

FOURTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, February 27, 2013
Batavia, New York

The Genesee County Legislature met in Regular Session on Wednesday, February 27, 2013 at 7PM in the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Bausch, followed by the Pledge to the Flag. Legislator Cianfrini was absent.

Chair Hancock opened a Public Hearing on Local Law Introductory No. One in Relation to the Extension of the Current Hotel/Motel Room Occupancy Tax (Bed Tax) in the County of Genesee. There were no speakers at this time.

Several people signed up to address the Legislature on Agenda Item #1, Memorialization Calling for the Repeal of the SAFE Act of 2013. It was estimated that there were more than 60 people in attendance. Bob Bialkowski supported the passage of the Resolution along with many other counties in New York State. He believes the method in which this Act was passed by the Governor transitions us to a "dictation" state and demonstrates serious problems with our elected officials. Bill Fox presented a letter from the Genesee County Chapter of SCOPE and thanked the Legislature for allowing citizens the opportunity to speak. He is concerned that the passage of the SAFE Act was a move made in the dark of night and he will be traveling to Albany tomorrow to express his concerns. Jack Taylor appreciated the opportunity to appear. He gave a short history of Genesee County SCOPE which started with 4 or 5 guys and now has 50-75 people in attendance at its meetings. The legislation passed by the State appears to be a control issue but does nothing to deal with the implementation. Gun manufacturers will simply sell their products somewhere else. The State needs the sales tax from these sales. Most gun owners are law abiding citizens and the legislation ties their hands. There is a gang problem that is not being addressed. Terry McCulley appreciated the opportunity to send a stern message to Albany that the passage of bills should not take place in the middle of the night. Stephen Desmond thanked fellow attendees for their efforts and showing up. The name of the bill, SAFE Act, is an insult to the intelligence of citizens and only plays on people's fears. Kathryn Seweryniak thanked the Legislators for bringing the memorialization forward. Guns are really about recreation and sportsmanship. The biggest issue with her on the passage of the SAFE Act is that it sets a bad precedence and was not approached democratically. She hopes future state representatives will not allow such procedures to carry over to other issues. Justin Caccamise is a business owner in Genesee County and he has been sleepless and is furious over the way citizens have been treated the way they have with the passage of the SAFE Act. The actions of the State Legislature are fueled by lobbyists. New York City outlaws possessing guns but the Mayor has 100's of them. Robert Kowalsky has gathered 100's of signatures against the SAFE Act and knows others in attendance have too. He would like them to be gathered and delivered to our State representatives. Chair Hancock thanked everyone in attendance for participating in the meeting. She stated that the petitions received will be duplicated and hand carried to Senator Ranzenhofer and Assemblyman Hawley. Copies will also be kept in the Legislature Office.

Legislators Ferrando, Lawrence and Bausch assisted with the presentation of a Proclamation to Coach Mike Rapone of Notre Dame High School. Coach Rapone was

cited as a true asset to the Community above and beyond sports, and a life coach. Coach Rapone thanked everyone for the honor and accepted on behalf of the over 400 boys he coached. It was noted that an important factor in education was producing adults and sports can play an immense part in that.

The minutes of the February 13, 2013 meeting were approved 8-0 upon motion of Legislator Stein seconded by Legislator Lawrence.

Legislator Ferrando reported that the Juvenile Justice Committee received reports that Judge Lippman is again making efforts to change the PINS process and have 16-17 year olds tried in Family Court. Such legislation would result in additional mandated costs to counties. Legislator Stein reported that GFLRPC Sustainability Workshop review gave her the feeling that counties were being represented by urban/sub urban concerns. She added the perspective of Rural counties. Legislator DeJaneiro reported that the Genesee County Nursing Home continues to improve its services to residents and the community. Several topics were reviewed and looked at. Legislator Lawrence reported that she has judged the 4H Public speaking contests for three years. Ages range from Cloverbuds to teenagers and topics are very wide in range. There is a new rule that meat auction participants must now complete the Public Speaking portion of the program and enrollment is now at 108. She also thanked the men and women in the audience this evening and those who have carried petitions to be delivered to our State representatives. She wished them luck in their Albany efforts tomorrow and believes the Genesee County Legislature is 100% behind them in their efforts. Chair Hancock noted that Legislator Cianfrini was instrumental in putting together the Genesee County resolution and knew he was very disappointed not to be able to be here this evening.

