

**SECOND DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, January 23, 2013**

The Genesee County Legislature met in Regular Session on Wednesday, January 23, 2013 at 7PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag. Legislator Stein was absent.

The minutes of the January 9, 2012 meeting were approved upon motion of Legislator DeJaneiro seconded by Legislator Lawrence.

Legislator Lawrence reported that the Annual Cornell Cooperative Extension meeting was held at 5PM today. Jason Molino will continue as Board President. Shared services continue to be a priority of the Organization for the 9 county regions. They are sponsoring a Literacy Week event and she urged Legislators to participate in any way possible. An Incubation and Embryo Program is also being offered. Legislator Clattenburg reported that the Parks Advisory Board has met and reviewed 2012 programming. She is pleased to report that volunteer hours for the Park and its programs exceed 2.5 full time equivalent positions. Chair Hancock reported on the Youth Court Swearing-In Ceremony which was well attended. Legislator Leadley reported that the GAM meeting this month will be held in the Town of Stafford. The Genesee Transportation Council will discuss regional transportation issues and the crisis for infrastructure for the region's 1.9 million residents. Roads and bridges are in desperate need of repair and federal/state funding is waning. GTC was formed as a MPO (Municipal Planning Organization) in 1977 to feed the State and Federal government with local planning information. Legislator Leadley cited Route 20 in the Town of Bethany as a concern. The State is putting in a round-about at Suicide Corners which will displace two homes. Less than two miles away a bridge is falling down, yet there is no available funding to fix this bridge vital for Ag transportation needs. It does not make sense from a local perspective. Chair Hancock urged Legislators to take up the transportation funding issue with Congressman Collins whenever possible. Many road and bridge closings are foreseen. For our rural area this is both a safety and economic issue. He must be active and rethink the current funding process. Legislator DeJaneiro stated he has heard about a bridge sprayer which keeps salt off the bridges, yet allows for snow and ice control. He also believes that weight limits on bridges must be enforced. Legislator Bausch stated that he received his tax bill and it was down \$11. He is aware that other counties are up significantly.

County Manager Gsell reported that the Governor has submitted his budget proposal for 2013-2014. Main points for the counties are the Medicaid Growth Cap, Pension Stabilization Program, CHIPS, DA Salary increase funding, Economic funding, and Efficiency Grants to Municipalities. Local school districts seem to be big beneficiaries. It is anticipated that the budget will be adopted by mid-March.

Chair Hancock presented the Job Reports. 1598 workers were placed with area employers by the Career Center in 2012. This week's listing is 384 jobs up 24 from last week. The unemployment rate for December 2012 was 8.2%, still the lowest in GLOW. Information on available jobs can be obtained from the Job Development Center here in Batavia.

The Clerk proceeded with the reading of the resolutions as follows:

**RESOLUTION NO. 13 AMENDMENT-2012-2013 RULES FOR GENESEE COUNTY
-LEGISLATURE-APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Legislature did review the Rules for the Legislature and the Committee on Ways & Means does recommend amendment at this time. Now, therefore, Be it **RESOLVED**, That the Rules for the Legislature be and hereby are amended as the Rules which will govern the Genesee County Legislature for its operation for 2013.

Legislator Lawrence seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 14 GENESEE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD REAPPOINTMENT TO

Legislator Leadley offered the following resolution:

WHEREAS, The terms of office for Dale Stein and Steven Boldt on the Genesee County Agricultural and Farmland Protection Board will expire December 31, 2012 and they have indicated an interest and desire for reappointment, and

WHEREAS, The Public Service Committee and the Ways & Means Committee do recommend Mr. Boldt and Mr. Stein be reappointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Mr. Dale Stein of LeRoy, NY and Mr. Steven Boldt of Stafford, NY to serve another term on the Genesee County Agricultural and Farmland Protection Board for the period ending on December 31, 2016.

Budget Impact Statement: None.

