

**FIFTEENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday September 11, 2013
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, September 11, 2013 at 7PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Lawrence, followed by the Pledge to the Flag.

Legislator Leadley presented a Proclamation for Leadership Genesee Week. A group of past graduates were in attendance. Mrs. Leadley stated that it was with great pleasure that she present this proclamation for Leadership Genesee 2013. Ms. Marone gave her thanks. Chair Hancock thanked everyone for making this program so remarkable. This includes the Community, the Legislature and the Cooperative Extension, and this program is making a difference.

The August 14, 2013 minutes were approved upon motion of Legislator Lawrence seconded by Legislator Bausch.

Legislator Leadley reported that she attended a meeting at the Alexander Town Hall, with Assemblyman Hawley, the NYSDOT representatives and various Town of Alexander residents that are affected with the 4 lane section of Route 98 and intersection of Sprague Road and Peaviner Road. The NYSDOT has plans to take out the two outside turning lanes. The school and particularly the farmers feel that this is not a safe place for two lane traffic. The DOT was given an opportunity to explain why they want to remove these lanes, and then the local residents spoke and stated why they feel these passing lanes should stay there. This is a concern for school buses and with farm equipment moving from site to site. Mrs. Leadley was impressed with how the DOT listened and heard the residents and she is hopeful that they will leave these turn lanes as a safety measure. She also reported that there is an upcoming meeting at the Bethany Community Center to discuss the proposed roundabout at Suicide Corners in East Bethany. This is located at East Road and Route 20. The DOT plans include taking farm land and a residence to complete this roundabout.

Legislator Cianfrini reported on the recent Criminal Justice Advisory Committee meeting. The female jail population continues to get worse. In July the population was 17, in August 18 and currently the average is 20. The Jail is currently housing females in Allegany, Livingston, Ontario, Orleans, Wayne and Wyoming County. This is putting a tremendous strain on the Sheriff's personnel in terms of transportation. Some of these women are transported an hour and half to their housing. CJAC continues to discuss this problem as it continues to get worse.

Legislator Stein reported that Yancey's Fancy's has purchased 12 acres in the Town of Pembroke at the Batavia East Tech Park. They will not only be updating their current facility with a \$7 million upgrade they will also be building a new building at the Batavia East Tech Park. It is important to get this area shovel ready, and the sewer and water utilities there immediately if not sooner. This will help the County grow its tax base to help offset some of the unfunded, uncontrollable mandates and create jobs within the County.

Legislator Ferrando reported that the Rochester Area Community Foundation is honoring the Office for the Aging and the Marshall Fund on September 18th. The Marshall Fund has been so successful that it is becoming a prototype throughout the State. Also the Volunteer Program, has an amazing number of people they helping by filling out their taxes, helping with financial issues, working with Veterans. They also are celebrating their Livable Community Open House

and Public Hearing October 2nd at the Genesee ARC and October 3rd at the Gilliam Grant Center in Byron. They will be talking about a proposed 2014 plan for Senior Services and give the results of the 2013 Housing Survey.

Legislator Bausch attended the GCC Board meeting. The enrollment numbers for the College for the fall semester are level, this is interesting because only one Community College has increased and that is Jefferson Community College. This is due to returning soldiers of the 10th Mountain Division stationed in Watertown. Also housing is at capacity at the College. The College will be building two new housing units that will be built on land the GCC Foundation owns.

Legislator DeJaneiro stated that the Board of Health met on September 3rd. Besides the regular agenda the Sanitation Department indicated they had a nuisance complaint that has been ongoing since June. It is in regards to garbage left at the curbside for days that had been torn open. Notification was given to the City after an investigation done by the County and they would be meeting with the ordinance official. Mr. DeJaneiro hopes that this will not become an issue that will not continue or increase, but without a trash program in the City of Batavia sponsored by the City, there are people that are not participating. There are residents that are putting garbage out hoping that it will be picked up. He hopes this does not become a norm in the City. He also reminded the Committee that the Household Hazardous Waste Collection is on September 21 at the County Highway Building.

Chair Hancock gave the job report from the Career Center. There are 412 jobs listed. This is down 9% from the last meeting. The unemployment rate in Genesee County is 6.1% and is the lowest in the GLOW region.

