

**TENTH DAY
GENESEE COUNTY LEGISLATURE
Town of Pembroke, New York
Wednesday, May 23, 2012**

The Genesee County Legislature met in Regular Session on Wednesday, May 23, 2012 at 7:03 PM at the Pembroke Town Hall, 1145 Main Road, Corfu, New York as part of their annual Outreach Program. Prayer was offered by Legislator Lawrence followed by the Pledge to the Flag. All members were present.

Legislator Leadley assisted with the presentation of a Proclamation to Assistant County Manager Frank Ciaccia who is retiring on May 30, 2012.

The minutes of the May 9, 2012 meeting were approved upon motion of Legislator Lawrence seconded by Legislator DeJaneiro.

Legislator Bausch reported attendance at the GCC Graduation ceremonies. A record number of students received their degrees. In addition, his good friend John Dwyer received the Citizenship Award. It was a full house. Legislator Leadley reported her attendance at the RSVP Recognition Dessert. Over the past 27 years this organization has logged more than 1,000,000 hours of donated time for the betterment of our community. Legislator Lawrence reported that Governor Cuomo's representative Dave Selley was present for a presentation to GAM on Broadband. He will take that information and interest back to the Governor. It Director Zimmer will attend the next GAM meeting to offer any technical information which could be helpful to the communities. Judge Graber is requesting support for movement on legislation to address underage ABC violations. 37% ticketed are not complying with Court sanctions. Legislator Lawrence reported Cooperative Extension Board received a presentation on 4H activities and urged people to check out their website. Participation is down but recruitment efforts include reaching out to military families. She appreciated the coverage by our local media of the May Day Rally. Legislator Stein reported that she attended the InterCounty Association meeting held on Sodus Bay and featured a historical presentation. NYSAC sent a representative outlining the full court press for mandate relief. The next meeting will feature a presentation by MEGA and a tour of Corning Glass. Legislator Ferrando reported he attended an open house at Grace Baptist Church and it was a wonderful program demonstrating that a small group of people can make a dream come true. Protecting that right is an important obligation.

Chair Hancock reported 42 jobs are highlighted on the Career Center Job Report this week with a total listing of 476 openings. April 2012 Unemployment decreased .9% to 7.6% the lowest in the GLOW region and 17th lowest in the State. Although we are moving in the right direction she is hopeful to see continued improvement in employment.

Chair Hancock thanked everyone who participated in the May Day Rally. It did receive attention about the counties' plight and their need for State assistance now.

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

**RESOLUTION NO. 202 CONTRACT-TREASURER/AUDITING SERVICES-
APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee County Treasurer did present a contract for auditing services for indirect cost allocation reimbursement for County Departments for a three-year period, and
WHEREAS, The Committee of Ways and Means did review this contract and does recommend approval at this time. Now, therefore, Be it
RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and

directed to enter into contract with Venesky & Company, Cicero, NY for the provisions of auditing services for the Genesee County Treasurer for a three year period starting with year 2012 through 2016 to be performed in 2013-2017 at a cost not to exceed eleven thousand five hundred dollars (\$11,500.00) each year.

Budget Impact: The cost of this service will remain the same at \$11,500 per year. This contract allows some departments to chargeback the state and others allowing the county to receive an estimated additional \$450,000 per year of revenue, the county would not receive without this service.

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

RESOLUTION NO. 203 CONTRACT RENEWAL- M&T BANK PURCHASING CARD PROGRAM - APPROVAL OF

Legislature Bausch offered the following resolution:

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

WHEREAS, The County Treasurer and Director of Purchasing wish to renew the contract for one more year utilizing the first of three renewal options, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to sign a one year contract renewal with M&T Bank with the same terms and conditions as the original contract to expire on September 7, 2013

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

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

RESOLUTION NO. 204 FINAL DISTRIBUTION-TREASURER/REMAINING DOG MONIES TO ANIMAL CONTROL-APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, The New York State Department of Agriculture and Markets has ruled that counties are no longer responsible for collection of dog licensing fees, and

WHEREAS, The final report and monies due have been forwarded to New York State and Genesee County Towns as required by law, leaving a remaining balance of \$3,306.34 in Account T-57, Dog Fund, and

WHEREAS, The Genesee County Treasurer requests permission to close said account and transfer the balance to revenue account A.3510 2705, Genesee County Animal Control, Gifts and Donations. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to remit the sum of \$3,306.34 from T-57, Dog Fund to A.3510 2705, Genesee County Animal Control, Gifts and Donations, and Be it further

RESOLVED, That Trust Account T-57, Dog Fund is hereby authorized to be closed as there is no longer a useful purpose for said account.

