

**SEVENTH DAY  
GENESEE COUNTY LEGISLATURE  
Wednesday April 10, 2013  
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, April 10, 2013 at 7PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Chair Hancock, followed by the Pledge to the Flag.

Chair Hancock opened a Public Hearing on the inclusion of viable agricultural land into existing Agricultural District No. 1 and to consider the recommendation of the Genesee County Agricultural and Farmland Protection Board. There were no speakers at this time.

A Proclamation was presented by Legislator Leadley in honor of National County Government Month. Youth Bureau Director Sikorski was present to accept the proclamation. Mrs. Sikorski reminded the group of the upcoming Family Game Night on April 25, 2013. The Youth Bureau staff has been working for hard getting donations from area businesses.

Legislator Clattenburg reported on a couple of different items. Firstly the Traffic Communications Board recently met and discussed the County's concern regarding the hazard that exists when different vendors and publications use the wrong side of the road for deliveries. The consensus of the committee is that this is an enforcement issue and since there is already a law prohibiting it, they would set upon an educational opportunity to educate those doing something outside the law, after a period of issuing warnings they would start enforcement of that existing traffic law. The Parks Advisory Board met and they gave an update to the Interpretive Center renovations. The conference room area has been taken down and the children's discovery zone has been expanded. This has doubled the space and they are receiving a lot more people. Mrs. Clattenburg urges anyone that has not been out to see it to please do so. There have been some interesting inquiries with regard to an organized kick ball league at the County Park. This is similar to a league in Monroe County where young adults plan teams and socialize. This league has the capacity to draw a lot more people to the park. The Livable Communities Forum is still being planned and is scheduled for May 2, 2013. Mrs. Clattenburg reminded the group that the CASA Casino Night is April 26, 2013 at Terry Hills. This is a fundraiser for abused and neglected children.

Legislator Stein reported that the Soil and Water Board of Directors did review and accept their compliance audit for their 2012 activities. This is great timing especially with the recent comptroller audits that were just done in Niagara and Wyoming counties, Soil and Water had some good information to use from those counties. Mrs. Stein reported that State Senator Ranzenhofer was able to support the Agricultural Academy at GCC and our local school districts with \$100,000 which will be put together with the \$300,000 that was awarded to Wyoming County to get the Agricultural Academy off of the ground. Our sincere thanks to Senator Ranzenhofer.

Chair Hancock stated that the Ag Dinner was wonderful and it was enjoyed thoroughly. Congressman Collins, Senator Ranzenhofer and Assemblyman Hawley were all present at the dinner. Chair Hancock wished the Town of Bergen a Happy 200<sup>th</sup> Birthday. Legislator Bausch added that there would be celebrations during the weekend and during Park Days in June.

Legislator Leadley has a Proclamation from Orange County. National Donate a Life Month is being observed in Orange County. Their County Executive is the Chair of NYSAC and is awaiting an organ donation, so this is very important to them along with all of the NYSAC members. The month of April is National Organ Donor month and we want to make everyone aware of this and to make everyone aware of the option on their license for organ donation. It was informally accepted on behalf of Genesee County. A motion was made by Legislator Leadley and seconded by Legislator Clattenburg to proclaim the month of April as Organ Donation Month.

Chair Hancock gave the Career Center report. There is slightly better news. There are 457 job openings in Genesee County listed. The unemployment rate decreased 9% which is down from February. Genesee County has the lowest unemployment rate in the GLOW area.

Chair Hancock reported that the County has received responses to the RFP's for a Consultant to help with the next step in controlling the fiscal concerns with the Nursing Home. The selection committee is going through the process to select the consultant that will help with this process.

**RESOLUTION NO. 139 SALARY SCHEDULE AMENDMENT-  
VETERANS SERVICES – APPROVAL OF**

Legislator Lawrence offered the following resolution;

**WHEREAS**, The Genesee County Veterans Service Director wishes to receive his full pension and this requires an adjustment in the salary received from Genesee County, and

**WHEREAS**, The Committee on Ways and Means did review the request and do recommend the changes be implemented at this time. Now, therefore, Be it,

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2013 Salary Schedule by setting the salary for Mr. William R. Joyce, Veterans Service Director at \$30,000.

**Budget Impact:** reduction in salary and FICA/Medicare of \$10,800. In late 2013 DSS will review the total Veterans Service budget and determine if any adjustment is necessary based on other possible financial issues.