The clerk proceeded with the reading of the resolutions:

**RESOLUTION NO. 328 GENESSEE COUNTY SELF-INSURANCE PLAN - 2014
BUDGET AND APPORTIONMENT – APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Executive Secretary of the Genesee County Self-Insurance Plan did submit the Budget and Apportionment of Expenses for fiscal year 2014, and

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

RESOLVED, That the Budget and Apportionment of the Genesee County Self-Insurance Plan, as submitted, is hereby adopted for the year 2014, and Be it further

RESOLVED, That certified copies of the Budget and Resolution be forwarded to the participants of the Plan.

Budget Impact Statement: All costs are apportioned to the participants of the Plan.

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

**RESOLUTION NO. 329 APPOINTMENT - DIRECTOR OF REAL PROPERTY TAX
SERVICES III –APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The term for the current Director of Real Property Tax Services I expires on September 30, 2013, and

WHEREAS, Part 8188-4.3 of Title 20 of the New York Codes, Rules and Regulations was amended for terms beginning on October 1, 2013 to create one set of minimum qualification standards to be the same as what is now known as Director of Real Property Tax Services III, and

WHEREAS, The current Director of Real Property Tax Services I is requesting to be appointed to the position of Director of Real Property Tax Services III, and

WHEREAS, The Committee on Ways and Means did review this request and concurs that the title change and appointment be made at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to delete the position of Director of Real Property Tax Services I and to create the position of Director of Real Property Tax Services III with a 2013 salary of \$59,000 per year, effective as of October 1, 2013, and Be it further

RESOLVED, That Kevin J. Andrews of LeRoy, NY shall hereby be appointed as Director of Real Property Tax Services III to fill a six year term effective October 1, 2013 through September 30, 2019.

Budget Impact Statement: No impact.

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

**RESOLUTION NO. 330 CONTRACT– HEALTH DEPARTMENT/ PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM –
APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, The Public Health Director did present a contract for the provision of services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with the Heritage Centers, 205 Yorkshire Road, Tonawanda, NY 14150, for the provision of Special Education Itinerant Teacher (SEIT) Services, Classroom Services (CB), and Evaluator Services in the Preschool Supportive Health Services Program for the period September 1, 2013 through June 30, 2015 at the rates established by State of New York.

Budget Impact: Revenue and expenses are included in the 2013 A 2960 3-5 Preschool Program Budget and will be included in the 2014 and 2015 Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

**RESOLUTION NO. 331 2013 BUDGET AMENDMENT - MENTAL HEALTH
SERVICES/ MEDICATION INSURANCE
REIMBURSEMENT - - APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2013 Genesee County Budget to accommodate the Department's need to purchase injectable medications to meet client needs, the cost of which are reimbursable through the NYS Insurance Buy and Bill Program, 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 by increasing Appropriation A 4310 4700.0420 Mental

Health, Medical Supplies in the amount of \$35,000 to be offset by an increase in Revenue A 1000.4310.1620.1300 Medical Reimbursements, in the amount of \$35,000.

Budget Impact Statement: Increasing expenses from \$40,000 to \$75,000 and increasing medical reimbursement revenue from \$40,000 to \$75,000. No net deficit increase to the County

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

**RESOLUTION NO. 332 SALARY SCHEDULE AMENDMENT/NURSING HOME-
SENIOR EXECUTIVE ASSISTANT-APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home does recommend that there is a need for supervision of the nursing home's Front Desk Reception Services and the nursing home's Marketing and Special Events, in addition to the duties outlined in the job description for the Executive Assistant, and

WHEREAS, It is in the best interest of the Nursing Home to cover these responsibilities by upgrading the position of Executive Assistant to Senior Executive Assistant, and

WHEREAS, The Committee on Human Services and Ways and Means did review a proposed job description for a Senior Executive Assistant to manage the above functions. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and the Human Resources department is hereby authorized and directed to amend the 2013 Management Salary Schedule by eliminating one full time position of Executive Assistant, Grade 2 and creating one full-time position of Senior Executive Assistant, at Grade 3 of the Genesee County Management Scale, at an annual salary of \$45,447 effective September 15, 2013.

