

**FIFTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Monday, September 10, 2012**

The Genesee County Legislature met in Regular Session on Monday, September 10, 2012 at 7PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Cianfrini followed by the Pledge to the Flag. Legislator DeJaneiro was absent.

Chair Hancock opened Public Hearings on Local Laws Introductory No. Two and Three in relation to amending the tax laws of Genesee County pursuant to Section 421-f and 485-a of the New York State Real Property Tax Laws. There were no interested speakers.

The minutes of the August 8, 2012 and August 21, 2012 were approved as presented upon motion of Legislator Clattenburg seconded by Legislator Lawrence. An out-of-state travel request for Deputies Snyder and Carlson to travel to Atlantic City, New Jersey for National Highway Traffic Safety Technical Conference October 25-27, 2012 was approved upon motion of Legislator Leadley seconded by Legislator Stein. There are no county dollars involved.

Legislator Lawrence announced that a Flu Clinic will be held on September 19, 2012 at the Town of Corfu Fire Hall. Appointments are required and can be made by calling Catholic Health at 716-447-6205. A clinic will also be held at Batavia Downs on Thursday, September 27 from 10-Noon. Legislator Stein reminded everyone of the Agriculture Committee's Decision Makers Tour which will be held on September 19, 2012 and urged reservations be made with the Chamber of Commerce. Ancillary Ag Businesses will be featured and breakfast served. This tour will qualify as approved training for Planning and Zoning Board members.

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

**RESOLUTION NO. 315 APPOINTMENT/SALARY SCHEDULE
AMENDMENT – DSS/ DIRECTOR OF VETERANS
SERVICES AGENCY- APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, Hal Kreter retired as the Director of Veterans Services Agency on August 30, 2012, and

WHEREAS, William R. Joyce has been serving in the position of Director of Veterans Services Agency trainee since May 14, 2012, and is recommended by the Commissioner of Social Services to replace Hal Kreter. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint William R. Joyce as the Director of Veterans Services Agency within the Department of Social Services, effective September 15, 2012, and Be it further

RESOLVED, That the Genesee County Legislature requires that the Director of Veterans Services Agency be a Genesee County resident upon the date of appointment and maintain residency in Genesee County throughout his employment with Genesee County, and Be it further

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2012 Genesee County Management Salary

Schedule to include William R. Joyce in this position at Grade 4 at an annual salary of \$40,032 on the Genesee County Management Salary Schedule.

Budget Impact Statement: No changes. Position already budgeted in 2012 Department of Social Services budget.

Legislator Ferrando seconded the resolution which was adopted by 260 votes, Legislator Leadley no (38) Legislator DeJaneiro (28) absent.

RESOLUTION NO. 316 BUDGET AMENDMENT-BOARD OF ELECTIONS/HAVA-APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Election Commissioners Dawn Cassidy and Richard Siebert have learned the original undercarriage of the ballot marking voting machines may become defective with wheels collapsing or flattening, and

WHEREAS, It has also been determined that the original warranty will not cover replacement but the cost to upgrade is \$150 per machine (\$6,000 – 40 at \$150 each) and will be covered by our existing HAVA grant at no cost to local taxpayers. Now, therefore Be it

RESOLVED, In order to prolong the effective use of the 40 existing voting machines the Genesee County Treasurer be directed to amend the Board of Elections 2012 Budget by increasing appropriation account 1450.2070.0066 Ballot Marking Device by \$6,000 and revenue account 1450.4989.1 Federal Aid – Home/Other by \$6,000.

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

There is about \$97,000 left in the HAVA grant funding.

RESOLUTION NO. 317 CHARGE BACKS-ELECTIONS/INSPECTOR PAY- APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, It has been previously determined by the Ways & Means Committee that beginning with the election cycle in 2007 all per diem fees for election inspectors will be charged back to the various Genesee County Towns and City of Batavia, and

WHEREAS, The Real Property Department will notify all municipalities of the charges in 2012 so that the Genesee County Treasurer can bill and collect these charges in 2013. Now, therefore, Be it

RESOLVED, That the following total charges for election inspection services be levied to the 13 Towns and the City of Batavia as follows:

City	\$23,365
Alabama	2,715
Alexander	3,405
Batavia	6,355
Bergen	3,245
Bethany	1,935
Byron	2,415
Darien	3,300
Elba	2,575
LeRoy	8,500
Oakfield	4,030
Pavilion	2,645
Pembroke	6,320