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 15 OFFICIAL UNDERTAKING OF PUBLIC EMPLOYEES FIDELITY (BLANKET) BOND FOR GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL - APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The County of Genesee has appropriated the sum of \$9,970 as its share of the 2013 operating funds of the Genesee/Finger Lakes Regional Planning Council, and

WHEREAS, Pursuant to Section 119-00 of the General Municipal Law of the State of New York, the County is authorized to provide for the payment of such appropriations to an officer of the agency designated by the agency to receive such monies provided that such officer shall have executed an official undertaking approved by the governing body of the County, and

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has designated David S. Zorn, Executive Director of the Council, as the officer to receive payments of such monies, and

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for officers and employees of the Council in the amount of \$500,000, and the Committee on Public Service does recommend approval at this time. Therefore, Be it

RESOLVED, That the Genesee County Legislature hereby approves such bond as the official undertaking required pursuant to Section 119-00 of the General Municipal Law.

Budget Impact: The 2013 Genesee County Budget appropriated \$9,970.00 for Contractual Services with the Genesee/Finger Lakes Regional Planning Council (Account A8025.4660.0000 Contracted-Other). This amount has remained unchanged for the last twelve years. The Annual Report from G/FLRPC has historically shown a significant "return" for this investment.

Legislator Bausch seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 16 GENESEE/FINGER LAKES REGIONAL PLANNING

**COUNCIL BUDGET - FINANCIAL SUPPORT FOR 2013 -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Section 239c of Article 12b of the General Municipal Law authorizes that governing bodies of participating municipalities in a regional or metropolitan planning agency may collaborate with other local governments to appropriate and raise by taxation money for the expenses of such regional Planning Boards, and

WHEREAS, The Genesee/Finger Lakes Regional Planning Council has formally notified this Legislature that, under its proportional funding formula, Genesee County's 2013 share will be \$9,970 and

WHEREAS, The Committee on Public Service does recommend approval of payment of Genesee County's share at this time. Now, therefore, Be it

RESOLVED that the Genesee County Legislature does hereby authorize continued participation in the Genesee/Finger Lakes Regional Planning Council and does hereby authorize and direct the County Treasurer to effect payment in the sum of \$9,970 as appropriated in the 2013 Budget, Account A8025.4660.0000.

Budget Impact: The 2013 Genesee County Budget appropriated \$9,970.00 for Contractual Services with the Genesee/Finger Lakes Regional Planning Council (Account A8025.4660.0000 Contracted-Other). This amount has remained unchanged for the last twelve years. The Annual Report from G/FLRPC has historically shown a significant "return" for this investment.

Legislator Ferrando seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 17 APPOINTMENT - GLOW REGION SOLID WASTE
MANAGEMENT COMMITTEES - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, Felipe Oltramari has been appointed Director of the Genesee County Planning Department, and

WHEREAS, A Genesee County vacancy does exist on each of the following: the GLOW Region Solid Waste Management Committee, the GLOW Advisory Committee and the GLOW Planning Committee due to James Duval, Director of the Genesee County Planning Department, retiring on June 14, 2012, and

WHEREAS, The Committees on Public Service and Ways and Means do recommend that Felipe Oltramari be appointed at this time. Now, therefore, Be it

RESOLVED, That Felipe Oltramari, Director of the Genesee County Planning Department is hereby appointed to the GLOW Region Solid Waste Management Committee, the GLOW Advisory Committee and the GLOW Planning Committees to serve commensurate to his tenure as Director of Planning.

Budget Impact: None

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 18 SHERIFF'S OFFICE - ACCEPTANCE OF GRANT
FUNDS/BUDGET AMENDMENT - CHILD PASSENGER
SAFETY PROGRAM**

Legislator Cianfrini offered the following resolution:

WHEREAS, the Sheriff requested authorization to accept grant funding in the amount of \$3,654 from the Governor's Traffic Safety Committee, to participate in the statewide Child Passenger Safety Program, 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 2013 budget by increasing Sheriff's account A3110.4800.3318 (Child Passenger Safety Program) in the amount of \$3,654, 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 \$3,654, from Child Passenger Safety Program Grant funding, offset by increase in revenue in a like amount.

