

**SEVENTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, October 10, 2012**

The Genesee County Legislature met in Regular Session on Wednesday, October 10, 2012 at 7PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Bausch followed by the Pledge to the Flag. All Legislators were present.

Chair Hancock opened a Public Hearing on Local Law Introductory No. Four LOCAL LAW NO. FOUR, YEAR 2012, AMENDING LOCAL LAW NUMBER FOUR OF THE YEAR 1999, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NUMBER ONE OF THE YEAR 1956, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NO TWO OF THE YEAR 1962, LOCAL LAW NO ONE OF THE YEAR 1966, LOCAL LAW NO ONE OF THE YEAR 1972, LOCAL LAW NO TWO OF THE YEAR 1974, LOCAL LAW NO. TWO OF THE YEAR 1977, LOCAL LAW NO TWO OF THE YEAR 1981, LOCAL LAW NO FOUR OF THE YEAR 1981 AND LOCAL LAW NO THREE OF THE YEAR 1998 IN RELATION TO THE GENESEE COUNTY MUTAL SELF INSURANCE PLAN-APPROVAL OF. There were no interested speakers at this time.

The minutes of the September 26, 2012 were approved upon motion of Legislator Stein seconded by Legislator Lawrence with the following correction: The Parks Advisory Committee has a commercial events policy in the works.

Legislator Cianfrini reported on the CJAC meeting where the female inmate population was reported at 19 and constant and rising. 12 or 14 of these inmates are unsentenced. Legislator Leadley reported attendance at the Office for the Aging Public Hearings. There were no comments offered by attendees but a lot of good information was shared. GCC held its Fall Festival with the focus on Agriculture. There were about 30 stations and many speakers. Legislator Clattenburg reported on the Stafford Planning Board recommending a moratorium on hydrofrackng. Chair Hancock noted that several counties have put into place a prohibition on county road travel as it relates to the hydrofracking process and inquired if Genesee County has investigated this.

An out-of-state travel request for Sgt. Greg Walker to attend a DRE Training in Arizona as an instructor October 23-27, 2012 was approved upon motion of Legislator Stein seconded by Legislator Leadley.

Legislator Bausch noted the State Comptroller has suggested implementing a Control Board for New York counties. He finds the idea simplistic and wonders how it would help with budgets which are controlled by state mandates and the tax cap leaving very little decision making ability at the local level other than to continually cut local services. Chair Hancock is drafting a response letter on behalf of the Legislature.

The Clerk proceeded with the reading of the resolutions:

RESOLUTION NO. 352 APPOINTMENTS–YOUTH BOARD-APPROVAL OF
Legislator Lawrence offered the following resolution:

WHEREAS, The Committees on Human Service and Ways and Means do recommend appointments to the Genesee County Youth Board be made at this time. Now, therefore,
Be it

RESOLVED, That the following individuals are hereby appointed to the Genesee County Youth Board with a term and representation as noted.

New Appointments

Youth Representative	Rachel DeNise	10/10/2012 - 12/31/2015
	Bryce Rogers	10/10/2012 – 12/31/2015

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

RESOLUTION NO. 353 BUDGET TRANSFER-YOUTH BUREAU/REALITY CHECK-APPROVAL OF

Legislator DeJaneiro offered the following resolution

WHEREAS, The Genesee County Youth Bureau Executive Director did request a budget transfer to cover the change in health care cost for a staff member going from a single plan to a family plan as of October 2012, and

WHEREAS, The Committees on Human Services and Ways and Means reviewed the request and recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to transfer the following lines within the 2012 Genesee County Budget:

Increase Medical	A7310.8030.0000 of	\$2,700
Increase Dental	A7310.8040.0000 of	\$ 51
Increase Vision	A7310.8070.0000 of	\$ 6
Decrease Postage	A7310.EMPR.4140.0000 of	\$1,000
Decrease Advertising	A7310.EMPR.4170.0000 of	\$1,757

Budget Impact: All expenditures in this program are offset by revenue. There is no net county cost.

