

SEVENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, April 9, 2014
Batavia, New York

The Genesee County Legislature met in Regular Session on Wednesday, April 9, 2014 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Clattenburg, followed by the Pledge to the Flag.

The April 9, 2014 minutes were approved upon motion of Legislator Clattenburg seconded by Legislator Ferrando.

Chair Cianfrini presented a Proclamation to Matthew Penepent who recently earned the rank of Eagle Scout.

Legislator Stein reported that Soil and Water coordinates all the work that is done on the watersheds. There are five watersheds in Genesee County. There will be presentations for the Oatka Creek Watershed which will explain the work that has been and the soil that has been preserved on April 21, 2014 at 6:00 PM at the Pavilion Fire Hall. The Black Creek Watershed presentation will be April 29, 2014 at the Chili Highway Garage at 5:30 PM. Mrs. Stein also reported that the recent DNA testing of the contaminated water wells results came back inconclusive. There is DNA of both human and animal which means this issue is greater than what was anticipated in the beginning. There will be more to come on this issue. Lastly, Mrs. Stein stated Soil and Water Districts are being asked to present memorandum of understandings to the Federal Government most notably with NRCS USDA that state they will not be seeking to relocate to a County building that has space available rent free within the next two years. The rent for Soil and Water is currently rent free however they are aware that the rent free status is not going to continue and the rent for that space is about \$20,000 per year. This is something that will need to be addressed in the future.

Legislator Bausch stated that it is Crime Victims Week and there are various activities happening throughout the week. There was a breakfast at GCC where Judge Adams spoke about what a victim of a crime is.

Legislator Lawrence commented that the Youth Bureau Banquet was recently held at Terry Hills where 18 youth were nominated and went through a long process. They are selected by the good they do at their home, church and community. There were 2 Adult Youth Workers from DSS that also received a recognition award.

The Clerk proceeded with the resolutions as follows:

RESOLUTION NO. 109a CHARGES FOR ACCESS AND SERVICE –HISTORY
DEPARTMENT OF

Legislator Ferrando offered the following resolution:

WHEREAS, Since 1979 Genesee County has had a resolution to charge for research and access to the History Department and in 2004 the 1979 resolution was updated, and

WHEREAS, The Genesee County Attorney has reviewed the rulings of the New York Committee on Open Government, which is part of the New York Department of State and oversees the Freedom of Information Law and Open Meetings and discovered Resolution No. 205 dated July 14, 2004 is in conflict with New York State statutes, and

WHEREAS, The Committee on Human Services did review these recommendations and does recommend the proposed updates at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby declare Resolution No. 205 dated July 14, 2004 obsolete, and Be it further

RESOLVED, That the Genesee County History Department is hereby authorized and directed to only charge 25 cents per copies made.

Budget Impact Statement: The revenue collected by the Genesee County History Department will be reduced to only 25 cents per copy. This will result in an annual reduction in revenue by an estimated \$2,141 for the History Department.

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

RESOLUTION NO. 110 PERMISSION TO EXCHANGE YEARBOOKS -COUNTY HISTORY DEPARTMENT –APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The County Historian does request permission to exchange duplicate copies of Batavia High School Yearbooks dated 1912, 1914, 1915, 1916, 1918 and 1922 for Batavia High School Yearbooks dated 1919, 1940, 1943, 1944, 1946, 1947 1949, 1950-1958, 1960, 1961, 1964, 1966, 1974, 1977, 1999-2002, and

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

RESOLVED, That the Genesee County Legislature does hereby grant the County Historian permission to conduct the exchange of yearbooks which will be donated by Mr. Joshua Pacino and added to the History Department's Yearbook collection.

Budget Impact Statement: No impact on County budget unless these yearbooks had to be purchased.

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

RESOLUTION NO. 111 REAPPOINTMENT – GENESEE COUNTY YOUTH BOARD -APPROVAL OF

Legislator Torrey offered the following resolution:

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

RESOLVED, , That the Genesee County Legislature does hereby reappoint Ms. Catherine Plaisted of Stafford, New York, Ms. Laura Platt of Byron, NY and Ms. Amy Barone of Batavia, NY to the Genesee County Youth Board effective January 1, 2014 through December 31, 2016.