Legislator Lawrence seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 19 ACCEPTANCE OF GRANT FUNDS/BUDGET
AMENDMENT-SHERIFF/RURAL TRAFFIC
ENFORCEMENT INITIATIVE PROJECT - APPROVAL
OF**

Legislator Ferrando offered the following resolution:

WHEREAS, the Sheriff requested authorization to accept grant funding from the NYS Governor's Traffic Safety Committee, through the NYS Sheriff's Association, in the amount of \$25,250, to participate in the Rural Traffic Enforcement Initiative Project, for the time period of October 1, 2012 through September 30, 2013, 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 2013 budget by increasing Sheriff's account A3110.1020.0700 (Overtime – STEP Grant) in the amount of \$25,250, 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 \$25,250, from grant funding from the NYSSA Rural Traffic Enforcement Initiative project, offset by an increase in revenue in a like amount.

Legislator DeJaneiro seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 20 TREASURER/REAL PROPERTY TAX REFUNDS 2013 -
APPROVAL OF**

Legislature Bausch offered the following resolution:

WHEREAS, The New York State Real Property Tax Law, Section 556, provides an administrative correction of error process to assist the property owner in obtaining real property tax refunds caused by certain clerical errors, unlawful entries and errors in essential fact, and

WHEREAS, The tax levying body can delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law, Section 556, and

WHEREAS, The Committee on Ways and Means does recommend that the Treasurer be delegated to perform said duties. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to carry out the requirements of Section 556 of the Real Property Tax Law, effective immediately where the Real Property Tax Director's recommended refund is five hundred dollars or less, and

RESOLVED, That on the fifteenth day of each month, the Genesee County Treasurer shall submit a report to the Genesee County Legislature of the refunds processed during the preceding month containing the name of each recipient, the location of the property, the reason for the refund and the amount of refund.

Budget Impact: Refund is charged to allowance for uncollectible which has a balance of approximately \$200,000.

Legislator Cianfrini seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 21 INSURANCE CERTIFICATE/BUDGET AMENDMENT/
CONTRACT AGREEMENT- OFFICE FOR THE AGING/
FALLS PREVENTION— APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request approval to enter into a contract with GLOW YMCA – GENESEE YMCA, 209 East Main Street, Batavia, NY 14020 to receive \$32,000 in grant funds from the Phase 2 Falls Prevention grant awarded to the YMCA by the Health Foundation of Western & Central New York for the period of January 24, 2013 – June 14, 2014; and

WHEREAS, Genesee County Office for the Aging has been named lead agency and a co-coordinator for the Phase 2 Step Up to Stop Falls in Genesee County initiative, along with the YMCA and Independent Living of Genesee Region, and has the expertise required to lead and coordinate such a project; and

WHEREAS, The insurance requirement of the YMCA is to have an additional insured certificate issued naming the GLOW-YMCA- GENESEE YMCA as additional insured for the contract period of January 24, 2013 - June 30, 2014; and.

WHEREAS, The Director of the Office for the Aging did request an amendment to the 2013 County Budget due to the receipt of the \$32,000 in Health Foundation funds provided by the contract agreement with the GLOW YMCA – GENESEE YMCA; and

WHEREAS, The contract agreement is for multiple years, with \$19,888 allocated for 2013 and the remaining \$12,112 reserved for 2014 to be incorporated in the 2014 county budget; and

WHEREAS; the Committee on Ways and Means did review these requests and does recommend approval of this contract and acceptance of these funds to be received through this contract. 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 an agreement with GLOW YMCA – GENESEE YMCA, 209 East Main Street, Batavia, NY 14020 for services rendered under the Health Foundation Phase 2 grant, not to exceed \$32,000 for the period January 24, 2013 – June 30, 2014; and