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

RESOLUTION NO. 65 MEMORIALIZATION CALLING FOR THE REPEAL OF THE SAFE ACT OF 2013-APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution, and

WHEREAS, The lawful ownership of firearms is, and has been, a valued tradition in Genesee County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of its residents; and

WHEREAS, Members of the Genesee County Legislature, being elected to represent the people of Genesee County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, The enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, In our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, Requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the law abiding residents of New York State; and

WHEREAS, This legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, Those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, Few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, Limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, The only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those whom choose not to obey the law; and

WHEREAS, Requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

WHEREAS, This legislation severely impacts the privacy, possession and use of firearms now employed by the residents of Genesee County for defense of life, liberty, and property; and

WHEREAS, This legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, This legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, This legislation effectively turns countless New York State law-abiding gun owners into criminals. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature supports the positions adopted by resolution from the New York State Sheriff Association and the New York State County Clerks Association, and Be it further

RESOLVED, That the Genesee County Legislature does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and Be it further

RESOLVED, That the Genesee County Legislature considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives, and Be it further

RESOLVED, That a certified copy of this resolution be sent to President Barack Obama, Governor Andrew Cuomo, United States Senators Charles Schumer, and Kirsten Gillibrand, Congressman Chris Collins, New York State Senator Michael Ranzenhofer, New York State Assemblyman Steve Hawley, Inter-County Association of Western New

plans for 2013 and did request the official designation as Tourism Agency for Genesee County, and

WHEREAS, The Committee on Ways and Means does recommend the official designation of the Chamber of Commerce as the County's Tourism Agency. Now, therefore, Be it

RESOLVED, That the Genesee County Chamber of Commerce be and hereby is designated as the Official Tourism Agency for the County of Genesee for the fiscal year January 1, 2013 through December 31, 2013.

Budget Impact Statement: No fiscal impact.

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

RESOLUTION NO. 69 CHAMBER OF COMMERCE/TOURISM CONTRACT - APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The County of Genesee is desirous of continuing its support of a program to promote tourism within Genesee County, and

WHEREAS, The County of Genesee has implemented a hotel and motel tax to fund tourism promotion within Genesee County, and

WHEREAS, The Genesee County Chamber of Commerce has presented a tourism marketing plan and budget for 2013 inclusive of the Matching Funds Program called "I Love New York", the Non-Matching Funds Program and administrative and operating expenses, and

WHEREAS, The Committee on Ways and Means has reviewed the proposed marketing plan and budget and recommends 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 an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce for the year 2013 to be funded from the County's 2013 hotel and motel tax receipts up to an amount not to exceed \$350,000 for publicity and tourism services for the calendar year ending December 31, 2013.

Budget Impact Statement: Appropriation fully funded by Bed Tax revenue; County will only supply funding for Tourism activity to the extent actual revenues from bed tax are realized, not to exceed fiscal year appropriation of \$350,000.

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

Legislator Ferrando noted that the Tourism Program does a great job year after year. Legislator DeJaneiro asked what happened to bed tax receipts that were collected and above the amount contracted with the Chamber for the year. County Manager Gsell responded that such funds go to the designated Bed Tax Reserve fund.

RESOLUTION NO. 70 BUDGET AMENDMENT - SHERIFF/REMAINING GRANT FUNDS – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, There are four active grants, three Homeland Security Grants, and the 2012/2013 Buckle Up New York Grant, with funds remaining in the Sheriff's 2012 budget, and that money is available to be used in 2013, and

WHEREAS, There is money remaining regarding the 2012/2013 Agreement with the Village of Oakfield to provide them with additional police services through May 31, 2013, and

WHEREAS, The Sheriff is requesting an amendment to the 2013 budget to allow for the use of the remaining grant money, and the money regarding the Agreement with the Village of Oakfield, 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 amend the 2013 budget by increasing Sheriff's appropriations as follows:

\$3,094 to A3110.1020.0600 (Overtime – BUNY Grant)

\$18,127 to A3110.1020.1000 (OT – Oakfield Patrols)

\$71,926 to A3110.4800.0503 (Program Expense Homeland Security)

To be offset by increasing the following revenue accounts:

\$3,094 to A3110.4511 (Federal Aid Traffic Safety)

\$18,127 to A3110.2804.1 (Shared Services-Additional Police Services)

\$71,926 to A3110.4305.2 (Fed Aid Homeland Security)

Budget Impact Statement: Increase in Sheriff's 2013 appropriations in the amount of \$93,147, with money coming from the following sources: \$71,926 from remaining grant funding from three Homeland Security grants; \$3,094 from the 2012/2013 Buckle UP New York Grant; and \$18,127 from the 2012/2013 Agreement with the Village of Oakfield for additional police services; with an increase in revenue in a like amount.