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

RESOLUTION NO. 112 CONTRACT RENEWAL – NURSING HOME/ SUPPLEMENTAL STAFFING –APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, Resolution No. 169 did authorize a contract with Supplemental Health Care for the provision of supplemental staffing of the Nursing department at the Genesee County Nursing Home on an as-needed basis, and

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

WHEREAS, The Committee on Human Services has reviewed this request and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to renew the contract with Supplemental Health Care, 2005 Sheridan Drive, Buffalo, New York, 14223, commencing May 8, 2014 and continuing in effect until May 7, 2015.

Budget Impact Statement: 2014 budget includes funds for nurse staffing agencies

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

**RESOLUTION NO. 113 CONTRACT – NURSING HOME/ NURSE STAFFING
AGENCY – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, New York State law prohibits healthcare facilities from mandating overtime hours to its nursing staff, and

WHEREAS, To supplement nurse staffing on an as-needed basis at the Genesee County Nursing Home, a contract with Nursecore Management Services, LLC (d/b/a Nursecore of Rochester) was signed in 2013, however was not formally brought through the legislative process, and

WHEREAS, The Administrator of the Nursing Home has reviewed the contract with Nursecore of Rochester, and does recommend approval at this time, and

WHEREAS, The Committee on Human Services has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Nursecore of Rochester, 1302 Scottsville Road, Rochester, New York 14624 for the provision of supplemental nurse staffing on an as needed basis, commencing on May 8, 2014 and continuing until May 7, 2015 at the rates of \$50.95 per hour for Registered Nurses, and \$40.95 per hour for Licensed Practical Nurses.

Budget Impact Statement: 2014 budget has funds for supplemental staffing agencies

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

RESOLUTION NO. 114 CONTRACT RENEWAL – NURSING HOME/ VENDING SERVICES - APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, Resolution No. 26 duly adopted on January 23, 2013 did award a contract with Servomation Refreshments, Inc. for the provision of vending services at the Genesee County Nursing Home as a replacement for the employee cafeteria, and

WHEREAS, The contract allows for four (4) additional one (1) year renewal periods upon mutual written consent of both parties, and

WHEREAS, The Administrator of the Nursing Home does recommend the contract be extended for the first of these one-year renewals through February 28, 2015, and the Committee on Human Services does concur. 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 Servomation Refreshments, Inc., 111 Lumber Street, Canastota, New York, 13032 for the provision of vending services effective March 1, 2014 and continuing until February 28, 2015

Budget Impact Statement - There is no cost to the County

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

RESOLUTION NO. 115 CONTRACT RENEWAL – NURSING HOME/ CHAPLAINCY AND PASTORAL CARE SERVICES – APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, Resolution No. 188, duly adopted on May 9, 2013, did authorize a contract with Rev. Kenneth Comer for the provision of chaplaincy and pastoral care services, and

WHEREAS, It is the mutual desire of the Nursing Home Administrator and Rev. Comer to renew said contract for another year, and

WHEREAS, The Committee on Human Services has reviewed this request and 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 with Rev. Kenneth Comer, 194 Wynnwood Avenue, Tonawanda, New York for the provision of chaplaincy and pastoral services for the residents of the Genesee County Nursing Home for the period of May 13, 2014 through May 12, 2015 at the rate of thirty-five dollars (\$35.00) per hour for a maximum of ten (10) hours per week.

Budget Impact Statement: This has been budgeted for in 2014

Legislator Lawrence seconded the resolution which was adopted by 298 votes, Legislator Clattenburg (28) no.

Prior to roll call on the above resolution Chair Cianfrini asked if there was someone locally that could do this job. He does not understand why we will be hiring someone from outside the County. It was explained by the Nursing Home Administrator that Reverend Comer currently works at UMMC and sees many of the Nursing Home patients there. This is an easy transition back and forth from the hospital and Nursing Home. Legislator Clattenburg stated that she will be voting no on this contract, she is aware of someone that is in the area that is qualified and willing to do this.

