

TENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday May 22, 2013
Batavia, New York

The Genesee County Legislature met in Regular Session on Wednesday, May 22, 2013 at 7PM at the Batavia City Centre, One City Centre, Batavia, New York. Prayer was offered by Legislator Ferrando, followed by the Pledge to the Flag.

City Manager Jason Molino welcomed the group to the City Centre. He explained upcoming projects that would be happening in the City throughout the spring and summer. Chair Hancock thanked him for welcoming the Legislature to their facility to have this meeting.

Former City Councilman Bialkowski updated the group on the upcoming Memorial Day Parade in the City of Batavia. Chair Hancock will be the Grand Marshall of that parade. The Legislature thanked Mr. Bialkowski for his contribution with the parade.

Legislator Bausch attended the Commencement Ceremony at Genesee Community College. The ceremony was well attended and the keynote speaker was Senator Young.

Legislator Lawrence attended the Grand Opening of Darien Lake. The park recently spent \$5 million in park improvements. It appears to be more family-friendly with the new improvements than it has in previous years. At the Grand Opening Paul Snyder was honored and most of his family was able to attend. It has been 50 years since he purchased that piece of property. GAM also held their last meeting at Darien Lake. Freed Maxick along with Lawley Genesee presented a small seminar on the Affordable Health Care Act which was an eye opener to many in attendance. Legislator DeJaneiro commented that it's a very complicated scenario coming up for the Affordable Care Act and in essence it will be a change for everybody. Legislator Lawrence explained that it will affect the towns with their seasonal employees whether they do summer recreation or plowman in the winter. GAM is looking into having a retirement training with the municipalities that will be hosted at OTB sometime this fall. The BEST Center is also opening up their office to receive applications for any new training any new businesses will be needing. Cooperative Extension recently met and the Smith Lever funds, which are a large portion of funds Cooperative Extension receives, will be cut this semester. This will affect one position.

Legislator Cianfrini attended the meeting of the Genesee County Assigned Counsel program. The Family Court assignments are under budget however the criminal assignments which include appeals are \$11,000 over budget. The cause of the budget deficit is because of Public Defender appeals that could be handled within their office.

Legislator Clattenburg reported that she along with Legislator DeJaneiro recently attended the ARC banquet which was well attended. It was great to see that the County's Office for the Aging with Pamela Whitmore and her staff receive an award for the Meals on Wheels program. This is a very successful program. The Parks Committee met and they are getting ready for the summer season. The Cancer Assistance Walk is coming up June 1 at DeWitt Park and the ACORNS will be having a 5K run walk in October.

Chair Hancock invited everybody to attend a ceremony on Saturday, May 25 in the Old Courthouse to honor a World War II servicemen who will receive a belated Silver Star. She also attended the Independent Living Luncheon. Assemblyman Hawley spoke on job opportunities for those who are members of the Independent Living Association. Their unemployment rate is higher than most and many of them are excellent workers. To get the group involved more fully

is one of their goals. Mr. Hawley reported on various cuts within the budget that would help some of these initiatives. Chair Hancock also attended the Workforce Investment Board meeting. There was a report from the leader of the Association of the Blind and it was an interesting presentation. These are folks that have a lot of support through this office, through monetary and counseling. This is another level of support for those who are visually challenged. For older folks who are losing their vision that are currently employed or not they are there to support them and help them to take on any financial burdens an employer would have if they continued their employment. She also attended the Genesee Orleans Community Action luncheon. Mrs. Hancock stated it was extremely interesting. There were some very touching and eloquent speakers. This organization operates on very little money. Chair Hancock stated that the gentleman who is ahead of the Salvation Army let her know that the Genesee Orleans Community Action is the best in the state. They know how to be practical and deliver the help where it is needed.

There was an out-of-state travel request for Scott German and Mr. Landers of the treasurer's office to travel to Scottsdale Arizona for the 2013 new world executive conference. This was approved upon motion of legislator Leadley seconded by Legislator Fernando.

Legislator Stein received a phone call from Assemblyman Hawley's office indicating that the DOT has issued a clarification on the Perm 33a. Legislator Stein is still awaiting to receive that clarification and when she does she will update the Legislature.