Budget Impact: Additional unbudgeted revenue of \$3,306.34.

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

RESOLUTION NO. 205 DECLARATION OF SURPLUS PROPERTY-PLANNING- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of Planning did request that the following list of equipment that is no longer used or needed by the Department of Planning or other County departments to be declared surplus equipment:

1. Yashica 35 mm camera model TL-SUPER w/ 50 mm lens (Yashinon- Dx) and leather

- case and Honeywell Auto Strobolar 110A Flash unit
- 2. Polaroid Spectra 2 camera
- 3. AG100 Artograph Projector
- 4. Kroy 190 Lettering System with keyboard and 11 different font wheels
- 5. Xerox 2510 Large Format Copier (not operational)
- 6. Monroe 1310 Electric Calculator
- 7. Olivetti-Underwood Electric Calculator
- 8. Cramer adjustable chair for drafting station (cushions have degraded to powder)
- 9. Uniline Unimark labeling kit with spare lettering guides, pens & tape
- 10. Smith Corona Electra 120 portable typewriter
- 11. Panasonic Microcassette transcriber with foot pedals
- 12. Sony M-677V Microcassette-corder
- 13. Kroy Peerless battery operated erasure with charging station
- 14. K&E (Keffel & Esser Co.) Leroy II Lettering set
- 15. K&E Paragon Drawing Instrument Set
- 16. K&E Compensating Polar Planimeter (#62 0000)
- 17. K&E Paragon Wytetip Drop Bow Pen and Pencil (#55 1036)
- 18. K&E Paragon Steelspring Bow Dividers (#55 1054)
- 19. K&E Paragon Red Tip Drafting Pen (#55 1114)
- 20. K&E Paper Cutter (#58 0800)
- 21. K&E Height & Slant Control Scriber (#61 0020)
- 22. K&E Mark I Railroad Pen (#55 1854)
- 23. K&E Marl I Beam Compass (#55 1806)

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do so recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Department of Planning is hereby authorized to declare the following items as surplus which are to be disposed of through public auction or junked as appropriate.

Budget Impact: Items listed are no longer needed by the Department of Planning or other County agencies and the proceeds from any items sold at auction will go back into the County's General Fund.

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

RESOLUTION NO. 206 REAPPOINTMENT-GENESEE COUNTY PLANNING BOARD-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The terms of office of Berney Staats, Ted Hawley and Scott Waite on the Genesee County Planning Board have expired and they have indicated an interest and desire for reappointment, and

WHEREAS, These three candidates are in compliance with the training requirements required by New York State for reappointment under Chapter 662 of the Laws of 2006, and

WHEREAS, The Committees on Public Service and Ways & Means do recommend they be reappointed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Mr. Berney Staats of Stafford, New York, Mr. Ted Hawley of Batavia, New York, and Mr. Scott Waite of Pembroke, NY to serve another term on the Genesee County Planning Board for the period ending on May 31, 2015.

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

At this time a Resolution for a contract renewal by the IT Department for software support services with New World Systems was withdrawn for further negotiations upon motion of Legislator Stein seconded by Legislator Cianfrini and approved unanimously.

**RESOLUTION NO. 207 SALARY SCHEDULE AMENDMENT-SHERIFF'S OFFICE /
TEMPORARY FINANCIAL CLERK TYPIST - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Financial Clerk-Typist at the Genesee County Sheriff's Office will be retiring effective June 16, 2012, and

WHEREAS, In order to provide transitional training for her replacement, the Sheriff is requesting the creation of a temporary Financial Clerk-Typist position, and

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

RESOLVED, That the Genesee County Legislature is authorized and directed to amend the 2012 Employee Salary Schedule by creating a temporary Financial Clerk-Typist position for transitional training purposes for a period beginning June 4 through June 15 at a cost not to exceed \$1,406.11

Budget Impact: Cost associated with this temporary position will be covered from the vacant, full-time Deputy Sheriff position.

