

**EIGHTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Wednesday October 23, 2013  
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, October 23, 2013 at 7PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Leadley, followed by the Pledge to the Flag.

The October 9, 2013 minutes were approved upon motion of Legislator Stein seconded by Legislator Leadley.

Legislator Stein attended the New York State Soil and Water Annual Meeting in Oneonta. The focus of the meeting was meeting the compliance of the New York State Comptroller along with all the Soil and Water Conservation District bookkeeping and the management of the grant money that the districts work through with their partners Soil Preservation and Clean Water. She is happy to report of all the good work the local district is doing.

Legislator Leadley attended the InterCounty meeting near Auburn, New York. A NYSAC member that was in attendance gave a quick review of propositions that will be on the back of the ballots at the upcoming election. Chair Hancock stated that there were several in the Adirondack Region and they are encouraging a positive acceptance of those because of the positive impact on the State as a whole.

Legislator Clattenburg commented that she has been contacted by some members of the press with regards to concerns over access to radio band transmissions by scanner when the county transfers over to the new emergency radio system. The press has always been able to access the information and put that information out immediately. They are concerned that if that is eliminated then the access to the information will be impacted. Legislator Clattenburg asked the Sheriff to give some information on if there is anything that can be done to avoid this. Legislator Cianfrini stated that he serves on the E911 Board and they have discussed this issue. There are issues involved due to the new technology that will be in place. The Sheriff is in the process of looking into this along with the County Attorney's office. We are aware of the problem and we are looking into it.

Legislator Bausch commented that 60% of the Genesee County residents have signed up for the STAR program. Mr. Bausch also commented on the Griswold Road Bridge. It was a major issue to have this bridge out and almost a year to date the bridge will be reopened. Mr. Bausch wanted to congratulate the Highway Department for their great effort at working on the bridge so quickly so that it can be reopened.

Legislator Leadley commented that Mr. Harry Kelsey who was a former Director of the Soil and Water Conservation Board passed away. He stayed very active on the Soil and Water Board until his death.

Legislator Stein commented on the recent award given to County Historian Conklin. Mrs. Stein appreciates Mrs. Conklin's dedication to history and her love of it and her interest in engaging all of us in it.

The Clerk proceeded with reading of the resolutions as follows:

**RESOLUTION NO. 374 BUDGET AMENDMENT– STOP-DWI – APPROVAL OF**

Legislator Cianfrini offered the following resolution

**WHEREAS**, The Genesee County STOP-DWI program is eligible to receive additional funding from the New York State STOP-DWI foundation for High Visibility Road Check Crackdown Program, and

**WHEREAS**, Local police agencies did conduct a special crackdown detail to receive the additional funding, and

**WHEREAS**, The additional funding to reimburse the STOP-DWI program for the expense of the special detail was not budgeted for and is above the budgeted revenue for the STOP-DWI program, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing STOP-DWI account A.3315.4660.0000 (Contracted Other) in the amount of \$3,144 to be offset by an increase in revenue account A.3315.3389.2 (St Aid -Govt Traffic Safety Council) in the amount of \$3,144.

**Budget Impact Statement:** No impact on County Budget. Increase in revenue and expense funded by GTSC grant

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 375 ADOPTION OF 2013 SMART GROWTH PLAN REVISIONS**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Legislature by Resolution No. 122 of 1999 did include the development of a Smart Growth Plan as a mitigation measure contained in its Findings Statement as part of the State Environmental Quality Review (SEQR) of the County-wide Water Supply System, and

**WHEREAS**, The Genesee County Legislature adopted a Smart Growth Plan on May 9, 2001, and

**WHEREAS**, The Genesee County Legislature adopted Two-Year Reviews of the Smart Growth Plan in 2003, 2005, and 2007, and

**WHEREAS**, The Genesee County Legislature adopted the first Three-Year Review of the Smart Growth Plan in 2010, and

**WHEREAS**, The second Three-Year Review period has ended including a series of public meetings and presentations before the County Planning Board, the County Agricultural and Farmland Protection Board and the Water Resources Agency, and

