

**TWELVETH DAY
GENESEE COUNTY LEGISLATURE
Wednesday June 26, 2013
Oakfield, New York**

The Genesee County Legislature met in Regular Session on Wednesday, June 26, 2013 at 7PM at the Town of Oakfield, 3219 Drake St., Oakfield New York. Prayer was offered by Legislator DeJaneiro, followed by the Pledge to the Flag.

Legislator Cianfrini opened the Outreach Meeting in the Town of Oakfield by welcoming all of the Legislators and staff to the Town of Oakfield. He thanked the members of the Oakfield Town Board especially Melissa Haacke, Town Clerk for putting this meeting together. Oakfield is a thriving little community. The current Town Board is a forward thinking board, and there are a lot of projects going on in the town. Currently there is a new water tower going up in the community. This will be shared between the town and village and will be a great asset. This will help any future expansion that will happen in that area. Legislator Cianfrini then introduced Town of Oakfield Supervisor Michael Cianfrini. Mr. Cianfrini thanked the group for coming to the Town of Oakfield. Mr. Cianfrini thinks that the Legislature Outreach Meetings is a great opportunity for residents of the county to come out and speak when they might not take the time to come to a meeting in Batavia. Mr. Cianfrini introduced his staff, Town Clerk Melissa Haacke, Alan Dennis Highway Superintendent, Barry Flansburg, Town Assessor and Carol Glor, Town Councilwoman.

Chair Hancock thanked Mr. Cianfrini for welcoming the Legislature and explained how the resolutions that were being passed that evening have gone through a Committee approval process prior to the Legislature Meeting.

The minutes of the June 12, 2013 meeting were approved by a motion by Legislator Stein seconded by Legislator Ferrando.

Legislator DeJaneiro recently attend the GAM meeting held at the ARC and information on the Genesee ARC was presented. The ARC was founded in 1966 and the youngest client is under 2 years old and their oldest client is 88 years old. There are 488 individuals and families that they service. One of their biggest issues the ARC has recently gone through is the curbside pickup of solid waste and complete recycling program. They may extend this service to other areas outside the City of Batavia. They discussed the possibility of a portable transfer station. They have a good program and one that more than the City can take advantage of.

Legislator Leadley recently attended the 15 Year Anniversary Celebration of the Marshall Fund. It was a very heartwarming celebration and remarkable. Ms. Marshall left in memory of her mother enough money to fund services for Senior Citizens in Genesee County. These services are things that other counties are not able to provide. The Rochester Area Community Foundation who hold the Murial Marshall funds were full of praise for the Genesee County Office for the Aging and the County on how they have put forth this money. Chair Hancock added that Ms. Marshall was very generous, and was able to work with the foundation and worked with the lawyers to make sure the funds were not spent too quickly. This is a model throughout the state for folks who have funds to expend to organizations such as this.

Legislator Stein attended the InterCounty meeting in Elmira. At the end of the session a copy of the data sheet prepared by NYSAC was given out. A copy is available in the Legislature Office.

Legislator Bausch attend the recent Water Resources Board meeting. The primary purpose of the meeting was to discuss long term options for the County for sources of water and future sights for expansion. Unfortunately there is not a lot of funding available right now but it is still something that should be looked at. Legislator Lawrence asked when the next meeting will be, Mr. Bausch stated that there is not a regular meeting schedule but the next meeting will be in the fall time. Legislator Bausch also stated that Town of Darien Supervisor Hagelberger was in attendance at the meeting and expressed his concern in the Darien area.

Chair Hancock gave the jobs report. There were 696 opening in the County. This is up 20% from the previous meeting. The Genesee County unemployment rate decreased to 6.2%. This is the lowest unemployment rate in the GLOW region.

County Manager Gsell handed out information regarding a new Dental Program that may become available in the County. This requires no County Funding. This program is for the working poor, or for someone between jobs. The entire community will have this available to them. This is a NYSAC endorsed program. This will be presented at the next Ways and Means meeting. Legislator DeJaneiro thanked the County Manager for bringing this forward. This is a very important health care issue that can become very serious.