Budget Impact Statement: The additional cost of the Senior Executive Assistant position in 2013 will be \$1731, and will be taken from funds budgeted for Dietary contracted services, account 8210.0000.1000.6800.

Legislator Leadley seconded the resolution which was adopted by 255 votes. Legislators Stein (43) and Clattenburg (28) no.

Prior to roll call on the above resolution Legislator Stein stated that she would be voting no, she understands that there is a lot of work that is being done at the Nursing Home, but given the County's activity trying to recoup expenses at the Nursing Home and to control what is done there, she will not be able to vote to increase a salary of a staff member. Legislator Clattenburg stated that she feels same as Mrs. Stein. She does not feel this is the time to focus on the front desk, this is a time to concentrate on the business office.

**RESOLUTION NO. 333 AUTHORIZATION TO CLOSE COMPLETED GCC
CAPITAL PROJECT – APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, GCC has reported that the Athletic Field Expansion and Gym/Locker Room Renovations Project has been completed, and

WHEREAS, The County Manager has recommended that said Capital Project be closed at this time, and

WHEREAS, The Ways and Means Committee has reviewed this request and recommends that said Capital Project be closed at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to reduce the authorization in the GCC Athletic Field Expansion and Gym/Locker Room Renovation

Capital Project in the amount of \$87,521.07 to be offset by a reduction in H.2497.3285 - State Aid in a like amount, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the following Capital Project:

GCC Athletic Field Expansion and Gym/Locker Room Renovation

Budget Impact: Decrease utilization of 1% contribution by \$72,778.23

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

**RESOLUTION NO. 334 CAPITAL PROJECTS/AUTHORIZATION TO
CLOSE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Manager and County Treasurer reported that certain Capital Projects have been completed and have recommended that said Capital Projects be closed at this time, and

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

RESOLVED, That the Genesee County Treasurer be and hereby authorized and directed to adjust the funding source in the Highway, Economic Stimulus Project in the amount of \$26,102.20 from Federal Aid (H5197.4592) to 1% Sales Tax (H5197.5031) and reduce the total authorization by \$535,712.71 to be offset by a reduction in Federal Aid (H5197.4592), and Be it further

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

\$27,681.09 from Capital Project, Facilities Management, Building #1 Roof
to Building and Equipment Reserve, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to close the following completed Capital Projects:

Highway, Economic Stimulus
Sheriff's Administration Building Modification
Facilities Management, Building #1 Roof
Sheriff, VHF Narrow Banding

Budget Impact Statement: No impact on 2013 County Budget; \$27,681.09 being transferred to Building and Equipment. 1% Sales Tax in the amount of \$26,102.20 will be utilized to cover a shortage in Federal Aid received within the Highway, Economic Stimulus Project in order for it to be closed.

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

**RESOLUTION NO. 335 LOCAL LAW INTRODUCTORY NO. TWO -A LOCAL
LAW TO REDUCE THE SIZE OF THE GENESEE
COUNTY COMMUNITY SERVICES BOARD-APPROVAL
OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law: LOCAL LAW INTRODUCTORY NO. TWO, YEAR 2013-A LOCAL LAW TO REDUCE THE SIZE OF THE GENESEE COUNTY COMMUNITY SERVICES BOARD

Be it enacted, by the Legislature of the County of Genesee, State of New York as follows:

Section 1, Board Members

The by-laws of the Genesee County Community Services Board currently provide that the Community Services Board shall consist of fifteen (15) members including one County Legislator, and

There are currently only ten (10) members serving on the Community Services Board with two (2) members' terms expiring on December 31, 2013, and

Section 41.11 of the Mental Hygiene Law of the State of New York provides that a local government with a population of less than 100,000 may, at its option, appoint a board of either nine (9) or fifteen (15) members, and

It is believed to be in the best interest of Genesee County and the Genesee County Community Services Board, to reduce the size of the Community Services Board from fifteen (15) to nine (9).

