

**SEVENTEENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, October 14, 2015
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday October 14, 2015 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Davis followed by the Pledge to the Flag.

The minutes of the September 23, 2015 meeting were approved upon motion of Legislator Stein seconded by Legislator Bausch.

Legislator Stein attended the Office for the Aging Public Hearing in LeRoy. There were about 75 people in attendance that listened to the needs of the agency and also the recognition of the RSVP program. This program is a really great program that offers many services to the Genesee County Senior Citizens. Also Legislator Stein reported that Soil and Water received over \$500,000 in the County for three on farm projects through the Ag Nonpoint Source funding round. The State Soil and Water Information Committee will be holding their monthly meeting in Batavia. They will be touring farms in Genesee County that are currently engaged in climate resilient practices. The Ag and Farmland Protection Plan is being updated and there was an initial meeting held. The Legislators may be asked for interviews and input. The Farm Bureau held their annual meeting and they passed several resolutions that will go on the State and Regional Organizations.

Chairman Cianfrini reported about the Governors historic announcement regarding the STAMP Project. This is the end of one process; a whole new development will now start.

Legislator Stein commented that Americas Best Communities contest with LeRoy and Bergen, will hold a public input meeting for the community revitalization plan will be held Monday October 19th at 6:30 at the Trigon Park Auditorium. Any input to on how to get gas and broadband infrastructures to the area is welcome.

County Manager Gsell attended a presentation on dealing with the poverty issues and redeveloping the 366 acre area that the City of Batavia has identified as a strategic redevelopment possibility here in the community. The Efficiency Plans that were submitted back in June have been approved by the State. Residents can expect a rebate check around \$200.00 in the near future. The Clerk proceeded with t reading of the resolutions as follows:

**RESOLUTION NO. 331 SALARY SCHEDULE AMENDMENT – NURSING HOME –
APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Housekeeping Department at the Genesee County Nursing Home is experiencing a severe staffing shortage due to long-term medical absences by a Cleaner and a Custodial Worker, and

WHEREAS, The Administrator of the Nursing Home did request an amendment to the 2015 Salary Scheduled to create an additional full-time Custodial Worker position on a temporary basis to provide adequate cleaning services at the Nursing Home, 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 and Human Resources Director are hereby authorized and directed to amend the 2015 Genesee County Nursing Home Salary Schedule by creating the position of temporary full time Custodial Worker, to begin immediately and to continue until an employee on leave of absence is able to return to work.

Budget Impact: An increase in salary expense of \$ 5,966 for 2015 will be fully covered in the 2015 budget. It should be noted that the Housekeeping Department is currently under budget for 2015. There is no impact on benefit costs.

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

**RESOLUTION NO. 332 2015 BUDGET AMENDMENT – HEALTH DEPARTMENT /
EBOLA PREPAREDNESS– APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Legislature accepted a grant for Ebola Preparedness on May 14, 2015 by Resolution #161 and

WHEREAS, The Genesee County Health Department would like to amend their 2015 budget to reflect this grant acceptance, and

WHEREAS, The Committees on Human Service and Ways and Means has reviewed this request and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 4010 Public Health Budget by increasing A 4010 4700 0000 by \$15,000 and A 4010 4800 0000 by \$ 4,000 and offset these expenses with an increase in Revenue 4401.50 Federal Aid – Ebola Preparedness in the amount of \$19,0000.

Budget Impact: A 4010 4800.0000 will increase \$15,000, A 4010 4800.0000 will increase by \$4,000 and the expense will be offset in full by A 4010 4401.50 Federal Aid – Ebola Preparedness \$19,000.

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

**RESOLUTION NO. 333 PERFORMANCE INCENTIVE ACCEPTANCE/
BUDGET AMENDMENT-HEALTH DEPARTMENT
-APPROVAL OF**

Legislature Davis offered the following resolution

WHEREAS, The Public Health Department participated in the 2014-2015 in the Local Health Department Performance Incentive Initiative and produced a composite score of 100.00 during the performance period, and

WHEREAS, The New York State Department of Health has awarded the Genesee County Public Health Department \$13,000 to use this funding to support costs associated with Article 6 eligible services and,

WHEREAS, The Committees on Human Services and Ways and Means did review this award and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized to accept this award for \$13,000 as specified in the Year 2 Local Health Department Incentive Initiative description and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by increasing A 4010 Public Health Appropriations A 4010 2080.0550 Health Equipment by \$8200 and A 4010 4800.0000 Program Expense by \$4800 to be offset by an increase in the A 4010 Public Health Revenue A 4010 3401 State Aid, Public Health of \$13,000.

