

**FOURTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Wednesday August 14, 2013  
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, August 14, 2013 at 7PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Cianfrini, followed by the Pledge to the Flag.

Legislator Stein presented a Proclamation to Mr. John Andrews who served for over 30 years on the GCEDC Board. Legislator Stein stated that Mr. Andrews has helped create a community that she is proud to live in to work for along with the other Legislators. Without Mr. Andrews's spirit and his sincere commitment and investment this County would not be what it is today. Vice Chair Lawrence added that on behalf of the entire Legislature thank you very much for serving his County and Community and for the positive path that you have helped create and form for this Country.

The minutes of the July 10, 2013 meeting were approved by a motion by Legislator Clattenburg seconded by Legislator DeJaneiro.

Legislator Stein recently attended the Soil and Water Board and they reviewed their programs and budget moving forward. They are looking to raise their relevance in the county and their opportunities through different partnerships and along with that there is an emphasis on training for their Board of Directors. With the help of the Economic Development Center the prep for the Soil and Water budget is coming up. She hopes that the Legislature can appreciate the difficulty of preparing a budget because you have to begin to imagine what can possibly happen within the next year. Things such as the activities at STAMP and the positive economic conditions in the region with agricultural economic engine and local entrepreneurs are all factors in the Soil and Water budget. It takes a lot of imagination and appreciation for those impacts that go into the budget.

Legislator Cianfrini attended the Criminal Justice Advisory Board and was advised that the female jail population has not gotten any better. The Department of Corrections has required that the County Jail hire 10 more full time personnel. With the budget coming up this will be most likely become an issue. This is not a suggestion from the Department of Corrections this is their requirement that they would like to see happen over a three year period. Mr. Cianfrini added that an update will be presented at the next Public Service meeting.

Legislator DeJaneiro recently attend the GLOW Solid Waste meeting and the Household Hazardous Waste Collection is scheduled for September 21<sup>st</sup> at the County Highway Department. They are advertising for appointments. Lastly Mr. DeJaneiro shared that the Finger Lakes Institute is offering a rain barrel sale and you can use the rain barrel for various watering needs you may have at home.

An Out-of-state travel request for Erin Martin of Genesee Justice to travel to New Hampshire for the Boot Camp for the Victim Advocacy Standard, September 3-6, 2013 was approved by a motion by Legislator Leadley seconded by Legislator DeJaneiro.

Legislator Bausch commented that the three towns within his district have just finished up with their festivals. He just wanted to recognize all the volunteers that help put these festivals on within the County. It takes a lot of time and manpower to put these on and wanted to commend all of the efforts of the volunteers that help.

Legislator Stein commented that Congressman Collins is hosting Coffee with Chris at Java's in LeRoy. It is an informal meeting with the Congressman to talk about different Congressional issues and to have your questions answered. She also invited the group to the

Decision Makers Tour which a flyer has been placed in the Legislators mailbox. This is designed for those that make decisions on land use and also taxing the land and the property in the county. This year they will be showcasing investment in soil improvement programs. Lastly Legislator Stein attended the Governor's Taste of the New York Wine Tour and the Governor's Cup announcement on the wineries industry. She thought that it was interesting that the Governor focused on the economics of the wine industry and that the Seneca Lake Wine Trail started in 1986 with 11 wineries, today there are 34. The Commissioners that attended this event were the Commissioner of Agriculture, Tourism, NYS Department of Transportation, NYS Taxation and Finance, Veterans Service Officer for the State, Department of Corrections Commissioner and Secretary of State and the Commissioner of the Department of Conservation. They were asked to look at how their department impacts this industry. Legislator Stein was very happy to represent the Genesee County Legislature.

The County Manager reported that the State Office of Real Property Services will be attending an upcoming meeting to explain the new STAR Program exemptions that were recently introduced in Legislation. The Office of Real Property Services are on a speaking tour to explain these changes and new details.

Vice Chair Lawrence gave the job reports from the Genesee County Career Center. There were 549 job openings. This is a 5% decrease from the previous month. In Genesee County the unemployment rate is 6.9%. This is the lowest rate in the GLOW Region.

The Clerk proceeded with the reading of the resolutions:

**RESOLUTION NO. 290 FACILITIES MASTER PLAN – GENESEE COMMUNITY COLLEGE-APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Genesee Community College enlisted JMZ Architects to complete a comprehensive Facilities Master Plan which was completed in June 2012, and

**WHEREAS**, The Genesee Community College Board of Trustees formally approved the Facilities Master Plan on June 18, 2012, and

**WHEREAS**, The Facilities Master Plan identified substantial space deficits throughout the College and recommended a program of new construction and renovation of existing facilities to meet present and projected needs, and

**WHEREAS**, The State of New York requires Sponsor support of the Facilities Master Plan in order for the College to qualify for future State funding of potential capital projects for which anticipated financing for said capital projects would be borne half by the State of New York, and when the project(s) are approved, half by the County, and

**WHEREAS**, The Genesee Community College Foundation has committed to enter into a capital funds campaign to raise funds to help offset the addition of any debt which the County of Genesee may incur for approved capital projects, and

**WHEREAS**, The Committee on Ways and Means does recommend approval of the Genesee Community College Facilities Master Plan at a total project cost of \$42,501,764 and acknowledge the County share of the project up to \$21,250,882 and the Committee on Ways and Means does recommend approval of the Genesee Community College Facilities Master Plan.

Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the College's Facilities Master Plan prepared by JMZ Architects and approved by the Board of Trustees on June 18, 2012 for a total project cost of \$42,501,764 and acknowledge the County share of the project up to \$21,250,882.