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

**RESOLUTION NO. 208 SALARY SCHEDULE AMENDMENT-SHERIFF'S
OFFICE/JUSTICE FOR CHILDREN ADVOCACY CENTER
SUPERVISOR POSITION CREATION – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Senior Community Victim Services Counselor at the Justice for Children Advocacy Center has resigned, resulting in a vacancy as of May 12, 2012, and

WHEREAS, After reviewing the New Position Duties Statement, the Human Resources Director recommended that this position be reclassified as a supervisor position and presented to the Management Salary Review Committee, and

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

WHEREAS, The Committees on Public Service and Ways & 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 is authorized and directed to amend the 2012 Employee Salary Schedule by creating a Justice for Children Advocacy Center Supervisor position, which replaces the Senior Community Victim Services Counselor, in Grade 4 of the Management Salary Schedule for Supervisory/Support Personnel effective immediately.

Budget Impact: No budget amendment needed. Cost associated with this position will be covered by grants and is contained within the current budget.

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

**RESOLUTION NO. 209 AMEND RESOLUTION #399-2011/HIGHWAY –
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Legislature previously approved Resolution #399-2011 regarding the award and financing arrangement of a new grader for the highway department, and

WHEREAS, The resolution contained language regarding the application of the grader towards a trade-in value on the lease purchase, and

WHEREAS, The Genesee County Highway Superintendent received interest from the Town of South Bristol regarding the purchase of said grader, and

WHEREAS, The Town of South Bristol offered \$2,500 more than the grader would receive as

trade-in value against the lease-purchase of a new grader, and

WHEREAS, The Genesee County Highway Superintendent recommends amending Resolution #399-2011 to allow for the sale of the surplus grader to be applied towards the lease purchase instead of the previously approved trade-in, and

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

RESOLVED, That the Genesee County Legislature does hereby amend Resolution #399-2011 to allow the Genesee County Highway Superintendent to sell the 1997 Champion Grader to the Town of South Bristol for \$22,500 rather than as trade-in value of \$20,000 to Milton Caterpillar, and Be it further,

RESOLVED, That the proceeds of the sale be applied towards the lease purchase price of the new grader.

Budget Impact: This amendment allows for the sale of the grader in lieu of trade-in and produces an additional \$2,500 in revenue for the County.

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

RESOLUTION NO. 210 AGREEMENT/BUDGET AMENDMENT-SHERIFF/DARIEN LAKE ADDITIONAL SERVICES-APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, During fiscal year 2011, the Sheriff's Office provided 2,799 hours of additional police services to entities such as Darien Lake, Wal-Mart, and schools, with payment being made directly to the officers by the respective entity, and

WHEREAS, The County Manager, County Attorney, members of the Sheriff's Office and Darien Lake representatives have been discussing an agreement whereby the Sheriff's Office would provide additional law enforcement services at Darien Lake and their Performing Arts Center for the 2012 operating/concert season, and the Sheriff's Office would invoice Darien Lake for the police services provided, and Darien Lake would reimburse the County, and

WHEREAS, Upon completion of the terms and conditions of the agreement by the County Attorney, the Sheriff is recommending that the County enter into the agreement with Darien Lake, and

WHEREAS, The Sheriff's Office will also begin billing back the entities other than Darien Lake for additional police services provided, with payment being made to the County, as opposed to an entity making payment directly to the officers, 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 Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Darien Lake for the 2012 operating/concert season, for the provision of additional law enforcement services by the Sheriff's Office, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2012 budget by increasing Sheriff's account A3110.1020.0800 (Overtime – Additional Police Services) in the amount of \$160,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

Budget Impact Statement: Appropriation of \$160,000, offset by revenue billed back to entities for additional law enforcement service

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

RESOLUTION NO. 211 ESTABLISH/CLOSE CAPITAL PROJECTS-HIGHWAY-

APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Superintendent of Highways has established capital projects for the repairs of highways and bridges, and

