

SIXTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, March 26, 2014
Batavia, New York

The Genesee County Legislature met in Regular Session on Wednesday, March 26, 2014 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Ferrando, followed by the Pledge to the Flag.

The March 26, 2014 minutes were approved upon motion of Legislator Lawrence seconded by Legislator Stein.

Legislator Stein attended the Inter-Co meeting and they met at the NASA Challenger Center, located near St. Bonaventure University. Mrs. Stein stated that it was very insightful to take off as if you were inside the Challenger. This is part of the science and math technology that they have available for students for in grades 5-8. Some of the topics discussed at the meeting were indigent defense and other unfunded mandates. Orleans County shared that they have a claimant in their Social Services system that is receiving benefits but lives in another state. Orleans County has sent a letter to Albany asking if this is the wisest way to use their county's resources. Mrs. Stein was wondering if other counties are in this same situation namely Genesee County and it would be worth looking into. Soil and Water recently met and they have received an update of their partnership with the Conservation Educator Program. The Ag and Farmland Protection Board met and they approved the inclusion of two parcels into the Ag District, one in the Village of Alexander and one in the Town of Byron. An update was received on the local water issue, and the DNA test sample that was ordered by the DEC showed that currently in New York State there are 35 different contamination situations across the State and three are under investigation by the DEC and Health Departments. This is very attributable to the coarse typography and land mass that we have here in Genesee County so the need for public water is significant and sincere.

Legislator DeJaneiro attended the recent GAM meeting and Dick Siebert talked about the recent proposed casino in Monroe County and how this will affect our local OTB. Mr. DeJaneiro stated he felt there was a consensus at that meeting to let Albany know how detrimental this could be to our county.

Legislator Lawrence attended the Community Services Board and they discussed the managed care takeover by the state for Mental Health. This is still ongoing but still in a state of flux. At the Farmland Protection meeting it was shared that by June they would be voting to remove one last Ag District which is District 6 and they would now be down to the four ag districts within the county. This has been a 12 year process. Mrs. Lawrence also attended the GAM meeting and shared that Linda Dole presented information on the Visitors Program that is offered through the Murial Marshall Fund. This program is in need of Seniors to be visited. There are currently more volunteers than there are seniors in need at this time.

Legislator Bausch also attended InterCo and they discussed the issue with the recent foreclosure sale issue within the County. County Attorney Zambito stated that he has been contacted by the Ontario County Attorney and they are planning on doing a presentation at the statewide County Attorney meeting in May on this issue. They are very concerned on the outcome of this issue because a lot of Counties handle this sale the same way Genesee County does.

Chair Cianfrini commented that all of the Legislators have been given their iPads and have had their instructional meeting on how they will work. There will soon be large screens set up to project the resolutions to the audience.

Legislator Stein commented that the federal government announced that there is 1.1 million dollars available for specialty crop research safety and promotion. This has a direct impact to our county because we do have one of the premier research facilities in our area. She also reminded everyone that Genesee County is hosting InterCo April 18th at OTB. There will be presentations done by Leadership Genesee and the Batavia Downs.

Legislator Lawrence wanted to thank everyone that was involved in the Celebrate Ag Event that was held in Alexander. It was great to enjoy food from the radius within our county.

Legislator Torrey attended the Congressional Field Hearing expanding broadband within the rural areas. It is very encouraging to see that there is a commitment to reach the last mile and completely cover the County. Genesee County is in a lot better shape than some of our neighboring counties. It is great to see the commitment from the Congressional Office to get that last mile covered.

County Manager Gsell reported that the Governor is very firm on his tax freeze proposal, however it will be interesting to see what the final proposal is and how this plays out over the next five years.

