

**FIRST DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, January 9, 2013**

The Genesee County Legislature met in Regular Session on Wednesday, January 9, 2013 at 7PM at the Old Courthouse, 7 Main Street, Batavia, NY. Prayer was offered by Legislator Ferrando followed by the Pledge of the Flag. All members were present.

Legislator DeJaneiro assisted with the presentation of a Proclamation honoring Peggy Grayson as Recycler of the Year. Ms. Grayson has a 25 year history in recycling and is a resident and native of the area.

The minutes of the December 12, 2012 Legislature Meeting were approved for placement on the next Legislature Agenda upon motion of Legislator Lawrence seconded by Legislator Stein.

Legislator Clattenburg reported she attended the Traffic Safety Board and Sheriff Maha has been reelected as the Chair of the Committee. A review of the Darien Lake changes to parking indicated positive results. Public Safety for the STAMP Project was a discussion item. A 25% increase to service requests is being anticipated. This will be an important consideration as the Project continues. Legislator DeJaneiro reported the Board of Health was informed that the Public Health Educator is on board and working with interns on several potential projects. They are hopeful the position will be successful and achieve expectations.

Chair Hancock reported that the Career Center placed 1598 employment slots in 2012. 309 openings are listed for this week which is up 18%. Unemployment rates are lowest for the GLOW region and we are currently at the 20th lowest in New York State. What is frustrating is that our unemployment figure is rising, and we are showing 309 openings. Unemployment benefits have been extended again.

Legislature Clerk Pratt announced that the Upton Monument is being featured on our flag distributor brochure through a relationship with our Facilities Management team. A committee of the Whole has been called for 6:15 on January 23 before the Legislature Meeting. The Sheriff and Communications Director will be updating the COW on efforts to update of the 911 Master Street Address Guide in the various Towns in Genesee County. Legislator DeJaneiro will contact the Sheriff to ask about a possible GAM presentation. Legislator DeJaneiro stated that the City is bidding out the trash pickup service which has been performed by the ARC for many years. He hopes this continues and is concerned about job loss for ARC clients if a change is made. Legislator Stein announced there will be an educational forum in LeRoy on Saturday at 8:30 AM to take a look at possible sewer improvements for the Town. She urged everyone to attend. Legislator Bausch reported that the Lt. Governor will be at GCC on Friday to render a local State of the State recap. Legislator Lawrence noted that the Youth Board has issued an invitation for a Youth Court Swearing In on the 17th of January at 5:30PM. She urged everyone to attend this event.

County Manager Gsell reported the Criminal Justice Advisory Committee is looking closely at possible repercussions for the new requirement being discussed for counsel upon arraignment. This would include both defense and prosecution and is raising many concerns for rural communities. The March focus of the CJAC meeting will be sample Jail population including offenses and length of stay. Unsentenced

population will be a focal point. This will hopefully provide a systemic basis for relief from our growing Jail population. District Attorney Friedman is the new Chair.

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

RESOLUTION NO. 1 RENEWAL OF CONTRACT-ELECTIONS/POLL BOOK AND RELATED MAINTENANCE SERVICES-NTS DATA-APPROVAL OF

Legislator Bausch **offered** the following resolution:

WHEREAS, On March 13, 2009 a two year contract was executed between Genesee County and NTS Services LLC to provide maintenance and support on Team, Sign It and IMS and provide for poll book printing, and

WHEREAS, This contract provided for three one year renewals at a fixed cost of \$23,649 and the Election Commissioners are recommending renewal, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to sign the agreement extending the agreement with NTS Data Services, LLC, 1342 Military Road, Niagara Falls, New York for the period January 1, 2013 through December 31, 2013.

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

RESOLUTION NO. 2 CONTRACT APPROVAL - 2012 -2013 CONSULTANT SERVICES FOR CO-GEN MAINTENANCE – NURSING HOME – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Nursing Home Administrator requires technical assistance to assist her in re-negotiating a contract with Siemens Industry Incorporated for preventive maintenance services for the co-generation plant, and

WHEREAS, Mr. Robert Jones of Rochester, New York has a unique combination of education in biomedical engineering and health care, and work experience as a nursing home administrator and former operator of a co-gen plant at Clifton Springs Hospital, and

WHEREAS, The Committee on Human Services did review the reasons for this request and the qualifications of the proposed consultant, and did agree that expert advice was needed in this matter. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve of a contract for consultant services with Robert Jones, III, 3 Upton Park, Rochester, New York 14607, to provide co-gen consultant services to the Nursing Home at an hourly rate of \$100.00 and a cost not exceed \$6,000 as needed to conduct the research and negotiation needed to obtain the best possible co-gen maintenance contract for the Genesee County Nursing Home effective June 1, 2012 through December 31, 2013..

