUAL AGREEMENT RENEWAL- GENESEE JUSTICE –CHAMBERLAIN APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator did submit a contractual agreement for clinical supervision for the JFCAC Mental Health Clinical Therapist who provides services to children alleged to be abused and/or neglected; 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 Vicky Chamberlain, 405 East Main Street, Batavia, NY 14020 for clinical supervision for the JFCAC Mental Health Clinical Therapists, 304 East Main Street, Batavia, NY for the period of October 1, 2016 through September 30, 2017 at a cost of \$75.00 per hour.

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

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

RESOLUTION NO. 347 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 \$187,497.00 Public Safety Answering Point Operations Grant, and

WHEREAS, The grant funds will be used to offset a portion of the 2017 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 2017 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 \$187,497.00.

Budget Impact Statement: No increase in the budget. Revenue was included in the submitted 2017 budget.

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

RESOLUTION NO. 348 EASEMENT AGREEMENT – LEROY TOWER SITE/SHERIFF’S OFFICE 800 MHZ RADIO SYSTEM UPGRADE – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Genesee County established a Capital Project to upgrade its 800 MHz analog trunked radio system to a P25 compliant 800 MHz digital trunked radio system, and

WHEREAS, Genesee County has reached an agreement with the Town of LeRoy to grant the County of Genesee a permanent easement of a parcel for the construction of a radio tower and enclosure, and a permanent easement for road access, 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 an agreement with the Town of LeRoy, located at 48 Main St., LeRoy, NY 14482 for a permanent easement of a parcel of property which also includes a permanent easement for road access for the construction of a radio tower and enclosure for the County's 800 MHz radio system, and Be it further

RESOLVED, The Genesee County does agree to indemnify the Town of LeRoy, its successors and/or assigns against and hold them harmless from any and all liability incurred or sustained as a result of injury to the Town of LeRoy's agents, employees, tenants, subtenants, licensees or invitees on the Easement Property as described below, and Be it further

RESOLVED, That this agreement and easement which are attached, is subject to approval by the County Attorney.

This Easement Agreement the "Agreement" is made and entered into on September ____, 2016, by and between The Town of LeRoy, a New York municipal corporation with offices at 48 Main Street, LeRoy, NY 14482 ("Town"), and The County of Genesee, a New York municipal corporation with offices at County Building 1, Batavia, NY 14020 ("County").

Whereas Town is the owner of the fee interest in land located on the west side of Asbury Road, Town of LeRoy, County of Genesee and State of New York, designated as Tax Account 28.-1-5.12 (the "Town Parcel"); and

Whereas County plans to erect a communication tower in the southwest corner of the Town Parcel; and

Whereas, the parties hereto desire to establish and set forth a certain easement and rights with respect to access, ingress and egress over and across a portion the Town parcel for the purpose of providing for access to/from the Town Parcel over and across the Town Parcel to Asbury Road and to construct and maintain the communication tower and compound.

Now, therefore, in exchange for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. Town hereby grants unto County and its contractors, invitees, guests, licensces, successors and assigns forever a non-exclusive easement for construction, turn-around and maintenance as shown on the attached map for vehicular and pedestrian access and ingress and egress at all times on, over and across that certain portion of the Tower Parcel, as more fully shown on the map attached hereto and made a part hereof as EXHIBIT "A" (the "Easement area"). Said use under this Agreement shall be in common with Town, its officers, employees, invitees, guests, licensees, successors and assigns subject to the restrictions set forth herein. County agrees to accept the Easement Area in its "as is" condition without any representations or warranties whatsoever.
2. Except for construction and maintenance of the communication tower and compound, County shall not make any alterations, improvements or additions to the Easement Area without the prior written consent of Town, which consent shall not be unreasonably withheld, conditioned or delayed. All work done by County or its contractors shall be done as its sole cost and expense in a workmanlike

manner using only quality materials and shall comply with any applicable insurance requirements and applicable laws, ordinances, rules and regulations.

3. It is agreed between the parties, both now and in the future, that Town shall have the right to temporarily close, upon reasonable notice to the County, a portion of the Easement Area for maintenance, repair, improvement or alterations, provided said temporary closure does not Town shall have the right to temporarily close the Easement Area without notice to County in the event of an emergency as determined by Town in its sole discretion.

