

**FOURTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, August 8, 2012**

The Genesee County Legislature met in Regular Session on Wednesday, August 8, 2012 at 7:05 PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag. All Legislators were present.

It was noted that although there were no Proclamations this evening, Legislator DeJaneiro did present a Proclamation over the weekend for the World Harmony of Peace Torch Run which came through Batavia.

The minutes of the July 11, 2012 Regular Legislature Meeting and July 17, 2012 Special Legislature Meeting were approved upon motion of Legislator Bausch seconded by Legislator Lawrence.

Legislator DeJaneiro reported that Board of Health received a presentation on Bath Salts and how to identify components so that offenders can be prosecuted under State Law. Legislator Clattenburg attended the Housing Initiative Meeting and the response to the new Mobile Home Program has been overwhelming. She attended the St. James Ceremony on behalf of the Legislature which was recognized for its support of a grant application. GCASA held a ceremony honoring "Every Day Heroes." Legislator Leadley reported her participation in a two day activity with Agriculture Educators and Businesses. Three Counties participated and it was very interesting. Ag Business owners reported they were not looking for general college education by technicians. The tour was followed by break-out sessions at GCC for teachers who expressed concerns about new State Teaching standards and how the Ag components could be incorporated. Cornell University will be working on curriculum ideas to assist the teachers. Legislator Stein reported that S&W will be having its annual picnic in conjunction with the opening of the Boat Launch at the Town of Batavia Kiwanis Park on August 14, 2012. The Chamber Annual Ag Tour will be held on September 19, 2012 from 8AM-Noon. It will be focusing on ancillary businesses. Legislator Stein expressed appreciation for the support for LeRoy and Corfu's Part Time Officer status. The Village of LeRoy is hoping to hire an officer by the end of the month. Mrs. Stein reported that GCEDC welcomed the International partners of Project WAVE for a groundbreaking that demonstrated the family business feeling of the venture. She believes the Project will be exceptional for agriculture and economic development activities. Legislator DeJaneiro noted that the River Street Bridge Project is underway. Chair Hancock noted that several projects are underway for the upkeep of our infrastructure. She thanked Highway Superintendent Hens for his presentations on the needed projects which helped get them underway.

Chair Hancock gave the Career Center jobs report noting that openings are up with a vast variety of opportunities available. New York State Unemployment is up slightly. Genesee County is up at 7.6% which is the lowest in the GLOW region and 9<sup>th</sup> lowest in the state.

County Manager Gsell reported that the latest monthly update from the Nursing Home Administrator has been distributed. The recent MDS consultant action could improve revenue this year by \$200,000.

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

**RESOLUTION NO. 280      RENEWAL      AGREEMENT      –EMERGENCY  
MANAGEMENT SERVICES/PUBLIC HEALTH –  
PLAN DEVELOPMENT CONSULTANT-APPROVAL  
OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, 2010 Resolution #98 did authorize Genesee County to enter into an agreement with Emergency Response and Global Security Solutions (ERGSS), to serve as consultant to the Genesee County Office of Emergency Management and the Public Health Department, for the development of emergency preparedness plans, and

**WHEREAS**, The Request for Proposal (RFP 2010-101) for this service allowed for an original contract, effective March 1, 2010 through August 31, 2011, and three (3) additional one-year renewals if needed, at the same terms and conditions, the first one-year renewal was approved by 2011 Resolution #169, and

**WHEREAS**, The Genesee County Emergency Management Services Coordinator does request the second of the one year renewal options at this time, and

**WHEREAS**, The Public Service Committee 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 renew the agreement previously executed with Emergency Response and Global Security Solutions (ERGSS), 3970 U.S. Hwy 131 South Suite C #260, Cadillac, MI 49601, for the period September 1, 2012 through August 31, 2013 at a cost not to exceed \$89,335.11 subject to full funding from Homeland Security Grant Awards.

**Budget Impact:** Contract cost has been allocated in the FY09 Homeland Security Grant Award (SHSP & SLHD) totaling \$26,000. The balance of contract cost will be funded through future Homeland Security Grant Awards.