Legislator Bausch called the DEC office to receive a copy of the new regulations for property owners them owned more than 5 acres of land. He is yet to receive those however Legislator Stein did say that she has a copy and will forward them to him.

The minutes of the May 8, 2013 meeting were approved upon motion of Legislator Stein seconded by Legislator Lawrence.

The Clerk proceeded with the reading of the resolutions:

RESOLUTION NO. 197 CERTIFICATE OF INSURANCE- GLOW REGION SOLID WASTE MANAGEMENT COMMITTEE/FIRST GRADE DAIRY DAY – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Recycling Administrator has been invited to participate in and conduct a presentation at First Grade Dairy Day by Genesee County Farm Bureau at Post Farms, in the Town of Elba for the purpose of providing education on waste reduction, recycling, reuse and composting and has requested approval to participate in this event, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to issue a Certificate of Insurance for participation by GLOW Region Solid Waste Management Staff to participate in First Grade Dairy Day to be held at Post Farms in the Town of Elba on June 5, 2013.

Budget Impact: There is no cost for this event

Legislator Leadley seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 198 2013 SALARY SCHEDULE AMENDMENT- HUMAN RESOURCES - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Upon the suggestion of the New York State Department of Civil Service, the County Manager has requested the creation of a full time temporary Deputy Human Resources

Director to provide coverage during the interim period while a permanent Human Resources Director can be obtained , and

WHEREAS, The Ways and Means Committee does recommend this position be created. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and the Human Resources department is hereby authorized and directed to amend the 2013 Management Salary Schedule by creating one temporary full-time position of Deputy Human Resources Director in Grade 7 at a salary of \$52,566, and Be it further

RESOLVED, That Mrs. Anita Cleveland, Human Resources Specialist is appointed as temporary Deputy Human Resources Director effective May 22, 2013 at a salary of \$52,566.

Budget Impact: Additional salary, FICA and retirement = \$1,196 (six weeks). Funds are available within the 2013 Human Resources budget.

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

RESOLUTION NO. 199 DISPATCH CONSOLE FURNITURE AWARD – SHERIFF’S OFFICE / XYBIX SYSTEMS, INC. – APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, Genesee County desires to upgrade its dispatch console furniture at its back-up Public Safety Answering Point located at 14 West Main Street, Batavia, NY 14020, to accommodate fully consolidated dispatch operations, the new P25 Phase II 800 MHz / VHF High Band Public Safety Radio System, and Next Generation 9-1-1 equipment, and

WHEREAS, Genesee County entered into an agreement with Xybix Systems, Inc. to provide dispatch console furniture pursuant to Resolution 93, dated February 27, 2007, and

WHEREAS, Ontario County awarded Xybix Solutions, Inc. a contract allowing “all municipal and not-for-profit organizations authorized under the General Municipal Laws of the State of New York, to purchase any goods and/or services awarded as a result of this bid in accordance with the latest amendments to NYS GML 100 through 104,” pursuant to Ontario County Resolution 137-2013, dated March 8, 2013, and

WHEREAS After careful review by the Sheriff, Director of Emergency Communications, and the County Purchasing Director, it is recommended the County Legislature approve the purchase of the dispatch console furniture from Xybix Systems, Inc. pursuant to their quote for dispatch console furniture at a cost not to exceed \$39,590.22, and

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

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to approve the purchase of dispatch console furniture pursuant to the quote provided by Xybix Systems, Inc., 8207 SouthPark Circle, Littleton, CO 80120 at a cost not to exceed \$39,590.22.

Budget Impact: The cost of console furniture in the amount of \$39,590.22 to be offset by the 800 MHz Radio System Upgrade Capital Project.

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

RESOLUTION NO. 200 AWARD OF CONTRACT– NEXT GENERATION 9-1-1 COMMUNICATIONS CONSULTANT /SHERIFF’S OFFICE - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, There were three proposals received in response to a Request for Proposal (RFP) for a Next Generation 9-1-1 Communications Consultant for consolidation, design, and consulting

services; and

WHEREAS, After careful review by the Sheriff, Emergency Management Coordinator, County Purchasing Director, and Director of Emergency Communications, it is recommended a contract for the Next Generation 9-1-1 Communications Consultant be awarded to Intertech Associates, Inc, 77-55 Schanck Road, Suite A14, Freehold, NJ 07728, at a cost not to exceed \$88,780, and

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

RESOLVED, That the Genesee County Chair of the Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into an agreement with Intertech Associates, Inc, 77-55 Schanck Road, Suite A14, Freehold, NJ 07728, for a Next Generation 9-1-1 Communications Consultant for consolidation, design, and consulting services and this contract is subject to approval as to form by the County Attorney.