4. It is agreed between the parties that except for construction vehicles and equipment, at no time shall either of them make any use of the Easement Area for parking or in a manner so as to obstruct or impeded the area located within the Easement Area to ensure that the same is clear and unobstructed at all times. It is further agreed that County shall not inflict or cause damage to any area located within the Easement Area beyond reasonable wear and tear.

5. County agrees to make no claim to the ownership of the Town Parcel as a result of the granting of the Easement and the rights conferred hereunder, whether it be by aversive possession, prescription or otherwise.

6. County agrees to indemnify, defend and hold harmless Town and each of its respective officers, agents and employees from and against any and all claims, demands, costs and expenses of every kind and nature, including reasonable attorneys' fees and litigation expenses, arising from County's use and occupancy of the Easement Area, or from any act or omission of County's guests, contractors, servants, invitees or agents in or about the Easement Area, except to the extent of the gross negligence or willful misconduct of any of the agents and employees of Town. In case any such proceeding or action is brought against Town, County covenants, if requested by Town, to defend such proceeding at its sole cost and expense by legal counsel reasonably satisfactory to Town.

7. Except for the compound area, Town reserves the right to grant other easements on, through or over or under the Town Parcel including but not limited to, the area encumbered by the Easement Area set forth in this Agreement provided that such easements do not interfere with, obstruct or endanger any of the easement rights herein granted.

8. Either party to this Agreement may enforce the provisions of the same in an action at law or in equity. If either party fails to perform any covenant or condition herein contained and if such default shall not have been cured within thirty (30) days after receipt of written notice of default, the other party may cause such default to be cured at the expense of the defaulting party. In such event, the defaulting party shall then pay the cost of such cure (including any reasonable legal expenses incurred in enforcing the provisions of the Agreement). If the alleged defaulting party shall successfully defend any action commenced to enforce this Agreement, then such party shall likewise recover reasonable attorney's fees actually incurred in defending such action or a counterclaim as the cause may be. Notwithstanding the above, if either party shall be delayed or hindered in or prevented from the

performance of any act required hereunder by reason of strikes lockouts, labor trouble, inability to procure materials, restrictive governmental laws or regulations, wars or any reason of like nature not the fault of the party delayed, then performance of such acts shall be extended for the period of the delay and the period of the performance of any such act shall be extended for a period equivalent to the period of any such delay.

9. The benefits and burdens of this Agreement hereby granted and the agreements herein contained shall run with the land and shall inure to the benefit of and be binding upon, the parties hereto and their respective successors and assigns including, but without limitation to, all subsequent owners of the Town Parcel and all tenants and invitees thereof and all other persons claiming through or under them. County understands that it shall not have the right to assign its rights and obligations under this Agreement without the prior written consent of Town in its sole and absolute discretion.

10. It is understood by the parties that the lands included in this Easement will remain under control of Town subject to this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this easement agreement to be executed by their duly authorized agents as of the date and year first above written.

Town of LeRoy

County of Genesee

By: _____

By: _____

Name: Stephen R. Barbeau

Name: Raymond Cianfrini, Esq.

Title: Supervisor

Title: Chairman of the Genesee
County Legislature

State of New York)

County of Genesee) ss:

On September ____, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Stephen R. Barbeau, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York)

County of Genesee) ss:

On September ___, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Raymond Cianfrini, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

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

RESOLUTION NO. 349 CREATION OF JUSTICE FOR CHILDREN ADVOCACY CENTER MEMBER TO CRIMINAL JUSTICE ADVISORY COUNCIL-APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Criminal Justice Advisory Committee does advise the Legislature on matters concerning Criminal Justice in Genesee County, and

WHEREAS, The Committee did request the addition of the Justice for Children Advocacy Center as an agency member because of the work with victims of domestic violence matters that involve law enforcement and other criminal justice agencies, and

WHEREAS, The Committee on Public Service does recommend the membership be expanded to include the Justice for Children Advocacy Center at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby expand the membership of the Genesee County Criminal Justice Advisory Council to add the Justice for Children Advocacy Center as an agency member effective immediately.