Budget Impact: An increase in expenditures in the amount of \$13,000 to be offset by revenue of \$13,000. No county cost.

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

**RESOLUTION NO. 334 2016 - 2018 RATES FOR BURIALS OF INDIGENT COUNTY
RESIDENTS/CORONER REQUESTED REMOVALS –
DSS/HEALTH -APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Committee on Human Services did review the current charges paid for funeral and burial services provided to indigent individuals, pursuant to Section 148 of the General Municipal Law, and the rates for Coroner requested removals, and does recommend that the current fee schedule be adopted for 2016 through 2018. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve of the following rate schedule that would provide for funeral and burial services provided to indigent individuals, and for Coroner requested removals, for a three year period commencing January 1, 2016:

<u>SERVICE/MERCHANDISE</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Basic fee 6 years thru adult:	\$ 1,802	1,802	1,802
Ancillary services:			
Vault:	550	550	550
Cemetery/crematory expense:	500	500	500
Children's services:			
6 months to 5 years:	940	940	940
Stillborn to 6 months:	441	441	441
Maximum private contribution:	950	950	950
Coroner requested removal:	175	175	175
Mileage:	1.00/mile	1.00/mile	1.00/mile

Budget Impact Statement: The County 2015 budget is not affected. These rates are established commencing on 1/1/2016. For 2016, the Department of Social Services anticipates a burial expense of \$88,130 with total estimated revenue of \$22,438. The Health Department has budgeted \$12,800 for Coroner requested removals in 2016 at 100% local share. These estimates are reflected in the Departments' budgets being submitted for 2016.

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

**RESOLUTION NO. 335 2015 SALARY SCHEDULE AMENDMENT-
DSS/FINANCIAL CLERK TYPIST-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Commissioner of Social Services did request the deletion of a Clerk Typist position, and

WHEREAS, The Commissioner did request the creation of a Financial Clerk Typist position, 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 2015 Employees Salary schedule by deleting a permanent position of Clerk Typist in CSEA Grade 6 and by creating a permanent position of Financial Clerk Typist in CSEA Grade 8 in the Department of Social Services.

Budget Impact Statement: There is an increase of \$773.23 for the remainder of 2015, offset by revenue of \$585.65. Total local share net increase is \$187.58.

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

**RESOLUTION NO. 336 2015 BUDGET AND CONTRACT AMENDMENT –
COMMUNITY MENTAL HEALTH SERVICES/GCASA-
APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2015 GCASA contract and budget, 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 Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2015 contract and budget between the County of Genesee and GCASA, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by

Increasing A.4313. .4660.0000 GCASA \$34,397.00

AND

Increasing A.4313. .3490 State Aid, Mental Health by \$34,397.00

Budget Impact Statement: No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 337 2015 BUDGET AND CONTRACT AMENDMENT -
COMMUNITY MENTAL HEALTH SERVICES/THE MENTAL
HEALTH ASSOCIATION IN GENESEE COUNTY –
APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2015 Mental Health Association in Genesee County contract and budget, 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 Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2015 contract and budget between the County of Genesee and the Mental Health Association in Genesee County, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by

Increasing A.4321. .4660.0000 Mental Health Association In Genesee County \$85,472.00
AND

Increasing A.4321. .3490 State Aid, Mental Health by \$85,472.00

Budget Impact Statement: No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 338 2015 BUDGET AND CONTRACT AMENDMENT -
COMMUNITY MENTAL HEALTH
SERVICES/RESTORATION SOCIETY (ACE EMPLOYMENT
SERVICES) – APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2015 Restoration Society contract and budget, 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 Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2015 contract and budget between the County of Genesee and the Restoration Society, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by