Stafford 3,495
Total \$74,300

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

RESOLUTION NO. 318 AWARD OF BID-ELECTIONS/CARTAGE OF VOTING MACHINES-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The previous contract with Good & Fair Carting and Moving Co., authorized by Resolution No. 247, August 12, 2011 has been terminated, and

WHEREAS, A new contract was put out for bid covering the two year period 9/12/12 thru 9/11/14 with the option to renew the contract for up to 3 years if mutually agreed upon by both parties and also provides for a 90 day cancellation provision, and

WHEREAS, Three bids were received ranging from \$125 per polling site to \$240 per site and for primaries with less than 5 polling sites required ranging from \$105 to \$320 per site. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Clark Moving & Storage, Inc. of 3680 Buffalo Rd., Rochester, NY 14624 for moving services of \$125 per polling site for general elections and \$128 per site for county wide primaries and \$105 per site for primaries where less than 5 polling sites are required and this fee completely covers both delivery and pickup as one total price

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

RESOLUTION NO. 319 GRANT ACCEPTANCE-YOUTH/ AMERICORPS – APPROVAL OF

Legislator Leadley offered the following resolution

WHEREAS, The Executive Director of the Genesee County Youth Bureau did receive notice of the award of grant funding in the amount of \$181,625 from the NYS Office of Children and Family Services on behalf of the New York State Commission on National and Community Service for the Genesee County AmeriCorps Program and

WHEREAS, The Committee on Human Services does recommend approval for acceptance of the funds be given at this time. Now, therefore Be it

RESOLVED, That the Genesee County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to implement the AmeriCorps Program with a grant from the New York State Office of Children and Family Services for the period of October 1, 2012 through December 31, 2013.

Budget Impact: Funds to cover expenses for October – December are included in the 2012 approved budget for the department. Funds to cover expenses for the remainder of the program year will be included in the department's 2013 budget request. All expenditures are covered by grant revenue.

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

RESOLUTION NO. 320 GENESEE COUNTY SELF-INSURANCE PLAN - 2013 BUDGET AND APPORTIONMENT – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Executive Secretary of the Genesee County Self-Insurance Plan did submit the Budget and Apportionment of Expenses for fiscal year 2013, and
WHEREAS, The Committee on Ways and means did review said budget and apportionment and does recommend approval at this time. Now, therefore, Be
RESOLVED, That the Budget and Apportionment of the Genesee County Self-Insurance Plan, as submitted, is hereby adopted for the year 2013, and Be it further
RESOLVED, That certified copies of the Budget and Resolution be forwarded to the participants of the Plan.

Budget Impact Statement: All costs are apportioned to the participants of the Plan.

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

Prior to roll call on the above resolution Legislator Stein asked what will happen in Plan participants decide to exit the Plan in relation to the 20 year assessment for the Reserve Fund. County Manager Gsell stated that a procedure is outlined in the Local Law.

**RESOLUTION NO. 321 CONTRACT – HEALTH DEPARTMENT/ 3-5
PRESCHOOL SPECIAL EDUCATION PROGRAM-
COMMITTEE ON PRESCHOOL SPECIAL
EDUCATION (CPSE) MUNICIPALITY REPRESENTATIVE –
APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Interim Public Health Director did present a contract for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) of the Genesee County School Districts, and

WHEREAS, The Committee on Human Services did review the contract 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 **Laura Calla**, 34 South Main Street, Oakfield, NY 14125 at the rate of \$40.00 per hour plus mileage, at the current IRS rate, for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) in the 3-5 Preschool Special Education Program for the period August 1, 2012 through December 31, 2013.

Budget Impact Statement: Expenses for this service are included in the 2012 A 2960 3-5 Preschool Program budget and will be included in the 2013 proposed budget. Genesee County receives annual state aid reimbursement of \$75 per child for the administrative costs of the program.

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

Prior to roll call on the above resolution Legislator Leadley stated that these reps have been helpful in working with the CPSEs in determining the best services possible at the best price.