RESOLUTION NO. 116 CONTRACT AGREEMENT – NURSING HOME /DENTAL SERVICES – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Nursing Home is required to provide dental services to its residents per regulation of the New York State Department of Health, and

WHEREAS, The Nursing Home has contracted with DentServ Dental Services, P.C. since the year 1995. DentServ has continued providing service to the Nursing Home to the present date even though the last addendum to the contract was made in 2011 and had not been formally extended, and

WHEREAS, The cost has been held at the same rate since the 2011 addendum, and

WHEREAS, The Administrator of the Nursing Home has reviewed the contract with DentServ, which has continued under the same scope of services and compensation schedule for the past three years, and recommends approving an agreement with them at the same rate of pay for the next three years, and

WHEREAS, The Committee on Human Services has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with DentServ Dental Services, P.C. , 15 Canal Road, Pelham Manor, New York, 10803 for the provision of dental services at a cost of \$2,273.49 (unchanged since 2010), commencing on January 1, 2011 and continuing until December 31, 2016.

Budget Impact Statement: This amount has been budgeted for 2014.

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

RESOLUTION NO. 117 CONTRACT – NURSING HOME /PHYSICIAN ON-CALL SERVICES – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Nursing Home requires on-call physician services 365 nights per year, and

WHEREAS, A contract with Gary Smith, M.D. has been in place since December 1, 2013 for the provision of such services, however the contract was not brought before the Genesee County Legislature for approval, and

WHEREAS, The Administrator of the Nursing Home recommends approval at this time, and

WHEREAS, The Committee on Human Services has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to contract with Gary Smith, M.D., 45 Liberty Street, Batavia, New York 14020 for the provision of on-call physician services at a cost of \$100 per each 24 hour on-call shift, effective December 1, 2013 and continuing until either party wishes to terminate the contract with written notification to the other party.

Budget Impact Statement: Amount has been budgeted for in the 2014 budget.

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

RESOLUTION NO. 118 CONTRACT RENEWAL – NURSING HOME/ TRANSPORTATION SERVICES- APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Resolution No. 111 did authorize a contract with Batavia Bus Service for the provision of transportation services to the Lake Plains Dialysis Center for the Medicaid residents of Genesee County Nursing Home, and

WHEREAS, it is the mutual desire of the Nursing Home Administrator and Batavia Bus Lines (now known as Batavia Bus Service, Inc.) to renew said contract for another one year period under the same terms and conditions, and

WHEREAS, The Committee on Human Services has reviewed this request and does concur. Now therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to renew the contract with Batavia Bus Service, Inc. for the provision of transportation to Lake Plains Dialysis Center for the Medicaid residents of the Genesee County Nursing Home for the period of April 1, 2014 through March 31, 2015.

Budget Impact Statement: There is no cost to the County.

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

RESOLUTION NO. 119 CONTRACT- NURSING HOME /ARCHITECTURAL SERVICES-- APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Nursing Home was planning to expand its Adult Day Health Care Center in 2014 to increase occupancy from 13 to 30 clients. \$30,000 was budgeted in the Nursing Home 2014 capital budget to undertake this project, and

WHEREAS, This project would require the services of a skilled, licensed architect to ensure compliance with New York State and federal regulations and prepare the New York State Certificate of Need, and

WHEREAS, David C. Nichols is, a professional architect with LaBella Associates, P.C., familiar with the Nursing Home's Adult Care and assisted with Day Care space changes in 2012, and

WHEREAS, The Administrator of the Nursing Home recommends approval of a contract with LaBella Associates, P.C. for the services of David C. Nichols to provide architectural consultant services with regards to expansion of the Adult Day Care Program, and

WHEREAS, The Committee on Human Services has reviewed this recommendations and 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 enter into a contract with LaBella Associates, P.C., 300 State Street, Suite 201, Rochester, New York 14614, in the person of David C. Nichols, for the purpose of evaluating and preparing necessary documents for the expansion of the Adult Day Care Program.

Budget Impact Statement: The \$6242.50 cost will be taken from the \$30,000 originally budgeted for this project in 2014.

