

**THIRD DAY
GENESEE COUNTY LEGISLATURE
Wednesday February 12, 2014
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, February 12, 2014 at 7PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Young, followed by the Pledge to the Flag.

The January 22, 2014 minutes were approved upon motion of Legislator Bausch seconded by Legislator Stein.

Legislator Bausch reminded the Legislature the Chamber of Commerce will be hosting their annual dinner and awards ceremony. Mary Pat Hancock will be receiving the Jay Humphrey Award which is not given out every year. Mr. Bausch also stated that he attended his first CJAC meeting and that it was quite interesting and there were many topics that were relative to the County.

Legislator Stein reported that Soil and Water recently met and she is happy to report that their annual report has been submitted to the Comptroller and first time through it has been accepted. Mrs. Stein also reminded everyone that the annual Celebrate Ag Dinner will be held on March 22nd at the Alexander Fire Hall. Mrs. Stein also stated that through Farm Bureau, Batavia City School Teacher Ms. Christine Bow has been selected at the New York State Agriculture Classroom Teacher of the Year. This is quite exciting as it is the first time that this region has had a teacher receive this award.

Legislator DeJaneiro stated that Board of Health recently met. Dr. Barcomb was reappointed at Chair and Mary McJury as Vice Chair. Mr. DeJaneiro also stated that Orleans and Genesee County are actively applying for grants.

Legislator Lawrence reported that the Community Services Board recently met and they gave a report on their respite beds. They have worked very hard to secure within this county two apartments. The larger one was occupied 150 days out of 365 and the smaller apartment was occupied 183 days out of 365. These are individuals that have a mental health diagnosis and do not have a place to reside. This gives them a place to reside until they secure permanent housing. Mrs. Lawrence applauds the Community Services Board for all of the hard work they have put into this.

Legislator Stein commented that the DOT has decided to not change the road patterns in the Village of LeRoy. It was a great outcome for the community.

County Manager Gsell reported that this April will be County Government Month and this County will be holding its annual family game night. The County is also soliciting from many departments the services they provide so that a snapshot can be out together that may be handed out to better educate the residents about County government. Also Mr. Gsell reported that a number of counties are starting to look at what an alternative world would look like if Genesee County did not have to pay for mandates. Genesee County is starting to put some statistics together on this.

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

**RESOLUTION NO. 40 A RESOLUTION OPPOSING THE EXPANDING OF
CASINO LOCATIONS IN WESTERN NEW YORK-
APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, In September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie

(and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, These municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, The start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, Since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them (Wyoming, Schuyler, Oswego, and Cayuga) in the local control of such gaming activities that has since generated over \$215 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, Now, the Seneca Nation has initiated a process to locate a full gaming casino in the Town of Henrietta located in Monroe County; and

WHEREAS, The participating municipalities of Western OTB as its shareholders have a *pro-rata* financial interest in the \$69 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, with the addition of another casino located in western New York owned and operated by the Seneca Nation in the area will oversaturate the regional gaming marketplace and cause financial distress with Western Regional Off-Track Betting and to the 17 municipal stakeholders, the proposed casino will have a negative effect on surrounding communities; and

WHEREAS, Batavia Downs Casino has proven to be a successful Public Benefit Corporation to Genesee County. Now, therefore, Be it

RESOLVED, that the Genesee County Legislature opposes the location of an additional casino located in Monroe County owned and operated by the Seneca Nation, and Be it further

RESOLVED, That the Genesee County Legislature strongly recommends that each member of the New York State Legislature, the Governor of New York and the Genesee County Federal Delegation join this Board in the opposition of any new proposed casino in western New York west of Route 14, and Be it further

RESOLVED, That the Clerk of the Genesee County Legislature shall forward this resolution to Governor Andrew Cuomo, U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, Congressman Chris Collins, Congresswoman Louise Slaughter, Senator Micheal Ranzenhofer, Assemblyman Stephen Hawley, InterCounty Association of Western New York, and the Genesee Association of Municipalities.