WHEREAS, The highway and bridge projects were completed and the Superintendent of Highways recommends closing and establishing capital projects as listed below, 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/close/establish the following capital projects:

<u>Close Capital Projects</u>	<u>Balance</u>	<u>Existing Source</u>	<u>Action to be Taken</u>
Cr 40, North Road	0.00	1% Sales Tax	Close
CR 14, North Bergen Rd		1% Sales Tax	
And CR 19A, Wayboys Rd	0.00	and CHIPS	Close
CR 32, Pratt Road	0.00	CHIPS	Close
2011 Highway Resurfacing	0.00	CHIPS	Close

<u>Establish Capital Projects</u>	<u>CHIPS</u>	<u>Source</u>
2012 Highway Chipseal	\$405,000.00	CHIPS
2012 Highway Surface Treatment	\$725,000.00	CHIPS
2012 Highway Overlay	\$107,000.00	CHIPS
2012 Bridge Construction	\$163,000.00	CHIPS
Horizontal Curve Study	\$40,000.00	\$40,000 Federal Aid

by Increasing CHIPS Revenue D.9950.3501 in the amount of \$1,400,00.00, Increasing Transfers to Capital D.9950.9900.0000 in the amount of \$1,400,000.00, and Be It Further,

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to Increase Appropriation H.5197.4592, Federal Aid in the amount of \$40,000 offset by an Increase in Revenues H.5197.5031 Interfund Transfer in the amount of \$40,000 and increase appropriation on H5197.2080.0000 in the amount of \$1,440,000.00

Budget Impact: Capital Projects listed \$1,400,000.00 in CHIPS and \$40,000 in Federal Aid

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

RESOLUTION NO. 212 EQUIPMENT PURCHASE – HIGHWAY-ROAD MACHINERY- TRAILER MOUNTED SEWER CLEANER- 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 Trailer Mounted Sewer Cleaner for use at the Genesee County Highway Department, and

WHEREAS, The Genesee County Highway Superintendent did review the bids for accuracy and recommends that a bid be awarded at this time, and

WHEREAS, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the

Genesee County Highway Superintendent to purchase a Mongoose 184 XL Sewer Cleaner in conformance with local bid specification from Joe Johnson Equipment, Rochester, NY at a cost not to exceed \$43,995.00 which will be expensed to the Road Machinery Fund.

Budget Impact: Purchase of this equipment is budgeted from the 2012 Road Machinery Fund Budget.

The cost of the sewer cleaner is \$43,995.

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

Prior to roll call on the above resolution Legislator DeJaneiro inquired where the County Highway Department was cleaning sewers. Highway Superintendent Hens responded that this piece of equipment is used by the Highway Department as a high pressure washer for culverts.

RESOLUTION NO. 213 CONTRACT –HIGHWAY/SHARED SERVICES-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Superintendent of Highways reported that the Genesee County Highway Department currently shares equipment, materials and services with other Genesee County municipalities and neighboring counties on an informal basis and to be in compliance with New York State Highway Law and General Municipal Law, Genesee County is required to adopt an agreement formalizing this arrangement, and

WHEREAS, The Superintendent of Highways reported that municipalities, including the County of Genesee, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, The Superintendent of Highways reported that it has been determined that the County of Genesee and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed, and

WHEREAS, It is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Genesee and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, It is the intent of the County of Genesee to give the Superintendent of County Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making of each individual arrangements, and

WHEREAS, Genesee County authorized such arrangements with other municipalities on February 27, 2006 and the Superintendent of Highways is requesting that such an arrangement be continued through an extension of the original agreement, and

WHEREAS, The Committee on Public Service has determined that it will be in the best interests of the County of Genesee to continue to be a party to such shared service arrangements, and does concur with this recommendation. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Highway Shared Services Agreement which shall be effective immediately through May 31, 2014, with one additional renewal through 2016, and Be it Further

RESOLVED, The Legislative Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the Supervisors/Mayors/Board Presidents of the municipalities within Genesee County.

Budget Impact Statement: None. Sharing municipal services is a cooperative effort to save money.