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

**RESOLUTION NO. 140 LEASE – GENESEE VETERANS SUPPORT  
NETWORK AGREEMENT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Manager did present an agreement with the Genesee Veterans Support Network for the lease of space at County Building #2, 3837 West Main Street, Batavia, for administrative purposes for the period of April 1, 2013 – March 31, 2014, at a rate of \$1.00 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 Genesee Veterans Support Network and the County of Genesee for the lease of space at County Building #2, 3837 West Main Street, effective April 1, 2013 through March 31, 2014; at a cost of \$1.00 per year.

**Budget Impact:** None

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

**RESOLUTION NO. 141 CONTRACT – OFFICE FOR THE AGING  
/DIETITIAN SERVICES – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a renewal of contract to 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 Chair 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, SNAP 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, April 16, 2013 – April 15, 2014.

**Budget Impact:** Neutral. \$35 per hour for 8 hours of dietitian service per week, not to exceed \$14,560 annually, is already budgeted in the 2013 Office for the Aging budget.

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

**RESOLUTION NO. 142 AGREEMENT - HEALTH DEPARTMENT/  
INDEPENDENT HEALTH ASSOCIATION,  
INC. - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Public Health Director did present a provider agreement with Independent Health Association, Inc. to allow for reimbursement for immunization services provided to Independent Health clients, 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 Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a provider agreement with Independent Health, 511 Farber Lakes Drive, Williamsville, NY 14221, to allow for reimbursement for immunization services provided to Independent Health clients.

**Budget Impact:** This may provide additional revenue for the 2013 A 4010 Public Health Program Budget and future budgets.

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

**RESOLUTION NO. 143 SURPLUS EQUIPMENT / HEALTH DEPARTMENT  
– DECLARATION OF**

Legislator Leadley offered the following resolution:

**WHEREAS,** The Public Health Department has various office furniture which is no longer utilized by the Department, and

**WHEREAS,** This office furniture has been offered to other County Departments and has been deemed non-useful, and

**WHEREAS,** The Public Health Director has requested this furniture be declared surplus property, and

**WHEREAS,** The Committees on Human Services and Ways and Means did review this and do concur with this recommendation. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby declare the following items as surplus property to be disposed of through auction and/or sold as scrap:

4- 4-drawer metal file cabinets (no keys)

- 2- 2-drawer metal file cabinets
- 2 – 60” x 34” metal desks
- 2 – wooden computer stands
- 3 – office chairs

**Budget Impact:** No impact on County budget unless proceeds are received from an item that is sold at auction.

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

**RESOLUTION NO. 144 CONTRACT – DSS/SECURITY SERVICES –  
CONSENT TO ASSIGNMENT/ASSUMPTION -  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS,** The Commissioner of the Department of Social Services did present a request for approval for sign off on Genesee County’s Form Required for Consent to Assignment and Assumption of Security Services Request for Bids #2009-12 due to the sale of Diamond Detective Agency to U.S. Security Associates, Inc., and

**WHEREAS,** All rates, terms and conditions agreed to as a result of Request for Bids #2009 – 12 remain the same arising out of or in connection with the Agreement, commencing March 1, 2013 through December 31, 2013 with one (1) additional one-year renewal period, upon mutual agreement, and

**WHEREAS,** The Commissioner of Social Services and the Genesee County Purchasing Director are in agreement with assignment and assumption of this contract due to the sale of the service. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby authorize and direct the Chairperson to execute the Consent to Assignment and Assumption of Security Services BID #2009 – 12 document required by Genesee County to approve the transfer assignment from Diamond Detective Agency, Inc., 1651 S. Halsted Street, Chicago Heights, IL 60411 to U.S. Security Associates, Inc., 200 Mansell Court, 5<sup>th</sup> floor, Roswell, GA 30076.

**Budget Impact:** Neutral. The annual cost of the program is \$41,426 with a local share of approximately \$9,868. The funds are already included in the 2013 Departmental budget. These are the same contracts rates, terms and conditions, just transferring assignment to the company’s new owner.

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

**RESOLUTION NO. 145 SUB-LEASE AGREEMENT –JOB DEVELOPMENT/  
REMEDY INTELLIGENT STAFFING-APPROVAL  
OF**

Legislator Ferrando offered the following resolutions:

**WHEREAS,** Genesee County has a space lease agreement with Batavia Big N Plaza Associates, located at East Main and Clinton Streets (Eastown Plaza) Batavia, New York for use by the Genesee County Job Development Bureau and it’s partner agencies to operate a One Stop Center, and

**WHEREAS,** The Employment & Training Director of the Genesee County Job Development Bureau recommends entering into a Sub-Lease Agreement with Remedy Intelligent Staffing Inc. for a month to month lease commencing April 15, 2013. The monthly cost is \$555 per month, payable in advance, and