**WHEREAS**, The County Water Resources Agency has reviewed the proposed 2013 Revisions and voted to recommend adoption by the County Legislature, and

**WHEREAS**, A Short Environmental Assessment Form (EAF) was completed in compliance with the State Environmental Quality Review Act (SEQR). Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature hereby finds that the proposed 2013 Revision to the Smart Growth Plan is classified as an Unlisted Action, accepts the draft Short EAF, makes a determination that such revision does not pose any significant adverse impacts (Negative Declaration), and authorizes the Chair of the Legislature to sign all relevant documentation with respect to SEQR, and Be it further

**RESOLVED**, That the Genesee County Legislature hereby adopts the 2013 Revision to the Smart Growth Plan.

**Budget Impact:** The Smart Growth Plan is a required mitigation action identified in the Final Environmental Impact Statement (FEIS) for the County Water System and is primarily administered through the operation budget of the Department of Planning.

Legislator Ferrando seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 376 GRANT ACCEPTANCE/ BUDGET AMENDMENT- PUBLIC DEFENDER – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Public Defender does recommend the acceptance of the contract between the Genesee County Public Defender’s Office and the New York State Office of Indigent Legal Services (C000318), Distribution #3, for the period June 1, 2013 – May 31, 2016, in the amount of \$167,100, and

**WHEREAS**, The Genesee County Public Defender is requesting a budget amendment of \$8,974 to allow for use of a portion of the grant to be used in the 2013 budget and the balance of \$158,126 to be used in future County fiscal year budgets as appropriate, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute contract C000318, Distribution #3, with the New York State Office of Indigent Legal Services for the period of June 1, 2013 – May 31, 2016, and Be it further

**RESOLVED:** That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing A.1170.3025.4 ILS Grant (2013-16) by \$8,974 to be offset by increasing appropriations as follows:

A.1170.1010.0000 Personal Services	\$5,485
A.1170.8010.0000 Social Security Tax	\$ 340
A.1170.8011.0000 Medicare Tax	\$ 80
A.1170.8020.0000 Retirement	\$1,043
A.1170.4290.0035 Cell Phone/Air Card	\$ 171
A.1170.4290.0400 Basic Phone Service	\$ 15
A.1170.2026.0035 Computer Accessories	\$ 896
A.1170.2010.0020 Desks	\$ 371
A.1170.2010.0025 Lateral File	\$ 341
A.1170.2010.0022 Chairs	\$ 232

**Budget Impact:** Increase in Public Defenders 2013 appropriations of \$8,974 offset by increase in revenue in a like amount. \$158,126 will be carried over to be expensed in future budget years.

Legislator DeJaneiro seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 377 TREASURER/RELEVY OF UNPAID SCHOOL AND VILLAGE TAXES- AUTHORIZATION FOR**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Real Property Tax Law requires that, by November 15, 2013, all rural Genesee County School Districts return their respective unpaid 2013-2014 school taxes to the County Treasurer for inclusion in the following year’s town and county levy, and

**WHEREAS**, The Legislature entered into an agreement with the various villages within the county that, upon notification to the county, by the villages, within the time period as defined in the agreement, the unpaid village taxes will be relieved as part of the town and county levy. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize all unpaid school taxes and unpaid village taxes be relieved against the various towns in the County of Genesee immediately upon receipt by the County Treasurer's Office.

**Budget Impact:** None, it is an authorization to relieve unpaid taxes.

Legislator Clattenburg seconded the resolution which was adopted by 283 votes,

Legislator Lawrence (43) absent.