Mr. Dennis, Town of Oakfield Highway Superintendent spoke to the Legislature. He thanked the Legislature for coming to the Town. He did express his concern of the placement of the American Flag at the Peace Garden. When the flag is displayed equally in height with other flags it should be located at the far left in place of honor. His second issue is the water issue. The Town of Oakfield is very aggressive in water right now. Grant money is no longer available. The Town Board has developed a 5 year plan to try to have 98% of the town with municipal water in 5 years. Every town can do this but it is a lot of work. He would like the Legislature to look at Phase Two. Phase Two went to the wayside because there were no funds. If towns want water they will have to pay for it by themselves. He would like the Legislature to get very aggressive with Phase Two and this County will be as well suited with water as Erie County.

The Clerk proceeded with reading of the resolutions:

RESOLUTION NO. 235 GRANT ACCEPTANCE - EMERGENCY MANAGEMENT SERVICES/HAZMAT GRANT PROGRAM – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator requests authorization to accept grant funding in the amount of \$98,000 from the Federal Department of State Division of Homeland Security’s State Homeland Security Program (SHSP) in conjunction with Monroe, Orleans, Wyoming and Livingston Counties, and

WHEREAS, The purpose of the grant is to enhance regional response capabilities and efficiency through the development of a hazmat leadership, personnel and equipment database; sustainment and standardization of WMD trailers and cross training of the regional hazmat teams, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of FY12 Hazmat Grant Program in the amount of \$98,000, and to execute any and all other documentation related to this funding.

Budget Impact Statement: Grant Funds in the amount of \$98,000 are to be appropriated in the 2013 OEM Dept operating budget, offset by revenue in like amount

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

**RESOLUTION NO. 236 CONTRACT EXTENSION – NYS DEFENDERS
ASSOCIATION/PUBLIC DEFENDERS CASE
MANAGEMENT SYSTEM – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee County Public Defender’s Office does recommend the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender’s Office and New York State Defenders Association, Inc. contract be extended for a period through May 3, 2014 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 necessary documents to extend the contract for the provision of the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender’s Office and New York State Defenders Association, Inc., Albany, New York for the period of May 4, 2013 through May 3, 2014 for a total cost of \$2,500.00.

Budget Impact: these funds are already budgeted in 2013 budget

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

**RESOLUTION NO. 237 CONTRACT AMENDMENT-PUBLIC
DEFENDER/UNIFIED COURT SYSTEM-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Public Defender does recommend approval of the proposed amendment to reduce the amount of the five year Agreement between the Genesee County Public Defender’s Office and the New York State Unified Court System for the provision of legal services to minors appearing in proceedings in Genesee Family Court in the amount of \$75,659 because of State budget cuts for the period April 1, 2013– March 31, 2014, and

WHEREAS, The Committee on Public Service did review the proposed amendment 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 accept the amendment for the contract with the Unified Court System of the State of New York for Genesee County to provide legal representation of children involved in Family Court proceedings, as assigned by the Genesee Family Court, for the period April 1, 2013 through March 31, 2014 at no cost to the County.

Budget Impact: This contract for services is at the actual cost of the services provided with no county financial participation or match.

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

**RESOLUTION NO. 238 BUDGET AMENDMENT – SHERIFF / VILLAGE OF
BERGEN AGREEMENT - APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Village of Bergen requested to renew an agreement to contract for additional police services for a term beginning on June 1, 2013 through May 31, 2014, and

WHEREAS, The agreement renewal and budget amendment were adopted on May 22, 2013, pursuant to Resolution No. 203, and

WHEREAS, The Village of Bergen's actual budget is for \$13,000 not \$30,000. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by decreasing Sheriff's account A3110.1020.0900 (Overtime - Bergen Patrols) in the amount of \$17,000, to be offset by an decrease in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

Budget Impact: Decrease Sheriff's budget by \$17,000 and decrease Sheriff's revenue by like amount to reflect the actual amount of the Bergen Agreement.