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

**RESOLUTION NO. 281      GRANT ACCEPTANCE -DISTRICT ATTORNEY/  
AID TO PROSECUTION -APPROVAL OF**

Legislator Cianfrini offered the following resolution:

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

**WHEREAS**, The Committee on Public Services does recommend acceptance of these funds at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with the New York State Division of Criminal Justice Services for the acceptance of grant funds in the amount of \$29,200.00 for Aid to Prosecution in Genesee County, and Be it further

**RESOLVED**, That funds for said grant have been appropriated in the 2012 Genesee County Budget.

**Budget Impact:** None - funds have been appropriated.

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

**RESOLUTION NO. 282      DISASTER MANAGEMENT PLAN & REPORT-  
RECORDS MANAGEMENT- APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Genesee County Historian/Records Management Officer has requested permission to approve the Disaster Management Plan and Report for County records, created by Consultant James M. Tammaro, and

**WHEREAS**, The County Historian/Records Management Officer had the Disaster Management Plan and Report reviewed and accepted by the Genesee County Records Management Advisory Board and Disaster Response Team and,

**WHEREAS**, The Committee on Human Services did review the Disaster Management Plan and Report and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature hereby adopts the Disaster Management Plan and Report and directs the Genesee County Historian/Records Management Officer to proceed with working with the Records Management Advisory Board to create short and long term goals for the county records.

**Budget Impact:** There will be no increase to the Historian's 2012 budget.

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

**RESOLUTION NO. 283 2012 BUDGET TRANSFER - HISTORIAN - APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Genesee County Historian did request permission to transfer funds from the Contingency Fund to the current 2012 History Department budget to be used to cover expenses occurred for salaries and benefits, and

**WHEREAS**, the Committees of Human Service did review the request and do recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following transfers in the 2012 County Budget:

\$430.00	from A1990.4800.0000 Contingency
\$393.00	to A.7510.H001.1010.0000, Personal Services
\$ 24.00	to A.7510.H001.8010.0000, Social Security
\$ 13.00	to A.7510.H001.8011.0000, Medicare

**Budget Impact:** There will be a decrease to the County's Contingency Fund in the amount of \$430 and an increase to the A.7510.H001 salaries and benefits in the amount of \$430.

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

**RESOLUTION NO. 284 APPOINTMENT-MENTAL HEALTH/COMMUNITY SERVICE BOARD-APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Vacancies exist on the Genesee County Mental Health Community Services Board, and

**WHEREAS**, An application has been received to fill one of these positions, and

**WHEREAS**, The Committees on Human Services and Ways & Means did review and do recommend appointment at this time. Now, therefore Be it

**RESOLVED**, That Mary Ella Loos of Batavia, New York is hereby appointed to fill a vacancy as a Consumer Member effective immediately through December 31, 2016.

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

**RESOLUTION NO. 285 CONTRACT RENEWAL - NURSING HOME-LAUNDRY AND LINEN SERVICE -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Resolution No. 254, adopted July 10, 2008, did authorize a contract with Angelica Textile Services for the provision of laundry and linen services for the Genesee County Nursing Home for the period of September 1, 2008 through August 31, 2009 with the option of four, one-year renewals, and

**WHEREAS**, The Administrator of the Nursing Home does recommend the contract be extended for the fourth of these one-year renewals through August 31, 2013, 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 contract with Angelica Textile Services, 1-3 Apollo Drive, Batavia, New York for laundry and linen services at the Genesee County Nursing Home, effective September 1, 2012 and ending August 31, 2013 at a five percent increase for this period.

Budget Impact: Amount has been budgeted for.

Legislator Bausch seconded the resolution which was adopted by 298 votes, Legislator DeJaneiro (28) abstain.

**RESOLUTION NO. 286 APPOINTMENT-OF A ADVISORY COUNCIL – APPROVAL OF**

Legislator Ferrando offered the following resolution:

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

**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 the following to the Genesee County Office for the Aging Advisory Council to serve a term effective August 9, 2012 through December 31, 2014.

**Community Member:**

Betty Grasso of Batavia

**Provider/Caregiver/General Public Member**

Kathleen Rissew, Medical Social Worker, HCR

**Budget Impact Statement:** None

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

**RESOLUTION NO. 287 CHANGE ORDER – CAPITAL PROJECT COUNTY BUILDING #1 ROOF REPLACEMENT – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Assistant County Manager did recommend an amendment to the original agreement with Elmer W. Davis, contractor for the roof replacement at County Building #1, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized to execute Change Order #2 to amend the original agreement with Elmer W. Davis to fabricate and install new copper roof edge in the amount of \$4,850.70, making the new contract total \$190,603.72, and Be it further

**RESOLVED**, That the Genesee County Treasurer is authorized and directed to make payment from the Capital Project – County Building #1 Roof Replacement.