Budget Impact: None

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

RESOLUTION NO. 350 CHANGES TO COUNTY HIGHWAY SYSTEM-TOWN OF ALABAMA -APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The County Highway Superintendent has recommended that an exchange of roads be made with the Town of Alabama to better serve the residents of the community, and

WHEREAS, the Genesee County Legislature has reviewed and accepted as adequate a Short Environmental Assessment Form (EAF), which finds no significant impacts associated with the Action as part of an Uncoordinated Environmental Review in accordance with the State Environmental Quality Review Act (SEQRA) as defined by the underlying regulations of Article 8 of the Environmental Conservation Law of the State of New York, and

WHEREAS, The Committee on Public Service has reviewed this recommendation and concurs with the proposal. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature, hereby determines that the Action is an unlisted action and will not have a significant negative impact on the environment, requiring no further environmental review, and Be it further,

RESOLVED, That the Genesee County Legislature hereby issues a "Negative Declaration of Environmental Significance" in accordance with SEQRA for the Action, and Be it further

RESOLVED, The jurisdictional transfer of a portion approximately of 13,765 Linear Feet of Crosby Road and Judge Road (the “New County Roads”) from the Town of Alabama to the County of Genesee is hereby authorized, and Be it further

RESOLVED, That the jurisdictional transfer of a portion approximately 9,990 Linear Feet of Ham Road and Knowlesville Road, also known as County Road #23 and 1,056 Linear Feet of Salt Road, also known as County Road #43, together (the “New Town Roads”) from the County of Genesee to the Town of Alabama is hereby authorized, and Be it further

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter into this inter-municipal agreement with the Town of Alabama offices located at 2218 Judge Road, Oakfield, NY 14125 for the exchange of said roads, and Be it further

RESOLVED, That the County Highway Superintendent is hereby authorized and directed to amend the map of Genesee County Highway System as filed in the Offices of the New York State Department of Transportation, the Genesee County Clerk and the Genesee County Highway Department to reflect said changes,

Budget Impact Statement: The swap of road maintenance responsibilities results in the County obtaining slightly more road mileage (0.51 miles) than the Town. This adjustment would result in slightly higher CHIPs reimbursement from NY State (+\$3,283) and slightly higher Snow & Ice payment to the Town of Alabama (+\$2,806) for contracted winter maintenance.

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

RESOLUTION NO. 351 AGREEMENT RENEWAL – DELIVERY OF BULK OIL PRODUCTS – HIGHWAY – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Genesee County requires a contract for the delivery of bulk oil products at Genesee County Highway Department, and

WHEREAS, Genesee County has awarded an existing contract for this service that expires on October 31, 2016, and

WHEREAS, The existing contract includes an option for a one-year renewal period, and

WHEREAS, The Genesee County Highway Superintendent recommends the extension to this contract at this time, and

WHEREAS, The Committee on Public Service has reviewed this recommendation and does concur at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with Superior Lubricants Co. Inc., 32 Ward Rd, North Tonawanda, NY 14120 for the delivery of bulk oil products for the period of November 1, 2016 through October 31, 2017, and be it further

RESOLVED, That the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with Wm. A. Phillips & Son, Inc., East Bethany for the delivery of synthetic transmission oil for the period of November 1, 2016 through October 31, 2017.

Budget Impact Statement: Road Machinery Fund includes a budgeted expense for oil products in the amount of \$13,500.

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

RESOLUTION NO. 352 AWARD OF BID – HIGHWAY – SODIUM CHLORIDE – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Officer did advertise for bids for the purchase and delivery of Sodium Chloride to the Genesee County Highway Department for the control of snow and ice on county roads, and

WHEREAS, The Highway Superintendent does recommend awarding this contract to American Rock Salt, 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 an agreement with American Rock Salt, PO Box 190, Mt. Morris, NY 14510 for the sale of sodium chloride at a cost of \$41.75 per ton, FOB delivery to Batavia for the period of October 1, 2016 thru September 30, 2017, with an option for an additional one-year renewal.

Budget Impact Statement: Purchase of sodium chloride is a budgeted item.

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

**RESOLUTION NO. 353 SURPLUS EQUIPMENT – HIGHWAY – ROAD
MACHINERY FUND – APPROVAL OF**

Legislator Deleo 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.

#4028 – 1995 International Tractor

#6126 – 1984 Implement Trailer

#6149 – Homemade Landscape Trailer

#6151 - 2000 Talbert Low Boy Trailer

#6153 – 1993 Red River Flow Boy Trailer

Wacker Hydraulic Breaker (demolition hammer)

Budget Impact: Revenue for Road Machinery Fund. Estimate revenue based on prior auction results at \$20,000.