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

Prior to roll call on the above resolution Mr. Dick Siebert from OTB commented that he wants everyone to know who OTB is and that is all of us. It is a municipal corporation. If this casino is built in Henrietta it will impact the Batavia Downs the most. It is a shame that this is going on and it is taking away from all of the citizens of this county. Batavia Downs was promised by the Governor's staff that there would not be a casino in western New York.

**RESOLUTION NO. 41 CONTRACT – NURSING HOME /QUALITY
CONSULTANT — APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, New federal regulations under the Affordable Care Act require each nursing home to develop a data-driven Quality Assurance/Performance Improvement (QAPI) Plan and complete Performance Improvement Projects during 2014, and

WHEREAS, The Nursing Home Administrator requests assistance in the preparation of the QAPI Plan and development of Performance Improvement Processes, and

WHEREAS, The Administrator of the Nursing Home does recommend that a contract be signed with Amanda Wilson for development, implementation and training on new QAPI processes and the Committee on Human Services does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to approve a contract with Amanda Wilson, Brockport, New York for an amount not to exceed \$2500 and not to exceed 4 weeks to perform the services described above, and Be it further

RESOLVED, That this contract is subject to approval by the County Attorney.

Budget Impact Statement: This amount to be taken from savings from the elimination of a part-time night maintenance worker.

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

RESOLUTION NO. 42 AGREEMENT – NURSING HOME/ PSYCHIATRIC SERVICES — APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Nursing Home is required to provide psychiatric services to its residents per regulation of the New York State Department of Health, and

WHEREAS, The Nursing Home has contracted with Avallon Behavioral Health, LLP since the year 2000. Avallon has continued providing service to the Nursing Home to the present date even though the agreement had expired in 2002 and had not been formally extended; and

WHEREAS, The Administrator of the Nursing Home has reviewed the original contract with Avallon which has continued under the same scope of services and compensation schedule for the past eleven years, and recommends approving an agreement with them at the same rate of pay, and

WHEREAS, The Committee on Human Services has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement with Avallon Behavioral Health, LLP, 300 West Avenue, Brockport, New York, 14420 for psychiatric services effective immediately and continuing until either party wishes to terminate the contract with thirty (30) days written notification to the other party, at a cost of \$1,000 per month, and Be it further

RESOLVED, That this contract is subject to approval by the County Attorney.

Budget Impact: Amount has been budgeted for.

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

RESOLUTION NO. 43 AWARD OF CONTRACT - IMAGING SERVICES – NURSING HOME – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Purchasing Director did advertise for proposals for imaging services for the Genesee County Nursing Home, and three proposals were received, and

WHEREAS, A review committee reviewed the proposals and has recommended the award of services go to Mobilex USA, and

WHEREAS, The Committee on Human Services 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 execute the necessary documents to contract with Mobilex USA, 3950 East Robinson Road, Suite 105, Amherst, New York 14228 for imaging services, effective March 1, 2014 through February 29, 2016 with the option to renew after that for four, one-year terms, on a cost-

per-service basis that is 45% below the Medicare fee schedule rate, with an additional 5% discount for payment within 30 days of invoice, and Be it further

RESOLVED, That this contract is subject to approval by the County Attorney.

Budget Impact Statement: Costs have been budgeted for in 2014

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

**RESOLUTION NO. 44 CONTRACT AMENDMENT – NURSING HOME
/ARCHITECTURAL CONSULTANT SERVICES —
APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, Resolution No. 257 duly adopted on July 12, 2012 did award a contract with LaBella Associates, P.C. for the provision of services of a professional architect to relocate the Genesee County Nursing Home's Adult Day Care Program within the Nursing Home, and

WHEREAS, Due to an unforeseen additional request by the Department of Health, further services were provided by LaBella Associates, in the person of David C. Nichols that required work above and beyond the original contract price of \$4300, and

WHEREAS, The Administrator of the Nursing Home does recommend the contract be amended to include an additional \$672 to cover the cost of this work and the Committee of Human Service does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to amend the contract with LaBella Associates, P.C., 300 State Street, Suite 201, Rochester, New York, 14614, in the person of David C. Nichols, for the additional sum of \$672.

Budget Impact Statement: This amount to be paid out of normal operating funds.