**Budget Impact:** \$4,850.70 increase to original agreement – funds available in capital project.

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

**RESOLUTION NO. 288 CONTRACT-WIA/YOUTH CONTRACTS-**

**APPROVAL OF**

Legislator Lawrence offered the following resolution:

**WHEREAS**, The Genesee County Job Development Bureau has been approved, by the Workforce Investment Board to receive the following PY2012 Youth Year Round WIA Formula funds in the amount of \$1,628.00. And

**WHEREAS**, The Genesee County Job Development Bureau has entered into contracts with the Workforce Investment Board 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 Workforce Investment Board in order for the Job Development Bureau to secure these funds to provide services to the youth of Genesee County.

Job Development Director Gage noted that the services would include some limited job training and classroom training.

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

**RESOLUTION NO. 289 AUTHORIZATION-WIA/LOCAL STRATEGIC STATE PLAN-APPROVAL OF**

Legislator Leadley offered the following resolutions:

**WHEREAS**, The Workforce Investment Act of 1998, requires each local Workforce Investment Board to develop and submit to the State a comprehensive local plan with the appropriate Chief Elected Officials. And,

**WHEREAS**, The State will be submitting, a new Strategic Plan to USDOL for PY2012. As such, the local Workforce Investment Boards are to submit a new local plan to NYSDOL for PY2012, in order to be eligible to receive WIA funds for administering the One Stop System and delivering services to its customers. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature hereby authorizes the Chair of the Genesee County Legislature to sign the local WIA Strategic Plan on behalf of Genesee County for the period July 1, 2012 through June 30, 2013.

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

**RESOLUTION NO. 290 CONTRACTS- HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Interim Public Health Director did present contracts for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

**WHEREAS**, The Committee on Human Services did review the 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 establish contracts with the following agencies/individuals, for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSHSP) for the period August 1, 2012 through June 30, 2013 per the 2012-2013 PSHSP rate schedule. The contract may be renewed for two (2) additional one year periods upon mutual agreement between both parties, and must be in the best interest of Genesee County.

- Margaret Clifford

- Creative Therapies of WNY, SLT, PT, OT, PLLC
- Hearing and Speech of Western New York
- Pavilion Central School District

**Budget Impact:** Revenue and expenses are included in the 2012 A 2960 3-5 Preschool Program Budget and will be included in the 2013 Program Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

**RESOLUTION NO. 291     CONTRACTS- HEALTH DEPARTMENT / EARLY INTERVENTION     PROGRAM     PROVIDER SERVICE- APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS,** The Interim Public Health Director did present a contract for the provision of Provider Services in the Early Intervention Program, and

**WHEREAS,** The Committee on Human Services did review the 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 a contract with Creative Therapies of WNY, SLP, PT, OT, PLLC, P.O. Box 193, Niagara Falls, NY 14304, for the provision of provider services for the Early Intervention Program for the period August 1, 2012 through December 31, 2012 at the specific rates as set by the New York State Department of Health.

**Budget Impact Statement:** Expenses are offset, up to 100%, by revenue generated from 3<sup>rd</sup> Party Insurance companies and Medicaid. New York State is liable for 49% of any non-reimbursed expenditure.

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

**RESOLUTION NO. 292     SALARY SCHEDULE AMENDMENT - MENTAL HEALTH /CLERK-TYPIST-APPROVAL OF**

Legislator Lawrence offered the following resolution:

**WHEREAS,** The Director of the Community Mental Health Services did request an amendment to the 2012 Employee Salary Schedule to eliminate one Principle Clerk F.T. position, in CSEA-General, Grade 11, and create one Clerk-Typist F.T. position, in CSEA-General, Grade 6 and

**WHEREAS,** The Committees on Human Services 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 2012 Employee Salary Schedule by eliminating one Principle Clerk F.T. position, in CSEA-General, Grade 11, and creating one Clerk-Typist F.T. position, in CSEA-General, Grade 6 in Employee Salary Schedule effective September 7, 2012.

**Budget Impact Statement:** County savings of \$7,200 annually (\$2,800 for the current year).

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

**RESOLUTION NO. 293     CONTRACT-TREASURER/INDEPENDENT AUDIT- APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** An RFP was issued and the committee recommended the approval of Freed, Maxick & Battaglia, LLP, for a three year period, and

**WHEREAS,** The contract does allow for two (2) one year renewals upon mutual agreement, and

**WHEREAS,** The RFP does include the audits for the county financial, Mental Health CFR, NYS DOT, single audit and 457 Plan audit each for total fee of \$30,000, and the

County Nursing Home audit for a fee of \$11,000, for the years 2012, 2013 and 2014 audits. Now, therefore, Be it,

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a three year contract by and between the County of Genesee and Freed, Maxick & Battaglia, LLP, 1 Evans Street, Batavia, NY 14020, to provide auditing services per the RFP.