**RESOLUTION NO. 378    TRANSFER OF SURPLUS COUNTY REAL  
PROPERTY-AGRI-BUSINESS PARK-APPROVAL  
OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Certain real property owned by Genesee Agribusiness, LLC was previously dedicated to the County of Genesee for purposes of construction of Ag Park Drive West, within the Genesee Agri-Business Park, and

**WHEREAS**, Two small parcels of land so dedicated and adjacent to Ag Park Drive West are no longer needed for such purpose, and

**WHEREAS**, The Genesee County Highway Superintendent and the Genesee County Economic Development Corporation did present a request to transfer said parcels back to the Genesee Agribusiness, LLC, and

**WHEREAS**, The Genesee County Legislature agrees that the aforesaid parcels of land are no longer necessary for possible use by Genesee County and wishes to abandon said parcels and transfer said parcels back to the original owner thereof. Now, therefore, Be it

**RESOLVED**, That the parcels of land herein described are no longer necessary for public use by Genesee County, and Be it further

**RESOLVED**, That the Chair of the Genesee County Legislature, is hereby authorized and directed, pursuant to Section 118-a of the New York State Highway Law, to execute a quit claim deed and accompanying documents for the transfer of property from Genesee County to Genesee Agri-Business, LLC as for the parcel described as follows:

PARCEL A: South part of Hammer Head

**Tax Account No.:** Part of 13.-1-167.1

All that tract or parcel of land, situate in the Town of Batavia, County of Genesee, State of New York, being part of Lot 7, Section 8, Township 12, Range 1 of the Holland Land Purchase and further described as follows.

Beginning at the southwest corner of a hammer head at the west end of Ag Park Drive West (66.0 feet wide) in the east bounds of Parcel # 2 as shown on the Partridge Subdivision Added to the Third Revised Version of the Genesee Valley Agri-Business Park Subdivision, said map was filed in the Genesee County Clerk's Office on August 1, 2012, as Map No. 2179 in Plat Cabinet 3 at Slide 45; thence

1) N 01°-02'-10" W along the east bounds of said Parcel # 2, a distance of 60.01 feet to the northeast corner of said Parcel # 2; thence

2) S 90°-00'-00" E through said hammer head, a distance of 60.01 feet to a point in the south bounds of Ag Park Drive West; thence

3) S 01°-02'-10" E along the east bounds of said hammer head, a distance of 60.01 feet to the southeast corner thereof; thence

4) N 90°-00'-00" W along the south bounds of said hammer head, a distance of 60.01 feet to the point of beginning.

Containing 0.100 acres.

**PARCEL B:** North Part of Hammerhead

**Tax Account No.:** Part of 13.-1-168

All that tract or parcel of land, situate in the Town of Batavia, County of Genesee, State of New York, being part of Lot 7, Section 8, Township 12, Range 1 of the Holland Land Purchase and further described as follows.

Beginning at the northwest corner of a hammer head at the west end of Ag Park Drive West (66.0 feet wide) in the east bounds of Parcel # 1 as shown on the Partridge Subdivision Added to the Third Revised Version of the Genesee Valley Agri-Business Park Subdivision, said map was filed in the Genesee County Clerk's Office on August 1, 2012, as Map No. 2179 in Plat Cabinet 3 at Slide 45; thence

1) S 01°-02'-10" E along the east bounds of said Parcel # 1, a distance of 60.01 feet to the southeast corner of said Parcel # 1; thence

2) S 90°-00'-00" E through said hammer head, a distance of 60.01 feet to a point in the north bounds of Ag Park Drive West; thence

3) N 01°-02'-10" W along the east bounds of said hammer head, a distance of 60.01 feet to the northeast corner thereof; thence

4) N 90°-00'-00" W along the north bounds of said hammer head, a distance of 60.01 feet to the point of beginning.

Containing 0.100 acres.