BUDGET IMPACT: The cost of this project (\$88,780) is included in the 800 MHz Radio System Upgrade Capital Project. Legislator DeJaneiro seconded the resolution which was adopted by 326 votes.

Prior to roll call on the above resolution, County Attorney Zambito asked to amend this resolution to reflect that this agreement is subject to his approval. Mr. Zambito has been working with Intertech Associates to fine tune a couple of details. This was amended upon motion of Legislator DeJaneiro seconded by Legislator Leadley.

RESOLUTION NO. 201 RENEWAL AGREEMENT -LAW ENFORCEMENT SERVICES - DARIEN LAKE / SHERIFF – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, Genesee County entered into an agreement with CLP Darien Lake, LLC, a Delaware limited liability company (“Darien Lake”), through its agent, DLFE Management Company, LLC, a Missouri limited liability company (“DLFE”) pursuant to Resolution 210, adopted on May 24, 2012, whereby the Sheriff’s Office would provide additional law enforcement services at Darien Lake and their Performing Arts Center for the 2012 operating/concert season, and

WHEREAS, The Sheriff’s Office invoiced Darien Lake for the police services provided, and Darien Lake reimbursed the County, and

WHEREAS, The current agreement will expire May 31, 2013, and

WHEREAS, Darien Lake is entering into its 2013 operating/concert season and has indicated a desire to renew the law enforcement services agreement with Genesee County for another term (May 1, 2013 through October 31, 2013) and is based on the same terms and conditions from 2012, with the exception of the increase in cost pursuant to the collective bargaining agreement, and

WHEREAS, The Sheriff does recommend renewing this contract for the term stated above, 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 and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for additional law enforcement services at Darien Lake and their Performing Arts Center for the 2013 operating/concert season for the period of May 1, 2013 through October 31, 2013.

Budget Impact Statement: \$160,000 has been appropriated to account A3110.1020.0800 (Overtime – Additional Police Services), to be offset by revenue billed back to entities for additional law enforcement services

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

**RESOLUTION NO. 203 AGREEMENT RENEWAL/BUDGET AMENDMENT –
SHERIFF / POLICE SERVICES FOR VILLAGE OF
BERGEN- APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Village of Bergen has requested to renew an agreement to contract for additional police services for the Village, commencing June 1, 2013, and continuing through May 31, 2014, and

WHEREAS, Based upon the current Labor Agreement with the Deputy Sheriffs' Association, the rates will be:

- \$63.05 per hour plus mileage per four-hour segment of time during the portion of the contract year which occurs from June 1, 2013 through June 30, 2013, and
- \$63.65 per hour plus mileage per four-hour segment of time during the portion of the contract year which occurs from July 1, 2013 through December 31, 2013, and
- an estimated amount of \$64.56 per hour plus mileage per four-hour segment of time during the portion of the contract year which occurs in 2014. *Please note that the current Genesee County Deputy Sheriffs' Association Labor Agreement expires December 31, 2013. The 2014 rate stated above is an estimate but is subject to change based on future Deputy Sheriffs' Association contract negotiations, and*

WHEREAS, The Sheriff does recommend entering into a Renewal Agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Bergen and the Genesee County Sheriff's Office for a period commencing June 1, 2013, and continuing through May 31, 2014, at the rates and terms as outlined above and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing Sheriff's account A3110.1020.0900 (Overtime - Bergen Patrols) in the amount of \$30,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

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

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

Prior to roll call on the above resolution Legislator Stein stated that at the last Public Service meeting she asked the Sheriff why there was a difference in rates if the County was providing the same service and she wanted to thank the Sheriff for getting back to her to explain the difference in rates.