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

**RESOLUTION NO. 239 VEHICLE ACCEPTANCE-NURSING HOME
/WHEELCHAIR ACCESSIBLE VAN-APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home does recommend that it is in the best interests of The Home to accept newly-awarded New York State grant funding for a wheelchair-accessible van for resident transportation, and

WHEREAS, Acceptance of the grant award requires a co-payment on the part of Genesee County of \$9,712.00, and

WHEREAS, In anticipation of this grant award, the Nursing Home capital budget provides \$8,540.00 for the copayment, with the additional \$1,172.00 coming from the "wheelchair" line of the capital budget. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to accept a wheelchair accessible van from the New York State Department of Transportation valued at \$42,225.24, and the Genesee County Legislature does authorize a check to the Bank of America for \$9,712.00 to cover the required co-payment to accept the new van from the New York State Department of Transportation.

Budget Impact Statement: The cost of this copayment is completely covered within the approved capital budget of the Genesee County Nursing Home for 2013.

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

**RESOLUTION NO. 240 AUTHORIZATION FOR THE CHAIR OF THE GENESEE
COUNTY LEGISLATURE TO ENTER INTO AN
AGREEMENT BETWEEN THE GLOW CHIEF ELECTED
OFFICIALS AND THE WORKFORCE INVESTMENT BOARD**

Legislator Leadley offered the following resolution:

WHEREAS, An agreement between the Chief Elected Officials of the Workforce Investment Area comprised of Genesee, Livingston, Orleans, and Wyoming and the GLOW Workforce Investment Board, has been determined necessary between the two parties and is a required element in the GLOW Workforce Investment Act (WIA) Strategic Plan. Now, therefore, Be It

RESOLVED, That the Genesee County Legislature hereby authorizes the Chair of the Genesee County Legislature to sign and enter into the CEO/WIB Agreement on behalf of Genesee County, for a period of July 1, 2013 through June 30, 2016.

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

**RESOLUTION NO. 241 APPOINTMENT TO THE GLOW WORKFORCE
INVESTMENT BOARD MEMBERSHIP-APPROVAL OF**

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:

Joseph Steinmetz , Director, Career and Technical Education and Adult/Secondary Programs for Orleans Niagara BOCES, representing the WIA Title II State Education At-Large, for an ongoing term.

Reid Smalley, Executive Director of Workplace Development at GCC, representing the Perkins/VATEA Local Education Entity At-Large, for an ongoing term.

Marcell Taylor, Training and Employment Manager for Pathstone Corporation, Representing the Migrant Seasonal Farm Workers At-Large, for an ongoing term.

and Be it further

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

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

RESOLUTION NO. 242 AUTHORIZATION TO SIGN LICENSE AGREEMENT AND LETTER OF AGREEMENT FOR UTILITY USE – NEW YORK STATE DEPARTMENT OF LABOR – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Employment and Training Director of the Genesee County Job Development Bureau did recommend that the County of Genesee enter into a five (5) year License Agreement with the New York State Department of Labor for the rental of

9351 square feet of office space at 587 East Main Street, Batavia, New York, and

WHEREAS, The Employment and Training Director of the Genesee County Job Development Bureau also recommends that the County of Genesee enter into a five (5) year Letter of Agreement for Utility Use at 587 East Main Street, Batavia, New York, and

WHEREAS, The Committee on Ways and Means did review both the License Agreement and the Letter of Agreement for Utility Use, and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a space License Agreement with the New York State Department of Labor for the period February 1, 2011 through January 31, 2016 at a rate of \$9.34 a square foot, and a Letter of Agreement for Utility Use for the period February 1, 2011 through January 31, 2016 at a rate of twenty-eight percent (28%) of the actual utility charges.

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

**RESOLUTION NO. 243 GRANT AWARD/BUDGET AMENDMENT/SALARY
SCHEDULE AMENDMENT-NYS DIVISION OF CRIMINAL
JUSTICE SERVICES/GENESEE JUSTICE - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, Genesee County did receive notification of a grant award in the amount of \$50,000 from the New York State Division of Criminal Justice Services for referral services and outreach for domestic violence, and

WHEREAS, The Coordinator of Genesee Justice has requested the County accept this funding, which stipulates that this revenue will be used for the creation of a Community Service/Victim Assistant (Grade 9) position to provide referral services and community awareness regarding domestic violence for the period July 1, 2013 – March 31, 2014, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend acceptance of the grant funding 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 NYS Division of Criminal Justice Services for the acceptance of funds for the period of July 1, 2013 through March 31, 2014 in the amount of \$50,000, and Be it further