Legislator Ferrando seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 291 LEASE RENEWAL-GENESEE COMMUNITY COLLEGE/VET TECH PROGRAM – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, In 2011 Genesee County did enter into an agreement with Genesee Community College for lease of space at County Building No. Two for the Veterinary Technology Program through Genesee Community College, and

**WHEREAS**, Genesee Community College has expressed their desire to renew the lease for an additional year to include only the staff lounge area, and

**WHEREAS**, The Genesee County Manager and County Attorney have reviewed the said agreement and do recommend the one year lease renewal agreement and the Committee on Ways and Means does concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between Genesee Community College and the County of Genesee for the lease of space in County Building No. Two effective August 1, 2013 through July 31, 2014; at a cost of \$2,616.20

**Budget Impact:** Rent for 254 sq. ft. at \$10.30/sq. ft. = \$2,616.20.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 292 BUDGET AMENDMENT – OFFICE FOR THE AGING – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did request a budget amendment to the 2013 OFA County Budget due to funding increases and decreases in several State, Federal and Federal P2/Medicare grant funding; and also incorporating deferred revenue from the 2012 county budget into the 2013 budget based on the following changes, and

**WHEREAS**, Federal grants have been reduced due to Federal Sequestration for Title III B Support Services, Title III-C2 Home Delivered Meals, Title III D Health Promotion, Title III E Caregiver Support; along with providing additional carry-over funds in Title III C1 Congregate Meals, Title III C2 Home Delivered Meals, Title III E Caregiver Support; and an additional administrative allocation for the Federal RSVP grant; which result in a net increase of \$1,466 in Federal Aid in the 2013 County Budget, and

**WHEREAS**, State grants – Wellness in Aging & Community Services for the Elderly - have funding from the SFY 4<sup>th</sup> Qtr (January 1, 2013 – March 31, 2013) greater than included in the 2013 budget and an additional \$3,500 in Empower Funds which result in an overall increase of \$13,395 in State Aid in the 2013 County Budget, and

**WHEREAS**, The Care Transitions Intervention Program, providing Federal Medicare Funds through a grant by the P2 Collaborative has had significantly fewer referrals for patients discharged from UMMC than projected, revenue is anticipated to be \$30,000 less than projected in the 2013 County Budget, and

**WHEREAS**, \$13,435 in Gifts & Donations Revenue received but not expended in the 2012 Office for the Aging budget was deferred into 2013 and is now being incorporated into the appropriate revenue and appropriations based on the designation of each gift and donation; with \$3,339 from Rolling Into the Holidays fundraiser and other nutrition program donations for the home delivered meal program; \$1,505 from IARP for Senior Center Program specialized supplies; remaining unspent Doris Beswick Bequest of \$1,803 and Frank Spiotta Bequest of \$6,788 being used for home care services, and

**WHEREAS**; the Committees on Human Services and Ways and Means did review this request and do recommend approval of this budget amendment. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Budget by adjusting Office for the Aging Appropriations and Revenues by the following amounts:

Revenues:

A. 1000.6772.2705	Gifts and Donations	+ \$13,435
A. 1000.6772.3772	State Aid	+ \$13,395
A. 1000.6772.4772	Federal Aid	+ \$ 1,466
A. 1000.6772.4772.1	Federal Aid/P2/Medicare	- \$30,000

Appropriations:

A. 6772.4	Contractual	- \$ 1,704
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**Budget Impact:** Revenue adjustments - State: + \$13,395; Federal: + \$1,466; Federal P2/Medicare: -\$30,000; and Gifts & donations: +\$13,435 for a net Revenue decrease of -\$1,704. Allocations are adjusted based on revenue changes with a net decreased of - \$1,704.

Legislator Bausch seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 293      EMPLOYEE HANDBOOK INFORMATION SECURITY-  
INFORMATION TECHNOLOGY-  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Director of Information Technology did present an updated Information Security policy and procedures manual for Genesee County staff titled 'Employee Handbook for Information Security', and

**WHEREAS**, The Committee on Ways and Means did review the 'Employee Handbook for Information Security' and does recommend the approval of these Information Security Policies at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to approve the Employee Handbook Information Security GCIS-0001.001

**BUDGET IMPACT STATEMENT:** NO BUDGET IMPACT

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 294      CONTRACT-INFORMATION TECHNOLOGY-EASY  
ACCESS PROPERTY TAX BILLING AND COLLECTION  
SYSTEM - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Genesee County Information Technology Director and County Treasurer are recommending Genesee County enter into an Application Service Provider (ASP) contract for hosting the Easy Access Property Tax Billing and Collection System with Hamer Enterprises for a period covering 5 years, and

**WHEREAS**, The Ways and Means Committee did review this request and recommend the approval of the Application Service Provider (ASP) contract. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Application Service Provider (ASP) contract with Hamer Enterprises 4200-A N. Bicentennial Drive, McAllen Texas 78504 with an amount not to exceed \$25,800 for ASP services plus travel expenses associated with Hamer being on-site for training.

**BUDGET IMPACT STATEMENT:** The contract cost of \$25,800 for the ASP Contract is within the 2013 Adopted Budget in line item A.1989.2024.0010 Asset Acquisition / Tax Application. The original estimate for the project was \$62,500.

Legislator Ferrando seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 295 BUDGET AMENDMENT - EMERGENCY MANAGEMENT SERVICES /FY12 HAZMAT GRANT FUNDS - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Emergency Management Services Coordinator did receive authorization to accept the FY12 HazMat grant funds in the amount of \$98,000 from the Federal Department of State Division of Homeland Security's Program in conjunction with Monroe, Orleans, Wyoming and Livingston Counties, and

**WHEREAS**, The Emergency Management Services Coordinator is recommending a budget amendment to allow for the expenditure of the FY12 HazMat grant funds, and

**WHEREAS**, The Committee on Public Service and Ways & Means concurs with the Emergency Management Services Coordinator's recommendation. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee County Budget by increasing EMS Appropriation Account A.3640.2080.0710 Program Ex-Homeland Security in the amount of \$98,000 to be offset by an increase in EMS Revenue A.3640.4305.2 Federal Aid/Homeland Security in the amount of \$98,000.

**Budget Impact Statement:** No County cost. Grant funds in the amount of \$98,000 are appropriated in the 2013 Emergency Management Services (EMS) budget.

Legislator Cianfrini seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 296 BUDGET AMENDMENT - EMERGENCY MANAGEMENT SERVICES -HAZMAT RESPONSE REIMBURSEMENT- APPROVAL OF**

Legislator Cianfrini offered the following resolution

**WHEREAS**, The Genesee County Office of Emergency Management Services Coordinator did receive reimbursement in the amount of \$1,231.00 from the Berkley Insurance Company, Inc., as a result of the HazMat response which occurred on June 7, 2013, and

**WHEREAS**, The Coordinator of Emergency Management Services wishes to incorporate this reimbursement into the Office of Emergency Management Services operating budget to allow for the replacement of supplies expended at said HazMat response, and

**WHEREAS**, The Committee on Public Service and Ways & Means concurs with The Emergency Management Services Coordinator's recommendation. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 County Budget by increasing appropriation account A3640.4700.0000 Specialized

Supplies in the amount of \$1,231.00 to be offset by an increase in revenue account A.3640.2771.000 HazMat Response in the amount of \$1,231.00.

**Budget Impact Statement:** Increase in the Emergency Management Service's appropriation (Specialized Supplies) to be offset by EMS Revenue Account (HazMat Response) in like amount - \$1,231 .