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

**RESOLUTION NO. 45 2013 BUDGET ITEM TRANSFERS- TREASURER/
COUNTY DEPARTMENTS- APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Whereas, the Genesee County Treasurer did present transfers to be recommended in the 2013 county budget to cover end-of-year expenditures in several county departments, and

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

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make the following 2013 budget transfers:

\$1	to	A 1010.1	Legislature, Personnel
	from	A 1010.4	Legislature, Contractual
\$55,667	to	A 1171.4	Public Defender Assign Counsel, Contractual
\$36,579	from	A 1141.4	Family Court Assign Counsel, Contractual
\$ 4,506	from	A 1170.1	Public Defender, Personnel
\$ 6,600	from	A 1170.4	Public Defender, Contractual
\$ 7,982	from	A 1170.8	Public Defender, Benefits
\$ 404	to	A 1325.1	Treasurer, Personnel
	from	A 1325.4	Treasurer, Contractual
\$13,500	to	A 1420.8	County Attorney, Benefits
\$ 8,100	from	A 1420.1	County Attorney, Personnel
\$ 5,400	from	A 1165.8	District Attorney, Benefits

\$2,000	to	A1610.1	Central Services, Personnel
	from	A 1610.4	Central Services, Contractual
\$37,870	to	A 3150.4	Jail, Contractual
\$ 1,870	from	A 3150.1	Jail, Personnel
\$36,000	from	A 3150.8	Jail, Benefits
\$ 5,079	to	A 6055.4	Day Care, Contractual
	from	A 6070.4	Services for Recipients, Contractual
\$241,600	to	A 6119.4	Child Care, Contractual
	from	A 6129.4	State Training Schools, Contractual
\$ 500	to	A 6610.1	Weights & Measure, Personnel
\$ 600	to	A 6610.8	Weights & Measure, Benefits
\$1,100	from	A 6610.4	Weights & Measure, Contractual
\$1	to	A 8090.1	Recycling, Personnel
	from	A 8090.4	Recycling, Contractual
\$23,500	to	CD6293.1	WIA, Personnel
\$ 5,000	to	CD6293.8	WIA, Benefits
\$28,500	from	CD6293.4	WIA, Contractual
\$11,800	to	D 5110.1	Highway Maintenance Roads & Bridges, Personnel
	From	D 5110.4	Highway Maintenance Roads & Bridges, Contractual

Budget Impact: None, transfers made from other appropriations.

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

**RESOLUTION NO. 46 2013 BUDGET AMENDMENT- TREASURER/
YEAR END-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Treasurer is recommending a budget amendment in order to close the books for 2013, and

WHEREAS, The Committee on Ways and Means concurs with the County Treasurer's recommendations. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by:

Increase Expense A 1985 4800.0000 Distribution of Sales Tax in the amount of \$528,332 and Increase Revenue A.1000.1110.2 Sales Tax Towns and City in a like amount.

Decrease Expense A 3460 2080.0710 Homeland Security in the amount of \$241,830 and Decrease Revenue A 3640 4305.2 Homeland Security in a like amount.

Decrease Expense A 6421 4800.0040 CDBG-Mushroom Plant Contractual in the amount of \$750,000; Decrease Expense A 6421 4800.0050 CDBG-GC -LDC in the amount of \$500,000; Decrease Revenue A 6421 4997.4 in the amount of \$750,000 and A 6421 4997.3 in the amount of \$500,000.

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

RESOLUTION NO. 47 2014 BUDGET AMENDMENT -GCEDC PIF - APPROVAL

OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Treasurer has noticed a budget shortfall in the GCEDC PIF line in the amount of \$150 due to the 2014 tax rate increase, and

WHEREAS, The Genesee County Treasurer does recommend a budget amendment be done to address the this shortfall, and

WHEREAS, The Committee on Ways and Means does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2014 GCEDC budget by increasing appropriation A.6421.4660.1000 Program Expense by \$150.00 and Increasing Revenue account A.1000.1081.1 PILOT Increment Financing in a like amount.