Legislator Bausch seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 379 2013 BUDGET AMENDMENT- AIRPORT/FUEL- APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Genesee County sells fuel at the Genesee County Airport, and

**WHEREAS**, The fuel sales at the Genesee County Airport have outpaced budgeted expectations for 2013, and

**WHEREAS**, The County anticipates the sale of additional fuel within this budget year, and

**WHEREAS**, The County Superintendent of Highways has recommended an amendment to the 2013 Airport budget in order to purchase additional fuel products, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this recommendation and concurs at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature is hereby authorized and directed to amend the 2013 Airport budget by increasing Airport Fuels Sales (A5610.1776.1) in the amount of \$115,000.00 and increasing Airport Fuel Purchase (A5610.4700.1158) in a like amount

**Budget Impact:** The additional expense of fuel purchases will be offset by fuel sale revenue.

Legislator Cianfrini seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 380 SUPPLEMENTAL CONSULTANT AGREEMENT-  
HIGHWAY/ BRIDGE 709 HOPKINS ROAD OVER  
BOWEN CREEK- APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Genesee County has been awarded federal aid to replace the Hopkins Road bridge over the Bowen Creek in the Town of Batavia, and

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

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

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

**RESOLVED**, That the Chairperson of the Genesee County Legislature is hereby authorized to approve a supplemental consultant agreement with Erdman-Anthony and Associates, Inc., 145 Culver Rd, Rochester, NY for the construction administration and inspection of the Hopkins Road bridge over the Bowen Creek for a total contract of \$75,000.

**Budget Impact:** The total cost of the agreement is for \$75,000. The capital project for this bridge has been established with a total of \$693,000 based on federal share of 80% and a local match of 20%. The proposed agreement is within the project allowance for this phase of the project.

Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 381 ESTABLISH CAPITAL PROJECT/BUDGET  
AMENDMENT – AIRPORT/ TIEDOWN APRON  
RELOCATION – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, Genesee County has received a federal grant for the construction of the Tie-down Apron Relocation, and

**WHEREAS**, The County Superintendent of Highways recommends the establishment of a capital project from which to fund this activity, and

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

**RESOLVED**, That the County Treasurer is hereby authorized and directed to establish a capital project for the Tie-down Apron Relocation project in the amount of \$1,082,000, with 90% federal aid of \$973,800, 5% state aid of \$54,100 and a 5% local match of \$54,100 funded from additional 1% sales tax, and Be it further

**RESOLVED**, That the County Treasurer is hereby authorized and directed to make the following budget amendment. Increase A1000 1110.1 1% Sales Tax in the amount of \$54,100 to be offset by an increase in appropriation A9950.9 Interfund Transfers and increase H5997 4592 Federal Aid in the amount of \$973,800. Increase H5999 3897 State Aid in the amount of \$54,100 and increase H5997 5031 Interfund Revenues in the amount of \$54,100 to be offset by an increase in H5997 2080-0000 Capital Project Expense in the amount of \$1,082,000.

**Budget Impact:** The project total is \$1,082,000 which is funded by 90% federal aid in the amount of \$973,800; a 5% state match of \$54,100 and a 5% local match of \$54,100 provided by the additional 1% sales tax.

Legislator Leadley seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 382 ESTABLISH CAPITAL PROJECT/ CONSULTANT AGREEMENT/BUDGET AMENDMENT – AIRPORT/T-HANGAR TAXIWAY APRON DEVELOPMENT PHASE III –APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS,** Genesee County has been awarded a federal aid grant to design taxiway and apron for additional T-Hangars at the Genesee County Airport, and

**WHEREAS,** Genesee County received a proposal from C&S Engineers for the design of the project as required under Federal Aviation Administration guidelines and

**WHEREAS,** The Genesee County Highway Superintendent has reviewed this proposal and recommends its approval, and

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

**RESOLVED,** That the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with C&S Companies, 499 Eileen Collins Blvd., Syracuse, NY 13212 for the design of the T-Hangar Taxiway Apron Phase III project in an amount not to exceed \$61,500, and Be it further

**RESOLVED,** That the Genesee County Treasurer is hereby authorized and directed to establish a capital project in the amount of \$70,000, with \$63,000 funded by federal aid, \$3,500 in state aid and a \$3,500 local match funded by additional 1% sales tax., and Be it further