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

RESOLUTION NO. 354 GRANT ACCEPTANCE - HEALTH DEPARTMENT/ LEAD POISONING PREVENTION PROGRAM - APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The Genesee County Interim Public Health Director has received notification from the New York State Department of Health that Genesee County's Lead Poisoning Prevention Program contract has been awarded in the amount of \$38,362, and

WHEREAS, The Interim Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support local Lead Poisoning Prevention activities, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Lead Poisoning Prevention Program contract for the period October 1, 2012 through September 30, 2013 in the amount of \$38,362, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue and expenses, in the amount of \$8,950, are appropriated in the 2012 Dept. 4010 – Health Department budget; the remaining balance is included in the 2013 Dept 4010 – Health Department budget proposal.

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

RESOLUTION NO. 355 SALARY SCHEDULE AMENDMENT- HEALTH DEPARTMENT/ADMINISTRATIVE OFFICER/BUDGET OFFICER – APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Administrative Officer/Budget Officer New Position Duties Statement has been reviewed by the Human Resource Director and the Management Salary Review Committee, and

WHEREAS, The committee determined that this position should be placed in Grade 4 of the Management Salary Schedule for Supervisory/Support Personnel, and

WHEREAS, The Committees on Human Service and Ways and Means did review the request and does 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 2012 Salary Schedule by creating one full-time position of Administrative Officer/Budget Officer at Grade 4 of the Genesee County Management Scale, effective October 1, 2012.

Budget Impact: Salary \$47,500. Cost associated with this position is contained within the 2012 Health Department Budget.

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

RESOLUTION NO. 356 SALARY SCHEDULE AMENDMENT- HEALTH DEPARTMENT/ENVIRONMENTAL HEALTH DIRECTOR/DEPUTY PUBLIC HEALTH DIRECTOR – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Resolution No. 349 duly adopted on September 26, 2012, did authorize an intermunicipal agreement with the Orleans County Legislature and the Orleans Board of Health to provide a Shared Public Health Director and Environmental Health Director/Deputy Public Health Director effective through December 31, 2014, and

WHEREAS, The Environmental Health Director/Deputy Public Health Director shall be deemed an employee of the County of Genesee. The County Manager has requested the creation of a full time Environmental Health Director/Deputy Public Health Director during the term of this agreement, and

WHEREAS, The Environmental Health Director/Deputy Public Health Director New Position Duties Statement has been reviewed by the Human Resource Director and the Management Salary Review Committee , and

WHEREAS, The committee determined that this position should be placed in Grade 7 of the Management Salary Schedule for Supervisory/Support Personnel, and

WHEREAS, The Committees on Human Service and Ways and Means did review the request and does 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 2012 Salary Schedule by creating one full-time position of Environmental Health Director/Deputy Public Health Director at Grade 7 of the Genesee County Management Scale, effective October 1, 2012.

Budget Impact: Salary \$65,106. Cost associated with this position is contained within the 2012 Health Department Budget

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

**RESOLUTION NO. 357 CONTRACT AGREEMENT – NURSING
HOME/PAYROLL SYSTEM UPGRADE –
APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Nursing Home is working toward developing a more efficient procedure for preparing payroll and wishes to upgrade the payroll system at the Nursing Home, and

WHEREAS, The Administrator of the Genesee County Nursing Home did present a proposed contract with ADP, Inc. for the provision of an upgrade to the present payroll system/time clock, and

WHEREAS, The Committee on Human Services does recommend approval of said contract agreement 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 ADP, Inc, One ADP Boulevard, Roseland, New Jersey, 07068, for the provision of a payroll system upgrade at a cost of \$15,900.

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

Prior to roll call on the above resolution Legislator DeJaneiro noted that this is not a luxury and is updating a very old labor intensive program which will improve reporting and save man hours.

**RESOLUTION NO. 358 CONTRACT AGREEMENT – NURSING HOME/ADL
RECORDING SOFTWARE – APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Genesee County Nursing Home is in the process of updating the procedures in which staff can more efficiently and accurately record resident data, and

WHEREAS, The Administrator of the Nursing Home did present a proposed contract with Minimum Data Set (MDS) Solutions, Inc. for the provision of a license agreement for S-cores Software to be used in the training of Nursing Home staff on reporting activities of daily living (ADL's), and

WHEREAS, The Committee on Human Services does recommend approval of said contract agreement 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 MDS Solutions, Inc., 137 Rae Drive, Rochester, New York 14626 for the purchase of S-cores Software License Fee for a 12 month term at a cost of \$7,300.

