

THIRD DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, February 8, 2012

The Genesee County Legislature met in Regular Session on Wednesday, February 8, 2012 at 7PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Lawrence followed by the Pledge to the Flag. All members were present.

The minutes of the January 25, 2012 meeting were approved upon motion of Legislator Cianfrini seconded by Legislator Bausch.

Legislator Bausch reported that the GCC Board approved a lease agreement with Dansville Central School District at the former Middle School. Current space is 7500 square feet and the new ten year lease is for 21,000 square feet. This will include science lab access, access to the gymnasium and cafeteria. Legislator Cianfrini reported the Criminal Justice Advisory Council discussed jail population concerns. Although the male population is down, female population continues to grow and females are currently being housed in five different counties. A bill has been received from one facility for \$20,000. This needs continued study and resolution. Legislator Stein reported GCEDC held its Reorganization Meeting. They reviewed the final draft of the STAMP Project environmental impact statement. Recognition was given to the town of Batavia for their steady investment and a \$200,000 has been secured for the Ag Park Project. The NaNo Tech Project was recognized and featured at the NYSAC Conference. Half of the graduates were immediately hired by Saratoga County. Legislator DeJaneiro reported that the Health Board continues to discuss Orleans County interest in joining in some shared services. Legislator Leadley reported that she attended the NYSAC Conference along with several other Genesee County participants. Chair Hancock did an excellent job as President and over 950 were in attendance, estimated as the largest ever. She noted a change in mood over the course of the Conference and believes participants left feeling better about working together in expressing opposition to the State for the lack of mandate reforms. She asked everyone to save the date of March 16, 2012 to participate in the InterCounty Meeting which is being hosted by Genesee County at the Elba Fire Recreation Hall. Local foods will be served and the Program will highlight agriculture. Legislator Leadley expressed her pleasure in learning that as a result of serving on the Agriculture Committee, the Pavilion High School Principal has gathered interested parties to explore an Ag Education Program for Grades K-GCC. This is exciting news! Chair Hancock noted that Agriculture is the county's history and future.

Chair Hancock presented the Career Center's report showing 228 job listings, up 71% from last time. There are good and varied jobs and she urged all interested to contact the Career Center for additional information. Unemployment in the county is at 7.4%.

Medicaid petitions continue to be circulated and there is now a link at NYSAC.org.

County Manager Gsell reported that in 13 weeks the County will see the 3% increase in Medicaid weekly share. The new state budget is due in 52 days and expectations are that it will be timely. New York State says that it cannot do more to lower Medicaid shares. Real mandate relief is needed by the counties. A ten year

history of pension contribution information has been supplied as requested. Increases in contributions are expected to be at least 16% for the next two years.

**RESOLUTION NO. 62 CONTRACT - OFA/TOTAL SENIOR CARE, INC. -
APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract with Total Senior Care, Inc. d/b/a Senior Care Options for the provision of congregate and home delivered meals for clients of the Senior Care Options/PACE Program, by Genesee County Office for the Aging's Nutrition Services Program; and the Committee on Ways & Means 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 documents to enter into a contract with Total Senior Care, Inc. d/b/a Senior Care Options, 519 North Union Street, Olean, New York 14760-2618 for the period of January 1, 2012 – ongoing subject to termination provision as outlined in the contract document. Rates established for meals provided to HCR are as follows:

Home Delivered Noon & Supper Meal Combined:	\$11.00 per meal
Home Delivered Regular Meal:	\$6.50 per meal
Congregate Meal:	\$7.25 per meal

Budget Impact: Actual number of meals and additional revenue are not known at this time since this contract is a beginning point to be on record as part of a network of providers for the PACE Program; and is subject to approval by NYS DOH before the PACE program and contracted services can be implemented in Genesee County.

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

**RESOLUTION NO. 63 APPOINTMENT TO THE GLOW WORKFORCE
INVESTMENT BOARD MEMBERSHIP**

Legislator Lawrence offered the following resolutions:

WHEREAS, The Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a Workforce Investment Area under the Workforce Investment Act of 1998, and

WHEREAS, The Federal Workforce Investment Act of 1998 mandates that each local Workforce Investment Area create a Workforce Investment Board to administer and oversee the local Workforce Investment System, and

WHEREAS, The Chief Elected officials are charged with the responsibility of soliciting and appointing members to this Workforce Investment Board. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the following appointment to the GLOW Workforce Investment Board:

R.Z. Lampley of 16 E CWA Local 81495 Lapp Insulators, representing the Public Sector – Organized Labor Representative, for an on going term.

RESOLVED, That the GLOW Workforce Investment Board will be in effect until such time that the Workforce Investment Act of 1998 is repealed.