**RESOLUTION NO. 204 AGREEMENT RENEWAL/BUDGET AMENDMENT -
SHERIFF/POLICE SERVICES FOR VILLAGE OF
OAKFIELD - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Village of Oakfield has requested to renew an agreement to contract for additional police services for the Village, commencing June 1, 2013, and continuing through May 31, 2014, and

WHEREAS, Based upon the current Labor Agreement with the Deputy Sheriffs' Association, the rates will be:

- \$63.05 per hour plus mileage per four-hour segment of time during the portion of the

contract year which occurs from June 1, 2013 through June 30, 2013; and \$63.65 per hour plus mileage per four-hour segment of time during the portion of the contract year which occurs from July 1, 2013 through December 31, 2013; and an estimated amount of \$64.56 per hour plus mileage per four-hour segment of time during the portion of the contract year which occurs in 2014. *Please note that the current Genesee County Deputy Sheriffs' Association Labor Agreement expires December 31, 2013. The 2014 rate stated above is an estimate but is subject to change based on future Deputy Sheriffs' Association contract negotiations,* an

WHEREAS, The Sheriff does recommend entering into a Renewal Agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Oakfield and the Genesee County Sheriff's Office for a period commencing June 1, 2013, and continuing through May 31, 2014, at the rates and terms as outlined above and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing Sheriff's account A3110.1020.1000 (Overtime - Oakfield Patrols) in the amount of \$30,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

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

Legislator Ferrando seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 205 AGREEMENT RENEWAL – SHERIFF/COUNTY OF MONROE REGIONAL CRIME LABORATORY- APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Sheriff did present an agreement renewal for forensic laboratory services with Monroe County, and

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

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the contract renewal between the County of Genesee and the County of Monroe for forensic laboratory services for the period of January 1, 2013 through December 31, 2013 at a cost of \$69,919.00.

Budget Impact: Appropriation of \$69,919.00 has been included in the 2013 Sheriff's budget for this contracted service.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 206 LEASE RENEWAL – SHERIFF'S OFFICE/ NEW CINGULAR WIRELESS PCS (AT&T) – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Genesee County entered into a lease agreement with New Cingular Wireless PCS / AT&T, pursuant to Resolution No. 418, dated November 22, 2010, and renewed that agreement pursuant to Resolution No. 337, dated September 27, 2012 and

WHEREAS, New Cingular Wireless PCS desires to increase its presence on the tower to support 4G operations with a new agreement increasing the rent to \$2,335.00 each month beginning May 1, 2013, with an annual increase of 3% each year for an initial term of five years, and

WHEREAS, To accommodate the increased presence on the tower, AT&T has agreed to improve the tower at their cost, estimated to be \$30,000.00, in return for rent abatement equal to the total cost of the improvements divided equally across the first term of the agreement, and

WHEREAS After careful review the Sheriff, Director of Emergency Communications, and County Attorney, it is recommended the County Legislature approve the lease renewal with New Cingular Wireless PCS, and

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

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into a lease agreement with New Cingular Wireless PCS located at 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 for a period beginning May 1, 2013 and ending April 30, 2018.

Budget Impact: Increase of tower rental revenue by approximately \$4,043.20 for the remainder of fiscal year 2013. Legislator DeJaneiro seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 207 CAPITAL PROJECT AMENDMENT/BUDGET
AMENDMENT/SUPPLEMENTAL AGREEMENTS-
HIGHWAY/FEDERAL AID MASTER AGREEMENT -
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, A Project for the Replacement of Griswold Road over Black Creek (BIN 3315910), Town of Stafford, P.I.N.4754.60; a Project for the Replacement of the Hopkins Road over Bowen Creek (BIN 3315630), Town of Batavia, P.I.N 4754.62; a Project for the Rehabilitation of the North Pembroke Road over Tonawanda Creek (BIN 3315390), Town of Pembroke, P.I.N. 4755.70., collectively as the "Projects" in Genesee County are eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of the programs to be borne at the ration of 80% Federal Funds and a 20% Local Match; and

WHEREAS, Genesee County desires to fund the above projects by committing 100% of the non federal share, and

WHEREAS, a Project for the Replacement of South Lyons Street over the Tonawanda Creek (BIN 2210820), City of Batavia, P.I.N. 4754.63 was deferred from the 2011-14 State Transportation Improvement Plan (TIP) and not selected for consideration under the 2014-17 TIP, and