Budget impact: Amount was budgeted in 2012 budget.

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

Prior to roll call on the above resolution Legislator Lawrence stated this will be used by CNAs for more accurate patient care recording and improved reimbursements.

**RESOLUTION NO. 359 CONTRACT AGREEMENT – NURSING
HOME/PACE PROGRAM – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home did present a proposed contract with Total Senior Care, Inc. for the provision of operating a Program of All-Inclusive Care for the Elderly (PACE) that provides comprehensive long term services and supports to Medicaid and Medicare enrollees at no cost to the Nursing Home, and

WHEREAS, The Committee on Human Services does recommend approval of said contract 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 Total Senior Care, Inc., d/b/a Total Care Options, 519 North Main Street, Olean, New York 14760-2618, commencing October 11, 2012 and continuing in effect until such time as either party elects to terminate the Agreement upon ninety (90) days written notice to the other party.

Budget Impact: - 0 - No financial impact to the County

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

**RESOLUTION NO. 360 BUDGET AMENDMENT - MENTAL HEALTH/
LIVING OPPORTUNITIES OF DEPAUL
- APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2012 Genesee County budget to cover an increase in supportive housing services, and

WHEREAS, The Committees on Human Services and Ways and Means did review this request and do 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 necessary documents to amend the 2012 budget between the County of Genesee and Living Opportunities of DePaul, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2012 Genesee County Budget by

Increasing A4312.	.4660.0000	Living Opportunities of DePaul by	\$6,319
Increasing A4312	.3490.0000	State Aid, Mental Health by	\$6,319

Budget Impact Statement: No County Budget Impact due to the offset of State Aid.

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

Prior to roll call on the above resolution Legislator Leadley noted that this is pass through funding from the State.

**RESOLUTION NO. 361 CONTRACT-MENTAL HEALTH/ LIVING
OPPORTUNITIES OF DEPAUL - APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, The Committee on Human Services does recommend approval of a contract with Living Opportunities of DePaul as presented by the Director of the Community Mental Health Services. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to implement a contract between the County of Genesee and Living Opportunities of DePaul for the provision of the Supportive Housing Services at a cost not to exceed \$6,319 for the period October 1, 2012 through December 31, 2012, and Be it further

RESOLVED, That there is no county cost in accordance with the terms of the contract attested to by the President of the Genesee Community Services Board and the Chair of the Board of Living Opportunities of DePaul and approved as to form by the Genesee County Attorney.

Budget Impact Statement: 2012 County Cost - \$0 - No Change

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

RESOLUTION NO. 362 LEASE RENEWAL-GENESEE COMMUNITY COLLEGE/VET TECH PROGRAM – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, In 2011 Genesee County did enter into an agreement with Genesee Community College for lease of space at County Building No. Two for the Veterinary Technology Program through Genesee Community College, and

WHEREAS, Genesee Community College has expressed their desire to renew the lease for an additional year to include only the staff lounge area, and

WHEREAS, The Genesee County Manager and County Attorney have reviewed the revision of occupied space and do recommend the one year lease renewal agreement and the Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between Genesee Community College and the County of Genesee for the lease of space in County Building No. Two effective August 1, 2012 through July 31, 2013; at a cost of \$2,578.10

Budget Impact: Rent for 2012 was \$8,200.

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

RESOLUTION NO. 363 LEASE AGREEMENT TERMINATION –BOCES- APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The County of Genesee and Genesee Valley Educational Partnership (GVEP) have a Building Space Lease Agreement effective June 1, 2011 to May 31, 2014, for the use of space at County Building No. 2 located at 3837 West Main Street, Batavia, and

WHEREAS, Genesee Valley Educational Partnership has given notice that they wish to terminate the lease agreement on December 31, 2012, and

WHEREAS, The Ways and Means Committee has considered this request and recommends the County consent to termination. Now, therefore, Be it

RESOLVED, That the County does consent to termination of the lease agreement with Genesee Valley Educational Partnership (GVEP) at County Building No. 2 and does authorize the Chair of the Genesee County Legislature to terminate this agreement.