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

**RESOLUTION NO. 354 2016 BUDGET AMENDMENT – HIGHWAY– ROAD
MACHINERY FUND – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The County Highway Superintendent did request a budget amendment to the Road Machinery Fund for the repair to other departments equipment, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now, Therefore, Be It,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following amendment to the 2016 Road Machinery Fund Budget:

ROAD MACHINERY FUND:

Increase Revenue	Sale/Supplies-Other Govts. DM 5130 2226	\$45,000
------------------	---	----------

Increase Expense	Repair to Other Departments DM 5130 4410.1003	\$45,000
------------------	---	----------

Budget Impact: The added expense of repairs will be offset by the revenue from the sales.

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

**RESOLUTION NO. 355 2016 BUDGET AMENDMENT/ESTABLISH
CAPITAL PROJECTS – AIRPORT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has been awarded several federal airport improvement program grants for projects at the Genesee County Airport, and

WHEREAS, The Genesee County Highway Superintendent recommends the establishment of capital projects for which to fund the projects, and

WHEREAS, The Committees on Public Service and Ways and Means reviewed these requests and do concur at this time, Now, therefore, be it

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

AIP 38-16	Demolish Terminal Building & Maintenance Hangar and Site Conversion to Taxiway/Apron (Construction)	
	Federal Funds	\$1,411,200
	State Funds	\$78,400
	County Funds	\$78,400 (1% Sales Tax)
AIP 37-16	On-Airport Obstruction Removal and Airport Perimeter Fence Relocation (Construction)	
	Federal Funds	\$559,350
	State Funds	\$31,075
	County Funds	\$31,075 (1% Sales Tax)
AIP 36-16	Reconstruct Runway 10-28 (Design)	
	Federal Funds	\$222,750
	State Funds	\$12,375
	County Funds	\$12,375 (1% Sales Tax)

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 H5997.5031 Interfund Revenue	\$ 121,850
Increase H5997.4592 Federal Aid	\$2,193,300
Increase H5997.3897 State Aid	\$ 121,850
Increase H5997.2080.0000 AIP 38-16 Demolish Terminal & Site Conversion	\$1,568,000
Increase H5997.2080.0000 AIP 37-16 Relocate Airport Fence (Construction)	\$ 621,500
Increase H5997.2080.0000 AIP 36-16 Reconstruct Runway 10-28 (Design)	\$ 247,500
Increase A1000 1110.1 1% Sales Tax	\$ 121,850
Increase A9950 9000-0000 Transfer to Capital	\$ 121,850

Budget Impact: Airport Improvement Projects (AIP) are established for this work that is funded with federal aid (90%), state aid (5%) and local match (5%). Total local match from 1% sales tax is \$121,850.

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

**RESOLUTION NO. 356 2016 BUDGET AMENDMENT - AIRPORT –
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The County Highway Superintendent did request a budget amendment to the Airport Budget for an insurance payment that was received after an accident that occurred at the Airport, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now, Therefore, Be It,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following amendment to the 2016 Airport Budget:

Increase Revenue	Insurance Recoveries A5610.2680	\$8,410
Increase Expense	Facility Maintenance A5610.4270.0000	\$8,410

Budget Impact: Insurance recovery of \$8,410. Repairs have already been made to damaged infrastructure in a like amount.

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

**RESOLUTION NO. 357 AWARD OF BID – HIGHWAY DEPARTMENT/
FACILITIES MANAGEMENT- REPAIR AND MAINTENANCE OF ELEVATORS –
APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Officer did advertise for bids for the repair and maintenance of elevators in various County buildings, and

WHEREAS, The Highway Superintendent does recommend awarding this contract to Thyssenkrupp Elevator Corporation, 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 an agreement with Thyssenkrupp Elevator Corporation, 2495 Walden Avenue, Suite 600, Buffalo, NY 14225, at a cost of \$19,680.00 per year for the period of January 1, 2017 through December 31, 2018, a two year period with three one-year (1) renewal periods.

Budget Impact Statement: Expenses for elevator repairs are a budgeted item in the Facility Maintenance Budget and estimated annual cost for the contract is \$19,680.