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

**RESOLUTION NO. 71 AWARD OF BID/SHERIFF'S OFFICE – 2013
LAW ENFORCEMENT VEHICLES**

Legislator Bausch offered the following resolution:

WHEREAS, Two bids were received for the purchase of five law enforcement vehicles, with the lowest bid meeting specifications for the five patrol vehicles being submitted by Delacy Ford, 3061 Transit Road, Elma, NY 14059, for the total purchase price of \$111,480, which includes a trade in allowance of \$18,300, and

WHEREAS, The Sheriff does recommend that the bid for the purchase of patrol vehicles be awarded to Delacy Ford, for a total purchase price of \$111,480, with authorization to trade-in the following five vehicles, and

Car #69	2FAHP71V58X177857	2008 Ford Crown Victoria
Car #72	2FAHP71V79X138253	2009 Ford Crown Victoria
Car #73	2FAHP71V09X138255	2009 Ford Crown Victoria
Car #74	2FABP7BV1AX133705	2010 Ford Crown Victoria
Car #75	2FABP7BV3AX133706	2010 Ford Crown Victoria

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

RESOLVED, That the award of bid for the purchase of five law enforcement patrol vehicles be made to Delacy Ford, for a total purchase price of \$111,480, which includes a total trade-in allowance of \$18,300.

Budget Impact: \$125,000 has been appropriated to the 2013 asset acquisitions for the purchase of law enforcement vehicles and vehicle equipment. The total purchase price for five vehicles is \$111,480.

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

Legislator DeJaneiro commented he was aware of a person in Florida who restored old police cars. He suggested that the County consider auctioning them off

versus trading them in. Sheriff Maha responded that the County had tried that in the past and bids were not above \$500. He believes that the dealers taking the trades have a much better outlet for them which increases trade in value received by the County.

**RESOLUTION NO. 72 SALARY SCHEDULE AMENDMENT-
EMERGENCY MANAGEMENT SERVICES -
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Coordinator of Emergency Management Services requests the pay schedule of the Deputy Coordinator be restored to its pre-2012 status in addition to the approved management wage increase of 2013, and

WHEREAS, The Committees on Public Service and Ways and Means did review the request and do recommend the changes be implemented at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2013 Salary Schedule of the Deputy Coordinator of Emergency Management Services by increasing the salary for this position from \$30,432 to \$33,238, retro-active from the first payroll of 2013.

Budget Impact: None as the Salary adjustment was built into the 2013 Emergency Management Department budget..

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

**RESOLUTION NO. 73 2013 BUDGET AMENDMENT - EMERGENCY
MANAGEMENT SERVICES GRANT FUNDS
CARRYOVER — APPROVAL OF**

Legislator Stein offered the following resolution

WHEREAS, The Genesee County Emergency Management Services Coordinator did request an amendment to the 2013 County Budget to allow for the utilization of the unexpended Federal HazMat grant funds totaling \$145.00 in the 2012 County Budget, and

WHEREAS, The Committee on Public Service and 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 amend the 2013 County Budget by:

Increasing EMS Appropriation Accounts:

Contractual, HazMat A.3640.4800.0501 in the amount of \$ 145.00

To be offset by an increase in EMS Revenue Accounts:

Federal Aid, HazMat EP Grant A.3640.4305.1 in the amount of \$145.00

Budget Impact Statement: Increase in the Emergency Management Service's appropriations in the amount of \$145.00 from the 2012 department budget – unexpended HazMat grant funds, with an increase in revenue in a like amount.