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

RESOLUTION NO. 364 PUBLIC HEALTH DIRECTOR APPOINTMENT/ HEALTH DEPARTMENT – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The New York State Department of Health has agreed that Genesee County and Orleans County can appoint one full time Public Health Director to oversee both Genesee and Orleans County Health Departments, and

WHEREAS, The Genesee and Orleans County Managers did consult with the New York State Department of Health and has gained their approval of the appointment of Paul Pettit as Public Health Director for Genesee and Orleans County, and

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

RESOLVED, That the Genesee County Legislature does hereby appoint Paul Pettit as full time Public Health Director effective October 1, 2012 through December 31, 2014.

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

Prior to roll call on the above resolution County Attorney Zambito noted that the actual power for appointment is through the Board of Health. The County in turn, approves the funding. The appointment of the Public Health Director is normally for 6 years, but this is a two year pilot program approved by the State.

At this time Chair Hancock asked if there were any interested speakers on Local Law Introductory No. Four. Being none, she declared the Public Hearing closed.

RESOLUTION NO. 365 LOCAL LAW INTRODUCTORY NO. FOUR, YEAR 2012, AMENDING LOCAL LAW NUMBER FOUR OF THE YEAR 1999, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NUMBER ONE OF THE YEAR 1956, AS SUBSEQUENTLY AMENDED BY LOCAL LAW NO TWO OF THE YEAR 1962, LOCAL LAW NO ONE OF THE YEAR 1966, LOCAL LAW NO ONE OF THE YEAR 1972, LOCAL LAW NO TWO OF THE YEAR 1974, LOCAL LAW NO TWO OF THE YEAR 1977, LOCAL LAW NO TWO OF THE YEAR 1981, LOCAL LAW NO FOUR OF THE YEAR 1981 AND LOCAL LAW NO THREE OF THE YEAR 1998 IN RELATION TO THE GENESEE COUNTY MUTAL SELF INSURANCE PLAN- APPROVAL OF

Legislator Bausch offered the following resolution:

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

A LOCAL LAW amending Local Law number One of the Year 1956 as subsequently amended by Local Law No. 2 of the Year 1962, Local Law No. 1 of the year 1966, Local Law No. 1 of the Year 1972, Local Law No. 2 of the Year 1974, , Local Law No. 3 of the Year 1975 Local Law No. 2 of the year 1977, Local Law No. 2 of the Year 1981, Local Law No. 4 of the year 1981, and Local Law No. 3 of the Year 1998, Local Law No. 4 of the year 1999 in relation to the Genesee County Mutual Self Insurance Plan.

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. Section 1 of Local Law No. 1 of the year 1956 as subsequently amended, is hereby amended to read as follows:

1. A Self Insurance Plan as provided for in Article 5 of the Workers Compensation Law is hereby established for the County of Genesee

Section 2. Section 2 of the Local Law No. 1 of the Year 1956 as subsequently amended, is hereby amended to read as follows:

2. The Genesee County Mutual Self Insurance Plan heretofore established under the provisions of subdivision 3-a of section 50 of the Workers Compensation Law of the State of New York is here continued and shall be governed by the Ways and Mean Committee of the Genesee County Legislature, as provided in Article 5 of the Workers Compensation Law.

Section 3. Section 3 of Local Law No 1 of the Year 1956 as subsequently amended, is hereby amended to read as follows:

3. The Ways and Means Committee shall appoint an Executive Secretary of the Plan whose salary and expenses shall be payable from funds of the plan, who shall keep the necessary records of the plan, attend hearings and transact such other business as shall be delegated to such officer by the committee. They may also employ such persons or organizations as may be deemed necessary for the operation of the Plan and may contract for the necessary actuarial or other expert or professional services.

Section 4. Section 4 of Local Law No 1 of the Year 1956 as subsequently amended, is hereby deleted, to be replaced by a new Section 4 to read as follows

4. Participation. In addition to the County, participation in the Genesee County Mutual Self Insurance Plan shall be available to the following municipal entities located within or partially within the County of Genesee.