Budget Impact: An increase in expenditures and revenue of \$150.00

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

**RESOLUTION NO. 48 DENIAL OF THE USE OF THE GENESEE COUNTY SEAL,
SEAL OF THE SHERIFF’S OFFICE, OR ANY GENESEE
COUNTY LETTERHEAD ON THE WEBSITE OF THE STATE,
IN ANY STATE MATERIAL ON BEHALF OF OR
APPLICATION FOR PISTOL PERMIT RECERTIFICATION
OR IMPLEMENTATION OF THE “SAFE ACT” OF 2013**

Legislator Stein offered the following resolution:

WHEREAS, The State of New York passed a gun control law on January 15, 2013, which amended various provisions of New York State Law in relation to possession of firearms and ammunition; and

WHEREAS, The Legislature of Genesee County did unanimously oppose the SAFE Act and call for its repeal by Resolution passed on February 27, 2013, and

WHEREAS, The said SAFE Act clearly sets forth that the implementation and enforcement of this law is the complete responsibility of the State of New York, its agencies and the New York State Police; and

WHEREAS, The Governor’s Commission on Implementation and the NYS Police have expressed an interest in using the seals of the respective counties of residence in the “recertification” notices that will be sent to pistol permit holders to comply with the SAFE Act, and

WHEREAS, The Genesee County legislature, the Genesee County Sheriff and the Genesee County Clerk have voiced their strong objection to this request and proposal, and

WHEREAS, The Western Region of the New York State Association of County Clerks, representing Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Wyoming and Genesee counties, has formally opposed the use of their county seals by the State for use in matters related to the SAFE Act, and

WHEREAS, The Legislature of the County of Genesee considers the Genesee County Seal and the Seal of the Sheriff’s Office to be the exclusive property of the County Legislature and its departments and agencies, to be used only by said departments and agencies as authorized by this deliberative body, or by the County Clerk or Sheriff. Now, therefore, Be it

RESOLVED, That the Legislature of the County of Genesee, does hereby deny the use of the Genesee County Seal, the Seal of the Genesee County Sheriff’s Office, and the letterhead of any

county department by the State of New York, its agencies and the New York State Police, and Be it further

RESOLVED, That the Legislature of the County of Genesee hereby affirms the Resolution of the Western Region of the New York State Association of County Clerks, and does hereby deny the State of New York permission to use the Name, Seal of the County, Seal of the County Sheriff's Office, letterhead, or address of Genesee County for purposes of correspondence with, notices to, or applications for recertification by legal and registered pistol permit holders, or for other purposes associated with the implementation or exercise of the New York State SAFE Act, and Be it further

RESOLVED, That the Legislature of the County of Genesee does hereby deny any department or agency of Genesee County government permission to use the County Seal or associated items as outlined above without the written consent of the Legislature of Genesee County, the Genesee County Clerk, and the Genesee County Sheriff, and Be it further

RESOLVED, That the Clerk of the Genesee County Legislature shall forward copies of this Resolution to Governor Andrew Cuomo, Joseph D'Amico, Superintendent, Division of the New York State Police Lt. James Sherman, Lynn M. Rosenzweig, Project Director, NY SAFE Act – Pistol Permit Program, Senator Michael Ranzenhofer, Assemblyman Stephen M. Hawley, New York State Association of Counties, New York State Sheriffs' Association, % Patrick O'Flynn, President [Monroe County Sheriff]New York State Association of County Clerks, % Cheryl Dinolfo, President [Monroe County Clerk],InterCounty Association of Western New York, and the Genesee Association of Municipalities.

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

Prior to roll call on the above resolution County Clerk Read spoke about his recent meeting with the State Commission regarding the implementation of the SAFE Act, the recertification process and other matters regarding this Act. Genesee County has been a pilot county and are now being placed on the middle of this issue. Mr. Read feels that the County should withdraw as a pilot county. Legislator Stein stated that she supports the County Clerk's position on this matter.

RESOLUTION NO. 49 STOP LOSS INSURANCE/HEALTH BENEFITS PLAN - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Manager did retain the services of a Broker of Record to acquire quotations for stop loss insurance coverage for the County's self-insured medical health benefit plan, and

WHEREAS, The Genesee County Legislature did review the recommendation and request by the County Manager and does 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 sign the Agreement with HM Insurance Company of New York, a division of Highmark Insurance Company which is a larger Blue Cross Blue Shield insurer based in Pittsburgh, PA for Excess Health Insurance at a cost of \$48,114 for the period February 1, 2014 through January 31, 2015.