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name GLOW YMCA – GENESEE YMCA, 209 East Main Street, Batavia, NY 14020 as additional insured for the contract period of January 24, 2013 – June 30, 2014; and

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Budget by adjusting Office for the Aging Appropriations and Revenues by the following amounts:

Revenues:

A. 1000.6772.1972.6	Community Health Foundation	+ \$19,888
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Appropriations:

A.6772.1	Personal Services	+\$16,540
A.6772.4	Contractual	+ \$ 2,060
A.6772.8	Fringe	+ \$ 1,288; and

RESOLVED, That the Chairperson of the Genesee County Legislature is authorized to enter into any and all agreements under the contract funds received; and to contract for goods and services to meet the requirements under the approved contract agreement.

Budget Impact: \$32,000 in additional Health Foundation/YMCA Contract revenue is projected with \$19,888 placed in 2013 revenue and \$19,888 in 2013 appropriations to pay for 2013 operational expenses for the Falls Prevention initiative; with the remaining \$12,112 to be incorporated into the 2014 County budget.

Legislator Ferrando seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

Prior to roll call on the above resolution Legislator Leadley stated that Tender Loving Care does have a satellite office in Genesee County. She is pleased that it is possible for Gardenview to reopen.

RESOLUTION NO. 22 CONTRACT-OFFICE FOR THE AGING/SOCIAL ADULT DAY CARE – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract for the provision of social adult day care for older adults at Gardenview Senior Care Center to provide respite service under the federally funded New York State Family Elder Caregiver Support Program and to provide the ancillary service of Social Adult Day Service for older adults enrolled in the Expanded In-Home Services for the Elderly Program, and the Committee on Ways & Means 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 agreement with the Tender Loving Family Care, Inc., 97 West Avenue, Brockport, NY 14420 for social adult day care services at the rate of \$80 per day for a full day, 9 a.m. – 4 p.m.; and \$112 for an Extended Day, 7 a.m. – 6 p.m. not to exceed \$15,000 for the period January 24, 2013 through December 31, 2013.

Budget Impact: The \$15,000 budgeted for this contract is already included in the 2013 budget partially (\$8,000) under Respite and the remainder (\$7,000) will be made available through a transfer of funding from homecare to social adult daycare.

Legislator Leadley seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 23 2013 SALARY SCHEDULE AMENDMENT – OFFICE FOR THE AGING - APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The Genesee County Director of the Office for the Aging did request an amendment to the 2013 Salary Schedule to provide part-time staff person to primarily provide program coordination for the Phase 2 *Step Up to Stop Falls* in Genesee County initiative in collaboration with partner agencies to engage in and develop additional falls prevention initiatives for older adults with Health Foundation of Western & Central New York grant funds provided to Office for the Aging through a contract with the Phase 2 Fall Prevention grant recipient GLOW YMCA – GENESEE YMCA; and

WHEREAS, The position has been reviewed by Genesee County's Human Resource Department and has been classified as Specialist, Services for the Aging, CSEA Grade 16; and

WHEREAS, the Committee on Ways and Means did review the 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 2013 Office for the Aging Salary Schedule by creating a part-time Specialist, Services for the Aging position at 19.5 hours per week, CSEA Grade 16, effective January 28, 2013.

Budget Impact: In 2013 the cost of this position will be \$17,828, with \$16,540 in salary and \$1,288 in fringe which is fully covered by additional grant funds being incorporated in the 2013 county budget. The position is fully funded by the contract with the YMCA through June 30, 2014; and additional grant funds are being sought to continue this position to work on health promotion projects funded through the Health Foundation of Western & Central NY.

Legislator Lawrence seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 24 INDEMNIFICATION – SHERIFF/DEFENSE AGREEMENT – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Sheriff did present an agreement for indemnification and defense of the Sheriff for services rendered to the residents of the County of Genesee, as a component of the

Sheriff's compensation for his term of office, and

WHEREAS, the Committee on Public Service did review said 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 the Indemnification – Defense Agreement by and between the County of Genesee and the Sheriff of Genesee County for the period of January 1, 2013, through December 31, 2016.