WHEREAS, The County Highway Superintendent recommends making capital project amendments and budget amendments to accommodate for future phases of the Projects and the elimination of the South Lyons Street bridge project, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this recommendation and do concur at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve all future supplemental agreements to the Federal Aid Master Agreement for the above Projects, and Be it further

RESOLVED, The Genesee County Legislature does hereby authorize the Chairperson to pay in the first instance 100% of the federal and non-federal share of the cost of the Projects or portions thereof; and it is further

RESOLVED, That in the event the full federal and non-federal share costs of the Projects exceeds the amount appropriated above, the Genesee County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, That a certified copy of this resolution be filed with the New York State

Commissioner of Transportation by attaching it to any necessary Agreement in Connection with any of the above Projects, and Be it further

RESOLVED, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to close, transfer and amend the following capital projects:

Transfer \$66,200 1% Sales Tax from South Lyon Street Bridge to North Pembroke Road Bridge

Transfer \$119,800 1% Sales tax from South Lyon Street Bridge to Hopkins Road Bridge

Transfer \$145,800 1\$ Sales tax from South Lyon Street Bridge to Griswold Road Bridge

Increase 1% Sales Tax in the amount of \$28,000 to Griswold Road Bridge

Increase Federal Aid on North Pembroke Road Bridge by \$264,800

Increase Federal Aid on Hopkins Road Bridge by \$479,200

Increase Federal Aid on Griswold Road Bridge by \$695,200

Reduce Federal Aid on South Lyon Street Bridge by \$1,327,200

Close South Lyon Street Bridge Project

And Be it Further

RESOLVED, That the Genesee County Legislature direct and authorize the Genesee County Treasurer to make the following budget amendment:

Increase Revenue A.1000.1110.1 1% Sales tax in the amount of \$28,000 and increase Appropriation A9950.9000 Interfund transfers in a like amount. Increase Revenues H.5197.4592 Federal in the amount of \$1,439,200, increase H.5197.5031 Interfund Revenue in the amount of \$28,000 and Increase H.5197.2080 Highway, Capital Project Expense in the amount of \$1,467,200 Appropriations. Decrease H5197.4592 Federal Aid in the amount of \$1,327,200 and reduce H.5197.2080 Highway, Capital Project Expense in a like amount.

Budget impact: Increase local share by \$28,000.00

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

Prior to roll call on the above resolution Legislator DeJaneiro had a few questions regarding the South Lyons Bridge. Highway Superintendent Hens explained the process of which bridges were selected to be repaired and that the South Lyons Street Bridge was submitted for repair but was pulled from the final list. Mr. Hens also stated that the South Lyons Street Bridge is not an unsafe bridge. Legislator Ferrando thanked Mr. Hens for doing such a good job in explaining on how important the bridge is.

**RESOLUTION NO. 208 SUPPLEMENTAL CONSULTANT AGREEMENT –
HOPKINS RD BRIDGE-HIGHWAY-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid pass-thru grant to replace the Hopkins Road over the Bowen Creek, and

WHEREAS, Genesee County has an existing consultant agreement with Erdman & Anthony for the preliminary design of the project, and

WHEREAS, Detailed design services are required to advance the project, and

WHEREAS, The Genesee County Highway Superintendent has reviewed a supplemental agreement covering this work and does recommend approval at this time, and

WHEREAS, The Committee Public Service did review this request and do concur at this time.

Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a supplemental consultant agreement with Erdman Anthony, 145 Culver Rd, Suite 200, Rochester, NY 14620 for detailed design services related to the replacement of the Hopkins Rd Bridge over the Bowen Creek in a cost not to exceed \$100,000.

Budget Impact: The supplemental agreement is for \$100,000. The capital project established for this bridge replacement has funds available for this agreement.