Section 2. Effective Date

This local law shall take effect on **January 1, 2014**, provided certified copies of this local law shall also be filed with the Genesee County Clerk, the Secretary of State and the State Comptroller within five days after the date it is duly enacted

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Daily News, the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local **Law Introductory Number Two of the Year 2013**, and

WHEREAS, The Public Hearing was held at **7PM on the 11th day of September, 2013** in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That commencing January 1, 2014 the Genesee County Community Services Board shall have nine (9) members, including one Genesee County Legislator, and Be it further

RESOLVED, That LOCAL LAW INTRODUCTORY NO. TWO, YEAR 2013-A LOCAL LAW TO REDUCE THE SIZE OF THE GENESEE COUNTY COMMUNITY SERVICES BOARD **to be known as Local Law Number , 2013 for the County of Genesee is hereby adopted.**

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

Prior to roll call on the above resolution Legislator Lawrence explained that this is being done this way per Mental Hygiene Law. This board can work with either 9 or 15 members and it was getting to the point where it was becoming difficult to find qualified individuals to serve on this Board because there are certain designations that must be met to serve. To Board agreed to reduce the size to have a higher functioning Board.

RESOLUTION NO. 336 LOCAL LAW INTRODUCTORY NO. 3, YEAR 2013 A LOCAL LAW AMENDING LOCAL LAW 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- ADOPTION OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, **The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law:** LOCAL LAW INTRODUCTORY NO. 4, YEAR 2013, AMENDING LOCAL LAW 2 OF THE YEAR 2011, AMEDNING 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

Be it enacted, by the Legislature of the County of Genesee, State of New York as follows:

Section 1. Section 1 of Local Law No. of the year 2011 is hereby amended to read as follows:

Section 1. Imposition of Tax

Pursuant to Chapter 579 of the **Laws of 2004, for the period beginning January 1, 2005 and ending October 31, 2015**, there is hereby imposed, in the County of Genesee, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage or real property situated within the County of Genesee and recorded on or after January 1, 2005 and a tax of \$0.25 on such Mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 2. Effective Date

This local law shall take effect on **November 1, 2013**, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Genesee County Clerk, the Secretary of State and the State Comptroller within five days after the date it is duly enacted. And,

WHEREAS, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Daily News, the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local **Law Introductory Number 4 of the Year 2013**, and

WHEREAS, The Public Hearing was held at **7PM on the 11th day of September, 2013** in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That LOCAL LAW INTRODUCTORY NO. 4, YEAR 2013 AMENDING A LOCAL LAW NO 2, 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 **to be known as Local Law Number , 2013 for the County of Genesee is hereby adopted.**

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

**RESOLUTION NO. 337 RESOLUTION AMENDING RESOLUTION NO 297
OF THE YEAR 1980 IN RELATION TO GENESEE
COUNTY SALES AND COMPENSATING USE TAXES,
INCREASING THE RATE OF TAXES ON SALES AND USES OF
TANGIBLE PERSONAL PROPERTY AND OF CERTAIN
SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND
AMUSEMENTS CHARGES, PURSUANT TO ARTICLE 29 OF
THE TAX LAW OF THE STATE OF NEW YORK**

Legislator Stein offered the following resolution:

BE IT RESOLVED by the Genesee County Legislature:

That Resolution No. 297 of the Genesee County Legislature adopted November 26, 1980, as amended by Resolution No. 16 of 1981, adopted January 14, 1981, as amended by Resolution No. 184, adopted June 22, 1994 as amended by Resolution No. 227, adopted July 31, 1995, as amended by Resolution No. 218 adopted July 28, 1997, as amended by Resolution No. 327 adopted August 11, 1999, as amended by Resolution 333 adopted September 12, 2001, as amended by Resolution 211 adopted June 25, 2003 as amended by Resolution 298 adopted September 10, 2003, and as amended by Resolution No. 226 adopted July 12, 2005 and as amended by Resolution No. 309 adopted August 8, 2007, as amended

by Resolution No. 270 adopted August 12, 2009, **as amended by Resolution No. 311 adopted September 28, 2011** be amended in its several parts as follows:

Section 1: The first sentence of section two of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 2: Imposition of sales tax.

On and after March 1, 1981, there is hereby imposed and there shall be paid a tax of three percent (3%) upon, and for the period commencing September 1, 1994, and ending November 30, 2015, there is hereby imposed and there shall be paid an additional tax of one percent (1%) upon:

Section 2: Subdivision (f) of section three of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent (1%) imposed for the period commencing September 1, 1994 and ending **November 30, 2015**, the provisions of subdivision (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivision (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994 any transaction which may not be subject to the additional tax imposed effective on that date.