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

**RESOLUTION NO. 358 COUNTY BUILDING #2 FLOOD RESTORATION –
CHANGE ORDERS – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Legislature previously approved a contract with Thompson Builds Inc. for repairs to County Building No. 2, and

WHEREAS, The project has progressed and the contractors requested a change order to their original contract amount to cover additional construction services required to complete the project, and

WHEREAS, The County Superintendent of Highways has reviewed this request and recommends approval of the change request at this time, and

WHEREAS, The Committees on Public Service has reviewed this request and does concur with the recommendation at this time. Now, therefore, Be it

RESOLVED, That the Superintendent of Highways is authorized and directed to approve a change order with Thompson Builds Inc in the amount of \$7,529.50.

Budget Impact: The cost of the change order will be covered by the capital project established for restoration of County Building #2. A balance of \$17,389.99 will remain in the capital project after the change order is approved.

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

**RESOLUTION NO. 359 INSTALLATION OF ADMONITOR SYSTEM IN
THE GENESEE COUNTY PARK & FOREST INTERPRETIVE NATURE CENTER and
GENESEE COUNTY AIRPORT MAIN TERMINAL –APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Recently the County Clerk contracted with AdMonitor to install a television screen in the DMV advertising the benefits of renewing licenses and registrations locally.

WHEREAS, There is an AdMonitor screen currently in the DMV and in dozens of local businesses and locations throughout Genesee County, all of which would run the Genesee County ads, and

WHEREAS, AdMonitor is a system whereby Genesee County is allowed to place up to 5 advertisements, for each location, of their choosing on a rolling list of ads for local businesses, at no cost to the County, in exchange for allowing AdMonitor to place a television screen in the Genesee County Park & Forest Interpretive Center and Genesee County Airport Main Terminal, and

WHEREAS, Genesee County can also place ads for any other County project, program or undertaking, which will be viewed at dozens of locations across the County

WHEREAS, The placement of the AdMonitor screen in the Interpretive Nature and Airport Main Terminal will provide the benefit of entertaining the customers through viewing ads interspersed with trivia questions, while simultaneously advertising the Nature Center, park programs, Airport and DMV information, Now, therefore, Be it,

RESOLVED, That the Highway Superintendent be permitted to contract with AdMonitor for the placement of a television screen in the Genesee County Park & Forest Interpretive Nature Center and Genesee County Airport Main Terminal, in exchange for the ability to place up to five (5) advertisements each on the AdMonitor system, all at no cost to the County.

Budget Impact: There is no out-of-pocket cost to Genesee County for the installation of the television monitor, nor for the creation of our advertisement, as both are provided free of cost. There is the potential for increased Nature Center and Airport visitation and revenue generated through the education of the public of the benefits of the environmental programs, and airport activities.

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

**RESOLUTION NO. 360 AWARD OF CONTRACT – SALE OF SAW
TIMBER LOGS/2016 BUDGET AMENDMENT – GENESEE COUNTY PARK AND
FOREST – APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Genesee County Parks Supervisor did advertise bids for the purchase of timber log from the Genesee County Park and Forest, and

WHEREAS, The Genesee County Purchasing Officer did receive bids for these materials, and

WHEREAS, The Park Supervisor-Forester did review bids from potential buyers and does recommend and award at this time, and

WHEREAS, The Committees on Public Service and Ways and Means do concur with this request, Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does award a contract for the sale of saw timber logs to D&D Logging Inc., 45 Windsor St, Attica, NY 14011 in the amount of \$610.

RESOVLED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 Budget:

Increase A7110.2652 Forestry Harvest	\$610.00
Increase A7110.4700.1007 Building Materials	\$610.00

Budget Impact: \$610 will be put into the 2016 Parks budget as a revenue and offset by an increase in building materials expense fro the purchase of playground mulch.

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

**RESOLUTION NO. 361 DESIGNATION OF COUNTY SURPLUS PROPERTY –
PURCHASING – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Purchasing Director did request that the following list of county property, from various county departments and that is no longer used or needed by those departments or other county departments, be declared surplus property:

County Clerk's Office:

1. 122 Metal file boxes with frame

2. Desk
3. Desktop hutch
4. Microfiche reader
5. Microfilm creator with instructions- Hall and McChesney “The System”

Elections:

1. ES&S Ballot Marking Device
2. Timestamp

District Attorney:

1. Report covers
2. Mouse holder- attach to desk
3. (2) Post-it note holders
4. (2) Typewriters
5. Bookcase
6. Desktop copy holder
7. Desk Floor Mat
8. Dictaphones
9. (2) Stationary letter racks
10. Brochure holder
11. (3) Inbox trays

Treasurer

1. Executive Chair (broken hydraulic height adjustment)

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 Purchasing Department is hereby authorized to declare the following items as surplus which are to be disposed of through public auction or junked as appropriate.

