

PRESENT: Chair Cianfrini, Legislators Clattenburg, Bausch, and Stein. County Manager Gsell. Also Present: Probation Director Smith, Daily News Reporter Mrozek, Legislators Leadley and Hancock, District Attorney Friedman, Legislature Clerk Pratt, Emergency Communications Director Sharpe, WBTA Reporter Hassett, Undersheriff Sheron, Chief Deputy Dibble, Batavian Reporter Owen, Parks Supervisor Osborn, Highway Superintendent Hens, Emergency Management Coordinator Yaeger, Public Defender Horton, Special Event Applicant Wojdan.

The minutes of the May 14, 2012 meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Bausch.

District Attorney Friedman presented his Department review. He noted the 2012 Budget included \$15,000 in County funding for the State Mandated DA Raise effective in April. The State is now reimbursing that increase for 2012, future reimbursement is uncertain at this time. Mr. Friedman noted that STOP DWI funding received by his office may not be available this year. He would be looking to the county to make up that funding as an additional appropriation from the General Fund. With the retirement of First Assistant Gann two years ago, he has not filled the First Assistant position. He wants to return to having a First Assistant and noted the County Attorney got a Deputy. He believes his office also needs a second in command. Other than that, he anticipates no changes in his staffing. In response to a question about caseloads, he noted that two years ago his office handled a murder case. Increased arrests at Darien Lake and in the Town of Batavia retail stores have placed increased demands upon his office, as have the many "boutique" courts. Legislator Cianfrini asked if the office uses UB Law students for internships. Mr. Friedman noted that he does pursue these opportunities when they come up, but they are not the same as having a practicing attorney on staff. Mr. Friedman noted that the potential change in legislation regarding 17-18 year olds has two possible options and effects to his Department would depend on the option chosen. It will be costly either way. Legislator Clattenburg asked if he had someone in mind for First Assistant and if it would be done with current staffing. Mr. Friedman stated that would be the case.

Mr. Friedman requested permission to apply for grant funding from the Division of Criminal Justice Services, Aid to Prosecution Grant in the amount of \$29,200 which is the same as last year. This was approved upon motion of Legislator Bausch seconded by Legislator Stein.

Probation Director Smith presented her Department Update and distributed a pie chart on reimbursement. She noted that since 2009 her Department has saved 2300 jail days. Department numbers remain fairly constant and they are overseeing 600-700 people, all who are convicted offenders. State Aid remains constant with a revenue increase of \$20,000, still far below the obligated funding. Her budget lines are on target with the exception of Medical and Dental which will be covered by a transfer within her Department. The Leandra's Law sunset clause has been eliminated by the State Legislature and she is concerned about additional "fixes" developed by the Senate but seemingly stalled in the Assembly. It is hard to believe that State Lawmakers could make the legislation worse, but they are trying. Some provisions under consideration include if

someone under the law has no vehicle, they would be required instead to wear a transdermal device which would indicate if they are consuming liquor. She estimates that this may mean as many as 100-150 units per year in Genesee County to monitor. They would not indicate where the person was located, what they were doing, only that they had consumed alcohol. Also Leandra Law parolees would be supervised by local Probation Departments. Waivers would continue for those who cannot pay. It is predicted that the Youth Division Legislation will be going forward. Under guidelines a caseworker will be required for every 35 cases. Estimates based on 2010 statistics indicate 2 new probation officers would be required at an additional cost of \$132,000. Statewide estimates are 500 additional officers. Probation has lost 6 positions since 2002. Cuts have been too deep. Current caseloads are 120 and the standard is 50 for the adult population, lower for youths. Currently the Department can only react, not effectively managing the population. Mrs. Smith expressed concerns about numbers and possibly not being in compliance with regulations. Expanded DNA proposals will mean 200 additional samples per year. The "close to home" concept for young offenders is popular in the NYC area where they have newer facilities and funding for construction. The rest of the counties are looking at closing old facilities and do not have the necessary populations to merit new construction. The legislation appears to have the right intent, but facilities to implement are not available or if they are, they are not well run. Many of the youthful cases are drug related, both street and illegal drugs.

Parks Supervisor Osborn recommended approval of a Special Event application from Jenna Wojdan to hold Zumba Exercise Classes at DeWitt Recreational Area on Tuesday, Thursday and Saturdays. He is proposing she pay a minimum open space fee of \$100 or \$300 for the season. Mr. Osborn believes such activities are part of the mission of the park, and an opportunity to showcase the facility to new visitors. Insurance requirements, waiver forms and hold harmless agreements will be put in place. The County Attorney has been consulted. Ms. Wojdan charges \$6 per class. Committee members expressed concern about using public property for private enterprise. This is different than allowing an event by a non-profit. Concern was also expressed about the geese population at the park and possible dangers resulting from excrement. It was the consensus of the Committee to consult the County Attorney for an opinion about a for-profit activity and its implications, and whether this would set a precedent. It will be brought back in August.

Highway Superintendent Hens presented a contract extension for the Sodium Chloride contract at the same price as last year, \$40.74 per ton. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein. Legislator Stein asked if local municipalities can also opt in, and if there is a minimum amount they must commit to. Mr. Hens acknowledged that this is the case in some contracts, including state contract, but there is no such language in ours.