Budget Impact Statement: Premium decrease of \$9.00 from previous year's cost. \$60,000 allocated for this insurance in the Risk Retention Fund's 2014 operating budget.

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

RESOLUTION NO. 50 AUTHORIZATION TO ESTABLISH- 2014 CAPITAL PROJECTS & BUDGET AMENDMENT - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Planning Director, County Manager and County Treasurer did prepare a list of Proposed Countywide Capital Projects for fiscal years 2014 through 2019 and a list of capital projects to be funded in 2014 and do recommend establishment of new 2014 projects at this time, and

WHEREAS, The Committee on Ways and Means have reviewed these requests and recommend that said Capital Projects be established at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized to establish new Capital Projects for the year 2014:

<u>PROJECT</u>	<u>SOURCE</u>	<u>FUNDING AMOUNT</u>
<u>Facilities Management</u>		
County Building #2 Fire Alarm	1% Sales Tax	\$ 95,000
Man Lift	1% Sales Tax	\$ 59,000
Jail, AC Cold Water Chiller	1% Sales Tax	\$ 65,000
<u>Highway</u>		
Highway Fuel Farm	1% Sales Tax	\$ 500,000
<u>Sheriff</u>		
Upgrade of Security Surveillance System	1% Sales Tax	\$ 59,129
<u>Jail</u>		
Upgrade of Jail Camera/Recording System	1% Sales Tax	\$ 86,486

TOTAL 2014 CAPITAL PROJECT BUDGET **\$864,615**

And Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to amend the 2014 budget as follows: Increase Revenue A.1000.1110.1 1% Sales Tax in the amount of \$864,165.00, Increase Appropriation A.9950.9 Transfers to Capital in a like amount. Increase Revenues H.1997.5031 in the amount of \$364,615.00 and H 5197.5031 Interfund Transfers in the amount of \$500,000.00 and Increase Appropriations H.1997.2080 in the amount of \$364,165.00 and H.5197.2080 in the amount of \$500,000.00.

Budget Impact Statement: Increases 2014 County General Fund Expenditures by \$864,165.00

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

RESOLUTION NO. 51 APPOINTMENT-GENESEE ECONOMIC DEVELOPMENT BOARD-APPOVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, There is a vacancy on the Genesee Economic Development Board and the Committee on Ways and Means does recommend appointment at this time. Now, therefore, Be it

RESOLVED, That Mr. Peter Zeliff, Sr. of Batavia, New York is hereby appointed as a member of the Genesee Economic Development Center effective February 28, 2014 through June 30, 2016

Budget Impact: None – this Board is comprised of volunteer members

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

Prior to roll call on the above resolution Legislator Stein stated that she has known Mr. Zeliff and that he is willing to invest his time and talents to this board and County.

RESOLUTION NO. 52 COUNTY AUDIT – FEBRUARY 12 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2013 General Fund	\$	4,625,822.95
2014 General Fund		642,627.97

2014 Highway	661,626.22
2013 Water	312,525.74
2013 Self Insurance	11,455.00
2014 Nursing Home	150,537.32
2013 DSS Abstracts	229,979.37
2014 DSS Abstracts	98,489.77
2014 Capital Projects:	
Sheriff 800 MHz Radio System Upgrade	191,851.04
Highway Hopkins Road Bridge	2,145.40
Airport Tiedown Apron Relocation	38,553.73
Payroll – General & Nursing Home	
January 24, 2014	1,702,630.17
February 7, 2014	1,246,856.60
Medicaid	
January 28, 2014	186,456.00
February 4, 2014	186,456.00
February 11, 2014	<u>186,456.00</u>
Total Audit	\$ 10,474,469.28

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 Ferrando seconded the resolution which was adopted by 326 votes.

The meeting was adjourned at 7:45 PM upon motion of Legislator Young seconded by Legislator Clattenburg.