BUDGET IMPACT: None.

Legislator Cianfrini seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 25 SHERIFF'S OFFICE/ ACTIVU – SERVICE AGREEMENT
RENEWAL – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, Genesee County did contract with Activu for the maintenance of the Network Interface Display Monitor (Video Wall) pursuant to Resolution No. 82 adopted on February 25, 2010, with an option for two (2), one-year extensions, and

WHEREAS, this agreement expired December 31, 2012, and

WHEREAS, The current renewal agreement covers the period of January 1, 2013, through December 31, 2015 with the annual cost of the agreement as follows, and:

1/1/2013 – 12/31/2013	\$16,511.43
1/1/2014 – 12/31/2014	\$16,904.56
1/1/2015 – 12/31/2015	<u>\$17,297.69</u>

3-year total not to exceed: \$50,713.67

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 renew the Service Agreement with Activu, Two Stewart Court, Denville, New Jersey 07834 for the maintenance of the Network Interface Display Monitor for a total cost not to exceed \$50,713.67 effective

January 1, 2013 through December 31, 2015.

Budget Impact: Cost of this renewal agreement is offset by wireless 911 surcharge revenue, which has been appropriated to the 2013 Communications Budget.

Legislator Bausch seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 26 2013 CONTRACT- NURSING HOME/VENDING SERVICES
-APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Nursing Home Administrator requests that a full vending service be installed at the Home to replace the current employee cafeteria as a means to save food and labor expenses, and

WHEREAS, Servomation Refreshments, Inc, 111 Lumber Street, Canastota, NY, 13032, Brian Bruno, President, did submit a Proposal which best met all requirements. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve of a contract between Genesee County and Servomation Refreshments, commencing March 1, 2013 and continuing through February 28, 2014. The contract may then be renewed for four (4) additional one (1) year periods upon mutual, written consent of both parties and in the best interest of

Genesee County.

Budget Impact Statement: The approved 2013 Nursing Home Budget already includes the savings to be generated by this contract..

Legislator Leadley seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 27 SPECIAL EVENT-PARK/GENESEE COUNTY PARK & FOREST- LIONS CLUB of BATAVIA – APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, A Special Events application was received from the Lions Club of Batavia to use the Genesee County Park and Forest as a checkpoint for the Lions Club Cycle Tour on June 8, 2013, and

WHEREAS, The Genesee County Parks, Recreation, & Forestry Advisory Committee and Parks Supervisor-Forester did review and recommend approval of, and

WHEREAS, The Committees on Public Service and Ways and Means do concur with these requests. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Lions Club of Batavia to use the Genesee County Park and Forest as a checkpoint for the Lions Club Cycle Tour on June 8, 2013 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None.

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 28 SPECIAL EVENT-PARK/GENESEE COUNTY PARK & FOREST- ASSOCIATION for CONSERVATION OF RECREATIONAL and NATURAL SPACES – APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, A Special Events application was received from the Association for Conservation Of Recreational and Natural Spaces (ACORNS) to use the Genesee County Park and Forest for a 5K/10K trail run and walk fundraiser on October 13, 2013, and

WHEREAS, The Genesee County Parks, Recreation, & Forestry Advisory Committee and Parks Supervisor-Forester did review and recommend approval of, and

WHEREAS, The Committees on Public Service and Ways and Means do concur with these requests. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Association for Conservation Of Recreational and Natural Spaces (ACORNS) to use the Genesee County Park and Forest for a 5K/10K trail run and walk fundraiser on October 13, 2013 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None.