The clerk proceeded with the resolutions as follows:

RESOLUTION NO. 95 CONTRACT RENEWAL - BOARD OF ELECTIONS/PRINTING SUPPLIES- APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The agreement entered in 2012 by the Genesee County Legislature on behalf of the Board of Elections with Phoenix Graphics, Inc. of Rochester for printing supplies will expire on June 30, 2014, and

WHEREAS, The contract called for an option to renew for four (4) one year renewals during the period, and

WHEREAS, There has been no change in pricing for the period of July 1, 2014 thru June 30, 2015 and the Board of Elections has been very satisfied with the performance of Phoenix Graphics, Inc. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Phoenix Graphics Inc. of Rochester, NY for the printing supplies for the 2014 Primary and General Election, per bid specifications, effective July 1, 2014 through June 30, 2015 in an amount not to exceed \$16,644.00.

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

RESOLUTION NO. 96 GENESEE COUNTY SALE OF COUNTY OWNED PROPERTY RATIFICATION OF

Legislator Bausch offered the following resolution:

WHEREAS, Bontrager Real Estate and Auction Services, Inc., on behalf of Genesee County, conducted a sale of county-owned property on Saturday, March 15, 2014, at 10:00 a. m. at 8975 Wortendyke Road, Batavia, New York, at which time county-owned property was sold to the highest bidder, and

WHEREAS, The Committee on Ways and Means did review the bids and does recommend ratification of the sale at this time, Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby ratifies and confirms the sale of the properties listed below to the following:

<u>Purchaser</u>	<u>Parcel</u>	<u>Tax Map #</u>	<u>Town</u>	<u>Price</u>
Scott M. Mabon	#1	10.-1-20	Alabama	\$30,000
Jeffrey A. & Kristin K. Ezzo	#2	10.-1-61	Alexander	\$23,000
Edward J. Hamill	#3	14.-1-41	Alexander	\$44,000
George W. Walker III	#4	7.-1-47	Batavia	\$70,000
Jeffrey D. Freeman	#5	13.-1-107.1	Batavia	\$ 300
Jonathan J. & Kelly Ruth Stalica	#8	17.-1-24	Bergen	\$51,000
S & J Express Mart, LLC	#9	6.-1-8	Bethany	\$64,000
Laurie A. Kozakowski	#10	8.-1-14	Bethany	\$47,000
John M. Zoladz	#11	9.-1-34.2	Darien	\$12,500
Paul Riner	#12	9.-1-13.1	Elba	\$ 8,000
Scott Offhaus	#13	16.-1-31.2	Elba	\$ 9,000
James R. Sweet	#14	17.-1-20	Elba	\$18,000
Jeffrey D. Freeman	#15	25.-1-25.1	LeRoy	\$ 300
Frank & Annette Pfalzer	#17	9.-1-32.1	Pembroke	\$ 4,100
Philip DiNicola	#18	9.17-1-25	Pembroke	\$10,000
Kenneth R. Lipinski & James E. Lipinski	#19	10.-1-32	Pembroke	\$15,000
Jeffrey D. Freeman	#21	24.-1-39.2	Pembroke	\$ 3,100
Lori L. Mruczek	#22	8.-2-10.2, 8.-2-10.12	Stafford	\$70,000
Laurie A. Kozakowski	#23	1.-1-34	V/Alexander	\$48,000
Douglas W. & Martha D. Dayton	#24	1.-1-80	V/Alexander	\$ 300
E. Properties LLC	#25	4.-1-1.1	V/LeRoy	\$42,500
Justin Murray	#26	6.-1-11	V/LeRoy	\$35,000
Thomas Spadaro	#27	8.-1-66	V/LeRoy	\$41,000
Jason P. Shue	#28/#29	11.-1-9.2 & 11.-1-9.12	V/LeRoy	\$18,000
Scott & Sarah Klotzbach	#30	1.-3-83	V/Oakfield	\$ 1,800