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

**RESOLUTION NO. 74 INSURANCE RENEWAL-2013-2014 POLICY WITH
NYMIR – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, 2002 Resolution No. 43 duly adopted on January 23, 2002 did approve the selection of New York Municipal Insurance Reciprocal (NYMIR) as Genesee County's carrier for its property and liability insurance coverage and 2004 Resolution No. 395 duly

resolution recommended that Genesee County approve the award of the bids as noted above and authorize the County Administrator or designee to enter into contracts with the low bidders, and

WHEREAS Program Agreements between Genesee County, MEGA and Hess Corp. have been prepared securing the terms and conditions of the public bid for all eligible participants, now therefore be it

RESOLVED, on recommendations of the Ways and Means Committee, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute contracts as appropriate to implement the above described program(s).

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

**RESOLUTION NO. 76 CONTRACTUAL AGREEMENT RENEWAL-
GENESEE JUSTICE - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

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

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee Justice Coordinator are hereby authorized and directed to enter into a contractual agreement with Tracy Cass, 5 Bright Oaks Drive, Rochester, NY 14624 for forensic interviewing, peer review, and training for the Justice for Children Advocacy Center/Team, 108 Bank Street, Batavia, NY for the period of March 1, 2013 through September 30, 2013 at a cost of \$45.00 per hour.

Budget Impact: Funding for this item is covered by grant funds from the NYS OCFS grant A 3151 3323 NYS OCFS.

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

**RESOLUTION NO. 77 BUDGET AMENDMENT - GENESEE JUSTICE
/ATI BAIL FEE DEFERRED ACCOUNT –
APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, There are available funds in the Bail Fee Deferred Account to provide an Americorp worker through December 31, 2013 to help with Genesee Justice Alternatives to Incarceration programs, and

WHEREAS, The Coordinator of Genesee Justice is requesting an amendment to the 2013 budget to allow for the use of these funds, 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 amend the 2013 budget by increasing the Genesee Justice Appropriation account as follows: \$2,250 to A3151 4660 0000 (Contracted Other)

To be offset by: \$2,250 to A3151.1515 (Alternatives to Incarceration/Deferred Account)

Budget Impact Statement: Increase in the Genesee Justice 2013 revenue accounts in the amount of \$2,250, with monies in the like amount coming from A 3151 1515 (Alternatives to Incarceration/Deferred Account).

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

**RESOLUTION NO. 78 BUDGET AMENDMENT – COUNTY ATTORNEY
/CASUALTY LIABILITY INSURANCE RESERVE –
APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The County Attorney did request an amendment to the 2013 County Budget due to a shortage of funds in his claims account, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Budget by adjusting the County Attorney Appropriations and Revenues by the following amounts:

Increase in revenue MS.1000.9999 Balancing-Appropriated	\$125,000
to be offset by an	
Increase in expense MS.1930.4800-0100 Claims	\$85,000
MS.1930.4640.0060 Legal Fees	\$40,000

Budget Impact: There will be a \$125,000 decrease in the Casualty Liability Insurance Reserve.

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

**RESOLUTION NO. 79 AGREEMENT RENEWAL - SHERIFF'S OFFICE/
JUSTICE BENEFITS, INC. – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County entered into a contract with Justice Benefits, Inc., pursuant to Resolution 91, dated March 26, 2009, for the provision of professional assistance with revenue enhancement services, and

WHEREAS, the current agreement is due to expire on March 31, 2013, and

WHEREAS, the contract contained an option to renew for four additional one-year periods upon written mutual agreement of both parties, and

WHEREAS, the Sheriff does recommend renewing this contract for the final one-year period to commence April 1, 2013 and continue through March 31, 2014, and

WHEREAS, the Committee on Public Service did review this request and do 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 an agreement with Justice Benefits, Inc., 2010 Valley View Lane, Suite 300, Dallas, Texas 75234, for professional assistance with revenue enhancement services.

BUDGET IMPACT: Increase in Jail revenue based upon number of aliens incarcerated during the fiscal year.