**RESOLUTION NO. 322 CONTRACT – HEALTH DEPARTMENT/ 3-5
PRESCHOOL SPECIAL EDUCATION PROGRAM-
COMMITTEE ON PRESCHOOL SPECIAL
EDUCATION (CPSE) MUNICIPALITY
REPRESENTATIVE – APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, The Interim Public Health Director did present a contract for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) of the Genesee County School Districts, and

WHEREAS, The Committee on Human Services did review the contract 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 **Michelle Franks**, 2951 Lear Road, Batavia, NY 14020 at the rate of \$40.00 per hour plus mileage, at the current IRS rate, for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) in the 3-5 Preschool Special Education Program for the period August 1, 2012 through December 31, 2013.

Budget Impact Statement: Expenses for this service are included in the 2012 A 2960 3-5 Preschool Program budget and will be included in the 2013 proposed budget. Genesee County receives annual state aid reimbursement of \$75 per child for the administrative costs of the program.

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

**RESOLUTION NO. 323 CONTRACTS- HEALTH DEPARTMENT/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM -
APPROVAL OF**

Legislator Lawrence 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 September 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.

- ABC Therapeutics
- Amatina Frank
- Rebecca Senf

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

**RESOLUTION NO. 324 GRANT ACCEPTANCE - HEALTH
DEPARTMENT/PUBLIC HEALTH EMERGENCY
PREPAREDNESS PROGRAM - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Interim Public Health Director has received notification from the New York State Department of Health and Health Research, Inc. that Genesee County's Public Health Emergency Preparedness Program contract has been awarded in the amount of \$53,500, and

WHEREAS, The Interim Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the program goals of the Public Health Emergency Preparedness Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with Health Research, Inc., 150 Broadway, Suite 560, Menands, New York 12204 for the acceptance of the Public Health Emergency Preparedness contract for the period July 1, 2012 through June 30, 2013 in the amount of \$53,500, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue and expenses, in the amount of \$22,292, are appropriated in the 2012 Dept. 4010 – Health Department budget; the remaining balance has been included in the 2013 Dept 4010 – Health Department proposed budget.

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

**RESOLUTION NO. 325 DECLARATION OF SURPLUS PROPERTY –
SHERIFF’S OFFICE/LIGHT BARS - APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Sheriff’s Office has 13 emergency vehicle light bars that are no longer compatible with patrol cars and range from 15 to 25 years of age, and

WHEREAS The Committee on Ways and Means concurs that the equipment is no longer suitable for use and recommends the equipment be declared surplus county property. Now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby declare the 13 emergency vehicle light bars as surplus county property and can be offered for sale through auction.

Budget Impact Statement: Revenue generated from sale of light bars.

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

**RESOLUTION NO. 326 FUNDING CORRECTION FOR CAPITAL PROJECT
- DESIGN TERMINAL & MAINTENANCE
HANGAR-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, Resolution #303 of 2012 increased funding to the Design Terminal & Maintenance Hangar Capital Project utilizing \$103,347 of deferred airport revenues, and

WHEREAS, due to a clerical error, the correct balance in the deferred airport revenue was only \$29,335.72, and

WHEREAS, the Genesee County Treasurer does recommend a correction of funding at this time utilizing 1% Sales Tax to cover the shortfall of \$73,992, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend Resolution #303 of 2012 by Increasing A.1000.1110.1 1% Sales Tax in the amount of \$73,992 and Decreasing A.5610.1776.1D Airport Fuel Sales in a like amount.

Budget Impact: An increase in expenditures of \$73,992 of 1% Sales Tax.

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

**RESOLUTION NO. 327 TREASURER/RELEVY OF UNPAID SCHOOL AND
VILLAGE TAXES- AUTHORIZATION FOR**

Legislature Bausch offered the following resolution:

WHEREAS, The Real Property Tax Law requires that, by November 15, 2012, all rural Genesee County School Districts return their respective unpaid 2012-2013 school taxes to the County Treasurer for inclusion in the following year’s town and county levy, and

WHEREAS, The Legislature entered into an agreement with the various villages within the county that, upon notification to the county, by the villages, within the time period as defined in the agreement, the unpaid village taxes will be relieved as part of the town and county levy. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize all unpaid school taxes and unpaid village taxes be relieved against the various towns in the County of Genesee immediately upon receipt by the County Treasurer's Office.

Budget Impact: None, it is an authorization to relevel unpaid taxes.