**RESOLVED,** That the Genesee County Treasurer is hereby authorized and directed to make the following budget amendment. Increase A1000 1110.1 1% Sales Tax in the amount of \$3,500 to be offset by an increase in appropriation A9950.9 Interfund Transfers and increase H5997 4592 Federal Aid in the Amount of \$63,000 and increase H5997 3897 State Aid in the amount of \$3,500 and increase H5997 5031 Interfund Revenues in the amount of \$3,500 to be offset by an increase in H5997 2080-0000 Capital Project Expense in the amount of \$70,000.

**Budget Impact:** The consultant agreement is for \$61,500. The capital project will be established for \$70,000 with \$63,000 in federal aid (90%), \$3,500 from a state matching grant (5%) and a local match of \$3,500 (5%) from 1% sales tax.

Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 383 ESTABLISH CAPITAL PROJECT/APPROVAL OF FEDERAL AID MASTER AGREEMENT/BUDGET AMENDMENT– PRATT AND POWERS ROAD INTERSECTION IMPROVEMENTS – PIN 475587 – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS,** a Project for the Pratt and Powers Road Intersection Improvements, Town of Batavia, P.I.N. 4755.87 (the “Project”), County of Genesee is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such

program to be borne at the ratio of 90% Federal Funds and 10% Local Match, and **WHEREAS**, Genesee County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the total project. Now, therefore, Be it **RESOLVED**, that the Genesee County Legislature does hereby approve all future supplemental agreements to the federal aid master agreement for the Project; Be it hereby further

**RESOLVED**, That the Genesee County Legislature hereby authorizes the Chairperson to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and Be it further

**RESOLVED**, That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Genesee County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and Be it further

**RESOLVED**, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and Be it further

**RESOLVED**, That the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to establish a capital project for the Pratt and Powers Road Intersection Improvements with federal aid in the amount of \$38,700 and a local match from 1% sales of \$4,300, and Be it further

**RESOLVED**, That the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to make the following budget amendment. Increase A1000 1110.1 1% Sales Tax in the amount of \$4,300 to be offset by an increase in appropriation A9950.9 Interfund Transfers and increase H5197 4592 Federal Aid in the amount of \$38,700. Increase H5197 5031 Interfund Transfers \$4,300 and increase H5197 2080.0000 Highway Capital Project Expense \$43,000.

**Budget Impact Statement:** Total cost of the design phase of this project is \$43,000, funded with 90% federal aid and a 10% match from local 1% sales tax. Future phases of the project will be funded by federal aid in the same manner.

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 384 SURPLUS EQUIPMENT-HIGHWAY-INTERNAL SERVICE FUND AND ROAD MACHINERY FUND- APPROVAL OF**

Legislator Cianfrini offered the following resolution:

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

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

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

**Internal Service Fund (Motor Pool)**

MP #1164 – 2007 Ford Crown Vic.

**Road Machinery Fund**

#4029 – 2000 International Tri-Axle Truck (s/n 3374)

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



Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 385 PROPOSAL APPROVAL – SHERIFF / WILMAC  
NEXT GENERATION 9-1-1 / P25 DIGITAL VOICE  
RECORDER SYSTEM - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County requested a Next-Generation 9-1-1 / P25 digital voice recording system proposal from The Wilmac Company, who is currently on New York State Contract and our current digital voice recorder vendor; and

**WHEREAS**, After careful review by the Sheriff, Director of Information Technology, and Director of Emergency Communications, it is recommended the Next-Generation 9-1-1 / P25 digital voice recorder system be awarded to The Wilmac Company, located at 73 State Street, Rochester, NY 14614, at a cost not to exceed \$142,977, 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 Genesee County Chair of the Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into an agreement with The Wilmac Company, located at 73 State Street, Rochester, NY 14614, at a cost not to exceed \$142,977 for a Next Generation 9-1-1 / P25 Digital Voice Recorder System.