Budget Impact: Total sale of properties exceeds outstanding taxes owed by approximately \$406,186.63. Legislator Stein seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 97 GRANT ACCEPTANCE - EMERGENCY MANAGEMENT SERVICES/FY2013 LOCAL EMERGENCY MANAGEMENT PERFORMANCE (LEMP) GRANT PROGRAM – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator requests authorization to accept grant funding in the amount of \$26,532 from the New York State Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, The purpose of the Local Emergency Management Performance (LEMP) Grant is to provide a system of emergency preparedness for the protection of life and property in the United States from hazards and to jointly vest responsibility of emergency preparedness, and

WHEREAS, The Committee on Public Service did review this request and does concur with the Emergency Management Services Coordinator’s recommendation. Now therefore be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Office of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of

FY13 Local Emergency Management Performance Grant (LEMP) in the amount of \$26,532, and to execute any and all other documentation related to this funding.

Budget Impact Statement: None. Grant Funds help to offset a part of the 2014 OEM operating expenses. Legislator Bausch seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 98 CONTRACT EXTENSION – NYS DEFENDERS
ASSOCIATION/PUBLIC DEFENDERS CASE
MANAGEMENT SYSTEM – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Public Defender’s Office does recommend the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender’s Office and New York State Defenders Association, Inc. contract be extended for a period through May 3, 2015 and the Committee on Public 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 extend the contract for the provision of the Public Defense Case Management System Maintenance and Software Agreement between Genesee County Public Defender’s Office and New York State Defenders Association, Inc., Albany, New York for the period of May 4, 2014 through May 3, 2015 for a total cost of \$2,500.00.

Budget Impact: This money has been budgeted in the 2014 budget.

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

**RESOLUTION NO. 99 BUDGET TRANSFER - PUBLIC
DEFENDER/OFFICE FURNITURE– APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Public Defenders Office does request a transfer from the Public Defender Contractual account to the Public Defender Furniture-Chairs account and Furniture-Files/Cabinets account to cover the purchase of one secretarial chair and one bookcase. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to transfer the amount of \$484.00 from the Public Defender contractual account (A.1170.4660.0000) Contracted Other, to the Public Defender Furniture-Chairs account (A1170.2010.0022) in the amount of \$214.00 and to the Public Defender Furniture-Files/Cabinets account (A1170.2010.0025) in the amount of \$270.00.

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

**RESOLUTION NO. 100 APPOINTMENT OF/SALARY SCHEDULE
AMENDMENT –INTERIM PUBLIC DEFENDER-
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, County governments are charged with the responsibility to provide for Indigent Defense under Section 18b of the New York State Statute, and

WHEREAS, The Administration of the County’s Public Defender department and related services requires a designated management presence to tend to daily operations and authorized signature, and

WHEREAS, With the retirement of Gary Horton as Public Defender effective Friday, March 28, 2014, an Interim Department Head may be appointed by the County Legislature. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Jerry Ader as Genesee County's Interim Public Defender effective March 29, 2014 for an indefinite period while the pursuit of a permanent replacement for Mr. Horton is renewed , and Be it further

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2014 Management Salary Schedule by creating one temporary position of Interim Public Defender at annual base rate of \$89,050 plus longevity, effective March 29, 2014.

Budget Impact: The increase equates to \$11,000 annually – approximately \$423 bi-weekly.

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

RESOLUTION NO. 101 EQUIPMENT PURCHASE – GENESEE COUNTY HIGHWAY/PARKS – 4x4 DUMP TRUCK AND ACCESSORIES -APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Legislature has approved an Asset Acquisition Capital Project in the 2014 County budget, and

WHEREAS, The Genesee County Highway Superintendent and Genesee County Parks Supervisor do recommend awarding the purchase of a 2014 4x4 Dump Truck to Van Bortel Ford, a 2014 8' Stainless Steel Spreader and a 2014 Western 8.5' MVP Plow to Unicorn Specialties, and

WHEREAS, The Committee on Public Service does concur at this time, and Now, therefore, Be it

RESOLVED, That the Genesee County Parks Supervisor is hereby authorized and directed to purchase a 2014 4x4 Dump Truck from Van Bortel Ford, a 2014 8' Stainless Steel Spreader and a 2014 8.5' MVP Plow from Unicorn Specialties in the amounts as follows for a total of \$49,250.49 and be paid from Asset Acquisition:

4x4 F350 Dump Truck – Van Bortel Ford	\$39,050.49	Chautauqua Co. Bid
8' Stainless Steel Spreader – Unicorn Specialties	\$ 4,600.00	Local Bid
8.5' Western MVP Plow – Unicorn Specialties	\$ 5,600.00	Local Bid

Budget Impact Statement: The 2014 Asset Acquisition Capital Project had \$65,000 budgeted for this asset purchase which is \$15,000 under budget. Truck being replaced will be sent to municipal auction.

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

RESOLUTION NO. 102 CONSULTANT AGREEMENT – HIGHWAY/ FUEL FARM-APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent has established a capital project for the demolition and replacement of the existing fuel farm at the County Highway Department, and

WHEREAS, The Genesee County Highway Superintendent select a consultant from the Region IV Local Design Services Agreement list for this work, and

WHEREAS, The Genesee County Highway Superintendent did review a proposal regarding the project and does recommend approving a consultant agreement 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 Highway Superintendent is hereby authorized and directed to enter into a Consultant Agreement with Clark Patterson Lee of Rochester, NY for the design and preparation of bid documents for the demolition and replacement of the fuel farm located at the Genesee County Highway Department in a cost not to exceed \$22,600.

Budget Impact: The total cost of the consultant agreement is \$22,600. A capital project has been established in the amount of \$500,000 for the replacement of the fuel farm.

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

RESOLUTION NO. 103 CONTRACT EXTENSION –AIRPORT/ AVIATION FUEL PRODUCTS—APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County requires a contract for the supply of aviation fuel products at the Genesee County Airport, and

WHEREAS, Genesee County has awarded an existing contract for this service that expired on February 28, 2014, and

WHEREAS, The existing contract includes options for three, one-year renewal periods, and

WHEREAS, The Genesee County Highway Superintendent recommends a third one-year extension to this contract at this time, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this recommendation and do concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby extend the contract for the supply of aviation service products with Ascent Aviation Group, One Mill Street, Parish, NY for the period of March 1, 2014 through February 28, 2015.

Budget Impact Statement: Airport Fund includes a budgeted expense for aviation fuel with offsetting revenue.

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

RESOLUTION NO. 104 DISPOSITION – SHERIFF’S OFFICE / K-9 PHARAOH - APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Sheriff’s Office received the donation of K-9 Pharaoh from the Niagara Regional Police Services on December 8, 2010, and

WHEREAS, With the new K-9, Destro, the Sheriff’s Office is now in a position to retire K-9 Pharaoh, and

WHEREAS, The Genesee County Sheriff’s Office would like to donate K-9 Pharaoh, as a pet, to his handler, Deputy Brian Thompson, 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 Genesee County Sheriff is hereby authorized to donate K-9 Pharaoh, as a pet, to his handler, Deputy Brian Thompson.

Budget Impact: There is no cost associated with the donation of K-9 Pharaoh.

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

RESOLUTION NO. 105 CONTRACT RENEWAL – SHERIFF/ORLEANS COUNTY PRISONER HOUSING - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Sheriff did present a contract renewal with Orleans County Jail, and

WHEREAS, The Public Service Committee did review this contract renewal and do recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to execute the contract renewal between the County of Genesee and the County of Orleans for the provision of Jail space in the Orleans County Jail at a rate of \$75.00 per day for each prisoner for the period of January 1, 2014, through December 31, 2015.

Budget Impact: Funds have been appropriated to the 2014 budget.