**Budget Impact:** Using the same auditing firm will save general fund \$4,450 per year and the Nursing Home \$400 per year over the current 2011 audits.

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

**RESOLUTION NO. 294 CONTRACT RENEWAL – SHERIFF / COOK CHILL FOOD PROCUREMENT PRODUCTS - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The New York State Department of Correctional Services and Community Supervision Office of Nutritional Services, located in Rome, New York, offers the sale of food products to municipalities through its Cook/Chill Program, and

**WHEREAS**, The New York State Department of Correctional Services and Community Supervision Office of Nutritional Services can provide the Genesee County Jail with some food products at a lesser cost, and

**WHEREAS**, After careful review and approval of the proposal by the County Attorney, Sheriff and Jail Superintendent, it is recommended that the County enter into an agreement with the New York State Department of Correctional Services and Community Supervision Office of Nutritional Services, Rome, New York, for the sale of food products, and

**WHEREAS**, The Committee on Public Service did review this proposal 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 hereby authorized and directed to enter into an agreement the New York State Department of Correctional Services and Community Supervision Office of Nutritional Services, Rome, New York, for the purchase of food products through its Cook/Chill Program effective November 1, 2011 through October 31, 2016.

**BUDGET IMPACT:** Savings on cost of food products for the Genesee County Jail.

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

Prior to roll call on the above resolution Legislator DeJaneiro asked if this will take any of the duties away from the Jail Chef. It will not. It will improve purchasing opportunities and is expected to save approximately \$25,000.

**RESOLUTION NO. 295 CONTRACT/BUDGET AMENDMENT - SHERIFF/POLICE SERVICES FOR VILLAGE OF OAKFIELD - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, the Village of Oakfield, New York, has requested to enter into an agreement to contract for additional police services for the Village, commencing August 9, 2012, and continuing through May 31, 2013, and

**WHEREAS**, based upon the current Labor Agreement with the Deputy Sheriffs' Association, the 2012 rate will be \$60.70 per hour and the rate for 2013 will be \$63.98 per hour, and

**WHEREAS**, the County's cost for mileage is 55.5¢ per mile, which covers vehicle expenses, maintenance and gas consumption. An officer drives approximately 60 miles during a four-hour period which calculates to \$33.30 in mileage fees for a four-hour shift, and

**WHEREAS**, this agreement has been carefully reviewed by the county attorney, and **WHEREAS**, the Sheriff does recommend entering into an Agreement, and the Committee on Public Service does concur. Now, therefore, be it

**RESOLVED**, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the contract by and between the Village of Oakfield and the Genesee County Sheriff's Office for a period commencing August 9, 2012, and continuing through May 31, 2013, at the rates and terms as outlined above and be it further

**RESOLVED**, that the Genesee County Treasurer is hereby authorized and directed to amend the 2012 budget by increasing Sheriff's account A3110.1020.0800 (Overtime – Additional Police Services) in the amount of \$30,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

**Budget Impact:** Appropriation of \$30,000 offset by revenue billed back to entities for additional law enforcement services.

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

**RESOLUTION NO. 296 APPOINTMENT-TRAFFIC SAFETY BOARD – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The recent retirement of Chief Randy Baker from the City of Batavia Police Department has left a vacancy on the Genesee County Traffic Safety Board, and

**WHEREAS**, The new Chief, Shawn Heubusch, has agreed to serve out the remainder of the three-year term and represent the City of Batavia Police Department, and

**WHEREAS**, The Committees on Public Service and Ways & Means does recommend approving this appointment. Now, therefore, Be it

**RESOLVED**, That Chief Shawn Heubusch is appointed to serve as a member on the Genesee County Traffic Safety Board effective immediately through December 31, 2014.

**Budget Impact:** None.

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

**RESOLUTION NO. 297 CONTRACT RENEWAL – SHERIFF/ORLEANS COUNTY PRISONER HOUSING - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, the Sheriff did present a contract renewal with Orleans County Jail, and

**WHEREAS**, the County Attorney and Committee on Public Service did review this contract renewal and do 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 execute the contract renewal between the County of Genesee and the County of Orleans for the provision of Jail space in the Orleans County Jail at a rate of \$75.00 per day for each prisoner for the period of January 1, 2012, through December 31, 2013.