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

**RESOLUTION NO. 64 AGREEMENT – JOB DEVELOPMENT BUREAU/AVE
TRANSPORT-APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Job Development Bureau has presented a Transportation Agreement with the Genesee County Mental Health Department to provide transportation services to AVE Participants from Batavia High School to the offices of the Genesee County Job Development Bureau at a rate of \$12.73 per trip for the period February 8, 2012 through September 30, 2012; and

In addition, the Genesee County Mental Health Department will also provide transportation for six AVE field trips at a rate of \$77.38 per trip, and transportation to three AVE community service projects at a rate of \$54.28 per trip.

WHEREAS, This Agreement has been facilitated by the County Purchasing department through a Request For Quotes and reviewed by the County Attorney, and

WHEREAS, The Committee on Ways and Means did review said 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 Director of the Genesee County Job Development Bureau and the Director of the Mental Health Department to execute the necessary documents to implement this Transportation Agreement for the period February 8, 2012 through September 30, 2012.

BUDGET IMPACT: Zero. 100% funded by Federal Workforce Investment Act Youth funding. No local dollars.

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

**RESOLUTION NO. 65 GRANT ACCEPTANCE-JOB DEVELOPMENT/ ETA
JOBS ACCELERATOR GRANT**

Legislator Leadley offered the following resolution:

WHEREAS, The Center for Integrated Manufacturing at Rochester Institute of Technology is conducting a Finger Lakes Food Processing Cluster Initiative, which includes a Finger Lakes Food Processing Cluster Training Program. And

WHEREAS, The Genesee County Job Development Bureau as been awarded \$7222.95 in funding covering staff and operational expenses as part of this Initiative. And

WHEREAS, The Genesee County Job Development Bureau has entered into a contract with the Rochester Institute of Technology Center for Integrated Manufacturing Studies in order to receive these funds. Now, therefore Be it

RESOLVED, That the Genesee County Legislature hereby authorizes the Chairman of the Genesee County Legislature to sign said contract with the Rochester Institute of Technology Center for Integrated Manufacturing Studies in order for the Job Development Bureau to secure these funds to provide services to incumbent workers, job seekers, and On-the-Job trainees of Genesee County.

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

**RESOLUTION NO. 66 ACCEPTANCE OF GRANT FUNDS-SHERIFF/
INTEROPERABLE COMMUNICATIONS GRANT**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Sheriff requested authorization to accept grant funding in the amount of \$228,309 from the NYS Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant, and

WHEREAS, A capital project is being established for the VHF Narrow Banding Project and this grant funding will be appropriated to that capital project, and

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

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter in an agreement with the NYS Division of Homeland Security and Emergency Services to accept grant funding in the amount of \$228,309, to be appropriated to the capital project for the VHF Narrow Banding Project.

Budget Impact Statement: Increase in County capital project appropriations of \$228,309, from grant funding from the NYS Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant, offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 67 CORRECTION TO TAX ROLLS – REAL
PROPERTY / TOWN OF PAVILION - 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 Pavilion as follows:

Tax map 16.-1-100.2/P, owned by Jeffres Ag Service, LLC located at 6905 Ellicott Street Rd, Pavilion, NY 14525 had a one unit water charge and a two unit sewer charge on it when there should not have been a charge, and,

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

RESOLVED, That the tax warrant for the Town of Pavilion 2012 Tax Year be reduced by \$ 552.18 as follows:

Pavilion Water District #1	=	\$ 35.24
Pavilion Sewer District	=	\$ 516.94

and Be it further

RESOLVED, That the amount payable to the Supervisor of the Town of Pavilion be reduced by \$552.18.

Budget Impact: No Reduction to County.

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

**RESOLUTION NO. 68 FUNDING AGREEMENT-ARTS COUNCIL -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement for the funding of the Genesee-Orleans Regional Arts Council for 2012 for the promotion of music and art appreciation in Genesee County, and

WHEREAS, The Ways & Means Committee did review and does recommend approval of said contract 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 by and between the County of Genesee and the Genesee-Orleans Regional Arts Council, 201 East Main Street, Batavia, NY for a program which promotes music and art appreciation during the contract term of January 1, 2012 through December 31, 2012 at a cost not to exceed six thousand nine hundred and five dollars (\$6,905.00).

Budget Impact Statement: First funded in 1993.