RESOLVED, The 2013 CSEA Salary Schedule be amended to create one temporary full-time Community Service Victim Assistant in pay grade 9 from July 1, 2013 through March 31, 2014, and be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee Justice budget by increasing line item A 3151 3322 NYS DCJS in the amount of \$28,898 with offsetting amounts in expenditure accounts as follows:

A 3151 1010 0000 Personal Services \$14,313	A 3151 4140 0000 Postage by \$100
A 3151 8010 0000 Social Security Tax by \$887	A 3151 4150 0000 Printing by \$50
A 3151 8011 0000 Medicare Tax by \$208	A 3151 4160 0000 Publication by \$50
A 3151 8020 0000 Retirement by \$1,646	A 3151 4290 0300 Long Distance by \$42
A 3151 8030 0000 Medical by \$7,398	A 3151 4290 0400 NY Phone by \$44
A 3151 8040 0000 Dental by \$165	A 3151 4290 0600 Internet by \$29
A 3151 8070 0000 Vision by \$36	A 3151 4540 0000 Mileage by \$375
A 3151 2022 0001 Laptop Computer by \$1,000	A 3151 4550 0000 Training by \$330
A 3151 4110 0000 Office Supplies by \$2,075	A 3151 4800 0000 Program Expense by \$50
A 3151 4110 0011 Cost per Copier by \$100	

Budget Impact: An increase in the 2013 Genesee Justice Budget Revenue Line A 3151 3322 of \$28,898 with offsetting increases to 2013 Expense Accounts in a like amount (\$21,102 will be placed and expended in the 2014 budget)

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

**RESOLUTION NO. 244 AWARD OF BID –HIGHWAY/SODIUM CHLORIDE –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Officer did advertise for bids for the purchase and delivery of Sodium Chloride to the Genesee County Highway Department for the control of snow and ice on county roads, and

WHEREAS, The Highway Superintendent does recommend awarding this contract to American Rock Salt, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with American Rock Salt, PO Box 190, Mt. Morris, NY 14510 for the sale of sodium chloride at a cost of \$39.24 per ton, FOB delivery to Batavia for the period of October 1, 2013 thru September 30, 2014.

Budget Impact Statement: Purchase of sodium chloride is a budgeted item.

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

**RESOLUTION NO. 245 SURPLUS EQUIPMENT-HIGHWAY/PARK- INTERNAL
FUND AND PARK - APPROVAL OF**

Legislator Stein 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 at auction, public bid or through inter-municipal purchase.

Internal Fund (Motor Pool)

MP #1155 - 2007 Jeep Cherokee

MP #1156 - 2006 Jeep Cherokee

MP #1157 - 2008 Chevy Impala

MP #1159 – 2008 Chevy Impala

MP #1160 – 2008 Chevy Impala

Park

1990 Box Sweeper Attach – Model # Sweeper 72, s/n 435406503

1990 Combo Bucket Attach – Model # Combo 66, s/n 431200450

1990 Grapple Attach – Model #60 Grapple, s/n 6559778-M-1977

Budget Impact: Revenue for Internal Service Fund and the General Fund

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

Prior to roll call a motion was made to amend this resolution upon motion of Legislator Cianfrini seconded by Legislator Stein. This was approved unanimously. It was decided by the Highway Department that the box sweeper that was approved for surplus could be used on the new Bobcat that was recently purchased.

**RESOLUTION NO. 246 NYSDOT EQUITABLE BUSINESS OPPORTUNITY (EBO)
DESIGNATION OF RESPONSIBLE LOCAL OFFICIAL
(RLO)-HIGHWAY-APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did request that the Chairman of the Legislature act as the RLO for the NYSDOT EBO program and also delegate this authority to the Superintendent of Highways, and

WHEREAS, Genesee County is required to use the EBO program that is administered by NYSDOT for on-line access to civil rights contract reporting. The Highway Superintendent also needs to have access to the EBO site to make filings as required under locally administered federal aid projects, and

WHEREAS, The Committee on Public Service did review this request and does concur. Now, therefore, Be it,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized to act as the RLO for Genesee County when dealing with the NYSDOT EBO program and further delegates this authority to the Superintendent of Highways.

Budget Impact: None.