**Budget Impact:** Funds have been appropriated to the 2012 budget.

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

**RESOLUTION NO. 298 GRANT AWARD/BUDGET AMENDMENT-GENESEE JUSTICE/CAC –APPROVAL OF**



Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Sheriff of Genesee County did receive notification of the award of grant funding from the New York State Office of Children and Family Services that Genesee County's application for the Justice for Children Advocacy Center and Justice for Children Multi-Disciplinary Team has been awarded in the amount of \$135,796, and

**WHEREAS**, The Sheriff of Genesee County has requested the County accept this funding which stipulates that this revenue will be used for the continuation of the Justice for Children Advocacy Center and Justice for Children Multi-Disciplinary Team, and

**WHEREAS**, The Committee on Ways and Means did review this request and does recommend acceptance of the grant funding at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to execute the Agreement with the NYS Office of Children and Family Services for the acceptance of funds for the period of October 1, 2012 through September 30, 2013 in the amount of \$135,796, and to execute any and all other documentation related to this funding, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby directed to increase Revenue A 3151 of \$8,619 with offsetting increases to 2012 Expense Accounts: A 3151 1010 0000 Personal Services \$1,618; A 3151 4660 0000 Contracted Other \$2,995; A 3151 8030 0000 Medical \$3,995; and A 3151 8040 0000 Dental \$11.

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

**RESOLUTION NO. 299     CONTRACT                         RENEWAL-GENESEE  
  JUSTICE/MENTAL         HEALTH         CLINICAL  
  THERAPIST-APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Sheriff of Genesee County did submit a contractual agreement for a Mental Health Clinical Therapist for the Justice for Children Advocacy Center; and

**WHEREAS**, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Julie A. Walsh, LCSW, 43 Sarah Circle, Spencerport, NY 14559 to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 108 Bank Street, Batavia, NY for the period of October 1, 2012 through September 30, 2013 at a cost of \$32.00/hour.

**Budget Impact:** Funds for this position are covered through a grant from the NYS Office of Victim Services and already calculated in the 2012 county budget.

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

**RESOLUTION NO. 300     CONTRACTUAL AGREEMENT RENEWAL-  
  GENESEE JUSTICE/ FORENSIC INTERVIEWER -  
  APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The Sheriff of Genesee County did submit a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center; and

**WHEREAS**, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with

Kathy Colgan, 16 Country Meadow Drive, Honeoye Falls, NY 14472 for forensic interviewing, peer review, and training for the Justice for Children Advocacy Center/Team, 108 Bank Street, Batavia, NY for the period of October 1, 2012 through September 30, 2013 at a cost of \$80.00 per hour.

**Budget Impact:** Funding for this item is covered by grant funds from the NYS OCFS grant. An increase in the 2012 County budget in line A 3151 4660.000 Contracted Other in the amount of \$2,995 and offset by funds from A 3151 3323 NYS OCFS.

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

**RESOLUTION NO. 301      CONTRACT                                  RENEWAL-GENESEEE  
JUSTICE/FORENSIC INTERVIEWER - APPROVAL  
OF**

Legislator Bausch offered the following resolution:

**WHEREAS,** The Sheriff of Genesee County did submit a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center; and

**WHEREAS,** The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

**RESOLVED,** That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Laura Kelemen, 6622 Emily Lane, Lockport, NY 14094 for forensic interviewing, peer review, and training for the Justice for Children Advocacy Center/Team, 108 Bank Street, Batavia, NY for the period of October 1, 2012 through September 30, 2013 at a cost of \$45.00 per hour.

**Budget Impact:** Funding for this item is covered by grant funds from the NYS OCFS and already calculated in the 2012 county budget.

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

Prior to roll call on the above resolution Legislator DeJaneiro asked why the hourly differential between this and the previous contract. Sheriff Maha indicated that it was because of credentials. Ms. Colgan is a statewide recognized expert in this field.