**BUDGET IMPACT:** The cost for the Next Generation 9-1-1 / P25 Digital Voice Recorder System (\$142,977) is below the originally budgeted amount of \$200,000.

Legislator Bausch seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 386 AGREEMENT – SHERIFF / PATRIOT TOWERS  
PARK ROAD TOWER REMEDIATION FOR 800  
MHZ RADIO SYSTEM UPGRADE – APPROVAL OF**

Legislator Stein offered the following resolution:

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

**WHEREAS**, Genesee County identified Patriot Towers as the preferred source for all tower remediation efforts for the duration of the Public Safety Radio System Upgrade Project to ensure a continuity of effort throughout the project (per Resolution No. 344), and

**WHEREAS**, After careful review by the Genesee County Sheriff, County Attorney, Highway Superintendent, and the Director of Emergency Communications, it is recommended the Genesee County Legislature authorize the expenditure of \$15,615 per the quote provided by Patriot Towers, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature and Genesee County Sheriff are hereby authorized and directed to enter into an agreement Patriot Towers located 870 Scottsville-Chili Road, Scottsville, New York 14546, for the Park Road tower remediation at a cost not to exceed \$15,615.

**Budget Impact:** After the cost of the Park Road Tower Remediation (\$15,615), the balance remaining in the tower remediation appropriation of the Public Safety Radio System Upgrade Capital Project is \$3,430.

Legislator Ferrando seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 387 GRANT ACCEPTANCE/BUDGET AMENDMENT - SHERIFF/DCJS LEGISLATIVE GRANT AWARD – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The New York State Division of Criminal Justice Services has awarded Genesee County a \$15,000 Legislative Grant, and

**WHEREAS**, The grant funds would be used to purchase mobile computers to be used in patrol vehicles, and

**WHEREAS**, The Sheriff is requesting acceptance of these grant funds and an amendment to the 2013 budget, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget as follows:

\$15,000 to A3110.2022.0001 (Micro Computer)

To be offset by increasing the following revenue account:

\$15,000 to A3110.3324 (State Aid-Law Enforcement)

**Budget Impact Statement:** Increase in Sheriff's 2013 appropriations in the amount of \$15,000, with funds coming from a DCJS Legislative Grant Award, to be offset by an increase in revenue in a like amount.

Legislator Cianfrini seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 388 CONTRACT –NURSING HOME/ COLLECTION AGENCY SPECIALIZING IN HEALTHCARE ACCOUNTS – APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home does recommend that it is in the best interests of The Home to supplement our current A/R Collections resources by obtaining the services of a professional health care collections agency, and

**WHEREAS**, The Committee on Ways and Means did review a proposed contract with Health Care Support Advisors, LLC to provide such services on a sliding fee schedule, based upon the amount of the debt collected, with fees to be deducted from the collected payments, and

**WHEREAS**, Health Care Support Advisors, LLC has a demonstrated professional history of providing the types of collections services needed by the Genesee County Nursing Home, Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to contract with Health Care Support Advisors, LLC, 40 Barrett Drive, Webster, NY 14580, for the provision of collections services for a one-year period commencing November 1, 2013, through October 31, 2014, with provisions for automatic one-year renewals, upon the written mutual agreement of the parties.

**Budget Impact:** Costs of the service will be deducted from payments collected

Legislator Leadley seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 389 2013 BUDGET TRANSFER - EMERGENCY MANAGEMENT SERVICES — APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Emergency Management Services Coordinator did request a transfer of funds within his budget to allow for disbursement of State Homeland Security related expenditures incurred through contracted services, and

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

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

\$30,662.00 from A.3640.2080.0710 Program Ex- Homeland Security to  
A.3640.4800.0503 Program Ex-Homeland Security