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

RESOLUTION NO. 120 CONTRACT RENEWAL –NURSING HOME/ MANAGEMENT SERVICE AGREEMENT – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, Resolution No. 187 duly adopted on May 5 , 2010 did award a contract with Insource Healthcare Solutions, LLC for management services for the operation of the Genesee County Nursing Home, and

WHEREAS, The contract did allow for four 1 year renewals under the same terms and conditions with mutual negotiation of the annual service fee, and

WHEREAS, Resolution No. 137 duly adopted on March 28, 2012 did amend the existing contract with Insource Healthcare solutions to supply a full-time licensed Long Term Administrator ,and

WHEREAS, The County Manager does recommend the renewal of this contract for the fourth 1 year term to commence May 1, 2014, for the monthly rate of \$13,333 and

WHEREAS, The Committee on Ways and Means has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the fourth 1 year renewal agreement effective May 1, 2014 through April 30, 2015 with Insource Healthcare Solutions, LLC, 701 Seneca Street, Suite 205, Buffalo, New York 14210 for full time licensed Nursing Home Administration and management services of the Genesee County Nursing Home at a monthly cost of \$13,333.00

Budget Impact: Funds have been appropriated in the 2014 Nursing Home budget

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

RESOLUTION NO. 121 BUDGET AMENDMENT – OFFICE FOR THE AGING – APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request \$1,244 in Gifts and Donations deferred revenue from the 2013 County Budget be incorporated into the Office for the Aging Gifts and Donations portion of the 2014 County Budget to be used for the designated purposes of support for Meals on Wheels and Office for the Aging Outreach activities; and

WHEREAS. These funds originate from \$551 Genesee Senior Foundation, \$373 remaining in IARP donation and \$320 from Rolling Into the Holidays; and

WHEREAS, these funds are requested to be incorporated into the county budget for a total of \$1,244 in additional revenue and appropriations; and

WHEREAS; the Committees on Human Services and Ways and Means did review this request and do recommend incorporation of these funds Now, Therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2014 Budget by adjusting Office for the Aging Appropriations and Revenues by the following amounts:

Appropriations:

A.6772.4	Contractual	+ \$1,244.00
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Revenues:

A 1000.6772.2705	Gifts & Donations	+ \$ 1,244.00
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Budget Impact: Neutral. Expenses are fully funded with the \$1,244 in deferred gifts and donation revenue already received in 2013 and being incorporated into the 2014 budget to support Senior Center/OFA programs.

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

RESOLUTION NO. 122 RENEWAL OF CONTRACT – OFFICE FOR THE AGING/DIETITIAN SERVICES – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a renewal of contract with Ellen E. Foster, Consultant Dietitian, 33 Willmont Street, Rochester, N.Y. 14609-3617 for the provision of Dietitian Services for the Older Americans Act, NYS Office for the Aging and other contractual Nutrition Programs operated by Genesee County Office for the Aging; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to renew the contract with Ellen E. Foster, Consultant Dietitian for the provision of Title III C-1, Title III C-2, Wellness in Aging (WIN) and other nutrition funded services provided through the Genesee County Office for the Aging at a cost of \$35 per hour, not to exceed \$14,560 per year for the period April 16, 2014 through April 15, 2015.

Budget Impact: None. \$35 per hour for 8 hours of dietitian service per week, not to exceed \$14,560 annually, is the amount budgeted in the 2014 Office for the Aging budget.

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

RESOLUTION NO. 123 APPOINTMENT -OFFICE FOR THE AGING ADVISORY COUNCIL –APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, There are two openings on the Office for the Aging Advisory Council, one for a Community Member and another for a Provider/Caregiver/General Public Member; and there are two applicants who have completed applications and desire to be appointed to this Committee, and

WHEREAS, The Committee on Human Services does recommend appointment at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Anita DZiekan of Batavia, NY as a Community Member and Leslie Greene of Basom/Tonawanda Indian Reservation to the Genesee County Office for the Aging Advisory Council to serve a term effective April 10, 2014 through December 31, 2016.