**RESOLUTION NO. 302      CONTRACT                                  RENEWAL-GENESEEE  
JUSTICE/CLINICAL SUPERVISION - APPROVAL  
OF**

Legislator Stein offered the following resolution:

**WHEREAS,** The Sheriff of Genesee County did submit a contractual agreement for clinical supervision for the Justice for Children Advocacy Center; and

**WHEREAS,** The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

**RESOLVED,** That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Vicky Chamberlain, 405 East Main Street, Batavia, NY 14020 to conduct clinical supervision for the Justice for Children Mental Health Clinical Therapist who provides services to children alleged to be abused and/or neglected for the period of October 1, 2012 through September 30, 2013 at a cost of \$75.00 per hour.

**Budget Impact:** Funding for this item is covered by grant funds from the NYS OCFS grant and already calculated in the 2012 county budget.

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

**RESOLUTION NO. 303      2012 BUDGET AMENDMENT/AMEND CAPITAL  
PROJECT – DESIGN TERMINAL AND  
MAINTENANCE HANGAR-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Genesee County anticipates the receipt of an Airport Improvement Program (AIP) grant by the Federal Aviation Administration for the design of a new Terminal and Maintenance Hangar at the County Airport, and

**WHEREAS**, The County Superintendent of Highways recommends budget amendments to the capital project Design Terminal and Maintenance Hangar, 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 increase capital project, Design Terminal and Maintenance Hangar for a total of \$103,347, and Be it further

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2012 Budget:

Increase H1000.5997.5031 Interfund Revenue	\$103,347
Increase H5997.2080.0000 Design Terminal and Maint. Hangar	\$103,347
Increase A9950.9000.0000 Transfer to Capital	\$103,347
Increase A1000.5610.1776.1D Airport Fuel Sales	\$103,347

**Budget Impact:** The resolution increases the existing capital project by transferring in an additional \$103,347 from airport deferred revenue. Total project funding shall now be \$399, 500.

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

**RESOLUTION NO. 304 SUPPLEMENTAL FEDERAL AID MASTER AGREEMENT – BLACK STREET ROAD BRIDGE – AND AMEND CAPITAL PROJECT-APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, A Project for the Replacement of Black Street Road over Mud Creek (BIN 3316140), Town of Pavilion, P.I.N. 475461 (the Project”), County of Genesee is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 80% Federal Funds and 20% non-federal funds; and

**WHEREAS**, Genesee County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the project. Now, therefore, be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the above subject project; and it is hereby further

**RESOLVED**, That the Genesee County Legislature hereby authorizes the Chairperson to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Design work for the Project or portions thereof; and it is further

**RESOLVED**, That the sum of \$610,000 is hereby appropriated from County Legislature and made available to cover the cost of participation of the Project; and it is further

**RESOLVED**, That the Chairperson of the Genesee County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Genesee County Legislature with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to amend the Capital Project named Black Street Road Bridge for the amount of \$535,000 as per the following:

Increase Appropriation	H.5197.2080.000	\$535,000
Increase Revenue	H.1000.5197.4591 Federal Aid	\$428,000
Increase Revenue	H.1000.5197.3501 State Aid	\$ 91,500
Increase Revenue	H.1000.5197.5031 Interfund Transfer	\$ 15,500

And Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2012 Genesee County Budget by Increasing A.9950.9 Transfer to Capital in the amount of \$15,500 offset by an Increase in A.1000.1110.0 1% Sales Tax in a like amount coming from 1% Sales Tax.

**RESOLVED**, This Resolution shall take effect immediately.

**Budget Impact Statement:** This project is under design and is scheduled for construction in 2013.

Total Federal Aid is \$488,000, State Aid is \$91,500 and Local Aid is \$30,500 for a total project of \$610,000.

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

**RESOLUTION NO. 305 ESTABLISH CAPITAL PROJECT/FEDERAL AID MASTER AGREEMENT – SOUTH LYON STREET BRIDGE – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, A Project for the Replacement of South Lyon Street Bridge over Tonawanda Creek, (BIN 2210820), City of Batavia, P.I.N. 475463 (the Project”), County of Genesee is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 80% Federal Funds and 20% non-federal funds; and

**WHEREAS**, Genesee County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the project,

Now, therefore, be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the above subject project; and it is hereby further

**RESOLVED**, That the sum of \$1,659,000 is hereby appropriated from County Legislature and made available to cover the cost of participation in the Project; and it is further

**RESOLVED**, That the Chairperson of the Genesee County Legislature be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Genesee County Legislature with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to establish a Capital Project named South Lyon Street Bridge for the amount of \$1,659,000 as per the following:

Increase Appropriation	H.5197.2080.000	\$1,659,000
Increase Revenue	H.1000.5197.4591 Federal Aid	\$1,327,200
Increase Revenue	H.1000.5197.5031 Interfund Transfer	\$ 331,800

And Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2012 Genesee County Budget by Increasing A.9950.9 Transfer to Capital in the amount of \$331,800 offset by an Increase in A.1000.1110.0 1% Sales Tax in a like amount coming from 1% Sales Tax.