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

**RESOLUTION NO. 328 BUDGET AMENDMENT – COUNTY ATTORNEY
/CASUALTY LIABILITY INSURANCE RESERVE –
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The County Attorney did request an amendment to the 2012 County Budget due to a shortage of funds in his claims account, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2012 Budget by adjusting the County Attorney Appropriations and Revenues by the following amounts:

Increase in revenue MS.1000.9999 Balancing-Appropriated \$50,000
to be offset by an

Increase in expense MS.1930.4800-0100 Claims \$50,000

Budget Impact: There will a \$50,000 decrease in the Casualty Liability Insurance Reserve.

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

**RESOLUTION NO. 329 LOCAL LAW INTRODUCTORY NO. 2 YEAR 2012,
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
-APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The following Local Law was duly introduced to the Genesee County Legislature in accordance with the Law

A LOCAL LAW, to amend the tax laws of Genesee County.

Be it enacted, by the Genesee County Legislature, Batavia New York, as follows:

Section 1. **Exemptions for Capital Improvements to Residential Buildings in the City of Batavia.**

Exemptions Established

Residential buildings within the City of Batavia, New York that are reconstructed, altered or improved, pursuant to § 421-f of the NYS Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

Amount of exemption

A. The exemption equals the base exemption, multiplied by one of the following percentages. The extent of such exemption shall decrease by 12 ½% of the exemption base each year during such additional period pursuant to the following.

Year 1	100%
Year 2	87.5%
Year 3	75%
Year 4	62.5%
Year 5	50%
Year 6	37.5%
Year 7	25%
Year 8	12.5%
Year 9	0%

B. Such exemption shall be limited to \$80,000 in increased market value, but not less than \$5,000, of the property attributable to such reconstruction, alteration or improvement, and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the most recently established state equalization rate or special equalization rate, except where the state equalization rate or special equalization rate equals or exceeds 95%, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

Section 2. Eligibility for Exemption

A. No such exemption shall be granted for reconstruction, alterations or improvements unless:

1. Such reconstruction, alteration or improvement was commenced subsequent to the effective date of the local law or resolution adopted; and
2. The value of such reconstruction, alteration or improvement exceeds \$3,000; and
3. The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old; and
4. The reconstruction, alteration or improvement shall have been permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permit issued and said reconstruction, alteration or improvement shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Batavia Municipal Code and the City of Batavia Bureau of Inspection upon completion; and
5. The property for which exemption is sought must be a one or two family residence.

B. For purposes of this section the terms “reconstruction,” alteration” and “improvement” shall not include ordinary maintenance and repairs.

C. In the event that a building granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall cease.

Section 3. Time to file application

Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board. The application shall be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. Any exemption pursuant to this article shall be granted only upon application by the owner thereof on the

form prescribed by the State Board. The application shall be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1 to be eligible for any exemption to be entered on the assessment roll prepared on the basis of said taxable status date.

Section 4. Effective date

This local law shall take effect immediately

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing of said proposed Local Law on the bulletin board in the Courthouse, and

WHEREAS, A Public Hearing was held at 7:00 PM on the 10th day of September 2012 at the Genesee County Legislature Chambers, Old Courthouse, 7 Main St., Batavia, New York at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That a LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE COUNTY to be known as Local Law Number Two, Year 2012 be and hereby is adopted. Legislator Bausch seconded the resolution which was adopted by 255 votes, Legislator Lawrence (43) no and Legislator DeJaneiro (28) absent.

**RESOLUTION NO. 330 LOCAL LAW INTRODUCTORY NO. 3 YEAR 2012,
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 -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The following Local Law was duly introduced to the Genesee County Legislature in accordance with the Law

A LOCAL LAW, to amend the tax laws of Genesee County.

Be it enacted, by the Genesee County Legislature, Batavia New York, as follows:

Section 1. Exemption for Residential-Commercial Urban Exemption Program

Exemption Established

Non-residential buildings within the City of Batavia, New York that are converted to a mixture of residential and commercial uses pursuant to §485-a of the NYS Real Property Tax Law shall be exempt from taxation and special ad valorem levies levied.