Legislator DeJaneiro seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 29 CONTRACT EXTENSION –AIRPORT/ AVIATION FUEL PRODUCTS—APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, Genesee County requires a contract for the supply of aviation fuel products at the Genesee County Airport, and

WHEREAS, Genesee County has awarded an existing contract for this service that expires on February 28, 2012, and

WHEREAS, The existing contract includes options for three, one-year renewal periods, and

WHEREAS, The Genesee County Highway Superintendent recommends a third one-year extension to this contract at this time, and

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

RESOLVED, That the Genesee County Legislature does hereby extend the contract for the supply of aviation service products with Ascent Aviation Group, One Mill Street, Parish, NY for the period of March 1, 2013 through February 28, 2014.

Budget Impact Statement: Airport Fund includes a budgeted expense for aviation fuel with offsetting revenue.

Legislator Lawrence seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 30 HIGHWAY DEDICATION – CALL PARKWAY (CR#53) --
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Economic Development Center did develop a roadway into the Gateway II Business Park according to County Specifications, and

WHEREAS, The roadway had been constructed and complete to the satisfaction of the Superintendent of Highways, and

WHEREAS, A proposed legal description of the right-of-way to be dedicated has been established by a Licensed Surveyor, and

WHEREAS, The Superintendent of Highways did inspect the roadway, review the proposed legal description, and recommends dedication of the highway and its right-of-way at this time, and

WHEREAS, The Public Service and Ways & Means Committees have reviewed the recommendation of the County Highway Superintendent and concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby dedicate the right-of-way delineated as follows:

All that tract or parcel of land, situate in the Town of Batavia, County of Genesee, State of New York, being a part of Lots 7 and 8 of Section 14, Township 12, Range 1 of the Holland Land Purchase and being a part of Parcel "B" as shown on a map of the "Gateway II Industrial Park - Land Separation" filed in the Genesee County Clerk's Office on April 25, 2006 in Map Cabinet 3, Slide No. 10, Map No. 1688 and further described as follows.

Beginning at a northwest corner of said Parcel "B" also being the southwest corner of lands described in a deed to Genesee Gateway Local Development Corporation, recorded in liber 848 of deeds at 940; thence

1) S 89°-50'-43" E along the southerly bounds of said lands described in liber 848 of deeds at 940, a distance of 66.00 feet to a northeast corner of said Parcel "B"; thence

2) S 00°-27'-52" W along the easterly bounds of Parcel "B", a distance of 1410.02 feet to a southeast corner thereof; thence

3) N 89°-50'-43" W along the southerly bounds of Parcel "B", a distance of 222.94 feet to a point; thence

4) N 00°-09'-17" E a distance of 66.00 feet to an angle point in northwesterly bounds of said Parcel "B"; thence the following two courses along the northwesterly and westerly bounds of said Parcel "B"

5) N 43°-02'-56" E a distance of 232.44 feet to a point; thence

6) N 00°-27'-52" E a distance of 1173.73 feet to the point of beginning.

Containing 2.682 acres. And be it further

RESOLVED, That the roadway shall be dedicated as County Road 53 and shall be known as Call Parkway, and be it further

RESOLVED, That the right-of-way shall be filed with the Genesee County Clerk and the Commissioner of the Department of Transportation.

Budget Impact: The costs for maintaining the road and associated right-of-way shall be included in the County Road Fund. 2013 costs for snowplowing are approximately \$4,700 per mile and the costs for summer mowing and shoulder maintenance are \$395 per mile. The roadway is approximately .26 miles in length. Preventative maintenance will be not required on the roadway for several years.

Legislator Cianfrini seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 31 CONSULTANT AGREEMENT – NORTH PEMBROKE RD
OVER TONAWANDA CREEK - APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid grant to perform preventative maintenance work on the North Pembroke Rd over Tonawanda Creek bridge in the Town of Pembroke, and

WHEREAS, Superintendent of Highways has reviewed and evaluated engineering proposals submitted for this work under a qualification based selection, and

WHEREAS, The Superintendent of Highways has negotiated a contract with TY-Lin International Engineering, Architecture & Land Surveying, PC and recommends approval of a consultant agreement with them at this time, and

WHEREAS, The Committees on Ways and Means and Public Service have reviewed this request and do concur at this time. Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with TY-Lin International Engineering, Architecture & Land Surveying, P.C., 255 East Avenue, Rochester, NY 14604 for the design of preventative maintenance work required on the North Pembroke Rd over the Tonawanda Creek bridge in an amount not to exceed \$77,000.