Budget Impact Statement: None

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

RESOLUTION NO. 124 TRUST DISSOLUTION CONSENT/OFFICE FOR THE AGING-APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Legislature did previously pass Resolution No. 193 of the year 2011, authorizing the Chairperson of the Genesee County Legislature to sign a Trust Dissolution Consent Form 1-2011, effective June 8, 2011, due to a request by an individual who has named "Genesee County Senior Citizens Center-Meals on Wheels" as a beneficiary of their trust document, and

WHEREAS, The Attorney General of the State of New York did appear on behalf of the Genesee County Senior Citizens Center-Meals on Wheels as statutory representative of the charitable beneficiaries of the trust in the court proceedings over the proposed dissolution of the trust, and did object to the termination of the trust, and

WHEREAS, The resulting negotiations among the parties has resulted in reformation of the trusts' provisions including the resignation of the original trustee and the appointment of a successor trustee, as well as acceleration of the charitable beneficiaries' interests by providing that upon the death of the creator of the trust, the 25% charitable share of the trust principal will be paid out directly to the five named charitable beneficiaries in equal shares, and

WHEREAS, The resigning trustee is seeking a release from all beneficiaries of the trust and a discharge from the Court with regard to his administration of the trust from the date of its creation through April 30, 2013, as reflected in the trustee's Intermediate Account which has been provided to the parties and reviewed by the New York State Attorney General's Office as well as the Genesee County Attorney, and

WHEREAS, The New York State Attorney General's Office and the Genesee County Attorney have no objections to the trustees' administration of the trust as reflected therein, or to the release and discharge of the trustee, and

WHEREAS, The Director of the Office for the Aging, upon recommendation of the Genesee County Attorney and the New York State Attorney General's Office, did request that the proposed Release Agreement be accepted and signed, and

WHEREAS, The Committee of Ways and Means does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize the Chairperson of the Genesee County Legislature to accept the terms of the proposed Release Agreement and sign the proposed Release Agreement on behalf of the Genesee County Senior Citizens Center-Meals on Wheels.

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

RESOLUTION NO. 125 LEASE – FRIENDS OF BATAVIA PEACE GARDEN FOUNDATION AGREEMENT – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with the Friends of Batavia Peace Garden Foundation for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, Batavia, for administrative purposes for the period of May 1, 2014 – April 30, 2015, at a rate of \$100.00 annually, and

WHEREAS, The Committee on Ways and Means did review said agreement and recommends approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between the Friends of Batavia Peace Garden Foundation and the County of Genesee for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, effective May 1, 2014 through April 30, 2015; at a cost of \$100.00 per year.

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

Legislator DeJaneiro seconded the resolution which was adopted by 255 votes, Legislator Cianfrini (28) and Legislator Stein (43) voted no.

Prior to roll call on the above resolution Legislator Stein stated that she would be voting no on this lease for her reasons that were stated at the Ways and Means Committee, no harm meant to this entity she just feels that the County is setting a precedent for other non-profit agencies. Chair Cianfrini stated he was in agreement with Legislator Stein.

**RESOLUTION NO. 126 FUNDING AGREEMENT -GENESEE COUNTY
CHAMBER OF COMMERCE AGREEMENT/BUSINESS
EDUCATION ALLIANCE - APPROVAL OF**

Legislator Young offered the following resolution:

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

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

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

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

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce, 210 East Main Street, Batavia, NY for the Business Education Alliance program during the contract term of January 1, 2014 through December 31, 2014 in the amount of \$3,452.00.

Budget Impact Statement: \$3,452 appropriation in the 2014 budget

\$3,452 appropriation in the 2013 budget

5% reduction in funding; \$3,452 appropriated in 2012 budget

15% reduction in funding; \$3,634 appropriated in 2011 budget; first funded in 2000.

5% reduction in funding; \$4,275 appropriated in 2010 budget; first funded in 2000.

2005 – 2009 funding = \$4,500/year

2000 – 2004 funding = \$5,000/year

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

**RESOLUTION NO. 127 A RESOLUTION OF THE GENESEE COUNTY
LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY
OF GENESEE COUNTY, NEW YORK, IN ACCORDANCE
WITH SECTION 147(F) OF THE INTERNAL REVENUE
CODE OF 1986, AS AMENDED (THE "CODE"),
APPROVING THE ISSUANCE BY THE GENESEE**

**COUNTY FUNDING CORPORATION OF UP TO \$7,500,000
TAX-EXEMPT REVENUE BONDS (R.J. PROPERTIES,
LLC PROJECT), SERIES 2014.**

Legislator Bausch offered the following resolution:

WHEREAS, the Genesee County Legislature (the "Legislature"), as the elected legislative body of Genesee County, New York (the "County") has been advised by the Genesee County Funding Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of R.J. Properties, LLC (the "Company"), a New York limited liability company, the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Revenue Bonds (R.J. Properties, LLC Project), Series 2014, in an aggregate principal amount not to exceed \$7,500,000 (the "Bonds"); and