Budget Impact Statement: It is anticipated that Mr. Jones' payment will come out of energy and co-gen maintenance contract savings which will occur as a result of a re-negotiated contract. Savings on electricity are expected to be at least \$13,000 in 2013.

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

RESOLUTION NO. 3 SALARY SCHEDULE AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES/CONFIDENTIAL SECRETARY-MH -APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Legislature approved the creation of a Confidential Secretary –MH position at a salary of \$35,855 as part of the 2013 Budget Approval process, and

WHEREAS, Due to a **clerical error**, the salary of \$35,855 is \$5,050 less than what was agreed upon. Now, therefore, Be it

RESOLVED, That the 2013 Management Salary schedule is amended to reflect a base salary for the Confidential Secretary – MH of \$40,905 effective January 1, 2013.

Budget Impact Statement: Budget Impact: \$0

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

**RESOLUTION NO. 4 2013 SALARY SCHEDULE AMENDMENT-
HIGHWAY/PRINCIPAL CLERK-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent requested a Principal Clerk position in the 2013 budget to be effective January 1, 2013, but due to a clerical error it was approved to be filled April 27, 2013, and

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

RESOLVED, That Human Resources is hereby authorized and directed to amend the 2013 Employee Salary Schedule for Principal Clerk to be effective January 10, 2013.

Budget Impact: None, position was approved in 2013 Budget

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

**RESOLUTION NO. 5 2012 BUDGET TRANSFERS-HIGHWAY/COUNTY
ROAD FUND -APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The County Highway Superintendent did request the following budget transfers within the County Road Fund budget, and

WHEREAS, The Committee on Ways and Means did review this request and does 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 within the County Road Fund:

FROM:

| AMOUNT | FUND | DEPT | ACCOUNT NAME | Acct No. |
|---------------|-------------|-------------|---------------------|-----------------|
| 15,000.00 | D | 5142 | Medical | 8011.0000 |
| 600.00 | D | 5142 | Dental | 8040.0000 |
| 200.00 | D | 5142 | Vision | 8070.0000 |
| 5,000.00 | D | 5142 | Personal Services | 1010.0000 |
| 10,375.00 | D | 5142 | Overtime Salaries | 1020.0000 |
| 31,175.00 | | | | |

TO:

| AMOUNT | FUND | DEPT | ACCOUNT NAME | Acct No. |
|---------------|-------------|-------------|---------------------|-----------------|
| 15,000.00 | D | 5110 | Medical | 8011.0000 |
| 600.00 | D | 5110 | Dental | 8040.0000 |
| 200.00 | D | 5110 | Vision | 8070.0000 |
| 15,375.00 | D | 5110 | Retirement | 8020.0000 |

Budget Impact: None, as all monies were available within the County Road Fund

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

RESOLUTION NO. 6 ESTABLISH CAPITAL PROJECT- AG PARK DRIVE- HIGHWAY-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Superintendent of Highways has requested to established a capital project for the Ag Park Drive due to the USDA awarding a grant to the County (via GCEDC), and

WHEREAS, The Committee on Ways and Means have reviewed this recommendation and does concur at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to establish the following capital project:

| Establish Capital Project | Budget | Source |
|----------------------------------|---------------|------------------|
| Ag Park Drive | \$199,821 | Federal Aid 100% |

And, be it further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee County Budget by increasing Revenue H.5197.4592 Federal Aid in the amount of \$199,821 and increasing Appropriation H.5197.2080 in like amount.

Budget Impact: USDA Grant with 100% Federal Funding.