**RESOLVED**, This Resolution shall take effect immediately.

**Budget Impact Statement:** County's cost is 20% of project. Please note the bulk of the local share is not required until construction begins in 2015. The Design Phase is \$95,000, with Local Share of \$19,000.

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

**RESOLUTION NO. 306 SURPLUS EQUIPMENT-HIGHWAY/ ROAD MACHINERY AND INTERNAL SERVICE FUNDS -APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent did request the following equipment be declared surplus property, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this list and do recommend this equipment be declared surplus property at this time.

Now, therefore, Be it,

**RESOLVED**, That the Genesee County Legislature does hereby declare the following as surplus property to be disposed of through auction.

**Internal Service Fund**

2108 2001 Chevy PU 4x2 ½ ton s/n 8800

**Road Machinery**

2017 2003 Ford S-10 Pickup s/n 0706

2018 2001 Ford F350 1 Ton Crew Cab s/n 0993

5033 2000 Freightliner 4x2 Dump s/n 8877

6012 Roller 1 1976 Layton Roller s/n 7V196-6

6016 Roller 2 1990 Caterpillar Vibratory Compactor Model CB 514 s/n 6YD002040

6034 Tractor 8 1987 JD2555 w/Tigre mower s/n 2838

**Budget Impact:** Revenue for Road Machinery Fund and Internal Service Fund

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

**RESOLUTION NO. 307 CONSULTANT AGREEMENT – AIRPORT - TERMINAL AND MAINTENANCE HANGAR DESIGN –APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Genesee County anticipates the receipt of an Airport Improvement Program (AIP) grant by the Federal Aviation Administration for the design of a new Terminal and Maintenance Hangar at the Genesee County Airport, and

**WHEREAS**, Genesee County received a proposal from C&S Engineers for the design of the work as required under Federal Aviation Administration guidelines, and

**WHEREAS**, The Genesee County Highway Superintendent has reviewed this proposal and recommends its approval, and

**WHEREAS**, The Committees on Public Service and Ways and Means reviewed this

request and do concur at this time, Now, therefore, be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized to approve a consultant agreement with C&S Companies, 499 Eileen Collins Blvd., Syracuse, NY 13212 for the design of a new Terminal and Maintenance Hangar in an amount not to exceed \$199,500.

**Budget Impact:** The agreement is for \$199,500. A capital project has been established for this work.

A 50% design will allow the County to better estimate the total construction costs and funding requirements of this project.

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

**RESOLUTION NO. 308 SETTING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. TWO YEAR 2012 - APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law entitled: “**A LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE COUNTY PURSUANT TO SECTION 421-f OF THE NEW YORK STATE REAL PROPERTY TAX LAW,**” and

**WHEREAS**, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a Public Hearing to be held on such Local Law. Now, therefore, Be it

**RESOLVED**, That a Public Hearing shall be held on the Proposed Local Law Introductory No. Two, Year 2012 on Monday, September 10, 2012, at 7:00 p.m. at the Genesee County Courthouse, Batavia, New York

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

**RESOLUTION NO. 309 SETTING A PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. THREE YEAR 2012 - APPROVAL OF**

Legislator Lawrence offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law entitled: “**A LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE COUNTY PURSUANT TO SECTION 485-a OF THE NEW YORK STATE REAL PROPERTY TAX LAW,**” and

**WHEREAS**, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a Public Hearing to be held on such Local Law. Now, therefore, Be it

**RESOLVED**, That a Public Hearing shall be held on the Proposed Local Law Introductory No. Three, Year 2012 on Monday, September 10, 2012, at 7:00 p.m. at the Genesee County Courthouse, Batavia, New York

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

**RESOLUTION NO. 310 BUDGET TRANSFER/AGREEMENT-COUNTY ATTORNEY/(ASCAP) - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Copyright Law of the United States, Title 17 USC, establishes property rights in musical works and grants creators and owners of copyrighted musical works the exclusive right to perform or authorize the performance of their works publicly, and

**WHEREAS**, Under the law, Genesee County is responsible to obtain authorization for all musical works used during performances hosted by the County, background music in County buildings, music on hold, company picnics, etc., and