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

RESOLUTION NO. 247 AWARD OF BID-CONSTRUCTION OF AIRCRAFT TIE-DOWN APRON RELCOATION, APPROVE CONSULTANT AGREEMENT AND AUTHORIZE APPROVAL OF FEDERAL AVIATION ADMINISTRATION GRANT – AIRPORT - APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, Genesee County advertised construction bids for the Aircraft Tie-Down Relocation Project, and

WHEREAS, The Superintendent of Highways recommends awarding a construction contract to Keeler Construction, Albion, NY at a cost of \$932,181.25 and the Committee on Public Service does concur at this time, and

WHEREAS, The Superintendent of Highways recommends approving the consultant agreement with C&S Engineers to perform management services on this project at a cost of \$136,500, Now therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby award a construction contract for the Tie-Down Apron Relocation at the Genesee County Airport to Keeler Construction Co. Inc., W. Lee Road, Albion, NY 14411, in an amount not to exceed \$932,181.25 and enters into a Consultant Agreement with C&S Engineers, 499 Col. Eileen Collins Blvd, Syracuse, NY 13212 at a cost of \$136,500, and be it further

RESOLVED, That the approval of the contract with Keeler Construction Co., Inc. is contingent on the acceptance of a grant and concurrence of award from the Federal Aviation Administration.

RESOLVED, that upon receipt of a grant from the FAA that the Chairperson is authorized to execute the grant.

Budget Impact Statement: Costs to be covered under anticipated AIP grant. 90% Federal, 5% State, 5% Local
Legislator Ferrando seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 248 AWARD OF BID - HIGHWAY-FUEL-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Officer did advertise for bids for the purchase and delivery of fuel products to the Genesee County Highway Department fuel farms, and

WHEREAS, The Highway Superintendent recommends awarding this contract to Superior Plus Energy (formerly known as Griffith Energy, Inc.), and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Superior Plus Energy, 1870 South Winton Road,

Rochester, NY, 14618, for the sale and delivery of fuels to the Genesee County Highway Department fuel farms, effective September 1, 2013 through August 31, 2014.

Budget Impact Statement: Purchase of fuel is a budgeted item in the Road Machinery Fund. The bids are based on the rack price differential system.

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

**RESOLUTION NO. 249 REAPPOINTMENT-GENESEE COUNTY PARKS,
RECREATION AND FORESTRY ADVISORY
COMMITTEE – APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, The terms of three members of the Genesee County Parks, Recreation and Advisory Committee have expired and the committee members have expressed an interest and desire to serve another 3 year term, and

WHEREAS, The District #6 representative, John Glidden, the District #8 representative, Robert Marchese, DDS, and the District #9 representative, Thomas Clark are recommended for reappointment to serve out the remaining 3 year term, and

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

RESOLVED, That District #6 – John Glidden, District #8 – Robert Marchese, DDS, and District #9 – Thomas Clark, are hereby reappointed to the Genesee County Parks, Recreation, and Forestry Advisory Committee to serve the terms effective immediately through March 31, 2016.

Budget Impact: None

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

**RESOLUTION NO. 250 BUDGET AMENDMENT – 2013 COUNTY
ROAD FUND – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The County Highway Superintendent did request a budget amendment in the 2013 County Road Fund to cover the Traffic Control Division budget for the purchase of sign materials and supplies, 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 make the following amendment:

Increase D5110.2306 Charges to Other Govts by \$2,500 and

Increase D3310.4700.1003 Signs and Supplies by \$2,500

Budget Impact: Increases revenue and expenses within the Traffic Control Division of the County Road Fund.

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

**RESOLUTION NO. 251 CONTRACT– HEALTH DEPARTMENT/ PARATRANSIT
SERVICES – APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, Genesee County must provide transportation services for the Early Intervention and Preschool Supportive Health Services Program, and

WHEREAS, The Public Health Director did receive proposals for the provision of this service, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Genesee County Chapter NYSARC for the provision of paratransit services for the Early Intervention and Preschool Supportive Health Services Programs for the period of September 1, 2013 through August 31, 2014 at the following rates as bid:

In County	\$ 38.83/child/day/round trip
Out of County*	\$175.38/child/day/round
Bus Aide	\$ 61.25/round trip
Additional child to an established out of county round trip	\$5.10/child/day/round trip

* *Where a one-way trip is ten (10) miles or more outside of the County lines.*

Budget Impact: Estimated annual expenses in the 2013 A 2960 Preschool Supportive Health Service budget are \$250,000. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment for Medicaid eligible children.