Section 3: Section four of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 4: Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994 except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontract or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2015**, the tax shall be at the rate of four percent (4%) and on and after **December 1, 2015**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent (4%), and on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the

person who manufactured, processed or assembled such property shall not be deemed as taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2015**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2015**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for tangible personal property manufactured, processed, or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvements to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2015**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2015**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2015**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2015**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (f) by its author or other creator shall not be deemed a taxable use by such person.

Section 4: Subdivision (k) of section six of Resolution No. 297 of the year 1980, enacted in November 26, 1980, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes ; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending **November 30, 2015**.

Section 5: Paragraph (B) of subdivision one of section eleven of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending **November 30, 2015**, in respect to the use of property used by the purchaser in this county prior to September 1, 1994.

Section 6: Subdivision (h) of section fourteen of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(h) Notwithstanding any other provision of law to the contrary, net collections attributable to the additional one percent rate of sales and compensating use taxes imposed by sections two and four of this

resolution for the period December 1, 2005, through **November 30, 2015**, shall be divided in the same manner and proportion as the net collections attributable to the County's existing three percent rate of such taxes during such period are divided.

Section 7: This resolution shall take effect **December 1, 2013**.

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

RESOLUTION NO. 338 CONSULTING AGREEMENT EXTENSION - GENESEE COUNTY NURSING HOME – RECEIVABLES AND REVENUE COLLECTION – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Administrator of the Genesee County Nursing Home does recommend that there is significant financial value to the Nursing Home in obtaining consultant service to clean up outstanding accounts receivable and streamline billing practices within the Nursing Home Business Office, and

WHEREAS, Freed Maxick, auditors to the County and to the Nursing Home, has proposed the services of Barbara Losi, Principal of their firm and experienced healthcare finance executive, and

WHEREAS, The Ways and Means Committee did review a proposal from Freed Maxick for the services of Ms. Losi at a hourly rate of \$250 for the maximum of 150 hours for the period of September 1 – October 31, 2013, at a project cost not to exceed \$37,500. 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 with Freed Maxick Healthcare, 424 Main Street, Suite 800, Buffalo, New York 14224, for the consultant services of Ms. Losi for an additional 60 days at a rate of \$250 per hour not to exceed \$37,500.

Budget Impact: Expense shall be paid for from 2013 NH-Consulting & Management Services (E.8350.0000.1000.2900) in the amount not to exceed \$37,500.

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

RESOLUTION NO. 339 COUNTY AUDIT – SEPTEMBER 11- APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2013 General Fund	\$	829,382.68
2013 Highway		236,720.13
2013 Self Insurance		675.88
2013 Nursing Home		626,052.31
DSS Abstracts		1,251,197.38

2013 Capital Projects:

Sheriff 800Mhz Radio System Upgrade		75,194.01
Highway 2013 Bridge Construction		37,980.84
Highway Black Street Bridge		140,275.00
Highway Griswold Road Bridge		15,594.50
Highway North Pembroke Road Bridge		1,992.29
Highway Hopkins Road Bridge		1,200.00
Airport Terminal Apron Construction Phase II		615.68
Airport Design Terminal & Maint. Hangar		42,200.00

Payroll – General & Nursing Home

August 23, 2013		1,717,224.11
September 6, 2013		1,235,387.92

Medicaid

August 20, 2013	186,456.00
August 27, 2013	186,456.00
September 3, 2013	186,456.00
September 10, 2013	<u>186,456.00</u>
Total Audit	\$ 6,957,516.73

Now, therefore, Be it

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

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

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

Legislator Clattenburg thanked Legislator DeJanerio for bringing the issue regarding the health violations in the City. She wanted to thank the Health Department for reacting promptly to these complaints, and she wants them to stay vigilant with regards to the health and safety of the people of the City of Batavia.

Nursing Home Administrator Schaller thanked the Legislature for their support. She stated that Freed Maxick has recovered \$500,000 in the six weeks they have been working on recovering the outstanding receivables at the Nursing Home.

A motion to adjourn was made at 7:55 pm upon motion of Legislator Cianfrini seconded by Legislator Bausch