Budget Impact: The agreement is for \$77,000. The capital project established for this project has \$86,000 available.

Legislator Leadley seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

**RESOLUTION NO. 32 MEMORANDUM OF UNDERSTANDING –GENESEE
COUNTY PARK/ENVIRONMENTAL EDUCATOR**

Legislator Leadley offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Genesee County Park Supervisor-Forester do request a Memorandum of Understanding agreement with the Genesee County Soil and Water Conservation District for environmental education programming in the amount of \$41,394.22, and

WHEREAS, the Memorandum of Understanding would be for the contract period of January 1, 2013 through December 31, 2013, and

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

RESOLVED, That the Genesee County Chairperson is hereby authorized and directed to sign a Memorandum of Understanding with the Genesee County Soil and Water Conservation District for environmental education programming for Genesee County Park and Forest Interpretive Center,

Budget Impact: Park Budget \$41,394.22 offset partially by \$15,000.00 in ZBGA grant funding.

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

Prior to roll call on the above resolution Legislator Leadley noted that the Memorandum has been signed by Soil & Water.

RESOLUTION NO. 33 SETTLEMENT OFFER- SHERIFF/AT&T CORP- APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, In April 2010, AT&T discovered that it was not billing, collecting and remitting certain line bases taxes, fees, surcharges and assessments on DS-0 and DS-1 circuits billed from its Universal Biller system, and

WHEREAS, In 2010 and 2011 AT&T installed a fix and back billed its customers for 5 to 6 months of back taxes and remitted the taxes it collected from these customers to the County through its normal tax remittance, and

WHEREAS, AT&T is offering to settle all potential claims arising out of this billing system error by paying the estimated 911 that they would have billed, collected and remitted to the County. The Committee on Public Service and Ways and Means did review this settlement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Settlement Agreement with AT&T Corp., for the acceptance of settlement funds and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to increase the 2013 County Budget by Increasing E911 Deferred Subcharge Account A3020.1590.911D in an amount pursuant to the Settlement Release Agreement.

Legislator DeJaneiro seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 34 CORRECTION TO TAX ROLLS – TREASURER / TOWN OF BATAVIA / TOWN OF PEMBROKE – APPROVAL OF –

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has received application for correction to the tax rolls in the Town of Batavia and the Town of Pembroke as follows:

Town of Batavia, Tax Map # 5.-1-39.11, owned by Dawn M Canale of 7817 Bank St Rd, Batavia, NY 14020, and,

Town of Batavia, Tax Map # 11.-1-47.12, owned by Holly Forden of 7704 W Pueblo Ave, Phoenix, AZ 85043, and,

Town of Pembroke, Tax Map # 1.-1-17, owned by Christopher J Golding of 1 Meadowbrook Ter, Corfu, NY 14036, and,

Town of Pembroke, Tax Map # 4.-1-32, owned by Mary L Hammer of 15 Maple Ave, Corfu, NY 14036, and,

Town of Pembroke, Tax Map # 22.-1-13, owned by Jannice M Oppel of 9060 Lake Rd, Corfu, NY 14036.

