

**EIGHTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Alexander, New York  
Wednesday, October 24, 2012**

The Genesee County Legislature met in Outreach Session on Wednesday, October 24, 2012 at 7PM at the Alexander Town Hall, 3350 Church Street, Alexander, New York. Prayer was offered by Legislator Leadley, followed by the Pledge to the Flag. All members were present.

Chair Hancock noted how pleased the Legislature was to visit Alexander and asked Supervisor Higley to introduce town and village residents in attendance.

The minutes of the October 10, 2012 meeting were approved upon motion of Legislator Stein seconded by Legislator DeJaneiro.

Legislator Lawrence reported that Cooperative Extension has voted to amend their Committee members to eleven. Kim Aimee will be moving to the Regional Office. Legislator Lawrence reported that the Youth Board has approved three programs for funding, a geocache program, LLCP Drop In Center, and Just Friends. The Just Friends Program is in need of volunteers for the 43 children registered. Perhaps this will be an opportunity for the 4H members to volunteer their leadership talents with their peers. Legislator Lawrence asked for help with recruitment for the Mental Health Board. Dr. Langdon will not be requesting reappointment. She has been working on the recruitment of a pastoral seat and believes she may have a candidate. Legislator Bausch reported attendance at the Nursing Home Quality Assurance Program. The Adult Daycare has moved downstairs and a grand opening is expected soon. Legislator Leadley attended the InterCounty Association of Western New York meeting which was held in Albion at The Pillars. She was impressed that Congresswoman Herculano and State Assemblyman Hawley were in attendance. Assemblyman Hawley was upfront about rumors regarding a Special session and indicated that it is his understanding that the package to be presented will include mandate relief, Triboro amendment language, pay raises for the Legislature members, and minimum wage legislation. He will not be supporting such a package because a pay raise is included. Legislator Stein reported that an invitation by Mueller to a sampling session at GCC on October 10, 2012 from 12-8PM has been issued. They will also be accepting resumes at this time. Officials from Alpina, Soil & Water, and the Economic Development Center have met to talk about byproduct waste which is acid based whey. The New York Power Authority has been tasked on how to best utilize the by product in conjunction with staff from Cornell University. A Farmland Trust meeting will be held November 15<sup>th</sup> in Albany to look at farmland protection.

Chair Hancock reported that this week's job report shows 394 openings which are up 43% from last report. New York State Unemployment is at 8.2 and Genesee County is unchanged at 7.1% for September which is the lowest in GLOW.

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

**RESOLUTION NO. 367 SETTING PUBLIC HEARING-PLANNING/  
AGRICULTURAL DISTRICT NO. 4 REVIEW-  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The creation of Agricultural District No. 4 (temporarily known as No. 5) was approved by the Genesee County Legislature by Resolution No. 240 adopted

September 24, 1980 and certified by the State of New York on December 26, 1980, and **WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

**WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall hold a public hearing to review any modifications and recommendations proposed as a result of this review. Now, therefore, Be it

**RESOLVED**, That a Public Hearing shall be held as part of the eight-year review of Agricultural District No. 4 on Wednesday, June 26, 2013 at 7:00 PM at the Genesee County Old Courthouse, 7 Main Street, Batavia, New York.

**Budget Impact:** The only direct budget impact will be the cost for printing the legal ad itself.

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

**RESOLUTION NO. 368      SETTING      PUBLIC      HEARING-PLANNING/  
AGRICULTURAL DISTRICT NO. 11 REVIEW AND  
TERMINATION-APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The creation of Agricultural District No. 11 was approved by the Genesee County Legislature by Resolution No. 320 adopted December 14, 1988 and certified by the State of New York on April 20, 1989, and

**WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

**WHEREAS**, Consequent to its most recent review, Agricultural District No. 1 absorbed the great majority of the lands that compromised Agricultural Districts Nos. 7, 8, 10, and 11 in accordance with the Genesee County Agricultural Districts Consolidation Plan approved by the County Legislature by Resolution No. 418 adopted November 25, 2006, and

**WHEREAS**, the Genesee County Agricultural Districts Consolidation Plan and the Agricultural District No. 1 Review of 2007 each of which call for the termination of Agricultural District No. 11, and

**WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall hold a public hearing to review any modifications, including termination, proposed as a result of this review. Now, therefore, Be it

**RESOLVED**, That a Public Hearing shall be held as part of the eight-year review and termination of Agricultural District No. 11 on Wednesday, November 14, 2012 at 7:00 PM at the Genesee County Old Courthouse, 7 Main Street, Batavia, New York.