Amount of exemption

A. The exemption is calculated as a percentage of the “exemption base,” which is the increase in assessed value attributed to the conversion. The base should be determined for each year in which there is such an increase attributed to an eligible conversion. The exemption is to be calculated by the following method:

Year 1 through 8	100% of Exemption Base
Year 9	80% of Exemption Base
Year 10	60% of Exemption Base
Year 11	40% of Exemption Base
Year 12	20% of Exemption Base

B. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvement to real property, except, where during the period of such pervious exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In

such case, an exemption shall be granted for a number of years equal to the twelve year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

Eligibility for Exemption

- A. No such exemption shall be granted for reconstruction, alterations or improvements unless:
1. Such conversion was commenced subsequent to the effective date of the local law adopted; and
 2. The value of such reconstruction, alteration or improvement exceeds \$10,000; and
 3. The reconstruction, alteration or improvement shall have been permitted by the City of Batavia Bureau of Inspection such that a building or plumbing permit issued and said reconstruction, alteration or improvement shall have met all necessary approvals per the applicable New York State Uniform Fire Prevention and Building Code, Batavia Municipal Code and the city of Batavia Bureau of Inspection upon completion; and
 4. Such conversion is for non-residential property converted to a mixture of residential and commercial uses. The exemption does not apply to improvements for dwelling units in a hotel.
- B. For purposes of this section the terms “reconstruction”, “alteration” and “improvement” shall not include ordinary maintenance and repairs. The following shall not be considered conversion except to the extent that they are a part of an addition, remodeling or modernization: exterior painting; the replacement of exterior siding; interior painting; plastering; paneling or wallpapering; replacement of flooring or floor coverings; repairs to electrical or plumbing systems.
- C. In the event that a building granted an exemption pursuant to this article ceases to be used primarily for mixed residential and commercial purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this article shall cease.

Section 2. Time to file application

Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board of Real Property Services. The application shall be filed with the Assessor of the City of Batavia on or before the taxable status date of March 1. Any exemption pursuant to this article shall be granted only upon application by the owner thereof on the form prescribed by the State Board. The application shall be filed with the Assessor of the City of Batavia and Genesee County Director of Real Property Services on or before the taxable status date of March 1 to be eligible for an exemption to be entered on the assessment roll prepared on the basis of said taxable status date.

Section 3. Effective date

This local law shall take effect immediately

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing of said proposed Local Law on the bulletin board in the Courthouse, and **WHEREAS**, A Public Hearing was held at 7:00 PM on the 10th day of September, 2012 at the Genesee County Legislature Chambers, Old Courthouse, 7 Min St., Batavia, New York at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That a LOCAL LAW TO AMEND THE TAX LAWS OF GENESEE

COUNTY to be known as Local Law Number Three, Year 2012 be and hereby is adopted. Legislator Leadley seconded the resolution which was adopted by 298 votes, Legislator DeJaneiro (28) absent.

Prior to roll call on the above resolution Legislator Clattenburg thanked the Legislature for considering and supporting the local laws. They have been enacted by the City. The City has received substantial grant funding for the refurbishing of downtown and this should help entice private investors in the revitalization efforts. Batavia is the County Seat and important to the well being of the entire community. She appreciates the actions this evening.

RESOLUTION NO. 331 COUNTY AUDIT – SEPTEMBER 12 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Cianfrini did review the following claims:

General Fund	\$	1,125,531.97
Highway		400,261.22
Self Insurance		24,290.72
Nursing Home		476,674.47
Water		18,661.12
DSS Abstracts		374,577.19
Capital Projects:		
Highway 2012 Bridge Construction		22,188.17
Highway 2012 Highway Surface Treatment		725,000.00
Highway 2012 Highway Overlay		3,144.58
Highway Black Street Rd. Bridge Design		14,639.23
Co.Building # 1 Roof Replacement		977.02
Payroll – General & Nursing Home		
August 10, 2012		1,274,763.29
August 24, 2012		1,769,512.53
September 7, 2012		1,243,387.98
Medicaid		
August 14, 2012		185,572.00
August 21, 2012		185,572.00
August 28, 2012		185,572.00
September 4, 2012		<u>185,572.00</u>
Total Audit	\$	8,215,897.49

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 298 votes, Legislator DeJaneiro (28) absent.

Prior to roll call on the above resolution Legislator Lawrence asked why the second August payroll was so much higher than the first payrolls of the month. Deputy Treasurer Landers stated that the second payroll includes the charges for insurance.

Chair Hancock gave the Jobs Report noted that there are 370 jobs listed, with 456 listed last week. The New York State Unemployment Rate is 9.1, and Genesee County is 7.4%, the lowest in the GLOW region and 8th lowest in the State.

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