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 297 GRANT ACCEPTANCE/BUDGET AMENDMENT - EMERGENCY MANAGEMENT SERVICES & SHERIFF OFFICE/ FY13 HOMELAND SECURITY GRANT – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** The Emergency Management Services Coordinator and the Genesee County Sheriff request authorization to accept the State Homeland Security Program (SHSP) grant funding in the amount of \$110,000 from the US Department of Homeland Security, Federal Emergency Management Agency (FEMA); administered by the NYS Division of Homeland Security and Emergency Services (DHSES), and

**WHEREAS,** Grant priorities have been identified as Building Sustainable Systems, Sustaining and Maintaining Useful Capabilities, Building and Sustaining Interoperable Communications Systems, Maintaining Core Planning and Response Capabilities, Developing Regional Capabilities and Focusing on Worst Case Planning, and

**WHEREAS,** 25% of the total grant award or \$27,500 must be utilized for law enforcement terrorism prevention activities, and

**WHEREAS,** The Committee 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 execute the Agreement with the New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of FY13 State Homeland Security Program (SHSP) funds in the amount of \$110,000 and to execute any and all other documentation related to this funding, and Be it further

**RESOLVED,** That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 County Budget by increasing EMS Appropriation Account A3640.2080.0710 – Equipment, Homeland Security in the amount of \$82,500 to be offset by an increase in EMS Revenue Account A.3640.4305.2 – Federal Aid/Homeland Security in the amount of \$82,500. Increasing Sheriff's Office Appropriation Account A3110.4800.0503 – Homeland Security in the amount of \$27,500 to be offset by an increase in Sheriff's Office Revenue Account A.3110.4305.2 – Federal Aid/Homeland \$27,500.

**Budget Impact Statement** No County cost. Grant funds in the amount of \$82,500 are appropriated in the 2013 Emergency Management Services (EMS) budget. Grant funds in the amount of \$27,500 are appropriated in the 2013 Genesee County Sheriff budget.

Legislator DeJaneiro seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 298 BUDGET AMENDMENT/ CONTRACT – SHERIFF'S OFFICE/PURCHASE OF POLICE K-9 AND K-9 HANDLER TRAINING CONTRACT-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS,** The Sheriff's Office current police K-9 will be retiring at the end of 2013, and the current K-9 handler will be relinquishing his K-9 assignment, therefore a fundraising campaign was initiated to assist with funding for a new police K-9 and training for a new K9 handler, and

**WHEREAS**, A new K-9 has been selected for purchase at a cost of \$5,500, with additional equipment and supplies at a cost of \$2,846, and K-9 handler training to cost \$5,000, with the total cost being \$13,346, and

**WHEREAS**, The Sheriff is requesting a budget amendment to use the money donated to the Genesee County K-9 Fund, as well as funds from Forfeiture of Crime Proceeds to cover these costs, 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 amend the 2013 budget by increasing Sheriff's Account A3110.4800.3317 (Program Expense – Canine Program) by \$13,346, to be offset by an increase in revenue account A3110.2705 (Gifts and Donations) of \$9,800.00, with funds to come from Deferred Revenue Account A691.2705K (Genesee County K-9 Fund), and an increase in Sheriff's Revenue Account A3110.2626 (Forfeiture of Crime Proceeds) of \$3,546.00, with funds to come from A899.3 (State Restricted Fund Balance-Sheriff).

**Budget Impact Statement:** Increase in Sheriff's appropriations of \$13,346 for the purchase of a K-9, training and related equipment, to be offset by revenue from K-9 Fund donations and money from deferred forfeiture of crime proceeds revenue.

Legislator Leadley seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 299      BUDGET AMENDMENT - SHERIFF'S OFFICE  
(JAIL)/FEMALE HOUSING & OVERTIME - APPROVAL  
OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Jail is in need of funds to cover projected deficits in both the female inmate housing and overtime line items of the Jail budget, and

**WHEREAS**, The Genesee County Treasurer has assisted the Sheriff by recommending the following budget amendment, 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 amend the 2013 budget by increasing Jail Accounts A3150.4660.0005 (Female Housing) in the amount of \$205,000 and A3150.1020 (Overtime Salaries) in the amount of \$15,000 to be offset by increases in revenue accounts A.1000.2701 (Refund of Prior Year's Expense) in the amount of \$153,000, A1000.2725 (VLT Revenue) in the amount of \$57,020 and A.3150.1525 (Prisoner Charges) in the amount of \$9,980.

**Budget Impact Statement:** Increase in Jail appropriations of \$205,000 to Female Housing and \$15,000 to Overtime to be offset by increases of \$9,980 in revenue from Jail Prisoner Charges and \$210,020 from Genesee County Refund of Prior Year's expense and VLT revenue.

Legislator Ferrando seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 300      PURCHASE AGREEMENT – ALABAMA FIRE  
DEPARTMENT/SHERIFF'S OFFICE 800 MHZ RADIO  
SYSTEM UPGRADE – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Genesee County established a Capital Project to upgrade its 800 MHz analog trunked radio system to a P25 compliant 800 MHz digital trunked radio system pursuant to

Resolution No 93, dated February 28, 2013, and amended pursuant to Resolution No 157, dated April 25, 2013, and

**WHEREAS**, Genesee County has reached an agreement with the Alabama Fire Department for the purchase of a 50' by 50' parcel for the construction of a radio tower and enclosure, and a permanent easement for road access, for total cost not to exceed \$4,000, plus reasonable closing costs and attorney's fees, and

**WHEREAS** After careful review by a Negotiations Team consisting of the Genesee County Sheriff, Undersheriff, Emergency Management Coordinator, Director of Emergency Communications, Communications Coordinator, County Attorney, the team unanimously recommends the County enter into an agreement with the Alabama Fire Department for the purchase of this property, 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 an agreement with the Alabama Fire Department, located at 2230 Judge Rd, Oakfield, NY 14125 for the purchase of a 50' by 50' parcel of property which also includes a permanent easement for road access for the construction of a radio tower and enclosure for the County's 800 MHz radio system at a cost not to exceed \$4,000 and subject to an appraisal of the parcel by a Licensed Real Estate Appraiser certifying an appraisal value equal to or greater than \$4,000, plus closing costs and attorney fees, and Be it further

**RESOLVED**, The Genesee County Attorney is authorized and directed to evaluate and approve all reasonable and closing costs and attorney's fees associated with this purchase.

Legislator DeJaneiro seconded the resolution which was adopted by 251 votes Legislator Hancock (47) absent, Legislator Cianfrini (28) abstain.