Legislator Stein seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 209 SUPPLEMENTAL CONSULTANT- BLACK STREET RD BRIDGE/HIGHWAY –APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid pass-thru grant to replace the Black Street Road over the Mud Creek, and

WHEREAS, Genesee County has an existing consultant agreement with Clark Patterson Lee for the design of the project, and

WHEREAS, Construction inspection and construction administration services will be required to complete the project and conform with the rules and regulations of the Federal Highway Administration, and

WHEREAS, The Genesee County Highway Superintendent has reviewed a supplemental agreement covering this work and does recommend approval at this time, and

WHEREAS, Genesee County did advertise and receive bids for the replacement of the Black Street Road over Mud Creek project, and

WHEREAS, Clark Patterson Lee and the County Highway Superintendent did review these bids and found Wind-Sun Construction to be the responsible low bidder, and

WHEREAS, The Genesee County Highway Superintendent does recommend awarding a bid at this time, and

WHEREAS, The Committee on Public Service has reviewed this request and does concur at this time. Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a supplemental consultant agreement with Clark Patterson Lee, 205 St Paul Street, Rochester, NY 14604 for construction inspection and administration services related to the replacement of the Black Street Road Bridge over the Mud Creek in a cost not to exceed \$79,000, and Be it further

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to award a construction bid to Wind-Sun Construction of Rochester, NY for replacement of the Black Street Road Bridge over the Mud Creek in a cost not to exceed \$428,568.40

Budget Impact: The supplemental agreement is for \$79,000. The construction contract is for \$428,568.40. The capital project established for this bridge replacement has funds available for the agreement and the award of the construction contract.

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

RESOLUTION NO. 210 SUPPLEMENTAL CONSULTANT AGREEMENT – GRISWOLD RD BRIDGE/HIGHWAY- APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid pass-thru grant to replace the Griswold Road over the Black Creek, and

WHEREAS, Genesee County has an existing consultant agreement with Barton & Loguidice for the design of the project, and

WHEREAS, Construction inspection and construction administration services will be required to complete the project and conform with the rules and regulations of the Federal Highway Administration, and

WHEREAS, The Genesee County Highway Superintendent has reviewed a supplemental agreement covering this work and does recommend approval at this time, and

WHEREAS, The Committee on Public Service has reviewed this request and does concur at this time. Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a supplemental consultant agreement with Barton & Loguidice, 290 Elwood Davis Rd, Bo 3107, Syracuse, NY 13220 for construction inspection and administration services related to the replacement of the Griswold Road Bridge over the Black Creek in a cost not to exceed \$117,000.

Budget Impact: The supplemental agreement is for \$117,000. The capital project established for this bridge replacement has funds available for this agreement.

Legislator Stein seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 211 CONTRACT RENEWAL- M&T BANK P CARD PROGRAM
- APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Resolution No.193, of 2008 authorized a two year contract with M&T Bank to provide a Purchasing Card Program, and

WHEREAS, The County Treasurer and Director of Purchasing wish to renew the contract for one more year utilizing the second of three renewal options, 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 Chair of the Genesee County Legislature is hereby authorized and directed to sign a one year contract renewal with M&T Bank with the same terms and conditions as the original contract to expire on September 7, 2014.

Budget Impact Statement: None, No cost to the county.

Legislator Cianfrini seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 212 CONTRACT- COLLECTION OF DELINQUENT
REAL PROPERTY TAXES /COUNTY TREASURER
-APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Treasurer did present a three year contract for legal counsel to assist with the In Rem tax foreclosure proceedings for the collection of delinquent 2011 - 2013 Town and County Taxes, and

WHEREAS, The Committee on Ways and Means did review this 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 enter into contract with Phillips, Lytle, Hitchcock, Blain and Huber, 1400 First Federal Plaza, Rochester, NY 14614 for the representation, counsel and assistance in duly conducting the tax enforcement proceedings for the County of Genesee at a cost of \$325.00 per redeemed parcel plus expenses as outlined in the contract for years 2011 - 2013 Town and County Real Property Taxes.

Budget Impact: Expenses are paid by the delinquent tax payers, only cost to the county are for the properties actually foreclosed on @ \$325.00 + expenses each.

Legislator Ferrando seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 213 SALE OF COUNTY-OWNED PROPERTY – AUTHORITY TO
ENGAGE REALTOR -APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Treasurer did recommend the designation of a Realtor to supervise the sale of county-owned property and the Committee on Ways and Means does concur. Now, therefore be it

RESOLVED, That the firm of Bontrager Auction Center, Batavia NY, be and hereby is authorized to supervise the auction and sale of county-owned property for 2014 - 2016, and Be it further

RESOLVED, That at the proposal of the Realtor, a 10% Buyers Premium will be charged this year to cover all the sale expenses.