Increasing A.4323. .4660.0000 Restoration Society \$36,619.00
AND

Increasing A.4323. .3490 State Aid, Mental Health by \$36,619.00

Budget Impact Statement: No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 339 2015 BUDGET AND CONTRACT AMENDMENT -
COMMUNITY MENTAL HEALTH SERVICES – LIVING
OPPORTUNITIES OF DEPAU – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2015 Living Opportunities of DePaul contract and budget, 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 Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2015 contract and budget between the County of Genesee and Living Opportunities of DePaul, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by

Increasing A.4312. .4660.0000 Living Opportunities of DePaul by \$ 436.00

AND

Increasing A.4312 .3490 State Aid, Mental Health by \$ 436.00

Budget Impact: No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 340 2015 BUDGET AND CONTRACT AMENDMENT -
COMMUNITY MENTAL HEALTH SERVICES/YWCA OF
GENESEE COUNTY, INC. – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2015 Mental Health Association in Genesee County contract and budget, 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 Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2015 contract and budget between the County of Genesee and the YWCA of Genesee County, Inc., and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by

Increasing A.4324. .4660.0000 YWCA of Genesee County, Inc. \$ 1,656.00

AND

Increasing A.4324. .3490 State Aid, Mental Health by \$ 1,656.00

Budget Impact Statement: No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 341 CONTRACT-MENTALHEALTH/CAZENOVIA
RECOVERY SYSTEMS, INC.-2015-APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Committee on Human Services does recommend approval of a contract with Cazenovia Recovery Systems, Inc. as presented by the Director of the Community Mental Health Services. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to implement a contract between the County of Genesee and Cazenovia Recovery Systems, Inc. for the provision of an 18-bed Community Residence (Liberty Hall) located on the grounds of the Batavia VA Hospital in Batavia, NY, not to exceed \$80,386 for the period July 1, 2015 through December 31, 2015 in accordance with the terms of said contract.

Budget Impact Statement: 2015 County Cost - \$0

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

**RESOLUTION NO. 342 AGREEMENT/REQUEST OF ADDITIONAL INSURED-
OFA/CORFU PRESBYTERIAN CHURCH MEALSITE-
APPROVAL OF**

Legislator Davis offered the following resolution:

WHEREAS, The Genesee County Office for the Aging desires to continue the congregate mealsite program at the Corfu Presbyterian Church location at an annual stipend rate of \$600 per year, and the Committee on Human Services does recommend approval at this time; and

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars naming Corfu Presbyterian Church, 63 Allegheny Road, Corfu, New York 14036 as additional insured, and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew a contract with Corfu Presbyterian Church, 63 Allegheny Road, Corfu, New York 14036 for the provision of using designated space within the church facility to hold a once weekly congregate meal site operated by the Genesee County Office for the Aging, at the stipend rate of \$600 for the period January 1, 2016 through December 31, 2016; and Be it further

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Corfu Presbyterian Church, 63 Allegheny Road, Corfu, New York 14036 as additional insured from January 1, 2016 – December 31, 2016.

Budget Impact: This stipend rate remains the same at \$600 per year; is covered by Federal NSIP (Nutrition Service Incentive Program), NY State WIN (Wellness in Nutrition), Title IIIC-1 Federal Older Americans Act funds, contributions received from participants; and is included in the 2016 proposed budget.

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

**RESOLUTION NO. 343 AGREEMENT/REQUEST FOR ADDITIONAL INSURED/OFA-
EAST BETHANY PRESBYTERIAN CHURCH MEALSITE –
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Office for the Aging desires to continue the congregate mealsite program at the East Bethany Presbyterian Church location at an annual stipend rate of \$600 per year, and the Committee on Human Services does recommend approval at this time; and

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars naming East Bethany Presbyterian Church, 5735 Ellicott Street Road, E. Bethany, New York 14054 as additional insured, and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew a contract with East Bethany Presbyterian Church, 5735 Ellicott Street Road, E. Bethany, New York 14054 for the provision of using designated space within the church facility to hold a once weekly congregate meal site operated by the Genesee County Office for the Aging, at the stipend rate of \$600 for the period January 1, 2016 through December 31, 2016, and Be it further

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name East Bethany Presbyterian Church, 5735 Ellicott Street Road, E. Bethany, New York 14054 as additional insured from January 1, 2016 – December 31, 2016.

Budget Impact: This stipend rate remains the same at \$600 per year; is covered by Federal NSIP (Nutrition Service Incentive Program), NY State WIN (Wellness in Nutrition), Title IIIC-1 Federal Older Americans Act funds, contributions received from participants; and is included in the 2016 proposed budget.