WHEREAS, the project (the "Project") shall consist of: **(i)** the acquisition or retention by the Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "IDA") of a leasehold interest in (1) certain property located at 7000 Apple Tree Avenue, Town of Bergen, Genesee County, New York (the "7000 Apple Tree Avenue Land") and the existing improvements, consisting of approximately one building containing in the aggregate approximately 123,900 square feet of space used for the manufacture of pumping products for ground water and wastewater removal (the "Existing Improvements"), and (2) certain property adjacent to the 7000 Apple Tree Avenue land at 8150 Buffalo Road, Town of Bergen, Genesee County, New York (the "8150 Buffalo Road Land" and together with the 7000 Apple Tree Avenue Land, the "Land"), **(ii)** the construction on the Land by the Company, as agent of the IDA, of an approximately 100,000 square-foot addition to the Existing Improvements consisting of approximately 81,400 square feet of production and warehouse space, approximately 7,600 square feet of research, development and test facilities and approximately 11,000 square feet of office, display, auditorium and training space, and related surface parking with up to approximately 200 spaces, an approximately 24,000 square-foot storm water detention pond and grading improvements (the "Improvements"), and **(iii)** the acquisition in and around the Land, the Existing Improvements and the Improvements of certain items of equipment and other tangible personal property (the "Equipment," and collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); **(iv)** the paying of all or a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds (the costs associated with items (i) through (iv) above being hereinafter collectively referred to as the "Project Costs"); and

WHEREAS, on January 30, 2014, the Town of Bergen Planning Board, in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") issued a negative declaration (the "Negative Declaration") in accordance with to SEQRA with respect to the Project; and

WHEREAS, pursuant to Section 147(c) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the County Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, on April 3, 2014, the Issuer held such a public hearing upon proper notice in compliance with the Code; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the Environmental Assessment Form and related documents submitted

by the Company to the Issuer; (c) the notice of public hearing published by the Issuer on March 19, 2014, in *The Daily News*, together with the affidavit of publication of such newspaper, (d) the minutes of such public hearing held on March 19, 2014; and (e) the Issuer's Official Intent Resolution, adopted on March 17, 2014, with respect to the proposed issuance of the Bonds; and **WHEREAS**, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Genesee County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State nor any political subdivision thereof including, without limitation, Genesee County, New York shall be liable thereon. **NOW, THEREFORE, BE IT**

RESOLVED, by the Genesee County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code and on the recommendation of the Genesee County Ways and Means Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Bonds; *provided*, that, the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Genesee County, New York shall be liable thereon.

Section 2. The Genesee County Legislature concurs in the findings of the Issuer made in its Official Intent Resolution adopted on March 17, 2014, that the Project will not have a significant effect on the environment within the meaning of SEQRA.

Section 3. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 4. This Resolution shall take effect immediately.
Legislator Stein seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 128 AWARD OF SERVICES-HOUSING PROGRAM
CONSULTANT SERVICES AND
CONTRACT/PATHSTONES, INC. – APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, Genesee County retains the services of a consultant on behalf of the Genesee Region Housing Initiatives Committee to provide grant writing services for and administration of affordable housing programs for very low, low and moderate income households within the County, and

WHEREAS, A Request for Proposals #2014-103 was issued in 2014 for said services and PathStone Corporation and Thompson Economic Development Services responded, and

WHEREAS, A selection committee comprised of Legislator Ferrando, Director of Planning Oltramari and Assistant County Manager Landers reviewed the proposals and is recommending that PathStone Corporation be retained as the County's housing grant writing and administration consultant, and

WHEREAS, The Committee on Human Services has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a contract by and between the County of Genesee and PathStone Corporation, 400 East Avenue, Rochester, New York for the provision of consultant housing grant writing services and housing program administration services for the amount not to exceed of \$13,500

for the period January 1, 2014 through December 31, 2014 which allows for two one year renewals to be negotiated between the parties.

Budget Impact Statement: County has been providing funding for this service since 1999.