Cities
Towns
Villages
Soil Conservation
City School Districts
Genesee Community College
Volunteer Auxiliary Police
Batavia Housing Authority
Volunteer Fire Departments
Richmond Memorial Library

Section 5. Section 5 of Local Law No. 1 of the Year 1956, as subsequently amended, is hereby repealed, to be replaced by a new Section 5 to read as follows:

5. Any municipal entity eligible to become a member of this plan may become a member by filing with the Executive Secretary of the Plan, or before the 15th day of July in any year, a certified copy of the resolution of its governing body, indicating its intention to become a participant in the Plan for the next calendar year of operation of the Plan.

Section 6. Section 6 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby repealed, to be replaced by a new section 6 to read as follows:

6. Withdrawal from the plan may be effected on or before the 15th day of July in any year by filing with the Executive Secretary of the plan a certified copy of the resolution of its governing body electing to withdraw from the plan at the end of the current operating year. Upon withdrawal, the participant shall pay, in a lump sum or in installments, an equitable share of the outstanding liabilities of the plan as of the date of withdrawal, as determined by the Ways and Means Committee and after review and consultation by an independent actuary paid for by the plan.

Section 7. Section 7 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby deleted to be replaced by a new Section 7 to read as follows:

7. For any violation of the provisions of Section 7 above or for a violation of any requirements of the Worker's Compensation Law or its underlying Rules and Regulations, by any participant, the Ways and Means Committee of the Genesee County Legislature may assess a penalty not to exceed Five Hundred Dollars (\$500.00). Upon the recommendation of the

Ways and Means Committee the Genesee County Legislature may assess a penalty in excess of Five Hundred Dollars (\$500.00) for said violation or in the alternative, expel the participant from the Plan. Any participant expelled from the Plan shall receive written notification of such expulsion at least thirty (30) days prior to the effective date of such expulsion. Expulsion from the Plan shall not relieve the participant from paying its portion of its outstanding liabilities of the Plan through the date of expulsion.

Section 8. Section 8 of Local Law No. 1 of the Year 1956, as subsequently amended, is hereby repealed, to be replaced by a new Section 8 to read as follows:

8. All participants in the plan shall cooperate fully with the Executive Secretary in the administration of the plan, reporting all accidents within 48 hours, rendering such reports as may be requested and promptly furnish all pertinent information relative to any claim.

Section 9. Section 9 of Local Law No. 1 of the Year 1956, as subsequently amended, is hereby repealed, to be replaced by a new Section 9 to read as follows:

9. Every new employee of any participant in the plan shall undergo a physical examination before undertaking any of the duties of employment except in the case of an emergency, in which case the participant employing such Employee shall arrange for such physical examination at the earliest possible time after such undertaking of duties. The expense of such physical Examination shall be paid by the employing municipality. Volunteer fireman shall not be required to undergo physical examination, but must file a health Certificate with the Executive Secretary.

Section 10. Section 10 of Local Law No. 1 of the Year 1956, as subsequently amended, is hereby repealed, to be replaced by a new Section 10 to read as follows:

10. In the event that any Participant incurs double penalties for the illegal hiring of minors pursuant to sect 14-a of the Workers Compensation Law, said double penalties shall be the sole responsibility of the hiring participant.

Section 11. Section 11 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby deleted to be replaced by a new Section 11 to read as follows:

11. The Executive Secretary shall present to the Ways and Means Committee and the Ways and Means Committee shall approve and present to the Legislature, not later than the fifteenth day of August in each year an estimate of several amounts necessary for the ensuing calendar year a) to meet the payments with respect to the liability of participants required to be made by the county pursuant to section sixty three of the Workers Compensation Law, b) to pay the administrative expenses of the Plan, c) to repay any amounts advanced to the Plan and d) to provide for contributions to the reserve, if any. The Executive Secretary shall then determine the share of such amounts chargeable to each participant in the manner hereinafter set forth and in accordance with section sixty-six of the Workers Compensation Law. A list of the amount of the share payable by each participant shall be furnished to the County Treasurer. The Executive Secretary shall notify each participant in

writing no later than September 1st of each year of the amount of such share. Each participant's share of said amounts shall be collected, credited and enforced as provided for in section sixty-seven of the Workers Compensation Law.