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

**RESOLUTION NO. 80 RENTAL AGREEMENT RENEWAL - SHERIFF'S OFFICE/
JUSTICE FOR CHILDREN ADVOCACY CENTER –
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The rental agreement for the Justice for Children Advocacy Center located at 108 Bank Street, Batavia expired on December 31, 2012, and

WHEREAS, The Justice for Children Advocacy Center is planning on relocating to a new address in July 2013, and

WHEREAS, Janine Berger, current Bank Street landlord, has approved a rental term of

(6) six months and the rent is to remain the same as our 2012 rate of \$1,200 per month for the entire residence at 108 Bank St., 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 renew the Rental Agreement with Janine Berger, 701 Old Johnson Road, Wendell, North Carolina 27591-8535 for the rental of the building located at 108 Bank Street, Batavia, New York, effective January 1, 2013 through June 30, 2013.

Budget Impact: There is no fiscal impact on the 2013 County budget as the lease and utilities are paid through grants from the New York State Office of Children and Family Services, the New York State Office of Victims Services and the Justice for Children GLOW Foundation.

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

RESOLUTION NO. 81 AWARD OF BID –HIGHWAY-CONSTRUCTION & MAINTENANCE MATERIALS – APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The County Highway Superintendent and Purchasing Officer did advertise for bids for construction and maintenance materials with specifications in various group categories, and

WHEREAS, The Committee on Public Service does recommend he make the awards per specifications. Now, therefore, Be it

RESOLVED, That the Genesee County Highway Superintendent be and hereby is authorized to enter into a contract with the appropriate vendors as specified for the various group items as per bid specifications, and Be it further

RESOLVED, That payment for these construction and maintenance materials will be made from the appropriate county road fund accounts or capital project accounts as work necessitates.

Budget Impact Statement: Increase in material costs limits construction projects.

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

RESOLUTION NO. 82 CONTRACT RENEWAL-HIGHWAY-PAVEMENT MARKINGS – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Department did receive bids for painting of pavement markings on county roads and airport, and

WHEREAS, The Genesee County Highway Superintendent has reviewed the bids and the qualifications of bidders and does recommend renewing the contracts at this time, and

WHEREAS, The Committees on Public Service and Ways and Means did review these recommendations and do concur. Now, therefore, Be it,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal contract with Seneca Pavement Markings, Inc., 23 Hunters Run, Horseheads, NY 14845 for the application of waterborne pavement markings as bid under Item Groups A and B as per specifications, effective June 1, 2013 though May 31, 2014 in an amount not to exceed budgeted amounts, and Be it further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and

directed to enter into a renewal contract with Accent Stripe, Inc., 3275 North Benzing Rd., Orchard Park, NY 14127 for the application of epoxy pavement makings as bid under Item Groups C as per specifications, effective June 1, 2013 through May 31, 2014 in an amount not to exceed budgeted amounts

Budget Impact Statement: The County Road Fund includes \$135,000 for highway pavement markings and \$15,000 for the airport which will be used towards the application of pavement markings.

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

RESOLUTION NO. 83 BUDGET AMENDMENT-HIGHWAY-INTERNAL SERVICE FUND – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The County Highway Superintendent did request a budget amendment to the Internal Service Fund for the purchase of a vehicle to be leased by Genesee County Soil & Water, and

WHEREAS, The Committees on Public Service and 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 amendment to the 2013 Internal Service Fund Budget:

INTERNAL SERVICE FUND:

Increase Revenue	Interfund Revenue M1640.2803.2
\$25,000	
Increase Expense	Vehicles M1640.2060.0000
\$25,000	

Budget Impact: Purchase of vehicle will be off-set by rental.

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

RESOLUTION NO. 84 WATER SUPPLY AGREEMENT-TOWN OF ALEXANDER-APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, Genesee County established a Countywide Water Program and has entered into Water Supply Agreements with municipalities and authorities across the County, and

WHEREAS, the Town of Alexander desires to establish a new water district along Rt 98 between Batavia and the Village of Alexander, and

WHEREAS, the Genesee County Highway Superintendent and the County Attorney have prepared an agreement that provides wholesale water supply to this district under terms acceptable to the County and recommend its approval at this time, and

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

RESOLVED, that Genesee County Legislature does hereby authorize the Chairperson of the Genesee County Legislature to approve the Water Supply Agreement between Genesee County and the Town of Alexander.

Budget Impact Statement: This agreement will add revenue to the Water Fund through the sale of water and the collection of the \$0.60 surcharge. Revenue will be based upon the actual number of homes that decide to connect to the new district.