The aforementioned property owners all paid their school taxes on time within the interest free period. Due to a bank error the payments were not forwarded to the School Districts and therefore the School taxes for these parcels were incorrectly relieved onto the County and Town taxes, and,

WHEREAS, The Director of Real Property recommends and the Committee on Ways and Means concurs that these corrections be made, Now, therefore Be it

RESOLVED, That the tax warrant for the Town of Batavia 2013 tax year be reduced by

\$1,023.92 in the amount of the School taxes incorrectly relieved, and, Be it further **RESOLVED**, That the tax warrant for the Town of Pembroke 2013 tax year be reduced by \$3,617.97 in the amount of the School taxes incorrectly relieved, and, Be it further **RESOLVED**, That the amount payable to the Elba Central School District be reduced by \$858.52 and that the amount payable to the Pembroke Central School District be reduced by \$3,479.69.

Budget Impact Statement: Reduction to the amount collected by the County of \$4,641.89 of which \$4,338.21 is the School Districts' portion. The net reduction to the County is \$303.68 which is for the County's 7% relevy fee. Legislator Ferrando seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 35 CORRECTION TO TAX ROLLS – TREASURER / TOWN OF BETHANY – APPROVAL OF –

Legislator Leadley offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has received application for correction to the tax roll in the Town of Bethany as follows:

Tax Map # 4.-1-7, owned by John J. Wolff of 9926 Francis Rd, Batavia, NY 14020. The owner timely applied for an agricultural land exemption which he was qualified to receive, but due to a clerical error the exemption was not added to the assessment file, and,

WHEREAS, The Director of Real Property recommends and the Committee on Ways and Means concurs that these corrections be made, Now, therefore Be it

RESOLVED, That the tax warrant for the Town of Bethany 2013 tax year be reduced by \$525.87 as follows:

NYS Medicaid Mandate	=	\$165.70
County of Genesee	=	\$220.00
Town of Bethany	=	\$140.17

and Be it further

RESOLVED, That the amount payable to the Supervisor of the Town of Bethany be reduced by \$140.17.

Budget Impact Statement: Reduction to County of \$385.70.

Legislator Lawrence seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 36 CORRECTION TO TAX ROLLS – TREASURER / TOWN OF ALEXANDER – APPROVAL OF –

Legislator Leadley offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has received application for correction to the tax roll in the Town of Alexander as follows:

Tax Map # 2.-1-7.1 & 2.-1-7.2, owned by Kristopher & Susan Kautz of 5335 Raymond Rd, Wyoming, NY 14591. These parcels are duplicate entries for property also assessed as tax map # 12.-1-7.1, and,

WHEREAS, The Director of Real Property recommends and the Committee on Ways and Means concurs that these corrections be made, Now, therefore Be it

RESOLVED, That the tax warrant for the Town of Alexander 2013 tax year be reduced by \$1,887.52 as follows:

NYS Medicaid Mandate	=	\$538.60
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County of Genesee	=	\$715.08
Town of Alexander	=	\$532.72
Alexander Fire	=	\$101.12

and Be it further

RESOLVED, That the amount payable to the Supervisor of the Town of Alexander be reduced by \$633.84.

Budget Impact Statement: Reduction to County of \$1,253.68.

Legislator Bausch seconded the resolution which was adopted by 283 votes, Legislator Stein (43) absent.

RESOLUTION NO. 37 COUNTY AUDIT – JANUARY 23 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2012 General Fund	\$	898,887.01
2013 General Fund		412,322.55
2012 Highway		74,540.58
2013 Highway		85,429.13
2012 Self Insurance		165.85
2012 Nursing Home		306,690.07
2013 Nursing Home		174,618.63
2012 Water		482,740.42
DSS Abstracts		639,004.35
2013 Capital Projects:		
Highway Ag Park Extension		66,402.85
2012 Capital Projects:		
Sheriff Booking Area Renovation		25,160.33
Payroll – General & Nursing Home		
January 11, 2013		1,258,868.98
Medicaid		
January 15, 2013		185,572.00
January 22, 2013		<u>185,572.00</u>
Total Audit	\$	<u>4,795,974.75</u>

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 283 votes, Legislator Stein (43) absent.

The meeting was adjourned at 8PM upon motion of Legislator Bausch seconded by Legislator Cianfrini.