2012 = \$6,905; 5% reduction in funding
2011 = \$7,268; 15% reduction in funding
2010 = \$8,550; 5% reduction in funding
2005 – 2009 funding = \$9,000/year

1997 – 2004 funding = \$10,000/year (in 2001 received \$4,000 extra as matching funds for state grant)

1994 -1996 funding = \$3,000/year

1993 funding = \$2,500/year

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

RESOLUTION NO. 69 CAPITAL PROJECTS/AUTHORIZATION TO ESTABLISH/ CLOSE - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Planning Director, County Manager and County Treasurer did prepare a list of Proposed Countywide Capital Projects for fiscal years 2012 through 2017 and a list of capital projects to be funded in 2012 and do recommend establishment of new 2012 projects at this time, and

WHEREAS, The Genesee County Manager and County Treasurer reported that two existing Capital Projects have been completed and recommend that said Projects be closed at this time, and

WHEREAS, The Committee on Ways and Means have reviewed these requests and recommend that said Capital Projects be established or closed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized to establish new Capital Projects for the year 2012:

<u>PROJECT</u>	<u>SOURCE</u>	<u>FUNDING AMOUNT</u>
<u>Facilities Management</u>		
Genesee Justice, Stone Work	008/09 1% Sales Tax	\$ 40,000
<u>Park</u>		
GCP Pavilion A/B Roof, Structural Repairs and Fireplaces	2008/09 1% Sales Tax	\$ 30,000
DeWitt Pavilion I Roof Replacement	2008/09 1% Sales Tax	\$ 10,500
<u>Sheriff</u>		
VHF Narrow Banding	State Grant	\$228,309
Funding Totals		
General Fund 2008/09 1% Sales Tax Reserve		\$ 80,500
Grant Funding		<u>\$228,309</u>
TOTAL 2012 CAPITAL PROJECT BUDGET		\$308,809

and, Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to:

establish Capital Project-Facilities Management, Genesee Justice, Stone Work in the amount of \$40,000;

establish Capital Project-Park, GCP Pavilion A/B Roof, Structural Repairs and Fireplaces in the amount of \$30,000;

establish Capital Project-Park, DeWitt Pavilion I Roof Replacement in the amount of \$10,500,

establish Capital Project – Sheriff, VHF Narrow Banding in the amount of \$228,309

and Be it further

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

\$20,532.01 from Capital Project, Facilities Management, Building #2 ADA Bathroom Construction

to Capital Project, Facilities Management Building #1 Roof

\$37,130.68 from Capital Project, Facilities Management, Building #2 ADA Bathroom Construction

to Building and Equipment Reserve

\$ 8,202.47 from Capital Project, Airport, 10 Bay T-Hangar

to Building and Equipment Reserve

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to close the Airport, 10-bay T-Hangar and Facilities Management, Building #2, ADA Bathroom Construction Capital Projects.

Budget Impact Statement: No impact on 2012 County Budget. After this action balance in 2008/09 1% sales tax reserve will = \$109,895.81. \$45,333.15 being transferred to Building and Equipment Reserve bringing its balance to \$545,393.68.

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

RESOLUTION NO. 70 SURPLUS EQUIPMENT/VETERANS' SERVICE OFFICE – DECLARATION OF

Legislature DeJaneiro offered the following resolution:

WHEREAS, The Veterans' Service Office Director did request that the following list of equipment that is no longer needed or used by the Veterans' Service Office to be declared surplus equipment:

- 10 Army Green 4 Drawer Filing Cabinets
- 2 Grey Metal Desks
- 4 Chairs
- 1 Microfiche Eyecom 3000
- 1 Cannon Copier
- 1 Wooden Computer Desk
- 3 Calculators
- 2 Black Plastic Trays
- 2 Black/White Computer Stands; and

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

RESOLVED, That the Genesee County Legislature does hereby declare the above list of equipment from the Veterans' Service Office to be disposed of either through being junked or through auction, as appropriate.

Budget Impact: Items listed are no longer needed by the Veterans' Service Office and proceeds from any items sold at auction would go back into the county's General Fund.

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

RESOLUTION NO. 71 SHELTER FEE SCHEDULE AMENDMENT– GENESEE COUNTY PARKS – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Park Supervisor has requested the Shelter Fee Schedule for the Genesee County Parks passed in September 27, 2002, Resolution No. 300 be amended, and

WHEREAS, The Committee on Ways and Means does concur with this request. Now, therefore, Be it,

RESOLVED, The Park Supervisor is hereby directed to amend the Shelter Fee Schedule for the Genesee County Parks as per the following effective immediately.