Mr. Hens recommended the renewal of the Highway fuel contract with Griffith Energy of Rochester for the sale and delivery of fuels to the fuel farms through August 31, 2013. The pricing is rack pricing plus delivery charges. This was approved for placement on the

next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Clattenburg. Municipalities can opt in but most can't accept tankers.

Mr. Hens recommended a capital project amendment and closure of Highway Project CR32 and correction of a clerical error duplicating CHIPS funding of \$40,145.53. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Clattenburg.

Mr. Hens recommended approval of the Architectural Engineering Consultant Agreement with Barton Loguidice of Syracuse in the amount of \$139,000 for the purpose of design services for the replacement of Bridge 806 in the Town of Stafford. Genesee County will be receiving federal pass-thru aid for the replacement of the bridge, and has established a capital project. Construction will take place in 2013 and the agreement is a requirement of the funding. This was approved for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch. Funding for the Project is 80% Federal/15% State and 5% Local. The local share will be taken from the 1% sales tax monies. The bridge is currently posted at 4 tons and school buses cannot cross it. Mr. Hens stated he will be surprised if it makes it through the season.

Mr. Hens recommended approval of the Architectural Engineering Consultant Agreement with Erdman Anthony of Rochester in the amount of \$92,000 for the purpose of design services for the replacement of Bridge 709 in the Town of Batavia. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg. Mr. Hens explained the process for the selection of Engineering Consults. About 15 approved firms are notified and a small review committee selects the recommended consultant. All is driven by Federal regulations. The engineering consultant agreement contains environmental, right of way studies, etc.

Mr. Hens is expecting that the County Airport will receive an Airport Improvement Program grant offer from the FAA for the Terminal Apron Construction Phase II and recommends authorizing the grant offer and establishing a capital project in the amount of \$802,000 which includes State and Local shares in the amount of \$40,100 at this time to avoid the necessity of calling a special meeting. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Clattenburg. Phase I of the project should be complete this week and Phase II should be wrapped up before the Fall. This is contingent on the receipt of the FAA grant offer.

Also contingent on the receipt of the grant offer is the recommendation to award the bid for construction to Keeler Construction of Albion, NY in an amount not to exceed \$627,384.50 and the Engineering Consultant Agreement to C&S Engineers in the amount of \$165,750. This was approved for placement on the next Legislature Agenda upon motion of Legislator Clattenburg seconded by Legislator Bausch. Funding amounts are shares of 90/5/5 which is a change from the previous 95/2.2/2.5. Amounts budgeted are well within the Capital Project plan. Legislator Bausch asked if this was the last grant

expected prior to the need to construct the new terminal. Mr. Hens noted an additional grant relating to the expansion of the parking ramp is expected in 2013.

Public Defender Horton recommended approval of a contract amendment to the five year agreement with NYS Unified Court System for the provision of legal services to minors in Family Court. Budget cuts resulted in a loss of \$21,657 from April 2012-March 2013. The contract for services is at the actual cost of services provided with no county financial participation or match. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg. This is not a mandated service and Genesee County PD is the only one of 20 contracts across the state receiving the funding. Usually it is Legal Aid.

A technical correction to the Public Defenders budget is needed to reflect the counties maintenance of effort requirement. \$7,748 of the 2011-2012 funding remains to be used in 2012, as well as the originally budget \$10,202 for 2012. Expenses to be offset by these revenues were not included. \$10,202 will be taken from contingency. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda.

Undersheriff Sheron requested permission to apply for the Statewide Interoperable Round 2 funding. Currently there appears to be \$20,000,000 available Statewide. Genesee County is looking to fund replacement of its system and leveraging as much as possible. The application will be for \$5.4 million. Legislator Stein asked if this would help out the LeRoy situation. The request includes funding for a 4<sup>th</sup> site as a portion of the Project as part of the necessary reconfiguration. Permission to apply was approved upon motion of Legislator Stein seconded by Legislator Clattenburg.

Mr. Sheron recommended approval of a salary schedule amendment to create 10 seasonal Deputy Sheriff positions June 1 through September 30, 2012 to facilitate extra summer law enforcement coverage. All costs will be offset by revenues. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg. Legislator Stein stated she understood how additional payment for coverage at Darien Lake was received under contract, but asked about payment for deputies covering other events such as Stafford Carnival, O-at-ka Festival, etc. Mr. Sheron and Chief Deputy Dibble responded that payment will now be received by the County for these services and Deputy reimbursements will be in their paychecks.

Emergency Management Coordinator Yaeger requested approval of a salary schedule amendment to increase hours for Deputy Coordinator of Emergency Management Services from 50 to 60 hours biweekly and increase the salary to \$30,131 effective August 1, 2012 and to reduce the salary for one Deputy Fire Coordinator position from \$4906 to \$2835. This was referred to Ways & Means with a recommendation for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein.

Concern was expressed by the Committee that the 2% Tax Cap coupled by the lack of mandate reform by the State Legislature is having tremendous effect on Public Safety funding which is a major problem for counties.

The next Public Service meeting will be held on July 31, 2012.

The meeting was adjourned at 5:55 PM upon motion of Legislator Bausch seconded by Legislator Stein.

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Ray Cianfrini, Chair  
Public Service Committee

Submitted 6/25 cpp