**RESOLUTION NO. 301 PURCHASE AGREEMENT – TIME WARNER CABLE  
NORTHEAST, LLC/SHERIFF'S OFFICE 800 MHZ RADIO  
SYSTEM UPGRADE – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Genesee County established a Capital Project to upgrade its 800 MHz analog trunked radio system to a P25 compliant 800 MHz digital trunked radio system pursuant to Resolution No 93, dated February 28, 2013, and amended pursuant to Resolution No 157, dated April 25, 2013, and

**WHEREAS**, Genesee County has reached an agreement with the Time Warner Cable Northeast, LLC to purchase parcel 13.-1-20.2, located in the Town of Bergen for the construction of a radio tower and enclosure for a cost not to exceed \$10,000, plus reasonable and closing costs, and

**WHEREAS** After careful review by Negotiations Team consisting of the Genesee County Sheriff, Undersheriff, Emergency Management Coordinator, Director of Emergency Communications, Communications Coordinator, County Attorney, the team unanimously recommends the County enter into an agreement with Time Warner Cable Northeast LLC for the purchase of this property, 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 an agreement with Time Warner Northeast, LLC, 7815 Crescent Executive Drive, Charlotte, N.C. 28217 for the purchase of parcel 13.-1-20.2, located in the Town of Bergen, Genesee County, New York for the construction of a radio tower and enclosure at a cost



not to exceed \$10,000 and subject to an appraisal by a licensed real estate appraiser certifying an appraised value equal to or greater than \$10,000 and , and Be it further

**RESOLVED**, The Genesee County Attorney is authorized and directed to evaluate and approve all reasonable closing costs associated with this purchase.

**Budget Impact:** The entire cost of this site acquisition will be funded by the Public Safety Radio System Upgrade Capital Project.

Legislator Cianfrini seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 302 CONTRACT EXTENSION –REAL  
PROPERTY/PREPARATION OF TAX BILLS– APPROVAL  
OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Genesee County does contract for the preparation of tax bill laser printing and inserting into window envelopes, and

**WHEREAS**, The Director of Real Property had received a one year contract with the option to extend the following year at a cost not to exceed the amount for the initial year, and

**WHEREAS**, The Director of Real Property does recommend approval for exercising the one year contract extension, and

**WHEREAS**, The Committee on Ways and Means did review this contract and does concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to enter into a contract extension with Applied Business Systems, Inc., 26 Harvester Avenue, Batavia, New York 14020 for the processing of tax bills at a cost of \$0.147 per tax bill for the period September 1, 2013 through August 31, 2014.

**Budget Impact Statement:** Approximate yearly expense of \$8,000 which is offset by revenues received from chargebacks to other taxing entities. Cost is the same as last year according to terms of the contract.

Legislator Bausch seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 303 2013 GENESEE COUNTY CHARGEBACKS TO TOWNS AND  
CITY OF BATAVIA – TREASURER / REAL PROPERTY –  
APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Director of Real Property Tax Services has submitted a list of chargebacks to the several Towns and City of Batavia for assessment rolls, tax rolls, tax bills, supplies, and assessment update services, and

**WHEREAS**, The Committee on Ways and Means does recommend apportionment of this expense. Now, therefore, Be it

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

**2013 Chargebacks Applied to 2014 Town Budgets**

<b>TOWN</b>	<b>PARCELS</b>	<b>ASSESSMENT ROLLS/BILLS</b>	<b>NYSORPTS LICENSE FEE</b>	<b>TOTAL</b>
Alabama	1,133	\$3,115.75	\$1,000.00	\$4,115.75
Alexander	1,416	\$3,894.00	\$1,000.00	\$4,894.00
Batavia(T)	2,878	\$7,914.50	\$598.37	\$8,512.87
Bergen	1,625	\$4,468.75	\$1,000.00	\$5,468.75

Bethany	1,010	\$2,777.50	\$288.52	\$3,066.02
Byron	1,349	\$3,709.75	\$562.67	\$4,272.42
Darien	1,827	\$5,024.25	\$521.90	\$5,546.15
Elba	1,497	\$4,116.75	\$1,000.00	\$5,116.75
LeRoy	3,521	\$9,682.75	\$1,054.19	\$10,736.94
Oakfield	1,528	\$4,202.00	\$637.33	\$4,839.33
Pavilion	1,489	\$4,094.75	\$445.81	\$4,540.56
Pembroke	2,414	\$6,638.50	\$689.58	\$7,328.08
Stafford	1,548	\$4,257.00	\$1,000.00	\$5,257.00
Batavia(C)	5,539	\$15,232.25	\$1,151.63	\$16,383.88
<b>TOTALS</b>	<b>28,774</b>	<b>\$79,128.50</b>	<b>\$10,950.00</b>	<b>\$90,078.50</b>

and, Be it further

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

**Budget Impact Statement:** Licensing fee revenue of \$10,950 is paid to the NYSORPTS for software licensing. Assessment services and roll / bill revenue of \$79,128.50 covers salary and all other expenses incurred in providing these services to the municipalities. The 2012 chargebacks totaled \$90,018.00.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 304 AGREEMENT – HEALTH DEPARTMENT/ VENESSA VASSALL, CENTER FOR DISEASE CONTROL PUBLIC HEALTH ASSOCIATE PROGRAM FELLOW – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Genesee County Health Department is collaborating with the Orleans County Health Department to co-host a Center for Disease Control Public Health Associate Program (PHAP) Fellow for a 2-year period, and

**WHEREAS**, The fellow, Venessa Vassall, will be integrated into both Health Departments with recognition by Genesee County of the formal agreement between Orleans County and the CDC, and

**WHEREAS**, The Public Health Associate Program (PHAP) Agreement specifies that any in-state or local travel by an associate that is required by host agency will be paid by the host agency as well as reimbursement for expenses related to host site required or sponsored training, and

**WHEREAS**, The Public Health Director did present an agreement with Venessa Vassel, Center for Disease Control Public Health Associate Program Fellow and the Committee on Human Services did review the agreement 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 execute the necessary documents to enter into an agreement with Venessa Vassall for the period July 29, 2013 through December 29, 2015 to allow for utilization of the Health Department's Fleet vehicles or be reimbursed at the County's mileage reimbursement rates when a vehicle is not available for work related travel and eligible for expenses related to required and approved meetings or trainings.

**Budget Impact Statement:** Mileage will be reimbursed at the current IRS rate. Expenses related to this agreement are eligible up to 100% for Article VI State Aid reimbursement.