Budget Impact: Estimated annual expenses in the 2013 A 4059 Early Intervention budget are \$43,000. Expenses are offset, up to 100% by revenue generated from Medicaid. New York State is liable for 49% of any non-reimbursed expenditure.

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

**RESOLUTION NO. 252 APPOINTMENT-LAKE PLAINS RESOURCE
CONSERVATION DEVELOPMENT COUNCIL-
APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, There exists a vacancy on the Resource Conservation & Development Great Lakes Council and the Committees on Public Service and Ways and Means do recommend the appointment of Mrs. Esther Leadley at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Mrs. Esther Leadley of Pavilion, NY to the Lake Plains Resource Conservation Development Council effective immediately, and Be it further

RESOLVED, That this resolutions confirms that Mr. Richard Rudolph and Mr. George Squires are currently members of this board.

Budget Impact Statement: None.

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

**RESOLUTION NO. 253 AUTHORIZING CHAIR TO FILE CERTIFICATE
DESIGNATING THE SECRETARY OF STATE
AS THE AGENT FOR SERVICE OF NOTICES OF CLAIM
PURSUANT TO SECTION 53 OF THE GENERAL
MUNICIPAL LAW**

Legislator Lawrence offered the following resolution:

WHEREAS, The State Legislature has enacted and Governor Cuomo has signed Chapter 24 of the Laws of 2013, which, *inter alia*, adds a new Section 53 to the General Municipal Law, effective June 15, 2013, and

WHEREAS, Chapter 24 of the Laws of 2013 permits claimants to serve notices of claim upon the Secretary of State rather than effecting personal service of such notices upon the municipality which is the subject of the claim, and

WHEREAS, The statute directs the Secretary of State to forward copies of notices of claim served in the above-referenced manner to the municipalities involved, and

WHEREAS, Section 53 of the General Municipal Law requires that municipalities, including Genesee County, within thirty days after the effective date of the law, file a certificate in the office of the Secretary of State designating the Secretary of State as the agent for service of notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary, now, therefore, be it

RESOLVED, That the Chair be, and hereby is, authorized and directed to file not later than July 12, 2013 a certificate with the Secretary of State designating the Secretary of State as Genesee County's agent for the service of notices of claim, and Be it further

RESOLVED, That the County Attorney is hereby designated to receive such notices of claim served in the manner set forth herein, and Be it further

RESOLVED, That the Chair in such certificate, and in amendments thereof as from time to time may be necessary, provide the Secretary of State with the name, post office address and electronic mail address of the County Attorney, and Be it Further

RESOLVED, That the Genesee County Attorney is authorized to accept notices of claims on behalf of the County and receive any payments due to Genesee County as a result of this Uniform Notice of Act Claim.

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

**RESOLUTION NO. 254 BUDGET AMENDMENT/INSURANCE PURCHASE-
COUNTY ATTORNEY/CASUALTY LIABILITY
INSURANCE RESERVE – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The County was recently provided with standard flood insurance quotes for various properties located in high flood zones, and

WHEREAS, It was decided to obtain insurance for two locations, the Genesee County Offices located at 15 Main Street with a \$1,000 deductible and the Holland Land Office located at 131 W. Main St. with a \$10,000 deductible, and

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

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

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

Increase in Revenue MS.1000.9999 Balancing-Appropriated \$7,118

To be offset by an

Increase in MS.9907.9000.0000 Transfer to General Fund \$7,118

And an increase in A.1000.5031 Interfund Revenue \$7,118

To be offset by an

Increase Expense A. 1910.4660.0000 Unallocated Insurance \$7,118

Be it further

RESOLVED, That the Genesee County Legislature does hereby designate Wright National Flood Insurance Company, St. Petersburg, FL 33733 to provide flood insurance coverage for the period July 30, 2013-July 29, 2014 for an annual premium of \$7,118.00.