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

RESOLUTION NO. 7 AMENDMENT – TREASURER/2013 TAX WARRANTS – APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, Resolution No. 496 of the year 2012 adopted by the Genesee County Legislature established Town Tax Warrants for the various Towns within Genesee County, and

WHEREAS, After the adoption of said resolution an error was discovered on the summary page of the Town of Pavilion’s budget that showed the amount to be raised for the Town of Pavilion Sewer District as \$0 when in fact that amount should have read \$65,382. Now, therefore, Be it

RESOLVED, That Resolution No. 496-12 be amended as follows:

| Town | Warrant Amount |
|--------------|------------------------|
| Alabama | \$1,096,498.31 |
| Alexander | \$1,813,267.34 |
| Batavia | \$4,117,969.24 |
| Bergen | \$2,219,594.25 |
| Bethany | \$1,435,410.40 |
| Byron | \$1,657,367.03 |
| Darien | \$2,719,425.92 |
| Elba | \$1,457,421.52 |
| LeRoy | \$4,794,219.26 |
| Oakfield | \$1,824,595.65 |
| Pavilion | \$1,523,958.04 |
| Pembroke | \$2,934,276.29 |
| Stafford | \$1,734,993.41 |
| Total | \$29,328,996.66 |

and Be it further

RESOLVED, That an amended tax warrant for the Town of Pavilion be issued under the seal of the County of Genesee, signed by the Chair and the Clerk of the Legislature, and delivered to the Town of Pavilion Tax Collector for collection of taxes for the year 2013.

Budget Impact: The Town of Pavilion warrant is increased by \$65,382. This amount is retained by the Town of Pavilion, so there is no impact to the County.

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

**RESOLUTION NO. 8 MEMORANDUM OF UNDERSTANDING-
TREASURER / REAL PROPERTY- ORLEANS
COUNTY TAX MAP MAINTENANCE –
APPROVAL OF –**

Legislator Cianfrini offered the following resolution:

WHEREAS, Orleans County wishes to enter into a Memorandum of Understanding with Genesee County for tax map maintenance of all real property parcels, and

WHEREAS, The Director of Real Property has received a one year Memorandum of Understanding, and does recommend approval for said services, and

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

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to enter into a Memorandum of Understanding with Orleans County, 3 South Main Street, Albion, New York 14411 for the tax map maintenance of Orleans County real property parcels at a cost of \$6,500 annually from January 1, 2013 through December 31, 2013.

RESOLVED, That under this Agreement the parties agree to discuss the continuation of this arrangement and the cost of any additional years of service.

Budget Impact Statement: Approximate yearly expense \$6,500, offset by revenues of \$6,500. 2012 contract was for \$6,500.

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

**RESOLUTION NO. 9 SELF-INSURED HEALTH BENEFITS PLAN
CONSULTANT/AWARD OF CONTRACT –
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The County of Genesee has retained the services of a health benefits plan consultant since mid-2003 to initiate and facilitate on-going efforts by the County and its joint Labor/Management Health Benefits group to effectuate cost savings in the self-funded health benefits plans and to provide assistance with general administration of the plans, and

WHEREAS, The current consultant's agreement expires in February 2013 and the Genesee County Purchasing Director did issue RFP 2012-119 for a Health Benefits Plan Consultant with nine proposals received in November 2012, and

WHEREAS, The Genesee County Manager, County Treasurer, Human Resources Director, Executive Assistant to the County Manager and Purchasing Director did review proposals received and have recommended that the services of Premier Consulting be retained as the County's health benefits plan consultant, and

WHEREAS, The Committee on Ways and Means has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute an agreement with Premier Consulting, 1416 Sweet

Home Road, Amherst, New York to provide Health Benefits Plan Consulting services at a cost of \$40,000 per contract year with said contract to commence February 15, 2013 for two (2) years and expire February 14, 2015 with the option for three additional one year renewals upon written mutual agreement of the parties.

Budget Impact Statement: The 2012 budget includes \$40,000 for this service.

| | |
|---------------|--|
| 2014 to 2015: | \$40,000 per contract year |
| 2013 to 2014: | \$40,000 per contract year |
| 2011 to 2013: | \$35,000 per contract year |
| 2007 to 2011: | \$50,000 per contract year |
| 2006 to 2007: | \$12,000 interim services, between contracts |
| 2005 to 2006: | \$50,000 |
| 2004 to 2005: | \$32,000 |
| 2003 to 2004: | \$12,000 |

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

At this time a Salary Schedule Amendment for the Veterans Service Director to decrease his salary to \$30,000 so that he may receive his full retirement pension was returned to Committee upon motion of Legislator Lawrence seconded by Legislator Ferrando. Prior to returning to Committee there was discussion that everyone wanted to make sure that they did the right thing for everyone. The filing of a 211 Waiver was raised as a possibility which might allow the Director to collect his full salary and pension. It is a very specific process with certain criteria which must be met. If the resolution to decrease his salary is not approved, and the 211 waiver is denied what effect will this have on his pension. Legislator Cianfrini stated he thought that the direction had been given at Ways & Means to submit the Waiver request and if that was not the case, he would like to make such a motion at this time. Human Resource Director Marchese stated that it was her full intent to file the 211 application. The resolution was returned to Committee unanimously.