Budget Impact: There is no cost to the county for the auction. Revenue will be generated from the sale of county-owned property.

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

Prior to roll call on the above resolution Legislator Clattenburg asked how many foreclosures the County had in the past year. County Treasurer German stated there were about 11 and about the same number the year before.

**RESOLUTION NO. 214 AUTHORIZATION FOR HOME RULE REQUEST –
SALES TAX INCREASE RENEWAL EXTENSION -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County is currently authorized by the New York State Legislature to impose a one percent sales tax, in addition to the three percent rate authorized by the tax law, and

WHEREAS, The authorizing legislation for the additional one percent expires November 30, 2013, and

WHEREAS, The County desires to renew the authorization for the additional sales tax of one percent. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby requests the New York State Legislature to support and pass Senate Bill No. S.4436 and Assembly Bill No. A.6734 which is the legislation necessary to renew the additional one percent sales tax, and Be it further

RESOLVED, That the renewal of the additional one percent authorized by the State Legislature will become effective immediately and expire November 30, 2015, and Be it further

RESOLVED, That the Chair of the Genesee County Legislature is authorized and directed to sign and file the necessary Home Rule Request, and Be it further

RESOLVED, That a copy of this resolution for Home Rule Request be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley.

Budget Impact Statement: Funds from this additional one percent sales tax is used to finance capital projects and long term debt, in lieu of property taxes.

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

Prior to roll call on the above resolution Legislator Stein wanted to share a reminder of just how important the sales taxes is not just to the County but to each and every municipality to reduce the burden of property taxes. Mrs. Stein inquired as to if it was possible to show on the tax bill how important that sales tax revenue is to the County. County Treasurer German and County Manager German stated that there are requirements on what needs to be on the tax bills and there is the matter of if there is space. Legislator Stein would like to make citizens aware just how much that contribution makes to reducing the property tax burden.

**RESOLUTION NO. 215 AUTHORIZATION FOR HOME RULE REQUEST –
MORTGAGE TAX INCREASE RENEWAL - APPROVAL
OF**

Legislator Stein offered the following resolution:

WHEREAS, The County of Genesee is currently authorized by the New York State Legislature to impose an additional one-quarter of one percent (0.25%) local tax on mortgages for real property situated within the County of Genesee in addition to the current tax imposed on said mortgages with the local tax of one-quarter of one percent to be used for the purpose of offsetting of the Recording/County Clerk's Office or any County General Fund purpose in Genesee County, and

WHEREAS, The authorizing legislation for the additional one-quarter of one percent expires November 1, 2013, and

WHEREAS, The County desires to renew the authorization for the additional one quarter of one percent. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby requests the New York State Legislature to support and pass Senate Bill No. Bill No. S.4437 and Assembly Bill No. A.6732 which is the legislation necessary to extend the additional one-quarter of one percent tax on mortgages for real property situated within the County of Genesee in addition to the current tax imposed on said mortgages, and Be it further

RESOLVED, That the Chair of the Genesee County Legislature is authorized and directed to sign the necessary Home Rule Request, and Be it further

RESOLVED, That a copy of this resolution for Home Rule Message be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley.

Legislator Leadley seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 216 SET PUBLIC HEARING-GENESEE COMMUNITY COLLEGE/2013-2014 BUDGET-APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The President and Trustees of the Genesee Community College have prepared a proposed operating budget for academic year 2013-2014 in the amount of \$38,071,000 with a sponsors share of \$2,036,374, and

WHEREAS, The Committee on Ways & Means has reviewed said budget and does recommend presentation to the Genesee County Legislature, and

WHEREAS, Pursuant to law, it is necessary to hold a public hearing on said budget prior to adoption. Now, therefore, Be it

RESOLVED, That a Public Hearing shall be held on the proposed operating budget for the Genesee Community College for academic year 2013-2014 at 7PM on Wednesday, June 12, 2013 at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator DeJaneiro seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 217 SET PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 2, YEAR 2013-SECONDHAND DEALERS-APPROVAL OF

Legislator DeJaneiro offered the following resolution,

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 2, Year 2013 entitled “**LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES**” and

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

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No. Two by the Genesee County Legislature on the 12th day of June, 2013 at 7:00 pm at the Old Courthouse, 7

Main Street, Batavia, New York.

