

**EIGHTEENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, October 22, 2014
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, October 22, 2014 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Cianfrini followed by the Pledge to the Flag. Legislators Stein, Torrey and Young were absent.

In addition to our regular meeting Chairman Cianfrini opened a Public Hearing on the termination of Agricultural District No. 6 located in the Town of Pavilion. Agricultural Districts are subject to review every eight years by the Genesee County Legislature and certification by the NYS Commissioner of Agriculture and Markets. During its 2011 Review, Agricultural District No. 3 absorbed the great majority of District No. 6 in accordance with the Genesee County Agricultural Districts Consolidation Plan adopted by the Genesee County Legislature in 2006. The termination will result in the removal of 108.6 acres from the District Program. There were no speakers.

The minutes of the October 8, 2014 meeting were approved upon motion of Legislator Ferrando seconded by Legislator Clattenburg.

Legislator Bausch attended the InterCounty Meeting held in Livingston County at the Wadsworth Estate. One issue that was discussed at the meeting was a resolution by Wyoming County concerning farmers being required to sell farmland for utilities. This was overwhelmingly defeated; they feel it is their right to sell their own land.

Legislator DeJaneiro attended the GAM meeting in LeRoy. There was a Financial Advisor in attendance that discussed the financing of municipal funding for capital projects.

Legislator Clattenburg attended the E911 Board Meeting. The radio project was discussed; Phase 1 will be done by the end of December. Also at that meeting the County Emergency Services Coordinator talked about the protocols in place for the Ebola virus.

Legislator Lawrence commented that Cornell Cooperative Extension will be holding their Annual Meeting at Terry Hills on October 23rd.

Chairman Cianfrini gave the jobs report for the County. Genesee County has the lowest unemployment rate in the GLOW Region at 4.8%. There are currently 331 openings in the area.

County Manager Gsell reported that the Job Development Bureau is working with Alpina, GCC and the Department of Labor to hold a Job Fair for those individuals that were recently laid off from Alipina. The vendors invited to this are food processing companies.

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

**RESOLUTION NO. 363 SALARY SCHEDULE AMENDMENT-PUBLIC
DEFENDER/ ASSISTANT PUBLIC DEFENDERS'
SALARIES-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution No. 376 duly accepted the contract between the Genesee County Public Defender's office and the New York State Office of Indigent Legal services (C000318), in the amount of \$167,100, and

WHEREAS, A portion of the grant will be used to increase the salary of two Assistant Public Defenders, and

WHEREAS, The Public Service and Ways and Means Committees did review the request and 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 2014 Management Salary Schedule by increasing the salary for the Senior Assistant Public Defender to \$70,000 and the salary for one (1) Assistant Public Defender to \$54,369 effective September 2, 2014, and Be it further

RESOLVED, That if funding from the New York State Office of Indigent Legal Services is terminated the salary for the Senior Assistant Public Defender and Assistant Public Defender will revert back to their salary prior to this grant funding.

Budget Impact: None. These funds are already in the 2014 budget.

Legislator DeJaneiro seconded the resolution which was adopted by 198 votes, Legislators Stein (43), Torrey (45) and Young (47) were absent.

RESOLUTION NO. 364 BUDGET TRANSFER – PROBATION DEPARTMENT – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Director of the Genesee County Probation Department did request a Budget Transfer within the 2014 Probation Department Budget due to a shortage of funds in Medical due to staffing changes, 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 make the following transfers in the 2014 Probation Department Budget:

\$11,500.00 from Probation A.3140.1010.0000 Personal Services

\$11,500.00 to Probation A.3140.8030.0000 Medical

Budget Impact Statement: No fiscal impact to County.

Legislator Ferrando seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

RESOLUTION NO. 365 LEASE RENEWAL – SHERIFF’S OFFICE / LLOYD LANE, INC. – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, Lloyd Lane, Inc. entered into a lease agreement for space on the county’s telecommunications tower located at 153 Cedar Street, Batavia NY, 14020, pursuant to Resolution 374, dated October 23, 2008, and

WHEREAS, Lloyd Lane, Inc. wishes to renew its agreement for a three-year contract commencing November 1, 2014, beginning at the cost of \$615.00 per month for the first year, with a 3% increase each year, ending October 31, 2017, appropriated to the Genesee County Sheriff Communications Revenue Account: Sheriff EMS Tower Rental (A1000.3020.2420.1), and

WHEREAS, The agreement imposes a \$75.00 per month generator fee for the term of the contract designated to the Genesee County Highway Department Shared Services Account (DM1000.5130.2804.0000), and

WHEREAS, After discussion between the Sheriff, Director of Emergency Communications, County Highway Superintendent, and County Attorney, it is recommended the County Legislature approve a lease agreement with Lloyd Lane, Inc., and

WHEREAS, The Committee on Public Service did review this proposal and does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature and Sheriff are hereby authorized and directed to enter into a site lease agreement with Lloyd Lane, Inc., 3258 Merchant Road, Warsaw, NY 14569, for the lease of space on the Genesee County telecommunications tower located at 153 Cedar Street, Batavia, NY for a period beginning November 1, 2014, ending October

31, 2017.