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

**RESOLVED,** That the Genesee County Legislature does hereby authorize and direct the

Chair to execute the necessary documents to implement this Sub Lease Agreement between the County of Genesee and Remedy Intelligent Staffing, Inc. to commence April 15, 2013 at a monthly rate of \$555, payable in advance

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

**RESOLUTION NO. 146 BUDGET AMENDMENT- COUNTY ATTORNEY/  
CASUALTY LIABILITY INSURANCE RESERVE –  
APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The County Attorney did request an amendment to the 2013 County Budget due to unexpected insurance expense, and

**WHEREAS**, There is sufficient money in the Casualty Liability Insurance Reserve to cover this unexpected expense. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget as follows:

Increase Revenue	MS.1000.9999	Balancing-Appropriated	\$2,500
To be offset by an			

Increase Expense	MS. 1910.4660.0000	Unallocated Insurance	\$2,500
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**Budget Impact:** A reduction in the Casualty Liability Insurance Reserve of \$2,500. Balance after this transfer \$1,145,363.45

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

**RESOLUTION NO. 147 AGRICULTURAL DISTRICTS 2013 ANNUAL  
ENROLLMENT – INCLUSION REQUEST OF ONE  
PARCEL TO AGRICULTURAL DISTRICT NO. 1 IN  
THE VILLAGE OF ALEXANDER – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, Chapter 523 of the Laws of 2003 did amend NYS Agricultural and Markets Law (AML) Section 303-b which now requires the County Legislature to designate an annual thirty-day time period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district, prior to the County established review period, and

**WHEREAS**, Genesee County Legislature through resolution No. 399 of 2003 designated the time period from January 26<sup>th</sup> to February 24<sup>th</sup> as the annual thirty-day time period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the County established review period, and

**WHEREAS**, During the 2013 Annual Enrollment Period one parcel in the Village of Alexander (Tax Map Parcel No. 3.-1-25.2) was requested to be included into Agricultural District No. 1, and

**WHEREAS**, The Genesee County Agricultural and Farmland Protection Board reviewed this request at its March 7, 2013 meeting and after applying its test for determining what constitutes viable agricultural farmland, made a recommendation that the County Legislature adopt the inclusion of the aforementioned parcel into Ag District No. 1, and

**WHEREAS**, The Clerk of the Genesee County Legislature published the required notices and sent the required mailings and the Genesee County Legislature held a public hearing on the request for inclusion of this parcel on Wednesday, April 10, 2013, and

**WHEREAS**, In accordance with the New York State Environmental Quality Review Act

of 1975, and in accordance with adopted review procedures and the criteria set forth in Part 617, the adoption of this inclusion has been determined to have no significant effect on the environment, and

**WHEREAS**, The Committee on Public Service does concur with the recommendation of the Genesee County Agricultural and Farmland Protection Board. Now, therefore, be it **RESOLVED**, That the Genesee County Legislature does hereby approve the inclusion of parcel 3.-1-25.2 in the Village of Alexander into Ag District No. 1 under the provisions of Section 303-b of NYS Agriculture and Markets Law, authorizes the Chair of the Legislature to sign all necessary SEQOR documentation and directs the Director of Planning to submit the necessary documentation to the NYS Commissioner of Agriculture and Markets for review and certification.

**Budget Impact:** At this point in time there are no expected costs for this activity other than administrative activities, undertaken by the Clerk of the County Legislature and Department of Planning, which are being covered by their current operating budgets

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

**RESOLUTION NO. 148 COUNTY AUDIT – APRIL 10 APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2013 General Fund	\$	1,623,778.28
2013 Highway		747,870.83
2013 Water		15,797.28
2013 Nursing Home		392,072.63
DSS Abstracts		417,005.07
<b>2013 Capital Projects:</b>		
Highway – North Pembroke Rd Bridge		2,685.11
Treasurer - .Net Financial System		5,318.00
<b>Payroll – General &amp; Nursing Home</b>		
April 5, 2013		1,239,054.93
<b>Medicaid</b>		
April 2, 2013		186,456.00
April 9, 2013		<u>186,456.00</u>
<b>Total Audit</b>	\$	4,816,494.13

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.

Prior to roll call Chair Hancock asked if the Medicaid number was 1% down due to the new budget. County Manager Gsell stated that Albany is still in transition in regards to this Medicaid number. New York State will make good on their commitment to reduce the Medicaid amount by 1%.

The meeting was adjourned at 7:40 pm upon motion of Legislator Cianfrini seconded by Legislator Stein.