Legislator Leadley seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

Prior to roll call on the above resolution Legislator Leadley stated that this is a grant that Orleans County received, and because Genesee County is sharing services with Orleans County we get the privilege of having this person work in our County also.

**RESOLUTION NO. 305 BUDGET AMENDMENT – HISTORY  
DEPARTMENT/FUNDING FOR HISTORICAL MARKERS-  
APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The County Historian has received funding from the William G. Pomeroy Foundation Historical Marker Fund Grant to purchase two historical markers in the amount of \$2,100, and

**WHEREAS**, The County Historian did request the funds be incorporated into the current operating budget to provide for the purchase of the two historical markers and mounting poles, and

**WHEREAS**, The Committees on Human Services 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 amend the 2013 Genesee County Budget for the History Department by increasing Appropriation A7510 – 4700.0000 Specialized Supplies in the amount of \$2,100; to be offset by an increase in Revenue A7510 2091 County Historian Charges in the amount of \$2,100.

**Budget Impact:** Increase of \$2,100 to the 2013 budget for the History Department. Funding was provided through the William G. Pomeroy Foundation Historical Marker Fund Grant. Funding not used as outlined within the award will be returned to the William G. Pomeroy Foundation Historical Marker Fund.

Legislator Ferrando seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

Prior to roll call on the above resolution Legislator Leadley stated this is a result of a grant that was submitted by County Historian Conklin.

**RESOLUTION NO. 306 BUDGET TRANSFER-GENESEE JUSTICE  
– APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Coordinator of the Genesee Justice is requesting an appropriation transfer to the 2013 budget to allow for the use of remaining grant money, and

**WHEREAS**, The Committees on Public Service and Ways and Means does recommend use of remaining grant funds at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by transferring funds from A.3151.8030.0000 (Medical) in the amount of \$14,000 and A.3151.4440.000 (Lease Agreements) in the amount of \$6,000 into the following accounts

\$4,000 A.3151.8030 0001 Medical Buyback  
\$175 A.3151.8040 0001 Dental Buyback  
\$300 A.3151.4290 0400 Phones  
\$200 A.3151.4290 0600 Internet/T1/Bandwidth  
\$1,000 A 3151.4550 0000 Personnel Training  
\$700 A 3151.4560 0000 Personnel Travel  
\$4,100 A 3151.4660 0000 Contracted Other

\$1,520 A 3151.4800 0000 Program Expense  
\$3,231 A 3151.2010 0025 File Cabinets  
\$1,250 A 3151.2022 0001 Laptop Computer  
\$324 A 3151.2060 0060 Camera  
\$3,200 A 3151.2080 0900 JFC Equipment

**Budget Impact:** \$20,000 in changes are covered in 2013 grant funds through the NYS Crime Victims Board and NYS Office of Children and Family Services which expire on September 30, 2013.

Legislator DeJaneiro seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 307 CONTRACT – NURSING HOME/ PALLIATIVE CARE  
PHYSICIAN – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS,** The Administrator of the Genesee County Nursing Home did request approval of a contract with a local physician to provide palliative care for the residents of the Nursing Home, and in-servicing and education for staff and family members who struggle with these same issues, and

**WHEREAS,** A contract has been initiated with Mary Obear, MD, 319 West Main Street, Batavia, New York, 14020 to provide this end-of-life care 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 enter into a contract with Mary Obear, M.D. for the provision of palliative care services at a cost of \$100.00 per hour of service, not to exceed two (2) hours per week. The contract will be effective August 15, 2013 and will continue until terminated by either party with a written thirty (30) day notification to the other party.

**Budget Impact Statement:** \$3,600 for the remainder of 2013; to be paid from savings from the retirement of Dr. Das.

Legislator Clattenburg seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

Prior to roll call on the above resolution Legislator Leadley stated that Dr. O’Bear has had training in Palliative Care and that this is a good move for our Nursing Home residents.

**RESOLUTION NO. 308 CONTRACT - NURSING HOME /ON-CALL  
PHYSICIAN SERVICES -APPROVAL OF**

Legislator DeJanerio offered the following resolution:

**WHEREAS,** The Administrator of the Genesee County Nursing Home requests that a contract be entered into with a local physician to provide physician coverage in the absence of the Medical Director, and to provide on-call physician services as a back-up to services provided by the Medical Director, and

**WHEREAS,** A contract has been initiated with Deniz Pirincci, M.D., 2 Tountas Avenue, LeRoy, New York, 14482 for the provision of physician coverage and on-call services 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 enter into a contract with Deniz Pirincci, M.D. for the provision of physician coverage on an as-needed basis at a cost of \$100 per hour; and for the provision of on-call physician services at a cost of \$100 per each 24-hour on-call shift. This contract will become effective August 15, 2013 and continue unless terminated by either party with written notification to the other party.

**Budget Impact Statement:** - 0 - On-call physician costs were already budgeted.

Legislator Ferrando seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 309 CONTRACT – NURSING HOME/ NURSE PRACTITIONER — APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home seeks to replace an existing contract with the facility's Nurse Practitioner with a contract that will include four (4) additional hours of Nurse Practitioner service, and also to include on-call Nurse Practitioner services, and

**WHEREAS**, A revised contract has been initiated with Barbara Worthington, NP, P.O. Box 385, Batavia, New York for the provision of additional Nurse Practitioner hours and on-call services and the Committee on Human Services do 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 enter into a contract with Barbara Worthington, NP, for the provision of additional Nurse Practitioner coverage and on-call service, at a cost of \$75.00 per hour of on-site service, not to exceed four (4) hours per week; and \$100 for each 24 hour on-call shift. This contract will become effective August 15, 2013 and continue unless terminated by either party with written notification to the other party.

**Budget Impact Statement:** To be paid from savings from retirement of Dr. Das

Legislator Clattenburg seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 310 CONTRACT- NURSING HOME /NURSE PRACTITIONER ON-CALL COVERAGE– APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home seeks to enter into a contract with a Nurse Practitioner who will provide needed on-call Nurse Practitioner service to assist the Medical Director with coverage during off-hours, and

**WHEREAS**, A contract has been initiated with Katherine Clifford, NP, 2019 Two Rod Road, Marilla, New York to provide such services and the Committee on Human Services does agree. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with Katherine Clifford, NP, for the provision of on-call Nurse Practitioner services at a cost of \$100 for each 24 hour shift during weekends and holidays, and \$50 per 12 hour shift Mon.-Fri. This contract will become effective August 15, 2013 and continue unless terminated by either party with written notification to the other party.