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

**RESOLUTION NO. 344 CONTRACT RENEWAL/REQUEST FOR ADDITIONAL
INSURED - OFA/LEISURETIMERS APTS MEAL SITE
AGREEMENT -APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract renewal for the provision of a two (2) day per week meal site for senior citizens at Leisuretimers Apartments and the Committee on Human Services does recommend approval at this time; and

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars naming People Inc./Leisuretimers Residential Services, 364 Bloomingdale Road, Akron, NY 14001 as additional insured. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with People Inc./Leisuretimers Residential Services, 364 Bloomingdale Road, Akron, NY 14001 to host a meal site meal twice per week for Genesee County Office for the Aging congregate meal program for the period of January 1, 2016 through December 31, 2016 at a stipend rate of \$450.00 per year; and Be it further

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name People Inc./Leisuretimers Residential Services, 364 Bloomingdale Road, Akron, NY 14001 as additional insured from January 1, 2016 – December 31, 2016.

Budget Impact: This stipend rate remains the same at \$450 per year; is covered by Federal NSIP (Nutrition Service Incentive Program), NY State WIN (Wellness in Nutrition), Title IIIC-1 Federal Older Americans Act funds, contributions received from participants; and is included in the 2016 proposed budget.

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

**RESOLUTION NO. 345 CONTRACT/REQUEST FOR ADDITIONAL INSURED-
OFA/NUTRITION PROGRAM MEAL SITE –HAVENWOOD
CONGREGATE APARTMENTS -APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract for the provision of meal site operation, and the Committee on Human Services does recommend approval at this time; and

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars naming Genesee Valley Rural Preservation Council, Inc., 5861 Groveland Station Road, Mount Morris, NY 14510 as additional insured, and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter into any and all agreements with the Genesee Valley Rural Preservation Council, Inc. 5861 Groveland Station Road, Mount Morris, NY 14510, for a senior mealsite operation at Havenwood Congregate Apartments under the terms and conditions of the agreement for the period of January 1, 2016 – December 31, 2016, with no payment to Genesee Valley Rural Preservation Council, Inc. for services rendered or received. Participant contributions will be forwarded to the Office for the Aging for meals provided; and Be it further

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Genesee Valley Rural Preservation Council, Inc, 5861 Groveland Station Road, Mount Morris, NY 14510 as additional insured in the amount of at least one million dollars.

Budget Impact: Neutral. Contributions received from participants, Federal NSIP (Nutrition Service Incentive Program), NY State WIN (Wellness in Nutrition), and Title IIIC-1 Federal Older Americans Act grant funds will pay for the costs of providing meals at this meal site.

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

**RESOLUTION NO. 346 CONTRACT/REQUEST FOR ADDITIONAL INSURED-
OFA/NUTRITION PROGRAM MEAL SITE –MONSIGNOR
KIRBY APARTMENTS -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract for the provision of meal site operation, and the Committee on Human Services does recommend approval at this time; and

WHEREAS, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars naming Delta Development of WNY, Inc. 525 Washington Street, Buffalo, NY 14203 as additional insured, and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to enter into any and all agreements with Delta Development of WNY, Inc., 525 Washington Street, Buffalo, NY 14203 to authorize operation of a senior congregate meal site at Monsignor Kirby Apartments under the terms and conditions of the agreement for the period of January 1, 2016 – December 31, 2016, with no payment to Monsignor Kirby Apartments for services rendered or received. Participant contributions will be forwarded to the Office for the Aging for meals provided; and Be it further

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Delta Development of WNY, Inc., 525 Washington Street, Buffalo, NY 14203 as additional insured in the amount of at least one million dollars.

Budget Impact: Neutral. Contributions received from participants, Federal NSIP (Nutrition Service Incentive Program), NY State WIN (Wellness in Nutrition), and Title IIIC-1 Federal Older Americans Act grant funds will pay for the costs of providing meals at this meal site.