A salary schedule amendment in the Human Resource Department downgrading the Human Resource Specialist from Grade 5 to Grade 4 effective immediately was tabled upon motion of Legislator Lawrence seconded by Legislator Stein.

RESOLUTION NO. 10 2012 BUDGET TRANSFER – COUNTY ATTORNEY - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Attorney did request permission to transfer funds from the Contingency Fund to the current 2012 County Attorney Department budget to be used to cover expenses occurred for travel and legal fees, and

WHEREAS, the Committee of Ways & Means did review the request and does 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:

| | |
|----------|--------------------------------------|
| \$36,500 | from A1990.4800.0000 Contingency |
| \$ 500 | to A.1420.4560 0000 Personnel Travel |
| \$36,000 | to MS.1930.4640.0060, Legal Services |

Budget Impact: There is currently \$625,676 left in the 2012 Contingency Fund. There will be a decrease in the amount of \$36,500 and an increase to A.1420.4560.0000 Personnel Travel of \$500 and MS.1930.4640.0060 Legal Services in the amount of \$36,000. This leaves a balance of \$589,176 in the 2012 Contingency fund.

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

RESOLUTION NO. 11 SALARY SCHEDULE AMENDMENT-NURSING HOME/THERAPIST POSITIONS-APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home did request an amendment to the 2013 Salary Schedule to provide a more efficient operation of her Department, and

WHEREAS, The Committees on Human Services and Ways and Means 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 amend the 2013 Genesee County Salary Schedule by deleting two (2) FT Physical Therapy Assistant (PTA) positions, each at Grade 10, Step 5, effective February 28, 2013.

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

Following roll call on the above resolution Legislator Bausch stated that the action would result in no loss of service for residents. The County entered into contract with an Agency to perform the Therapist function. One Therapist of three is at a 20 year retirement benchmark and her position will remain so that she may achieve same. The other two positions will be deleted and it will be their option to apply to continue with the contract agency.

RESOLUTION NO. 12 COUNTY AUDIT – JANUARY 9 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Ferrando did review the following claims:

| | |
|--|------------------------|
| 2012 General Fund | \$ 784,353.47 |
| 2013 General Fund | 634,612.59 |
| 2012 Highway | 111,324.67 |
| 2013 Highway | 3,260.00 |
| 2012 Self Insurance | 11,113.34 |
| 2012 Nursing Home | 532,616.92 |
| 2013 Nursing Home | 313,960.19 |
| 2012 Water | 16,911.64 |
| DSS Abstracts | 487,542.62 |
| 2012 Capital Projects: | |
| Highway Hopkins Road Bridge | 41,113.84 |
| Highway 2012 Bridge Construction | 66,400.26 |
| Highway 2012 Highway Overlay | 24,120.63 |
| Highway Ag Park Multi-Modal | 123,700.39 |
| Co Park Pavilion A/B Roof, Repairs, Fireplaces | 1,238.28 |
| DeWitt Park Pavilion #1 Roof Replacement | 150.00 |
| Airport Terminal Apron Construction Phase II | 27,857.05 |
| Airport Construct Terminal Apron | 146,265.32 |
| Airport Terminal & Maintenance Hangar Design | 4,700.00 |
| Payroll – General & Nursing Home | |
| December 14, 2012 | 1,246,263.89 |
| December 28, 2012 | 1,699,970.64 |
| Medicaid | |
| December 18, 2012 | 185,572.00 |
| December 24, 2012 | 185,572.00 |
| January 2, 2013 | 185,572.00 |
| January 8, 2013 | 185,572.00 |
| Total Audit | \$ 7,019,763.74 |

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 Cianfrini seconded the resolution which was adopted by 326 votes.

The meeting was adjourned at 7:52 PM upon motion of Legislator Stein seconded by Legislator Lawrence.