Legislator Leadley seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 311 SALARY SCHEDULE AMENDMENT – NURSING HOME /PART TIME SOCIAL WORK ASSISTANT –APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home does recommend that it is in the best interests of The Adult Home and Adult Day Health Care Program to add a part time Social Work Assistant for these programs, and

**WHEREAS**, The full time Case Manager position for the Adult Home has been eliminated due to down-sizing of the Adult Home census, and

**WHEREAS**, The Committee on Human Services and Ways and Means did review a proposed job description for a part time Social Work Assistant at a rate of \$17.60 per hour for 19.5 hours per week. Now, therefore, Be It

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2013 Salary Schedule by creating a part-time Social Work Assistant position at Grade 15, Step 1 of 2013 Genesee County Employee Salary Schedule to be effective September 1, 2013.

**Budget Impact Statement:** The 2013 budget has included \$19,551.86 to cover the cost of salary and benefits for the Full Time Case Manager. The proposed part-time Social Work Assistant will cost \$6,006.00 for the balance of 2013.

Legislator Leadley seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 312      AWARD OF CONTRACT –NURSING HOME/ EMPLOYEE HANDBOOK-APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home and the Deputy Director of the Department of Human Resources do recommend that it is in the best interests of Genesee County to develop an Employee Handbook which is in electronic format and meets the needs of all County Departments, and

**WHEREAS**, Such a project is best completed by a Human Resources Consultant with access to the latest resources and legal advice in the development of such a Handbook, and

**WHEREAS**, “Driven HR” of Pittsford, NY has responded to our RFP on this subject with a cost effective proposal which appears to meet our needs, and

**WHEREAS**, a Selection Committee has reviewed all responses to the RFP and does recommend the selection of this vendor 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 “Driven HR,” 1150-J Pittsford Victor Road, Pittsford, NY 14534-3825, Frank A. Cania, President, to develop an Employee Handbook for Genesee County for the price of \$3750.00 to be paid for by Collective Bargaining (A.1435.4640.0000)

**Budget Impact Statement:** The cost of this project, \$3750.00 is to be divided among the Departments of County government, as determined by the Treasurer.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 313      AGRICULTURAL DISTRICT NO. 4 - TOWNS OF BYRON, BERGEN, STAFFORD, ELBA AND LEROY– EIGHT-YEAR REVIEW-CONTINUATION AND MODIFICATION – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The creation of Agricultural District No. 4 was approved by the Genesee County Legislature by Resolution No. 240 adopted September 24, 1980 and certified by the State of New York on December 26, 1980, and

**WHEREAS**, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall review any agricultural district created under

this section eight years after the date of its creation and every eight years thereafter, and

**WHEREAS**, The County Legislature has subsequently modified Agricultural District No. 4 through reviews in 1988, 1997 and 2005, and

**WHEREAS**, The District was duly referred to the Agricultural and Farmland Protection Board which produced a report with the recommendation for the approval and modification of the District at its June 19, 2013 meeting, and

**WHEREAS**, On Wednesday the 26<sup>th</sup> day of June 2013, pursuant to public notice, a public hearing was held on the proposed District, and

**WHEREAS**, In accordance with the New York State Environmental Quality Review Act of 1975, and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District under review has been determined to have no significant impact on the environment, and

**WHEREAS**, The Committee on Public Service does concur with the recommendation of the Genesee County Agricultural and Farmland Protection Board. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve of the adoption of the proposal for the continuation and modifications of Agricultural District No. 4 in the Towns of Byron, Bergen, Stafford, Elba, and LeRoy as recommended by the Agricultural and Farmland Protection Board for a period of eight years, and Be it further

**RESOLVED**, That the Genesee County Legislature does hereby authorize the Chair of the Legislature to sign all necessary SEQR documentation and directs the Department of Planning to submit certified copies of this resolution, along with all required maps, reports, SEQR documentation and records pertaining to this eight-year Agricultural District review to the Commissioner of the New York State Department of Agriculture and Markets for review and certification.

**Budget Impact:** Funds were allocated in Planning departmental budget for 2013 including Postage \$400, Copier Cost/Copy \$100, and Printing \$40. Other costs incurred include office supplies and paper.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 314      SURPLUS EQUIPMENT-HIGHWAY/INTERNAL  
SERVICE FUND AND ROAD MACHINERY FUND-  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent did request the following equipment be declared surplus property, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this list and do recommend this equipment be declared surplus property at this time. Now, therefore, Be it,

**RESOLVED**, That the Genesee County Legislature does hereby declare the following as surplus property to be disposed of at auction.

**Internal Service Fund (Motor Pool)**

MP #3101 - 2006 Chevrolet Express 7 Passenger Van

MP #3102 - 2007 Ford E-250 Utility Van

MP #3110 – 2007 Chevrolet Express 15 Passenger Van

**Road Machinery Fund**

#5035 – 2000 Freig Dump 4x2 Truck (S/N 8878)

#6173 – 1972 Bomag Walk Behind Roller

**Budget Impact:** Revenue for Internal Service Fund and Road Machinery Fund

Legislator DeJaneiro seconded the resolution which was adopted by 279 votes Legislator

Hancock (47) absent.

**RESOLUTION NO. 315     CONSULTANT AGREEMENT – BRIDGE 603 NORTH  
PEMBROKE ROAD OVER TONAWANDA CREEK -  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Genesee County has been awarded federal aid to make repairs to the North Pembroke Road over Tonawanda Creek bridge in the Town of Pembroke, and

**WHEREAS**, Genesee County has reviewed proposals, selected a consultant based on qualifications per federal guidelines for construction administration and inspection and subsequently negotiated a fee for this work, and

**WHEREAS**, The Highway Superintendent recommends approving this consultant agreement at this time, and

**WHEREAS**, The Committee on Public Service has reviewed this recommendation and does concur. Now, therefore, Be it

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with TY-Lin International, 100 South Elmwood Ave, Suite 100, Buffalo, NY 14202 for the construction administration and inspection of the North Pembroke Rd over Tonawanda Creek bridge for a total contract of \$59,000

**Budget Impact:** The total cost of the agreement is for \$59,000. The capital project for this bridge has been established with a total of \$417,000 based on federal share of 80% and a local match of 20%.