Legislator Lawrence seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 218 RENEWAL AGREEMENT -CRIME (EMPLOYEE DISHONESTY) INSURANCE COVERAGE -APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Genesee County in 2011 sought proposals for Employee Dishonesty/Commercial Crime insurance and coverage was awarded to Tompkins Insurance Agencies and the RFP allows for four (4) additional one year terms, and

WHEREAS, The Genesee County Attorney does recommend the first second-year renewal and the Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature does hereby designate Tompkins Insurance Agencies, Inc., to provide insurance coverage for Commercial Crime (Employee Dishonesty) Insurance--Form O Dishonesty in the amount of \$150,000 with a \$5,000 deductible and Form B Forgery and Alteration in the amount of \$25,000 with a \$0 deductible for Genesee County and Genesee County Nursing Home effective June 1, 2013, through June 1, 2014, for an annual premium of \$4,051 with three (2) one (1) year renewals with negotiations of renewal premiums and rates consistent with changes in risk or exposure, and Be it further

RESOLVED, That the Genesee County Legislature does hereby approve this blanket undertaking as sufficient to meet the requirements of Section 11 of the Public Officers Law and Section 400 of the County Law requiring undertakings for officers and employees of the County of Genesee.

Budget Impact Statement: Premium increase of \$108.

Legislator Bausch seconded the resolution which was adopted by 326 votes

RESOLUTION NO. 219 COUNTY AUDIT – MAY 22 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Leadley did review the following claims:

2013 General Fund	\$	685,170.25
2013 Highway		222,477.31
2013 Self Insurance		55,612.03
2013 Nursing Home		717,232.70
2013 Water		22,303.68
DSS Abstracts		237,315.55

2013 Capital Projects:

Payroll – General & Nursing Home

May 17, 2013		1,721,882.35
--------------	--	--------------

Medicaid

May 14, 2013		186,456.00
May 21, 2013		<u>186,456.00</u>

Total Audit \$ 4,034,905.87

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.

The following resolution was brought forward as a Rule 19. A motion to move this resolution forward was made by Legislator Stein seconded by Legislator Ferrando.

RESOLUTION NO. 220 SALARY SCHEDULE AMENDMENT – HEALTH DEPARTMENT– APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Public Health Director did request an amendment to the 2013 Employee Salary Schedule by creating the position of one Seasonal Public Health Technician to fulfill mandated responsibilities of the Health Department, and

WHEREAS, This position was inadvertently deleted and should have remained on the 2013 Salary Schedule, and

WHEREAS, The Genesee County Legislature did review the request and do recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and Human Resource Director are hereby authorized and directed to amend the 2013 Genesee County Employee Salary Schedule by creating the seasonal position of Public Health Technician, CSEA Grade 13, retroactive to May 6, 2013

Budget Impact Statement: Anticipated salary and fringe for this period is \$9350/ \$2296, respectively. A 4010 Public Health 2013 Adopted Budget does include funding for this position, therefore resulting in no impact to the budget. Salary expense for this position will continue to be reimbursable 100% thru Article 6 State Aid for General Public Health Works.

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

County Manager Gsell reminded the Legislature that this position has become a Public Health Educator with added responsibilities. This position was put in the 2013 budget but was inadvertently taken off of the Salary Schedule Amendment. Legislator Leadley stated that this Public Health Educator also works in Orleans County as part of Shared Services Agreement. County Treasurer German stated that technically because this is a new position it cannot be made retroactive. There was a discussion on how this should be handled. County Attorney Zambito stated that under County Law you can correct anything you did or did not do. This position was deleted in error and they had been working. It was decided to put in the resolution that it was the intent of this position to remain on the books and it was inadvertently deleted. A motion was made by Legislator Leadley to amend the resolution to reflect this change. This was seconded by Legislator DeJanerio.

The meeting was adjourned at 8:20 by a motion made by Legislator Stein seconded by Legislator Cianfrini.