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

**RESOLUTION NO. 347 CONTRACT AWARD - OFA/HCR HOME CARE-
LONG TERM HOME HEALTH CARE PROGRAM
MEALS ON WHEELS - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract with L Woerner, Inc., dba HCR Home Care, for the provision of home delivered meals for clients of the Long Term Care Home Health Care Program by Genesee County Office for the Aging's Meals on Wheels Program; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with L Woerner, Inc. dba HCR Home Care, 85 Metro Park, Rochester, NY, 14623, for the period of January 1, 2016 - December 31, 2016. Rate established for home delivered meals provided to HCR are as follows:

Regular Home Delivered Meal	\$6.50 per meal
2 nd Sandwich Meal:	\$5.00 per meal

Budget Impact: Based on the number of meals anticipated for 2016, revenue of \$17,000 projected for all Medicaid funded Home Delivered Meal contracts; and is already incorporated into our 2016 county budget. Due to Medicaid Redesign, it is anticipated the LTHHCP meals will virtually end sometime in 2016 and will be replaced by Medicaid Managed Long Term Care contracted nutrition services, included in the above funding structure. Rates for LTHHCP meals remain the same at \$6.50 per regular home delivered meal and \$5.00 per 2nd Sandwich Meal.

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

**RESOLUTION NO. 348 CONTRACT RENEWAL- OFA/ ROOM SET UP –GENESEE
COUNTY CHAPTER NYSARC INC. - APPROVAL O**

Legislator Stein offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract renewal with Genesee ARC, a Chapter of NYSARC, Inc. for the provision of labor and supervision to set up rooms at the Office for the Aging for various meeting and activities for recreation, education and health promotion programs and services held in the 2 Bank Street facility; with the rate of \$25 per day for a morning and/or mid-day set up depending on the needs of the Office for the Aging activity schedule; and the Committee on Human Services 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 renew a contact with_Genesee County Chapter NYSARC

Inc./Genesee ARC, 64 Walnut Street, Batavia, N.Y. 14020, at a rate of \$25 per day, not to exceed \$4,200 for the period of January 1, 2016 – December 31, 2016.

Budget Impact: \$4,200 expense is included in the proposed 2016 Office for the Aging Recreation Program budget. Same rate and total contract amount as 2015.

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

RESOLUTION NO. 349 CONTRACT AWARD– OFFICE FOR THE AGING/LEGAL SERVICES – APPROVAL OF

Legislator Davis offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract renewal originally awarded based on RFP 2013-118 to Legal Service for the Elderly, Disabled & Disadvantaged in WNY, Inc., 237 Main Street, Buffalo, New York, 14203-2717 for the provision of Legal Services for the Elderly in Genesee County and the Committee on Human Service does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to award the contract to Legal Service for the Elderly, Disabled & Disadvantaged in WNY, Inc. for the provision of Title III- B legal services through the Office for the Aging at a cost not to exceed \$8,400.00 per year with para-legal service rate of \$40 per hour and attorney rate of \$55 per hour for the period January 1, 2016 through December 31, 2016; and mileage reimbursement at the IRS rate for home visits to GCOFA legal service clients or program site locations, other than the Office for the Aging, within Genesee County.

Budget Impact: \$8,400 for this contract is already included in the 2016 budget. The contract amount and rates are the same as 2015 contract amount, plus continuation of approximately \$150 in mileage reimbursement for legal service/para-legal contractor staff for home visits or other site locations within Genesee County. Federal Title III-B grant funds pay for this service.

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

RESOLUTION NO. 350 CONTRACT RENEWAL– OFFICE FOR THE AGING/GENESEE YMCA – FITNESS PROGRAM – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract renewal for GLOW YMCA - Genesee YMCA, 209 East Main Street, Batavia, NY 14020 for the provision of *Tai Chi: Moving for Better Balance* classes, an evidence based fitness program to be provided for older adults in Genesee County using Older Americans Act Title III-D Health Promotion grant funds and the Committee on Human Service does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to renew a contract with GLOW YMCA - Genesee YMCA for the provision of Title III- D Health Promotion *Tai Chi: Moving for Better Balance* services through the Office for the Aging at a rate of \$60 per class session; and at a cost not to exceed \$3,600.00 for the period January 1, 2016 through December 31, 2016.