Legislator Bausch seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 316     AWARD OF BID –HIGHWAY/ GRISWOLD ROAD BRIDGE  
OVER BLACK CREEK – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Genesee County has been awarded a federal aid grant to replace the Griswold Road Bridge over the Black Creek in the Town of Stafford, and

**WHEREAS**, Genesee County advertised bid specifications for the construction of this project and received several competitive bids, and

**WHEREAS**, The Genesee County Highway Superintendent and Barton & Loguidice Engineers have reviewed the bids to determine the lowest responsible bidder, and

**WHEREAS**, The Committees on Public Service has reviewed this request and do concur at this time. Now, therefore, Be it

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized to execute a contract with Ramsey Constructors, Inc., 5711 Gateway Park Lakeville, NY 14480 for the construction of the Griswold Road Bridge over the Black Creek in accordance with bid specifications in an amount not to exceed \$597,149.50.

**Budget Impact:** The contract is for \$597,149.50. A capital project has been established for this work that is funded with federal aid (80%) and local match (20%). The bid is approximately \$179,000 or 19% lower than the engineer's estimate for the project.

Legislator DeJaneiro seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 317     REJECTION OF BID – HIGHWAY/NORTH PEMBROKE  
ROAD BRIDGE OVER TONAWANDA CREEK –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County has been awarded a federal aid grant to repair the North



Pembroke Road Bridge over the Tonawanda Creek in the Town of Pembroke, and

**WHEREAS**, Genesee County advertised bid specifications for the construction of this project and received only one bid, and

**WHEREAS**, The Genesee County Highway Superintendent and the project engineer, TY-Line International, have reviewed this bid and found it to exceed the federal authorization for this project and recommend rejecting the bid at this time, and

**WHEREAS**, The Committee on Public Service has reviewed this request and do concur at this time. Now, therefore, be it

**RESOLVED**, That the Genesee County hereby rejects the bid received from Nicholas, Long & Moore Construction Corp for the repairs of the North Pembroke Road Bridge over the Tonawanda Creek.

Legislator Ferrando seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 318    AGREEMENT RENEWAL-HIGHWAY/DELIVERY OF  
BULK OIL PRODUCT-APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Genesee County requires a contract for the delivery of bulk oil products at Genesee County Highway Department, and

**WHEREAS**, The current contracts allow for four, one-year period renewal agreements under the same terms and conditions of the original Agreement. The Genesee County Highway Superintendent recommends renewing the current contracts for the delivery of bulk oil, and

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

**RESOLVED**, That the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with Superior Lubricants Co. Inc., 32 Ward Rd, North Tonawanda, NY 14120 for the delivery of bulk oil products for the period of November 1, 2013 through October 31, 2014, and be it further

**RESOLVED**, That the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with Wm. A. Phillips & Son, Inc., East Bethany for the delivery of synthetic transmission oil for the period of November 1, 2013 through October 31, 2014.

**Budget Impact Statement:** Road Machinery Fund includes a budgeted expense for oil products.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 319    SUPPORTING THE CONSOLIDATION OF THE VA WNY  
HEALTH CARE FACILITY DEATH RECORDS WITH  
THAT OF THE CITY OF BATAVIA DEATH RECORDS**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Registrar of Vital Statistics of the City of Batavia and the VA WNY Health Care Facility in Batavia Vital Reporting District have entered into an agreement to consolidate the VA WNY Health Care Facility in Batavia Registration District with the City of Batavia Registration District for vital statistics into one primary registration district of the City of Batavia, and

**WHEREAS**, In accordance with Section 4120.2(a) of the Public Health Law such action is subject to the approval of the Genesee County Legislature, and

**WHEREAS**, Based upon approval by the Genesee County Legislature, the New York State Commissioner of Health may issue an order combining the two districts. Now, therefore, Be it

**RESOLVED**, That upon the request of the City of Batavia Registration District and the VA WNY Health Care Facility, the Genesee County Legislature does hereby approve the consolidation and combination of the VA WNY Health Care Facility in Batavia Registration District and the City of Batavia Registration District into one City of Batavia Registration District, subject to the approval of NYS Commissioner of Health, and Be it further

**RESOLVED**, That the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the New York State Commissioner of Health, the Clerk of the City of Batavia, the City Manager of Batavia, the VA WNY Health Care Facility in Batavia Registration District, the County Attorney, County Clerk and the Genesee County Public Health Director.

Legislator Clattenburg seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 320 2013 BUDGET TRANSFER – COUNTY MANAGER – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, It is the desire of the County Legislature to advertise for several vacant Department Head positions, and

**WHEREAS**, There are no funds available within the County Manager’s Department budget to cover the expenses and the County Manager has recommended using the 2013 General Contingency Fund, and

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

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

\$2,000.00	from	A.1990.4800.0000	Contingency, Program expense
\$2,000.00	to	A.1230.4170.0000	County Manager, Advertising

**Budget Impact:** Increase in the County Manager’s Department’s appropriation of \$2,000. Contingency Fund balance after above transaction = \$57,800.

Legislator Cianfrini seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 321 BUDGET AMENDMENT – COUNTY ATTORNEY /CASUALTY LIABILITY INSURANCE RESERVE – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The County Attorney did request an amendment to the 2013 County Budget due to a shortage of funds in his claims account, and

**WHEREAS**, There is sufficient money in the Casualty Liability Insurance Reserve to cover this shortfall. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Budget by adjusting the County Attorney Appropriations and Revenues by the following amounts:

Increase in revenue MS.1000.9999 Balancing-Appropriated	\$20,000
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to be offset by an

Increase in expense MS.1930.4800-0100 Claims	\$20,000
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**Budget Impact:** There will a \$20,000 decrease in the Casualty Liability Insurance Reserve.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 322 SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. 3, YEAR 2013 – APPROVAL  
OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 3, Year 2013 entitled “**A LOCAL LAW TO REDUCE THE SIZE OF THE GENESEE COUNTY COMMUNITY SERVICES BOARD-APPROVAL OF**”, and

**WHEREAS**, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

**RESOLVED**, That a public hearing shall be held on proposed Local Law Introductory No 3, Year 2013, by the Genesee County Legislature on the 11<sup>th</sup> day of September, 2013 at 7:00 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Clattenburg seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 323 SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. 4, YEAR 2013 – APPROVAL  
OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No 4, Year 2013 entitled “**A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 2011, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2009 AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE**”, and

**WHEREAS**, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

**RESOLVED**, That a public hearing shall be held on proposed Local Law Introductory No 4, Year 2013, by the Genesee County Legislature on the 11<sup>th</sup> day of September, 2013 at 7:00 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Bausch seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 324 2013 BUDGET AMENDMENT/WATER FUND-  
MONROE COUNTY WATER AUTHORITY-  
LEGAL SERVICES – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Resolution 167, duly adopted on May 10, 2000 did authorize the intermunicipal agreement between the County of Genesee and Monroe County Water Authority for the integrated public water system for Genesee County, and

**WHEREAS**, As a result of a breach of contract suit in 2003, Monroe County Water Authority incurred litigation and attorney services fees. In accordance with the intermunicipal agreement the County is responsible for indemnification of the costs of litigation, including attorney fees, and

**WHEREAS**, The Genesee County Attorney and Monroe County Water Authority have agreed the County of Genesee will pay 75% (\$106,025.61) of the incurred cost, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing EW 8320.4640.0060 (Legal Services) by \$106,026.00, to be offset by an increase in EW 8320.9999 (Balancing Appropriated) in a like amount.