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

RESOLUTION NO. 214 CONTRACT AWARD – HIGHWAY/PAVEMENT MARKINGS - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Department did

receive bids for the 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 awarding contracts at this time, and **WHEREAS**, The Committee on Public Service did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a 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, 2012 through May 31, 2013 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 contract with Accent Stripe, Inc., 3275 North Benzing Rd, Orchard Park, NY 14127 for the application of epoxy pavement markings as bid under Item Groups C as per specifications, effective June 1, 2012 through May 31, 2013 in an amount not to exceed budgeted amounts.

Budget Impact Statement: The County Road Fund includes \$95,000 for highway pavement markings and the Airport budget includes \$15,000 for pavement maintenance which will be used towards the application of pavement markings.

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

RESOLUTION NO. 215 EQUIPMENT PURCHASE-HIGHWAY/WHEEL LOADER - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent reviewed the NYS OGS bids on wheel loaders for use at the County Highway Department and does recommend awarding the purchase to George & Swede Sales and Service, Pavilion,

WHEREAS, The Committee on Public Service 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 Hyundai HL 760-9 Loader from George and Swede Sales and Service, Pavilion, New York not to exceed \$171,360 to be paid from the Road Machinery Fund DM5130.2030.0020, Highway Equipment.

Budget Impact: The 2012 Road Machinery Fund has budgeted \$185,000 for the loader

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

RESOLUTION NO. 216 BUDGET AMENDMENT-HIGHWAY/ROAD MACHINERY FUND – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The County Highway Superintendent did request a budget amendment to the Road Machinery Fund for the sale of a 1997 Champion Grader, 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 make the following amendment to the 2012 Road Machinery Fund Budget:

ROAD MACHINERY FUND:

Increase Revenue	Sale of Equipment	DM.5130.2665	\$22,500
Increase Expense	Highway Equipment	DM.5130.2030.0020	\$22,500

Budget Impact: Grader was to be traded-in for \$20,000 but was purchased for \$22,500 by Town of South Bristol. The sale of equipment produces revenue for the Road machinery fund to be offset by an expense to purchase the

new grader.

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

**RESOLUTION NO. 217 HOLD HARMLESS AGREEMENT-
LEGISLATURE/MEMORIAL DAY PARADE-APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Legislature has the opportunity to participate in the 2012 Memorial Day Parade in the City of Batavia, and

WHEREAS, The City is requesting the County sign a Hold Harmless Agreement and issue a Certificate of Insurance naming the City of Batavia as an additional insured for this event. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to sign the Hold Harmless Agreement and directed to issue a Certificate of Insurance for participation in the 2012 Memorial Day Parade in the City of Batavia.

Legislator DeJaneiro seconded the resolution which was adopted by 298 votes, Legislator Cianfrini no (28).

RESOLUTION NO. 218 COUNTY AUDIT – MAY 23 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Stein, did review the following claims:

General Fund	\$	655,938.59
Highway		81,647.02
Water		17,860.64
Self Insurance		56,110.42
Nursing Home		468,856.47
DSS Abstracts		233,461.07
Capital Projects:		
Highway Garage/Vent Air Quality		600.00
Highway Facility Sewer		2,691.00
Payroll – General & Nursing Home		
May 18, 2012		1,724,114.44
Medicaid		
May 15, 2012		185,572.00
May 22, 2012		<u>185,572.00</u>
Total Audit	\$	3,612,423.65

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.

Prior to roll call on the above resolution Legislator Leadley noted that the Medicaid payment is made by the County every week to the State. It is sucked right out of our accounts and totals \$10,000,000 per year. The State imposes this on the counties and does not listen to their appeals for reform and control of costs. It burns her up.

At this time the Legislature considered the following two resolutions which were approved for placement on the Agenda by the Committee of the Whole immediately preceding the regular meeting:

**RESOLUTION NO. 219 REQUEST FOR AUTHORIZING LEGISLATION-
ALLOWING THE VILLAGE OF CORFU AND THE
VILLAGE OF LEROY TO HIRE PERSONS TO THE
POSITION OF PART-TIME POLICE OFFICER WHO DO
NOT HOLD COMPETITIVE CIVIL SERVICE STATUS**

Legislators Stein and Lawrence offered the following resolution:

WHEREAS, Civil Service Law Section 58 prohibits the hiring of a person to a provisional or permanent appointment as a police officer that does not hold competitive Civil Service Status even though they are otherwise qualified to the position of Part-Time Police Officer, and