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

**RESOLUTION NO. 85 EQUIPMENT PURCHASE-HIGHWAY
RADIO CONTROLLED TRENCH
COMPACTOR-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Department did receive bids for the purchase of a Radio Controlled Trench Compactor for use at the County Highway Department and does recommend awarding the purchase to Admar Supply Co., Inc., and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore, Be it

RESOLVED, The Genesee County Highway Superintendent is hereby authorized and directed to purchase a Radio Controlled Trench Compactor from Admar Supply Co., Inc. located at 1950 Brighton Henrietta Townline Road, Rochester, New York 14623 not to exceed \$30,500 to be paid from the Road Machinery Fund, DM5130.2030.0020, Highway Equipment.

Budget Impact: The 2013 Road Machinery Fund has budgeted for the Trench Compactor

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

**RESOLUTION NO. 86 EQUIPMENT PURCHASE-HIGHWAY
-APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent reviewed NYS bids and other County bids on trucks and equipment for use at the County Highway Department and does recommend awarding the purchases to the following, and

WHEREAS, The Committees on Public Service and Ways and Means did review these recommendations and do concur. Now, therefore, Be it

RESOLVED, The Genesee County Highway Superintendent is hereby authorized and directed to purchase the following from VanBortel Ford, 71 Marsh Road, East Rochester, NY 14445, to be paid from the Road Machinery Fund DM5130.2030.0020, Highway Equipment.

2 – 2013 Ford F-150 XL Super Cab 4WD 6.5' Box	\$53,684.56
1 – 2013 Ford F-350 with Utility Body	\$35,345.00
1 – 2013 Ford F-350 with Stake Body	\$32,644.00

And be it further,

RESOLVED, The Genesee County Highway Superintendent is hereby authorized and directed to purchase the following, to be paid from the Asset Requisition Fund.

2014 MACK 6x4 Truck	Beam Mack Sales & Service, Inc.	\$120,200.90
	2674 West Henrietta Road	
	Rochester, NY 14609	
Body Plow Wing and Sander	Tenco Industries, Inc.	<u>\$ 75,442.37</u>
	5700 South Lima Road	\$195,643.27
	Lakeville, NY 14480	
2014 International 4x2 Truck	Navistar, Inc.	\$ 86,010
	399 Shaker Road	
	Loudonville, NY 12211	
Viking Body	Viking Cives	<u>\$ 36,488</u>
	14331 Mill Street	\$122,498

Harrisville, NY 13648

Budget Impact: The pickups and 1 ton truck funded by 2013 Road Machinery Fund and Asset Acquisition Project budgeted \$218,000 for 6x4 and \$150,000 for 4x2.

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

RESOLUTION NO. 87 VEHICLE PURCHASE-MOTOR POOL-HIGHWAY-APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent reviewed the NYS bids and received bids on vehicles for use by the Motor Pool and does recommend awarding the purchases to the following, and

WHEREAS, The Committees on Public Service and Ways and Means did review these recommendations and do concur. Now, therefore, Be it

RESOLVED, The Genesee County Highway Superintendent is hereby authorized and directed to purchase the following from VanBortel Ford, 71 Marsh Road, East Rochester, NY 14445, to be paid from the Internal Service Fund M1640 2060.0000, Vehicles.

1 - 2013 Ford E350 15 Passenger Van	\$ 25,547.00
1 – 2013 Ford Sedan Police Interceptor AWD	\$ 27,318.11
1 – 2013 Ford Sedan Police Interceptor AWD	\$ 29,108.70
2 – 2013 Ford E350 12 Passenger Van	\$ 48,472.08
1 – 2013 Ford E350 Cargo Van 2 WD	<u>\$ 21,737.63</u>
	\$152,183.52

And be it further,

RESOLVED, The Genesee County Highway Superintendent is hereby authorized and directed to purchase the following from Vision Group, 4545 Ridge Road West, Rochester, NY 14626, to be paid from the Internal Service Fund M1640 2060.0000, Vehicles.

4 – 2013 Ford Escape	\$ 89,744.00
3 – 2013 Ford Fusion	<u>\$ 57,558.00</u>
	\$147,302.00

Budget Impact: The 2013 Internal Service Fund has budgeted this money.

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

Prior to roll call on the above resolution Legislator DeJaneiro noted that all wheel drives are not a luxury today and are needed for some vehicles.