**Budget Impact:** Increases water expense by \$106,026

Legislator Bausch seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

**RESOLUTION NO. 325 COUNTY AUDIT – AUGUST 14 APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2013 General Fund	\$ 6,348,487.60
2013 Highway	443,824.85
2013 Self Insurance	59,245.52
2013 Water	866,179.67
2013 Nursing Home	621,359.81
DSS Abstracts	416,934.57
<b>2013 Capital Projects:</b>	
Sheriff 800Mhz Radio System Upgrade	1,087,363.89
Sheriff Admin. Building Modifications	601.50
Treasurer Financial System .Net	2,172.73
Highway 2013 Surface Treatment	816,578.71
Highway 2013 Bridge Construction	29,574.75
Highway 2013 Chipseal	31,346.77
Highway Ag Park Drive	1,299.99
Highway Black Street Bridge	172,142.54
Highway Griswold Road Bridge	15,075.04
Highway North Pembroke Road Bridge	103.00
Highway Hopkins Road Bridge	4,963.00
Airport Terminal Apron Construction Phase II	5,583.08
Airport Design Terminal & Maint. Hangar	52,750.00
<b>Payroll – General &amp; Nursing Home</b>	
July 12, 2013	1,343,941.69
July 26, 2013	1,739,645.97
August 9, 2013	1,258,632.35
<b>Medicaid</b>	
July 16, 2013	186,456.00
July 23, 2013	186,456.00
July 30, 2013	186,456.00
August 6, 2013	186,456.00
August 13, 2013	<u>186,456.00</u>
<b>Total Audit</b>	<b>\$ 16,250,087.03</b>

Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

**RESOLVED**, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Stein seconded the resolution which was adopted by 279 votes Legislator Hancock

(47) absent.

A motion was made to invoke a Rule 19 by Legislator Stein seconded by Legislator Leadley for the following resolution:

**RESOLUTION NO. 326    CONSULTING AGREEMENT- GENESEE  
COUNTY NURSING HOME- RECEIVABLES  
AND REVENUE COLLECTION – APPROVAL  
OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, Genesee County has identified a need to enhance and improve our Genesee County Nursing Home receivables and revenue collections for resident care and stay within our facility, and

**WHEREAS**, The County's Independent Auditors, Freed Maxick of Batavia and Buffalo, New York have performed a forensic analysis of our accounts receivable, payables, prospective payors and aging revenue accounts which identified potential revenue recoupments of up to \$2.3 million, and

**WHEREAS**, A plan of action and long-term improvement has been outlined by the Freed Maxick professional consultants, a copy of which has been presented to the County, and

**WHEREAS**, The County Treasurer and County Manager are recommending this plan of action to be immediately committed to and implemented post haste. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature did approve said consulting engagement with Freed Maxick Healthcare, 424 Main Street, Suite 800, Buffalo, New York 14224, for an amount not to exceed \$15,000 plus incidental expenses with a weekly bill that will reflect the hourly rate for a 30 day period and authorize the County Manager to execute said letter of professional service engagement. Said expenses shall be paid for from the Genesee County Nursing Home 2013 operating budget from an account mutually agreed to by the Genesee County Nursing Home Administration and Genesee County Treasurer.

**Budget Impact:** The ROI for this expenditure has already shown preliminary results of \$130,000 in pending revenue being recouped during the first two days of the preliminary analysis/consultation and said expense from the Genesee County Nursing Home budget should be more than covered by additional revenue/reimbursement that otherwise could be written off as part of an annual independent audit process.

Legislator Cianfrini seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

Prior to roll call on the above resolution Legislator Cianfrini stated that he was uncomfortable with the terms of the fee. He would like to see an hourly rate listed. Legislator DeJaneiro asked if there was enough appropriate staff to help collect the outstanding receivables. County Manager Gsell stated that there is enough staff to help recoup the \$2.3 million in outstanding receivables. Legislator DeJaneiro inquired as to why after all the audits that have been performed at the Nursing Home; no one has ever done anything about this. Nursing Home Schaller stated that there were 2 to 3 vacancies but they have now been filled and this will help with this process. Legislator Bausch stated that he was concerned with the amount established at \$55,000. He feels that it should be set at an hourly rate. Legislator Clattenburg also felt that Freed Maxick should bill for the hours they have worked only. It is unfortunate that the Nursing Home is at this place, but that it is the beginning of corrective action. Legislator Leadley stated that she felt more comfortable setting the amount at \$44,000 rather than \$55,000. After a lengthy discussion it was decided to set the contract at \$15,000 plus expenses with a weekly bill that will reflect the hourly rate for a 30 day period, and to then discuss the matter further at the next Ways and Means meetings. A motion to amend the resolution to reflect this change was

made upon motion of Legislator Bausch seconded by Legislator Cianfrini.

A motion was made to invoke a Rule 19 by Legislator Clattenburg seconded by Legislator Ferrando for the following resolution:

**RESOLUTION NO. 327 GRANT AWARD- GENESEE JUSTICE/NYS OFFICE OF VICTIM SERVICES – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Coordinator of Genesee Justice did receive notification of the award of grant funding from the New York State Office of Victim Services that Genesee County's application for the Comprehensive Victim Services Program and Justice for Children Advocacy Center has been awarded in the amount of \$169,318, and

**WHEREAS**, The Coordinator of Genesee Justice has requested the County accept this funding which stipulates that this revenue will be used for the continuation of the Comprehensive Victim Services and Justice for Children Advocacy Center. Now, therefore, Be it

**RESOLVED**, That the Vice Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the NYS Office of Victim Services for the acceptance of funds for the period of October 1, 2013 through September 30, 2014 in the amount of \$169,318, and to execute any and all other documentation related to this funding.

**Budget Impact:** Funds for October 1 – December 31, 2013 have already been figured into the 2013 County Budget.

Legislator DeJaneiro seconded the resolution which was adopted by 279 votes Legislator Hancock (47) absent.

A motion was made to adjourn the meeting at 8:35 pm by Legislator Bausch seconded by Legislator Stein.