Budget Impact: A reduction in the Casualty Liability Insurance Reserve of \$7,118. Balance after this transfer \$1,137,863.45

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

**RESOLUTION NO. 255 CONTRACT WITH U.S. BANKRUPTCY COURT -
WESTERN DISTRICT OF NEW YORK - RENEWAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The United States Bankruptcy Court for the Western District of New York has contracted with Genesee County since 1997 for use of space within the Old County Courthouse in Batavia, NY to conduct proceedings of the Court, and

WHEREAS, The United States Bankruptcy Court has presented the County with an amendment to their Revocable License for Federal Use of Real Property space in the Old County Courthouse to extend the term of this Agreement to September 30, 2014 and

WHEREAS, The Committee on Ways and Means did review this Amendment to the Revocable License and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That Genesee County will maintain with New York Municipal Insurance Reciprocal General Liability Insurance coverage in the amount of \$1 million for only the Old Courthouse, 7 Main Street, Batavia, NY, and Be it Further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Amendment of License Agreement for the extension of the Revocable License for Federal Use of Real Property with the United States Bankruptcy Court, Western District of New York, 300 Pearl Street, Suite 250, Buffalo, NY for the use of the Courtroom in the Old Genesee County Courthouse, Batavia, NY for the period October 1, 2013 through September 30, 2014 at \$850 per month for utilities, general liability insurance and maintenance of space.

Budget Impact Statement: Extends current agreement at current monthly rate; revenue for period \$10,200.

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

**RESOLUTION NO. 256 APPOINTMENT-GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A GENESEE COUNTY
ECONOMIC CENTER (“GCEDC”)-APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Genesee County Industrial Development Agency (GCIDA) was created by an Act of the Legislature of the State of New York on May 8, 1970 by Chapter 565 of the laws of 1970 and set forth in section 895-e of the General Municipal Law of the State of New York, and

WHEREAS, The GCIDA was created by Resolution No. 177 of the Genesee County Legislature on September 23, 1970 to consist of 5 members “who shall serve at the pleasure of the Genesee County Legislature”, and

WHEREAS, The membership of the GCIDA was increased by Resolution No. 225 of the Genesee County Legislature on September 19, 1979 from 5 to 7 members with “said term of office expiring at the pleasure of the Genesee County Legislature.”, and

WHEREAS, A vacancy does exist on the 7 member board of the Genesee County Industrial Development Agency, d/b/a the Genesee County Economic Development Center (“GCEDC”), and

WHEREAS, The Committee on Ways and Means does recommend Paul Battaglia be appointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Paul Battaglia of Batavia, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective June 30, 2013 to June 29, 2019.

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

**RESOLUTION NO. 257 INTER-MUNICIPAL CONTRACT-GENESEE,
LIVINGSTON & WYOMING COUNTIES-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee, Livingston & Wyoming Counties (GLOW) Region Solid Waste Management Program Inter-municipal Cooperation Contract is scheduled to expire on December 31, 2013, and

WHEREAS, The GLOW Region Solid Waste Management Committee does recommend the continuation of the contract, and

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

RESOLVED, That the Chair of the Genesee County Legislature be and is hereby authorized and directed to execute the Inter-municipal Cooperation Contract on behalf of the County of Genesee.

Budget Impact: \$25,805 is the projected annual contribution for 2014. Each year the actual County Contribution is approved by the County Legislature through the annual Budget Process.

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

RESOLUTION NO. 258 COUNTY AUDIT – JUNE 26 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Clattenberg did review the following claims:

2013 General Fund	\$	698,793.07
2013 Highway		191,433.34
2013 Nursing Home		727,464.25
DSS Abstracts		384,374.06

Capital Projects:

Highway – 2013 Bridge Construction	\$	5,646.84
Highway – Ag Park Design		34.00
Airport-Design Terminal & Maintenance Hangar		47,000.00
Sheriffs 800 Mhz Radio System Upgrade		510,033.66

Payroll – General & Nursing Home

June 14, 2013		1,224,467.14
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Medicaid

June 18, 2013		186,456.00
June 25, 2013		<u>186,456.00</u>

Total Audit \$ 4,162,158.36

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.

Legislator Clattenburg thanked the Town for allowing the Legislature to hold their meeting at their facility.

The meeting was adjourned at 7:50 PM upon motion of Legislator Cianfrini seconded by Legislator Leadley.