Legislator Leadley added by way of explanation to the audience that the resolutions under consideration this evening have been through one or two committees prior to coming to the Legislature and backup received from the Departments. They have been fully discussed previously and that is why most pass with little additional discussion. Concerns and questions have been addressed.

RESOLUTION NO. 88 AWARD OF CONTRACT – SHERIFF’S OFFICE / PERICLE COMMUNICATIONS COMPANY – P25 800/VHF RADIO COVERAGE STUDY – APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, There were six proposals received in response to a Request for Proposals (RFP) for a P25 800 MHz/VHF Radio Coverage Study, cost estimate and radio vendor RFP

specification review for the new Public Safety Radio System; and

WHEREAS, After careful review by the Sheriff, Emergency Management Coordinator, County Attorney, and Director of Emergency Communications, it is recommended the contract for this project be awarded to Pericle Communications Company, 7222 Commerce Center Drive, Suite 180, Colorado Springs, CO 80919 at a cost not to exceed \$16,020, and

WHEREAS, The Committees on Ways and Means did review this proposal and does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Genesee County Chair and the Genesee County Sheriff are hereby authorized to enter into an agreement with Pericle Communications Company, 7222 Commerce Center Drive Suite 180, Colorado Springs, CO 80919 for a P25 800 MHz / VHF radio coverage study, cost estimate, and radio vendor RFP specification review.

BUDGET IMPACT: The cost of this project (\$16,020) will be offset by revenue from the 2012 NYS Division of Homeland Security and Emergency Services Statewide Interoperable Communications Grant.

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

**RESOLUTION NO. 89 2013 SALARY SCHEDULE AMENDMENT-
DISTRICT ATTORNEY/ SALARY INCREASE
- APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Manager did request an amendment in the 2013 Management Salary Schedule in accordance with the New York State Judicial Salary Increase which mandates an increase in the full time District Attorney salary pursuant to Judiciary Law 183-a, which links judicial salaries with county district attorneys' salaries and requires district attorneys' salaries to be at least as high as the County Court Judge in the County, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do concur with the County Manager's recommendation. Now, therefore, Be it **RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2013 Genesee County Management Salary Schedule by increasing the District Attorney's annual salary from \$140,300 to \$146,400, effective April 1, 2013

Budget Impact: Salary Increase expense of \$4,575.09 was appropriated in the 2013 budget

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

**RESOLUTION NO. REAPPOINTMENT-FISH AND WILDLIFE
MANAGEMENT BOARD-APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, Terms of office have expired for members representing Genesee County as landowners and sportsmen on the New York State Fish and Wildlife Management Board and it is the desire of the Legislature to make appointments at this time. Now, therefore Be it

RESOLVED, That the Genesee County Legislature does appoint Michael R. Woodward of Oakfield, New York as landowner representative to the New York State Fish and Wildlife Management Board to a term effective immediately through December 31, 2014.

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

**RESOLUTION NO. 91 APPOINTMENT-CLERK TO THE LEGISLATURE-
APPROVAL OF**

Legislator Leadley offered the following resolution:

RESOLVED, That Sarah Kingdon of Pavilion, New York be and hereby is appointed as Clerk to the Legislature, Grade 4 effective March 25, 2013.

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

Prior to roll call on the above resolution Legislator Leadley commented that she was honored to bring this forward. She knows Mrs. Kingdon's parents and grandparents.

**RESOLUTION NO. 92 SALARY SCHEDULE AMENDMENT-
LEGISLATURE/PART TIME CLERK TYPIST-
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, Due to changes within the Legislature Office there is a need to create a part-time 19.5 hour Clerk Typist position, and

WHEREAS, The Committee on Ways and 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 amend the 2013 Genesee County Salary Schedule by creating one (1) PT 19.5 hours per week Clerk Typist position in the Legislature Clerk's office, CSEA Grade 6.