**WHEREAS**, The County Manager and County Attorney recommend obtaining a

licensing agreement from an organization as there is a potential for copyright infringement liability due to the complexity of the reporting and payment requirements, fee structures, levels of coverage and effective dates, and

**WHEREAS**, The Committee on Ways and Means did review the agreement with American Society of Composers, Authors and Publishers (ASCAP) and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, The Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the American Society of Composers, Authors and Publishers, 2 Music Square West, Nashville, TN, 37203 to accept a license to perform publicly on the premises and at events and functions musical compositions in the ASCAP repertory for the period of June 1, 2012 through May 31, 2013, and, Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following transfer in the 2012 County Budget:

\$637.00	from	A.1990.4800.0000	Contingency
\$637.00	to	A.1420.4660.0000	County Attorney, Contracted-

Other

**Budget Impact:** There will be a decrease to the County's Contingency Fund in the amount of \$637 to cover the 2012 expense. Subsequent expense will be budgeted in the County Attorney's annual budget. Balance remaining in Contingency Fund after deduction is \$770,150.

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

Prior to roll call on the above resolution Legislator Lawrence stated she felt the County was part of a "shake down." She asked where the money went and how the County could be assured it was passed on to the artists. County Manager Gsell noted that we would be paying the American Society of composers which would have the responsibility to distribute the fee as appropriate. Legislator Clattenburg asked if this would cover the Symphony Orchestra. It might cover the County if the Symphony performed in a County Building and did not have proper authorization for the pieces they performed.

**RESOLUTION NO. 311 BUDGET TRANSFER – COUNTY MANAGER'S OFFICE/ADVERTISING – APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Genesee County Manager has requested a transfer of funds within his 2012 operating budget to allow for advertising expenses to solicit a new Assistant County Manager and the department has funds available in its personal services line due to the retirement of the Assistant County Manager, and

**WHEREAS**, The Committees on Ways and Means have reviewed this request and do concur. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to transfer \$1,000.00 from A1230.1010.0000 County Manager, Personal Services to A1230.4170.0000 County Manager, Advertising.

**Budget Impact Statement:** Reallocating existing budgeted funds that are no longer needed for original intended purpose due to employee retirement and resultant reduction in 2012 salary costs.

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

**RESOLUTION NO. 312 COUNTY AUDIT – AUGUST 8 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

General Fund	\$	5,818,597.68
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Highway	448,645.91
Self Insurance	11,260.78
Nursing Home	625,010.81
Water	1,341,508.29
DSS Abstracts	555,106.81
<b>Capital Projects:</b>	
Highway 2012 Bridge Construction	12,630.95
Highway 2012 Chip Seal	405,000.00
Highway 2012 Highway Overlay	11,749.31
Highway Horizontal Curve	30.83
Airport Construct Terminal Apron	215,735.92
<b>Payroll – General &amp; Nursing Home</b>	
July 13, 2012	1,378,548.28
July 27, 2012	1,762,991.04
<b>Medicaid</b>	
July 17, 2012	185,572.00
July 24, 2012	185,572.00
July 31, 2012	185,572.00
August 7, 2012	<u>185,572.00</u>
<b>Total Audit</b>	\$ 13,329,104.61

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 Ferrando seconded the resolution which was adopted by 326 votes.

Prior to roll call on the above resolution Legislator Lawrence noted she was pleased to be able to sign off on some Highway Capital Projects. She did feel it important to mention that the Nursing Home paid their bills with County money, not Nursing Home money.

At this time Legislator Bausch made a motion to invoke Rule 19 for the purpose of suspending Rule No. 4 of the Legislature with respect to the date of the next Regular Meeting and to fix the adjournment date to September 10, 2012. The motion to invoke Rule 19 was seconded by Legislator Ferrando and approved unanimously. Legislator Bausch stated that pursuant to Local Law and Rule 4 of the Legislature the next regular meeting is scheduled to be held on September 12, 2012. However, the NYSAC meetings are scheduled to be held from September 12-15, 2012 and several members that have planned to attend the NYSAC meeting would be unavailable for the Legislature Meeting on September 12, 2012. Legislator Bausch moved that pursuant to Rule 19 to suspend Rule 4 as it relates to the date of the next regular Legislature Meeting and to adjourn the next regular meeting of the Legislature to September 10, 2012 at 7:00 PM. This was seconded by Legislator Stein and approved unanimously. Legislator DeJaneiro stated that he would not be available for the meeting.

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