BUDGET IMPACT: This contract reflects \$85.96 in additional revenue for fiscal year 2014.

Legislator Bausch seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

RESOLUTION NO. 366 SALARY SCHEDULE AMENDMENT- GLOW REGION SOLID WASTE MANAGEMENT COMMITTEE /PART TIME CLERK-TYPIST-APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Secretary position in the Genesee County Planning Department has been vacant for 4 months, and

WHEREAS, The Planning Department Secretary provided clerical services to the Recycling Administrator of the GLOW Region Solid Waste Management Committee on a contractual basis, and

WHEREAS, The GLOW Region Solid Waste Management Committee at its September 26, 2014 meeting requested that Genesee County create a part time position to assist the Recycling Administrator on clerical tasks at 15 hours per week, and

WHEREAS, The Committees on Public 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 2014 Employee Salary Schedule by creating one position of a temporary part time Clerk-Typist, CSEA Grade 6 for a period not to exceed 60 days.

Budget Impact Statement: None. Genesee County's annual contribution to GLOW Region Solid Waste Management Committee is \$25,805.

Legislator Lawrence seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

RESOLUTION NO. 367 AWARD OF BIDS – HIGHWAY/ PRATT & POWERS RD INTERSECTION IMPROVEMENT PROJECT -- APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County has received a federal highway safety improvement program grant for the Pratt & Powers Road intersection in the Town of Batavia, and

WHEREAS, This road project has been found by the Genesee County Legislature not to be subject to SEQR, as it is a Type II (4) Action, and

WHEREAS, The County advertised specifications for this work and did receive 6 bids from contractors, and

WHEREAS, The Genesee County Highway Superintendent did review these bids and make a recommendation for award at this time, and

WHEREAS, The Highway Superintendent also reviewed proposals from consultants for construction administration and inspection services related to this project and did make a recommendation to approve a consultant agreement at this time, and

WHEREAS, The Committee on Public Service and Ways and Means did review these recommendations and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a construction contract with Zoladz Construction Company, Inc., 13600 Railroad St, Alden, NY 14004 in the amount of \$499,707.09.

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a consultant agreement with Clark Patterson Lee, 205 St Paul Street, Suite

500, Rochester, NY 14604 in an amount not to exceed \$95,000.

Budget Impact Statement: This work is anticipated to start in the spring of 2015. The Capital Project established for this work will need to be amended prior to the start of any work. The total cost for these awards are \$590,466.09 which is covered by a federal Highway Safety Improvement Program grant at 90% federal and 10% local match. The existing capital project has a balance of \$7,669.66 left over from design and this will be amended for a project total of \$741,000 in 2015.

Legislator Clattenburg seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

**RESOLUTION NO. 368 CHANGE ORDER REQUEST/CAPITAL PROJECT
AMENDMENT- FACILITY MAINTENANCE/
COURTHOUSE ROOF & CUPOLA -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County entered into a construction agreement with Jos A. Sanders & Sons for the repair of the courthouse roof and cupola, and

WHEREAS, Additional work and rotten materials were encountered once the existing roof was removed and these areas required repair before work could progress, and

WHEREAS, The contractor submitted change requests to cover this additional work outside of the contract specifications, and

WHEREAS, The Highway Superintendent reviewed the work and cost proposals and does recommend approval at this time, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby authorizes a change order to the construction contract with Jos A. Sanders & Sons, Inc in the amount of \$29,022.

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the capital project courthouse roof and cupola repairs in the amount of \$13,175.01 using Building and Equipment Reserve.

Budget Impact Statement: Contract amount to Jos A. Sanders & Sons, Inc. was \$187,000 to be increased by \$29,022 for a total contract of \$216,022. Original project budget of \$226,613. The capital project to be increased by \$13,175.01 using Building Equipment & Reserve.

Legislator Ferrando seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

**RESOLUTION NO. 369 SURPLUS EQUIPMENT-HIGHWAY/ROAD MACHINERY
FUND AND INTERNAL SERVICES FUND - APPROVAL
OF**

Legislator DeJaneiro 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, public bid or through inter-municipal purchase.

#5039 – 2001 Dodge 1 Ton Dump Truck

#5041 – 1998 Chevrolet 1 Ton Dump Truck

#5047 – 2001 Dodge Utility Truck

#1194 – 2009 Chevrolet Impala

Budget Impact: Revenue for Road Machinery Fund and Internal Services Fund

Legislator Lawrence seconded the resolution which was adopted by 198 votes.

Legislators Stein (43), Torrey (45) and Young (47) were absent.

**RESOLUTION NO. 370 SURPLUS EQUIPMENT-PARK/GENERAL FUND -
APPROVAL OF**

Legislator Ferrando 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, public bid or through inter-municipal purchase.

#7165 – 2002 Ford 4x4, 1 Ton Stakebody Truck

Budget Impact: Revenue for General Fund, A1000.2665, Sale of Equipment

Legislator Bausch seconded the resolution which was adopted by 198 votes.