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

**RESOLUTION NO. 93 ESTABLISHING CAPITAL PROJECT/SHERIFF –
800 MHz RADIO SYSTEM UPGRADE-APPROVAL
OF**

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County is planning an upgrade of the County's 800 MHz analog radio system to a P25 compliant 800 MHz digital trunked system, and

WHEREAS, Revenue sources have been identified for this project totaling \$6,635,095, and

WHEREAS, The Sheriff is requesting a Capital Project be established in the amount of \$6,635,095 for the upgrade to the County's 800 MHz radio system, and

WHEREAS, The Committee on 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 establish a Capital Project for the County's 800 MHz radio system upgrade as follows:

Increase in Capital Project Account H1997.2080.0000 (Capital Project Expense) of \$6,635,095, offset by an increase in Capital Project Revenue Account H1997.3097 (State Aid – Communications Grant) of \$5,435,095, and an increase in Capital Project Revenue Account H1997.2770 (Nextel Agreement) of \$1,200,000.

Budget Impact: Increase in Capital Project appropriations of \$6,635,095 for the County's 800 MHz radio system upgrade, with an increase in Capital Project revenue of \$6,635,095.

Legislator Ferrando offered the following resolution which was adopted by 298 votes, Legislator Cianfrini (28) absent.

Prior to roll call on the above resolution Legislator Bausch complimented the Sheriff and his personnel on being able to achieve such a grant for Genesee County.

At this time Chair Hancock closed the Public Hearing on the following Local Law

and the Clerk proceeded with the reading..

RESOLUTION NO. 94 LOCAL LAW INTRODUCTORY NO. ONE, YEAR 2013 LOCAL LAW TO AMEND LOCAL LAW NUMBER TWO, YEAR 1995, AS AMENDED BY LOCAL LAW NO. FOUR, YEAR 1998, LOCAL LAW NO. SIX, YEAR 2001, LOCAL LAW NO. FOUR, YEAR 2004, LOCAL LAW NO. TWO YEAR 2007, and LOCAL LAW NO ONE YEAR 2010 IMPOSING A HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, There has been introduced to the Genesee County Legislature a proposed Local Law Introductory No. 1, Year 2013 entitled “**A LOCAL LAW TO AMEND LOCAL LAW NUMBER TWO, YEAR 1995, AS AMENDED BY LOCAL LAW NO. FOUR, YEAR 1998, LOCAL LAW NO. SIX, YEAR 2001, LOCAL LAW NO. FOUR, YEAR 2004, LOCAL LAW NO. TWO YEAR 2007 AND LOCAL LAW NO. ONE YEAR 2010 IMPOSING A HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF.**” Now, therefore

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. Section 702 of the Local Law No. Two, Year 1995 as amended by Local Law No. Four, Year 1998, Local Law No. SIX, Year 2001 and Local Law No. Four, Year 2004, Local Law No. Two, Year 2007 and Local Law No. One, Year 2010 is hereby amended to read as follows:

702. Effective Date: This Local Law shall take effect on October 1, 2013 and expire on September 30, 2016, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately, and

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

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in *The Daily News* the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local Law Introductory Number 1, Year 2013, and

WHEREAS, The Public Hearing was held at 7:00 pm on the 27th day of February 2013 in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That “**A LOCAL LAW TO AMEND LOCAL LAW NUMBER TWO, YEAR 1995, AS AMENDED BY LOCAL LAW NO. FOUR, YEAR 1998, LOCAL LAW NO. SIX, YEAR 2001, LOCAL LAW NO. FOUR, YEAR 2004, LOCAL LAW NO. TWO YEAR 2007 AND LOCAL LAW NO. ONE YEAR 2010 IMPOSING A HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF**” to be known as Local Law Number Two of the Year 2013 for the County of Genesee is hereby adopted.

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

RESOLUTION NO. 95 COUNTY AUDIT – FEBRUARY 27 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Leadley, did review the following claims:

2012 General Fund	\$	26,575.00
2013 General Fund		638,451.52
2013 Highway		37,909.47
2013 Self Insurance		2,614.94
2013 Nursing Home		318,520.14

Capital Projects:

Highway – Facility Sewer	\$105,285.00
Payroll – General & Nursing Home	
February 22, 2013	1,723,982.89
Medicaid	
February 19, 2013	185,572.00
February 26, 2013	<u>185,572.00</u>
Total Audit	\$ 3,224,482.96

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

Prior to roll call on the above resolution Legislator Leadley asked if the Medicaid weekly payment would increase. County Manager Gsell noted that on April 1st counties would see an increase of approximately 1% in the weekly draw.

The meeting was adjourned at 8:25 PM upon motion of Legislator Bausch seconded by Legislator Stein.