WHEREAS, The Village of LeRoy and the Village of Corfu have requested special legislation from the Legislature of the State of New York which would allow them to hire persons who do not hold Competitive Civil Service Status to the position of Part-Time Police Officer, and

WHEREAS, The Committee of the Whole does recommend supporting the local communities request at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby request New York State Senator Michael Ranzenhofer, Assemblyman Stephen Hawley and Assemblyman Daniel Burling to draft and introduce Legislation authorizing The Village of LeRoy and the Village of Corfu to hire persons to the position of Part-Time Police Officer who do not hold Competitive Civil Service Status, and Be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor Andrew Cuomo, Lt. Governor Robert Duffy, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley and Assemblyman Daniel Burling.

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

Prior to roll call on the above resolution Legislator Lawrence noted she was very pleased the Legislature could act so quickly and forward this request to our State Electeds. The Village hands are tied by the Civil Service Commission and the ability to hire seasonal police protection would be a great relief to the Villages. Legislator Stein noted that the Village of LeRoy felt strongly this should be adopted.

**RESOLUTION NO. 220 2012 GENESEE COUNTY RETIREMENT INCENTIVE-HUMAN
RESOURCES/MANAGEMENT EMPLOYEES - ADOPTION OF**

Legislator Leadley offered the following resolution:

WHEREAS, The Genesee County Manager and Human Resources Director did present a retirement incentive to be offered to County Management employees, and

WHEREAS, The Genesee County Manager and Human Resource Officer do recommend changes to the existing policy for Medical and Dental Employee Benefits with respect to incorporating a provision included in this retirement incentive, and

WHEREAS, The Committee of the Whole did review said program, guidelines and requirements and does recommend adoption at this time. Now, therefore, Be it

WHEREAS, The Committee on Ways and Means has reviewed the policy for Medical and Dental Employee Benefits and the recommended the following change incorporating a provision of the proposed Retirement Incentive:

4. Eligibility and enrollment in the Genesee County Medical and Dental Benefits Plan ceases upon the retiree's 65th birthday, or if the retiree becomes eligible for Medicare for reasons other than turning age 65. If a retiree received spouse and or dependent coverage prior to retirement, and the dependents are under the age of 65, the spouse and or dependents will be allowed to continue coverage in the Genesee County Medical and Dental Plan pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1989, for a maximum period of 36 months or until he/she reaches age 65.

ADD:

For the purposes of the 2012 Retirement Incentive for County Management employees enacted by the Genesee County Legislature on May 23, 2012 spouses of employees will be allowed to continue coverage in the Genesee County Medical Plan pursuant to the provisions included in the adopted incentive. A spouse will be eligible for continuation of coverage under COBRA as included in the previous paragraph once eligibility under the 2012 Retirement Incentive ends. Once both the employee and their spouse turn 65 eligibility for coverage in the Genesee County Health Plan ceases.

RESOLVED, That the Genesee County Legislature does hereby adopt the 2012 Genesee County Retirement Incentive to be made available to County Management employees using the guidelines and options as outlined in said program, and Be it further

RESOLVED, That the Genesee County Legislature does hereby amend the Medical and Dental Employee Benefits for Genesee County as presented by the County Manager and the Human Resource Officer, effective May 23, 2012 and Be it further

RESOLVED, Participation in the 2012 Retirement Incentive precludes an employee returning to County service from eligibility for benefits as an employee in the County of Genesee Health Plan..

Budget Impact: Department from which employee retires and receives this benefit must demonstrate a financial savings in both the 2012 and 2013 budgets.

Legislator Ferrando seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) no.

Prior to roll call on the original above resolution Legislator Stein seconded by Legislator Bausch made a motion to amend the original resolution to include the third RESOLVE. The amendment was approved 8-1, Legislator Lawrence no. Prior to roll call on the amended resolution Legislator Lawrence stated she could not support unless the dates of the program were moved out to July 1st to include future retirements, not some already planned. The Legislature is in dire need to lower the 2013 budget.

The meeting was adjourned at 7:50 upon motion of Legislator Clattenburg seconded by Legislator Bausch.