2014 funding = \$13,500

2013 funding = \$13,775; 5% reduction was submitted

2012 funding = \$14,499; 5% reduction

2011 funding = \$15,262; 15% reduction + United Way funding

2010 funding = \$17,955; 5% reduction + United Way funding

2005-2009 funding = \$18,900/year; 10% reduction in 2005 + United Way funding

1999-2004 funding = \$21,000/year + United Way funding

1995-1998 funding = 100% United Way

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

**RESOLUTION NO. 129 AMENDMENT TO RESOLUTION 495-98
ESTABLISHMENT OF THE GENESEE COUNTY WATER
RESOURCES AGENCY-APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Legislature did, by Resolution No. 495 of the Year 1998, create the Genesee County Water Resources Agency pursuant to Section 251 of the County Law, and

WHEREAS, The Water Resources Agency consists of nine (9) members, each appointed for term of three (3) years by the Genesee County Legislature. All members of the Agency shall be residents of the County of Genesee, and no more than three Legislators may be members of the Agency at any time, and

WHEREAS, It is the intention of the Genesee County Legislature to increase the number of members of this Agency from 9 to 10 to include a representative from the Genesee Association of Municipalities appointed by the Genesee County Legislature. Now, therefore, Be it

RESOLVED, That the membership of the Water Resources Agency be and hereby is increased to ten (10) members to better execute the operation of this program.

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

**RESOLUTION NO. 130 APPOINTMENT-WATER RESOURCES AGENCY-
APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Legislature did increase the number of members of the Water Resources Agency from 9 to 10 to include a representative from the Genesee Association of Municipalities appointed by the Genesee County Legislature, and

WHEREAS, The Genesee Association of Municipalities did recommend Mr. Dave Hagelberger, Town of Darien Supervisor be appointed as the GAM representative to this Agency and the Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Mr. David Hagelberger the Supervisor for the Town of Darien as the Genesee Association of Municipalities representative to the Water Resources Agency effective April 10, 2014 through December 31, 2015.

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

**RESOLUTION NO. 131 CONTRACT/BUDGET TRANSFER- COMPENSATION
CONSULTATION SERVICES – APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County did issue a Request for Proposals seeking compensation consultation services to review the County's managerial compensation salary structure and five responses were received, and

WHEREAS, A selection committee reviewed the proposals and has recommended the award of services to Management Advisory Group International, Inc. at a cost of \$28,250, and

WHEREAS, An amount equal to \$18,000 was included in the 2014 budget in anticipation of this RFP a budget transfer from the Contingency Fund to cover the additional \$10,250, and

WHEREAS, The Ways and Means Committee did review this recommendation and does concur. Now, therefore Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Management Advisory Group International, Inc., 13580 Groupe Drive, Suite 200, Woodbridge, Virginia 22192 for compensation consultation services at a cost not to exceed \$28,250, subject to approval of the contract by the County Attorney, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following transfer:

\$10,250	FROM	A.1990.4800.0000, Contingency – Program Expense
\$10,250	TO	A.1435.4660.0000, Collective Bargaining, Contracted - Other

Budget Impact: \$18,000 was incorporated in the 2014 Budget for this RFP. \$10,250 will be taken from the Contingency Fund, leaving a balance of \$39,750 for misc. expenses

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

RESOLUTION NO. 132 COUNTY AUDIT – APRIL 9 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Ferrando did review the following claims:

2014 General Fund	\$	1,496,072.69
2014 Highway		547,430.12
2014 Self Insurance		100.00
2014 Nursing Home		126,791.97
2014 DSS Abstracts		439,516.10

2014 Capital Projects:

Sheriff 800 MHz Radio System Upgrade	17,813.21
Highway Hopkins Road Bridge	6,124.92
Highway Black St Road Bridge Design	442.25
Airport Tie Down Apron Relocation	337.2

Payroll – General & Nursing Home

April 4, 2014	1,218,979.58
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Medicaid

April 1, 2014	186,456.00
April 8, 2014	<u>186,456.00</u>

Total Audit	\$ 4,226,520.11
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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 Lawrence seconded the resolution which was adopted by 326 votes.

Legislator Stein reminded everyone of the InterCo meeting being held on April 18th at the Batavia Downs. A motion to adjourn at 6:15 PM was made by Legislator Clattenburg seconded by Legislator Stein.