Budget Impact: \$3,600 contract is paid for by Federal Title III-D Health Promotion grant funds (\$3,255) and participant contributions. These funds are incorporated in the 2016 county budget to fully cover this expense

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

RESOLUTION NO. 351 SET PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 2, YEAR 2015 – APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No 2, Year 2015 entitled “**A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF THE YEAR 2013 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 2, Year 2015, by the Genesee County Legislature on the 28th day of October, 2015 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

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

RESOLUTION NO. 352 BUDGET FOR 2016 - SETTING PUBLIC HEARING

Legislator Clattenburg offered the following resolution:

WHEREAS, The Tentative Budget for 2016 is being prepared by the Genesee County Budget Director and will be duly filed with the Clerk of the County Legislature, and

WHEREAS, The Committee on Ways and Means does recommend setting a public hearing for the 2016 Budget. Now, therefore, Be it

RESOLVED, That a Public Hearing on the 2016 Genesee County Budget will be held on Thursday, November 5, 2015 at 7:00 p.m. at the Old County Courthouse, 7 Main Street, in the City of Batavia, New York.

Budget Impact Statement: None

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

RESOLUTION NO. 353 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 Torrey 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 **as amended by Resolution No. 337 adopted September 11, 2013** 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, 2017**, 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, 2017**, the tax shall be at the rate of four percent (4%) and on and after **December 1, 2017**, 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, 2017**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2017**, 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, 2017**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2017**, 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, 2017**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2017**, 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, 2017**.

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, 2017**, 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, 2017**, 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, 2015**.

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

RESOLUTION NO. 354 CONTRACT AWARD - GENESEE COUNTY AGRICULTURAL AND FARMLAND PROTECTION PLAN UPDATE – APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County's 14 year-old Agricultural and Farmland Protection Plan is in need of updating in order to support and enhance Genesee County's No. 1 industry, agriculture, and

WHEREAS, The New York State Department of Agriculture and Markets awarded Genesee County \$50,000 of grant funds towards updating the County Agricultural and Farmland Protection Plan, and

WHEREAS, The Genesee County Department of Planning, Office of Real Property, Cornell Cooperative Extension, and Soil and Water Conservation District Office have agreed to provide in-kind services for up to \$38,000 combined, and

WHEREAS, The Genesee County Legislature approved a \$12,000 cash-match in the 2015 Planning Department Budget for this project, and

WHEREAS, The Project Steering Committee selected Wendel as the consultant to facilitate and prepare the update to the Plan, and

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

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute a contract retroactive to September 28, 2015 with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, 140 John James Audubon Parkway, Amherst, NY 14228 to update the County Agricultural and Farmland Protection Plan at a cost not to exceed \$62,000, subject to approval of the contract by the County Attorney.

Budget Impact: State aid of \$50,000 and County cash match share of \$12,000 as adopted in the 2015 Department of Planning Budget, Account A.8020.4600.0000, Contracted Services.

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

RESOLUTION NO. 355 COUNTY AUDIT – OCTOBER 14 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Young did review the following claims:

2015 General Fund	\$	616,353.95
2015 Highway		70,547.99
2015 Nursing Home		216,907.48
2015 Self Insurance		59,113.61
2015 DSS Abstracts		518,976.82
2015 Capital Projects:		
Sheriff Public Safety Answering Point Sustainment		41,163.00
County Park Pavilion A/B Roof, Structural Repairs & Fireplaces		335.88
DeWitt Park Utility Extensions/Security Improvements		182.14
Highway CR #22 Lewiston Road		285,029.36
Highway CR #1 Stroh Road		2,458.93
Highway 2015 Highway Overlay		78,996.25
Highway 2015 Highway Surface Treatment		108,500.20
Highway 2014 Highway Recycling		16,703.48
Highway 2015 Highway Chipseal		65,753.57
Highway 2015 Bridge Construction		8,981.24
Airport Construct New Terminal & Maintenance Hangar		712,334.31
Airport Construction T-Hangar Taxiway Apron Phase III		9,010.72
GCC Wellness & Event Center		343,164.10
Payroll – General & Nursing Home		
October 2, 2015		1,257,752.32
Medicaid		
September 29, 2015		177,425.00
October 6, 2015		177,425.00
October 13, 2015		<u>177,425.00</u>
Total Audit	\$	4,944,540.35

Now, therefore, Be it

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

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

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

The meeting was adjourned at 5:53 PM upon motion of Legislator Clattenburg seconded by Legislator Stein.