Section 12. Section 12 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby deleted, to be replaced by a new Section 12 to read as follows:

12. The apportioned share of each participant in the Genesee County Self-Insurance Plan shall be determined as follows: Fifty percent (50%) of the share shall be determined by the total value said participant's taxable real property bears in proportion to the total value of the taxable real property of all participants. The other fifty percent (50%) of said share shall be determined by the loss percentage experience of the participation in relation to the aggregate losses for compensation and medical costs for the entire Plan for the three years immediately proceeding the current year of the plan.

Section 13. Section 13 of the Local Law No. 1 of the Year 1956 as subsequently amended, is hereby repealed, to be replaced by a new Section 13 to read as follows:

13. Notwithstanding the provision of Section 12 above, Genesee Community College, the Batavia Housing Authority, Job Development, Genesee County Nursing Home and the Richmond Memorial Library shall pay an annual share determined solely by their loss experience over the three years immediately proceeding the current plan year together with a proportional share of the administrative cost of the Plan.

Section 14. Section 14 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby repealed, to be replaced by a new Section 14 to read as follows:

14. Notwithstanding the provisions of Section 12 above, there shall be maximum charge of Seventy Five Thousand Dollars (\$75,000) assessed against a participants annual experience share for any single occurrence.

Section 15. Section 15 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby repealed, to be replaced by a new Section 15 to read as follows:

15. The costs incurred for medical expenses and compensation benefits attendant to providing coverage for firefighters pursuant to the Volunteer Firefighter Benefit Law and the General Municipal Law shall be apportioned among the participating towns as participants in the Genesee County Mutual Aid Plan. The total cost of such medical expenses and benefits shall be calculated by using the average of said medical expenses and benefits for the three (3) years immediately proceeding the current plan year. The annual share of each of the participants, as that term is defined in this section, shall be determined as follows: Forty percent (40%) of the share shall be determined by the total value said participant's taxable real property bears in proportion to the total value of the taxable real property of all participants. Another forty percent (40%) of said share shall be determined by the three year loss-percentage experience of the participants in relation to the aggregate losses for such costs for the three (3) years immediately proceeding the current year. The final twenty

percent (20%) shall be divided equally by the total number of participants as that term is defined in this section.

Section 16. Section 16 of Local Law No. 1 of the Year 1956 as subsequently amended, is hereby amended, to read as follows:

16. A self insurance reserve fund for the Plan is hereby established. The maximum amount which may be contributed to such reserve fund shall be Six Million Dollars (6,000,000).

Section 17. This local Law shall take effect January 1, 2013 and,

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

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory No. Four Year 2012, and

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

RESOLVED, That a LOCAL LAW amending Local Law No. One of the Year 1956 as subsequently amended by Local Law No. 2 of the Year 1962, Local Law No. 1 of the year 1966, Local Law No. 1 of the Year 1972, Local Law No. 2 of the Year 1974, Local Law No. 3 of the Year 1975, Local Law No. 2 of the Year 1977, Local Law No. 2 of the Year 1981, Local Law No. 4 of the Year 1981 local Law No. 3 of the Year 1998 and Local Law No. 4 of the Year 1999 in relation to the Genesee County Mutual Self Insurance Plan to be known as Local Law No. Four, Year 2012 be and hereby is adopted. Legislator Stein seconded the resolution which was adopted by 326 votes.

Prior to roll call on the above resolution Executive Secretary of the Self Insurance Mutual Plan Jasinski recapped the changes by noting the Richmond Memorial Library has been added to the Plan and is no longer part of the City School Plan for these purposes, the reserve has been increased, and the amount assessed for experience changed.

RESOLUTION NO. 366 COUNTY AUDIT – OCTOBER 10 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Leadley did review the following claims:

General Fund	\$	633,825.01
Highway		146,421.07
Self Insurance		332.60
Nursing Home		570,637.20
DSS Abstracts		363,802.10
Capital Projects:		
DeWitt Park Pavilion 1 Roof Replacement		354.09
Highway 2012 Bridge Construction		13,035.89
Airport Terminal Apron Construction Phase II		20.63
Airport Construct Terminal Apron		100.00
Payroll – General & Nursing Home		
October 5, 2012		1,244,641.14

Medicaid

October 2, 2012	185,572.00
October 9, 2012	<u>185,572.00</u>
Total Audit	\$ 3,344,313.73

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

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

Chair Hancock noted the Career Center is listing 276 openings and Genesee County is 7th lowest in the State for Unemployment.

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