Budget Impact Statement: Proceeds from any items sold at auction will go back into the County’s General Fund. Legislator Stein seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 362 CONTRACT EXTENSION – SERVICE AGREEMENT FOR PREVENTIVE MAINTENANCE SERVICES – NURSING HOME – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 205, duly adopted on June 8, 2016, did award a contract extension with Siemens Industry, Inc. for a Service Agreement for Maintenance Services with the Genesee County Nursing Home on a month-by-month basis due to the impending finalization of the sale of the Nursing Home, and

WHEREAS, The sale of the Nursing Home has not yet been completed, necessitating the need to extend the contract for the Service Agreement until December 31, 2016, and

WHEREAS, The Administrator of the Nursing Home does recommend the contract be extended on a month-by-month basis through December 31, 2016 including a thirty-day termination clause without cause, 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 execute the necessary documents to extend the current Energy Performance Contract with Siemens Industry, Inc., 422 East Henrietta Road, Rochester, New York, 14620, on a month-by-month basis to be billed at a rate of 1/12 the annual rate plus \$100 for a total of \$8,346.75 per month. The extended contract will become effective October 1, 2016.

Budget Impact Statement – Funds have been budgeted for preventive maintenance service in 2016.

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

**RESOLUTION NO. 363 AID TO PROSECUTION GRANT ACCEPTANCE -
DISTRICT ATTORNEY - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The District Attorney has been notified of the award of grant funding from the New York State Division of Criminal Justice Services for prosecution services aid in the amount of \$29,200.00, and

WHEREAS, The Committee on Public Services does recommend acceptance of these funds 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 Criminal Justice Services for the acceptance of grant funds in the amount of \$29,200.00 for Aid to Prosecution in Genesee County, and Be it further

RESOLVED, That funds for said grant have been appropriated in the 2016/2017 Genesee County Budget.

Budget Impact: None - funds have been appropriated.

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

RESOLUTION NO. 364 GENESEE COUNTY ATTORNEY-APPOINTMENT OF

Legislator Bausch offered the following resolution:

WHEREAS, A vacancy in the County Attorney’s office is anticipated on January 1, 2017 due to current County Attorney, Charles N. Zambito running unopposed for Genesee County Court Judge, and

WHEREAS, in anticipation of the vacancy, the Legislature conducted interviews and made a formal job offer to Kevin Earl and The Committee on Ways and Means does recommend that an appointment, effective January 1, 2017 be made. Now, therefore, Be it

RESOLVED, That Kevin Earl be and hereby is appointed County Attorney for the County of Genesee, effective January 1, 2017 through December 31, 2017 at an annual salary of \$124,000, subject to said vacancy being created.

Budget Impact: Salary remains the same and is included in 2017 budget.

Prior to the vote, Legislator Stein stated she is unable to support this appointment and requested that her vote be respected.

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Stein No (43).

RESOLUTION NO. 365 COUNTY AUDIT – SEPTEMBER 28 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2016 General Fund	\$	771,015.77
2016 Highway		82,071.26
2016 Nursing Home		493,466.95
2016 Self Insurance		1,830.27
DSS Abstracts		396,019.41

2016 Capital Projects:

Airport Construct New Terminal Building & Maintenance Hangar	32,974.15
DeWitt Park Utility Extensions/Security Improvements	30.05
Emergency Management Public Water Lines	172.81
Emergency Management Replace Training/Storage Facility	49,623.00

Sheriff 800MHZ Radio System Upgrade	8,435.00
Highway 2016 Highway Surface Treatment	249,251.84
Highway 2016 Highway Chipseal	25,126.47
Highway 2016 Bridge Construction	4,059.53
Highway 2016 Road Machinery	6,198.00
GCC Wellness & Event Center	1,558,275.52
Payroll – General & Nursing Home	
September 16, 2016	1,811,088.54
Medicaid	
September 20, 2016	178,282.00
September 27, 2016	<u>178,282.00</u>
Total Audit	\$ 5,846,202.57

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

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

The meeting adjourned at 6:00 PM upon motion of Legislator Clattenburg seconded by Legislator Stein, carried unanimously.