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

**RESOLUTION NO. 106 AMENDMENT TO CAPITAL PROJECT/BUDGET
AMENDMENT – FACILITIES MANAGEMENT/OLD
COURTHOUSE ROOF AND CUPOLA REPAIR –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution No. 113, adopted on March 13, 2013 did establish the Capital Project – Old Courthouse Roof and Cupola Repair in the amount of \$80,000.00, and

WHEREAS, The Assistant County Manager has requested additional funds for this project due to bid results and project contingency, and

WHEREAS, The Committee on Ways and Means 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 budget amendments by increasing A1000 999 Balancing, Appropriated in the amount of \$146,613.00 to be offset by an increase in appropriation A9950 9000-000 Transfer to Capital Fund in a like amount and increase H1997 5031 Interfund Transfer in the amount of \$146,613.00 to be offset by an increase in H1997 2080-0000 Capital Project-Facilities Management-Old Courthouse Roof and Cupola Repair in a like amount.

Budget Impact Statement: Balance in Building & Equipment Reserve after transfer - \$600,199.62

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

**RESOLUTION NO. 107 AWARD OF BID – FACILITIES
MANAGEMENT/OLD COURTHOUSE ROOF &
CUPOLA REPAIR – APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Assistant County Manager and Supervisor of Buildings and Grounds did receive bids for the replacement and repair to the roof and cupola at the Old Courthouse, and

WHEREAS, After a review of the bids received, it is recommended that the contract be awarded to the lowest bidder meeting specifications, and

WHEREAS, The Committee on Ways and Means did review the recommendation and do concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Jos. A. Sanders and Sons, Inc., P. O. Box 814, Buffalo, New York in the amount not to exceed \$187,000.00 for the replacement and repair to the roof and cupola at the Old Courthouse, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized to make payment from the Old Courthouse Roof and Cupola Repair Capital Project.

Budget Impact Statement: Funds will be available from the Old Courthouse Roof and Cupola Repair Capital Project.

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

RESOLUTION NO. 108 INSURANCE RENEWAL-2014-2015 POLICY WITH NYMIR – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, 2002 Resolution No. 43 duly adopted on January 23, 2002 did approve the selection of New York Municipal Insurance Reciprocal (NYMIR) as Genesee County’s carrier for its property and liability insurance coverage and 2004 Resolution No. 395 duly adopted on November 22, 2004 did approve the selection of NYMIR as carrier for the Genesee County Nursing Home’s property and professional liability coverage, and

WHEREAS, NYMIR has presented a 2014/2015 renewal proposal to the County for the same level of coverage at an annual premium of \$287,615.71, and

WHEREAS, The Genesee County Attorney has recommended that the County renew coverage with NYMIR, and

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

RESOLVED, That the Genesee County Legislature does hereby designate New York Municipal Insurance Reciprocal, 12 Metro Park Road, Suite 208, Colonie, NY 12205-1139 to provide for the period February 1, 2014 through February 1, 2015 insurance coverage of \$1/\$2 million General Liability, \$2/\$4 million Excess Liability, Property, Boiler and Machinery, Inland Marine, Auto Liability, Law Enforcement Liability and Public Officials Errors and Omissions Liability with a \$1 million self-insured retention by Genesee County and \$1/\$3 million Professional Liability for the Health Department, Mental Health Department, County Jail and County Nursing Home at an annualized premium of \$287,615.71.

Budget Impact Statement: \$6,110.39 increase in annualized premium from 2013/14 to 2014/15.

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

RESOLUTION NO. 109 COUNTY AUDIT – MARCH 26 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Torrey did review the following claims:

2014 General Fund	\$	1,036,389.30
2014 Highway		123,162.89
2014 Water		17,990.94
2014 Nursing Home		544,635.56
2014 DSS Abstracts		233,279.89
2014 Capital Projects:		
Sheriff 800 MHz Radio System Upgrade		8,098.01
Facility Management-Old Court House Roof & Cupola Repair		62.05
Payroll – General & Nursing Home		
March 21, 2014		1,722,992.91
Medicaid		
March 18, 2014		186,456.00
March 25, 2014		<u>186,456.00</u>
Total Audit	\$	4,059,523.55

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 6:15 upon motion of Legislator Stein seconded by Legislator Lawrence.