Genesee County Park and Forest:

\$60.00 - Pavilions A, B, D, S, E

\$30.00 – Pavilions B1, B2, C, S3, Fleming, E1, E2, F, G, H

Dewitt Recreation Area

\$60.00 – Pavilions 1, 2

\$30.00 – Pavilion 3

Budget Impact: Reduces general fund contribution to the Park

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

Prior to roll call on the above resolution Legislator DeJaneiro asked how the fees are used. County Manager Gsell responded that they help offset operating costs such as routine maintenance for the Park. Revenues were estimated at about \$12,000 annually. Legislator DeJaneiro stated that the 20% increase concerned him. Mr. Gsell noted that this year an online reservation system has been developed to assist the Department and the Public with the reservation system. The fees have not been adjusted over the last 10 years. Legislator DeJaneiro made a motion to amend the fee schedule to reflect 10% not 20% increases. It died for lack of a second.

**RESOLUTION NO. 72 CONTRACT AMENDMENT/COMMUNITY
MENTAL HEALTH SERVICES/CONSULTING
PSYCHIATRIC NURSE
PRACTITIONER/CATHERINE KLECKNER
– APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, 2012 Resolution No. 22 duly adopted on January 26, 2012 did authorize a contract with Catherine Kleckner, NPP for calendar year 2012, and

WHEREAS, The Committee on Human Services did review this request and does concur with this recommendation. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is directed and authorized to execute the necessary documents to amend the contract between the County of Genesee and Catherine Kleckner, NPP to decrease hourly rate from \$90.00 hour to \$85.00 hour to be effective January 1, 2012 through December 31, 2012 with all other terms and conditions of said contract to remain unchanged and in full force and effect.

Budget Impact Statement: Gross Budget cost: decrease of \$5,000; County Implications – approximate savings of \$2,500. for the 2012 County budget.

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

**RESOLUTION NO. 73 MEMORIALIZATION-OPPOSING THE POWER NY
ACT OF 2011**

Legislator Leadley offered the following resolution:

WHEREAS, New York State recently enacted legislation known as the Power of NY Act of 2011, and

WHEREAS, Said legislation amended the public service law by adding a new Article X, which establishes a New York State Board on Electrical Generation Siting and the Environment, and

WHEREAS, Said Board will have the authority to permit the siting of electrical generating facilities in the State which have a nameplate generating capacity of twenty-five thousand kilowatts or more, and

WHEREAS, Previously, while various state agencies had regulatory oversight for such facilities, as a home rule state, New York’s local municipalities, by virtue of decisions made by locally elected representatives, could ultimately decide whether such development was in their residents’ best interests, and

WHEREAS, The Power of NY Act 2011 removes said decision-making from local municipalities, and puts the authority into the hands of a bureaucratic State board which will have nominal representation from affected communities, and even that representation cannot be from elected representatives of those communities, and

WHEREAS, The new board will have the authority to ignore “any local ordinance, law or any local standard or requirement if it finds that such is unreasonably burdensome on ratepayers whether located inside or outside of such municipality”, and

WHEREAS, The new law further states that “no municipality may require any approval, consent, permit, certificate or other condition for the construction or operation” of such a facility, and

WHEREAS, While the law provides for the set-aside of funds for pre-hearing research on behalf of the affected communities, said funds are controlled by the Board and will be allocated as it sees fit, and

WHEREAS, The large majority of the Board’s membership will have no connection to the affected communities and will not be directly affected by their decisions, and

WHEREAS, Said law follows a disturbing trend in New York State to remove powers from the local jurisdictions and therefore from the affected electorate and transfer such powers to a faceless State of New York bureaucracy which has no constituency. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature opposes, protests, and expresses its deep disappointment and concern over the establishment of said siting Board and of the enactment of the Power NY Act of 2011, and Be it further

RESOLVED, That certified copies of this resolution be sent by the Clerk of Legislature to New York State Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblymen Hawley and Burling, NYSAC, InterCounty Association of Western New York.

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

RESOLUTION NO. COUNTY AUDIT – FEBRUARY 8 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Cianfrini, did review the following claims:

General Fund - 2011	\$	7,640.77
General Fund - 2012		587,479.67
Highway - 2012		708,927.89
Nursing Home - 2012		108,983.32
Self Insurance - 2012		3,575.00
Water - 2012		295,984.81
DSS Abstracts - 2012		59,519.93
2012 Capital Projects:		
Highway – Garage Backflow Preventer		436.25
Highway – Ag Park Multi-Modal		876,299.61
Treasurer - .NET Financial System		7,125.00
GCC Art Gallery		30,466.75

Payroll – General & Nursing Home

January 27, 2012 1,713,352.26

Medicaid

January 31, 2012 181,027.00

February 7, 2012 181,027.00

Total Audit \$ 4,761,845.26

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 on the above resolution Legislator Leadley asked for assurance that the GCC monies for the Art Gallery were pass through funds from the College and not County funding. They are pass through funds.

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