**Budget Impact:** The only direct budget impact will be the cost for printing the legal ad itself.

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

**RESOLUTION NO. 369      2012      BUDGET      TRANSFER-      PLANNING  
DEPARTMENT – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Planning Department has notified the County Manager of insufficient funds in the Planning Department's Medical and Dental accounts due to an error in the

2012 budget process, and

**WHEREAS**, There are no funds available within the Planning Department budget to cover the expenses and the County Manager has recommended using the 2012 General Contingency Fund, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following 2012 budget transfers:

|             |      |                  |                              |
|-------------|------|------------------|------------------------------|
| \$11,960.00 | from | A.1990.4800.0000 | Contingency, Program Expense |
| \$11,630.00 | to   | A.8020.8030.0000 | Planning, Medical            |
| \$ 330.00   | to   | A.8020.8040.0000 | Planning, Dental             |

**Budget Impact:** Increase in the Planning Department's appropriation of \$11,960 with money to be transferred from the General Contingency Fund

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

**RESOLUTION NO. 370 AMEND/CLOSE CAPITAL PROJECT-HIGHWAY/  
LAW STREET BRIDGE, CITY OF BATAVIA -  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The County of Genesee entered into a master agreement with the State of New York to receive federal and state aid for the replacement of Law Street Bridge, in the City of Batavia, and

**WHEREAS**, A capital project has been established for the design and construction of this bridge, and

**WHEREAS**, The Highway Superintendent noted the project has been completed and all funding has been received but amendments are needed to close the capital project, and

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

**RESOLVED**, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to amend the capital project funding as follows and, Be it further

|          |                  |                    |            |                            |
|----------|------------------|--------------------|------------|----------------------------|
| Increase | H.5197.4592      | Federal Aid        | \$7,694.00 | for a total of \$756,000   |
| Increase | H.5197.3501      | State Aid          | \$1,443.00 | for a total of \$141,750   |
| Decrease | H.5197.5031      | Interfund Transfer | \$4,093.94 | for a total of \$42,088.18 |
| Decrease | H.5197.2080.0000 |                    | \$5,043.06 |                            |

**RESOLVED**, The County Treasurer is hereby directed to close the capital project and local share totaling \$5,043.06 be transferred to Capital Reserve.

**Budget Impact:** Project has been funded by 80% Federal, 15% State and Local 5%

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

**RESOLUTION NO. 371 CONSULTANT AGREEMENT – HORIZONTAL  
CURVE STUDY - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Genesee County has been awarded a federal aid grant to perform a countywide horizontal curve study under the Unified Planning Work Program, and

**WHEREAS**, Genesee County has reviewed submitted proposals for this work, and

**WHEREAS**, The Committees on Ways and Means and Public Service have reviewed 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 consultant agreement with Hunt Engineers, 4 Commercial St,



**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following amendment to the 2012 Airport Budget:

Budget Amendment:

|                        |                  |                  |           |
|------------------------|------------------|------------------|-----------|
| Increase Revenue       | A.5610.1776.1    | Sale of Gasoline | \$120,000 |
| Increase Appropriation | A.5610.4700.1158 | Fuel Purchase    | \$120,000 |

**Budget Impact:** None – the budget increase brings in added revenue.

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

**RESOLUTION NO. 374 REJECTION OF BIDS-HIGHWAY/FUEL MANAGEMENT/LEAK DETECTION SYSTEM- APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent did review bids received for the purchase of a fuel Management/Leak Detection System for the County Highway's fuel farm, and

**WHEREAS**, A more expedient cost effective repair to the leak detection system has been identified, and

**WHEREAS**, The Highway Superintendent recommends rejecting all bids at this time, 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 Genesee County Legislature does hereby reject all bids received for the provision of a Fuel Management/Leak Detection System for the Genesee County Highway Department, Bid #2012-18.

**Budget Impact:** None

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

**RESOLUTION NO. 375 CERTIFICATE OF INSURANCE- BATAVIA BUSINESS IMPROVEMENT DISTRICT TASTE OF THE HOLIDAYS – GLOW REGION SOLID MANAGEMENT COMMITTEE - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Recycling Administrator has been invited to participate in Batavia Business Improvement District Taste of the Holidays event 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 Committee on Public Service does concur with this recommendation. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed issue a Certificate of Insurance for participation by GLOW Solid Waste Staff to participate in Taste of the Holidays to be held in Batavia, NY on December 1, 2012.

**Budget Impact:** There is not cost to participate in this event

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

**RESOLUTION NO. 376 2012 GENESEE COUNTY CHARGEBACKS TO TOWNS AND CITY OF BATAVIA – TREASURER / REAL PROPERTY – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Director of Real Property Tax Services has submitted a list of

chargebacks to the Towns and City of Batavia for assessment rolls, tax rolls, tax bills, supplies, and update services, and

**WHEREAS**, The Committee on Ways & Means recommends apportionment of this expense. Now therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize the following amounts to be billed to the several Towns and City of Batavia:

**2012 Chargebacks Applied to 2013 Town Budgets**

| <b>TOWN</b>   | <b>PARCELS</b> | <b>ASSESSMENT ROLLS/BILLS</b> | <b>NYSORPTS LICENSE FEE</b> | <b>TOTAL</b>       |
|---------------|----------------|-------------------------------|-----------------------------|--------------------|
| Alabama       | 1,131          | \$3,110.25                    | \$1,000.00                  | \$4,110.25         |
| Alexander     | 1,409          | \$3,874.75                    | \$1,000.00                  | \$4,874.75         |
| Batavia(T)    | 2,875          | \$7,906.25                    | \$597.82                    | \$8,504.07         |
| Bergen        | 1,623          | \$4,463.25                    | \$1,000.00                  | \$5,463.25         |
| Bethany       | 1,013          | \$2,785.75                    | \$289.37                    | \$3,075.12         |
| Byron         | 1,349          | \$3,709.75                    | \$563.06                    | \$4,272.81         |
| Darien        | 1,825          | \$5,018.75                    | \$521.33                    | \$5,540.08         |
| Elba          | 1,493          | \$4,105.75                    | \$1,000.00                  | \$5,105.75         |
| LeRoy         | 3,523          | \$9,688.25                    | \$1,055.21                  | \$10,743.46        |
| Oakfield      | 1,526          | \$4,196.50                    | \$636.94                    | \$4,833.44         |
| Pavilion      | 1,485          | \$4,083.75                    | \$444.79                    | \$4,528.54         |
| Pembroke      | 2,413          | \$6,635.75                    | \$689.30                    | \$7,325.05         |
| Stafford      | 1,546          | \$4,251.50                    | \$1,000.00                  | \$5,251.50         |
| Batavia'C'    | 5,541          | \$15,237.75                   | \$1,152.18                  | \$16,389.93        |
| <b>TOTALS</b> | <b>28,752</b>  | <b>\$79,068.00</b>            | <b>\$10,950.00</b>          | <b>\$90,018.00</b> |

and, Be it further

**RESOLVED**, That the amounts to be paid to the County Treasurer are credited to Revenue A.1325 2226 Tax and Assessment Sales and Supplies, in the current budget year.

**Budget Impact Statement:** Licensing fee revenue of \$10,950 is paid to the NYSORPTS for software licensing. Assessment services and roll / bill revenue of \$79,068 covers salary and all other expenses incurred in providing these services to the municipalities. The 2011 Chargebacks totaled \$89,748.50.

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

**RESOLUTION NO. 377 BUDGET FOR 2013 - SETTING PUBLIC HEARING**

Legislator Lawrence offered the following resolution:

**WHEREAS**, The Tentative Budget for 2013 is being prepared by the Genesee County Budget Director and will be duly filed with the Clerk of the County Legislature, and

**WHEREAS**, The Committee on Ways and Means does recommend setting a public hearing for the 2013 Budget. Now, therefore, Be it

**RESOLVED**, That a Public Hearing on the 2013 Genesee County Budget will be held on Thursday, November 8, 2012 at 7:00 p.m. at the Genesee County Office for the Aging, 2 Bank Street, in the City of Batavia, New York.

**Budget Impact Statement:** None

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

**RESOLUTION NO. 378 COUNTY AUDIT – OCTOBER 24 - APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Legislator Ferrando did review the following claims:

|              |    |            |
|--------------|----|------------|
| General Fund | \$ | 638,992.88 |
| Highway      |    | 188,325.01 |

|   |                   |
|---|-------------------|
| Self Insurance                              | 11,555.04         |
| Nursing Home                                | 461,029.53        |
| Water                                       | 460,488.64        |
| DSS Abstracts                               | 278,280.24        |
| <b>Capital Projects:</b>                    |                   |
| Highway 2012 Bridge Construction            | 5,115.78          |
| <b>Payroll – General &amp; Nursing Home</b> |                   |
| October 19, 2012                            | 1,730,300.68      |
| <b>Medicaid</b>                             |                   |
| October 16, 2012                            | 185,572.00        |
| October 23, 2012                            | <u>185,572.00</u> |
| <b>Total Audit</b>                          | \$ 4,145,231.80   |

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 Stein seconded the resolution which was adopted by 326 votes.

Prior to roll call on the above resolution Legislator Ferrando noted that the late charge Legislator Cianfrini objected to during a recent audit has been refunded. He noted that participation in the audit was important for a close look at our expenditures and urged everyone to sign up.

Chair Hancock asked if there were any comments or questions from the audience. She introduced the Legislature members and staff present. Legislator Stein asked if a medical facility is being constructed in Alexander and congratulated the community. The facility is a work in progress at this time. They will be welcoming a doctor for the first time in many years.

Legislator Leadley noted that all votes this evening were in the affirmative but that is not always the case. All resolutions are vetted through at least one Committee of the Legislature, and often two. All Legislators receive backup on the items from Department Heads prior to the Committee meetings. She finds it a most efficient system.

The meeting was adjourned at 8:45 PM upon motion of Legislator Bausch seconded by Legislator Stein.