Legislators Stein (43), Torrey (45) and Young (47) were absent.

**RESOLUTION NO. 371 AWARD OF BIDS/ESTABLISH CAPITAL PROJECT –
AIRPORT/CONSTRUCTION OF NEW TERMINAL AND
MAINTENANCE HANGAR – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has a long-standing recommendation from the Federal Aviation Administration (FAA) to relocate the Terminal and Maintenance Hangar at the Genesee County Airport due to their existing location within the Runway Safety Area (RSA), and

WHEREAS, These facilities both are need of major mechanical and structural repairs estimated to cost \$559,000, and

WHEREAS, The County has prepared a design for new facilities and advertised the plans and specifications to receive bids, and

WHEREAS, The County received thirty one bids from contractors and had these bids reviewed by an engineer to verify accuracy and responsiveness, and

WHEREAS, The County Highway Superintendent did review this bid analysis and does recommend award of contracts at this time, and

WHEREAS, The County Highway Superintendent also reviewed a proposal from C&S Engineers for construction management services for this project and does recommend approval of a consultant agreement at this time, and

WHEREAS, The Committee on Public Service did review these recommendations and does concur, Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with the following contractors from the associated trades as listed below:

General Construction:	Building Innovation Group, Inc. 107 Lincoln Parkway East Rochester, NY 14445	\$3,328,597
Electrical Construction:	Hewitt Young Electric, LLC 645 Maple Street Rochester, NY 14611	\$604,000
Plumbing Construction:	Nairy Mechanical, LLC PO Box 209 Union Hill, NY 14563	\$555,400
Mechanical Construction:	HMI Mechanical Systems, Inc.	\$663,000

345 Route 14 South
Lyons, NY 14489

and Be it further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a consultant agreement for construction observation and administration with C&S Engineers, 499 Colonel Eileen Collins Blvd, Syracuse, NY 13212 in an amount not to exceed \$399,830, and Be it further

RESOLVED, That award of these contracts and approval of the consultant agreement are contingent upon the full funding of the project by the County via local bonding or contribution of other local funds required to satisfy all contractual amounts listed in the resolution, and Be it further

RESOLVED, That upon the successful execution of bonding or receipt of other local fund sources the Genesee County Treasurer be authorized and directed to establish a capital project Construct New Terminal and Maintenance Hangar in the amount of \$5,945,827, with \$1,000,000 in state aid, \$200,000 in federal aid and \$4,745,827 from local funding as appropriate.

Budget Impact Statement: Total construction cost of the new terminal and maintenance hangar is \$5,945,827. Genesee County is in receipt of \$1,200,000 in grants resulting in a total amount to raise of \$4,745,827. Based on estimated bond terms of 3.25% and 20 years, the annual debt service to the County would be \$323,018. Projected airport annual surplus of \$100,000 would be applied toward this debt service reducing the County commitment to approximately \$223,000.

Legislator DeJaneiro seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

A Resolution Authorizing The Construction of a New Terminal Building and Maintenance Hangar, in and for the County Of Genesee, New York, at a Total Maximum Estimated Cost Of \$5,945,827, and Authorizing The Issuance of \$4,745,827 Bonds of Said County to Pay Part of the Cost Thereof was Tabled upon motion of Legislator DeJaneiro seconded by Legislator Clattenburg. This was passed 6 to 3, Legislators Stein (43), Torrey (45) and Young (47) were absent.

RESOLUTION NO. 372 SET PUBLIC HEARING-2015 BUDGET-APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The Tentative Budget for 2015 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 2015 Budget. Now, therefore, Be it

RESOLVED, That a Public Hearing on the 2015 Genesee County Budget will be held on Thursday, November 6, 2014 at 7:00 p.m. at the Genesee County Office for the Aging, 2 Bank Street, in the City of Batavia, New York.

Budget Impact Statement: None

Legislator Lawrence seconded the resolution which was adopted by 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

RESOLUTION NO. 373 COUNTY AUDIT – OCTOBER 22 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2014 General Fund	\$	1,026,548.38
2014 Highway		139,399.68
2014 Self Insurance		11,871.88
2014 Nursing Home		73,879.77
2014 Water		492,408.96

2014 DSS Abstracts	221,939.98
2014 Capital Projects:	
Facility Management Man Lift	4,860.00
County Park Imp, Pavilion A/B Roof Repairs and Fireplaces	182.26
Highway North Pembroke Road Bridge	14,026.18
Highway 2014 Bridge Construction	8,490.52
Highway 2014 Fuel Farm	123,124.02
Highway 2014 Highway Recycling	4,947.86
Highway 2014 Highway Overlay	145,198.08
Payroll – General & Nursing Home	
October 17, 2014	1,693,445.37
Medicaid	
October 14, 2014	184,665.00
October 21, 2014	<u>184,665.00</u>
Total Audit	\$ 4,329,652.94

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 198 votes. Legislators Stein (43), Torrey (45) and Young (47) were absent.

The meeting was adjourned at 5:48 PM upon motion of Legislator Bausch seconded by Legislator Ferrando.