**Budget Impact: No County Cost.**

Legislator Clattenburg seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 390 GRANT ACCEPTANCE/2013 BUDGET AMENDMENT - EMERGENCY MANAGEMENT SERVICES/ FY13 HAZMAT GRANT-FUNDS – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Emergency Management Services Coordinator did request authorization to accept the FY13 HazMat grant funds in the amount of \$98,000 from the Federal Department of State Division of Homeland Security Program in conjunction with Monroe, Orleans, Wyoming and Livingston Counties, and

**WHEREAS**, Grant funds have been identified for the sustainment of the remaining WMD trailers assigned to the Counties within the grant partnership; review of all current hazmat related PPE and equipment and the standardizing of said equipment for the region; development of a database of hazmat equipment to share among the Region; Resource typing of the Region to look at ways to enhance each County's capabilities using existing resources; and the development of a strategy for a regional response including cross training, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of FY13 HazMat Grant Program in the amount of \$98,000, and to execute any and all other documentation related to this funding, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee County Budget by increasing EMS Appropriation A3640.2080.0710 Program Ex- Homeland Security in the amount of \$92,000; and A.3640.4660.000 Contract Other in the amount of \$ 6,000; To be offset by an increase in EMS Revenue A.3640.4305.02 Federal Aid/Homeland Security in the amount of \$98,000.

**Budget Impact Statement:** No County Cost. Grant funds in the amount of \$98,000 will be appropriated in the 2013 Emergency Management Services (EMS) budget, offset by revenue in like amount.

Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 391 GRANT ACCEPTANCE /2013 BUDGET  
AMENDMENT - EMERGENCY MANAGEMENT  
SERVICES - HAZARDOUS MATERIALS  
EMERGENCY PREPAREDNESS PLANNING  
(HMEP) GRANT-YEAR 20 – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Emergency Management Services Coordinator requests authorization to accept the Hazardous Materials Emergency Preparedness (HMEP) Grant-Year 20 award in the amount of \$8,726.00 from the New York State Emergency Management Office (SEMO), and

**WHEREAS**, as required by the Hazardous Materials Emergency Preparedness program, grant funds shall be spent to improve and implement emergency plans under the Emergency Planning and Community Right-to-Know Act of 1986, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this request and does concurs with The Emergency Management Services Coordinator's recommendation. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Emergency Management Office (SEMO), 1220 Washington Avenue, Building 22, Suite 101, Albany, NY for the acceptance of Hazardous Materials Emergency Preparedness (HMEP) Grant: Year Twenty (Oct 1, 2012-Sept. 30, 2013) and to execute any and all other documentation related to this funding, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee County Budget by increasing Emergency Management Services Appropriation

A3640.4800.0501 (HazMat Ep Grant) in the amount of \$4,226.00

(\$4,500.00 has previously been appropriated into the 2013 EMO budget.)

To be offset by an increase in Emergency Management Services Revenue account A1000.3640.4305.1 in the amount of \$8,726.00

**Budget Impact Statement:** Increase in the Emergency Management Service's appropriations to be offset by EMS Revenue Account, HazMat Ep Grant in like amount.

Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 392 SETTING PUBLIC HEARING -2014 BUDGET-  
APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The Tentative Budget for 2014 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 2014 Budget. Now, therefore, Be it

**RESOLVED**, That a Public Hearing on the 2014 Genesee County Budget will be held on Thursday, November 7, 2013 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 Leadley seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 393     CONTRACT – THIRD PARTY ADMINISTRATOR  
OF SELF-FUNDED HEALTHPLAN/NOVA  
HEALTHCARE ADMINISTRATORS – APPROVAL  
OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, RFP 2010-104 sought proposals for Third Party Administrators for the County's

Self-Funded Health Plan and RFP 2010-107 sought proposals for the County's Self-Funded Prescription Drug plan, and

**WHEREAS**, A subsequent notice was issued to all respondents to both RFP 2010-104 and 2010-107 seeking proposals for a combination of both Health Plan and Prescription Drug Third Party Administrators, and

**WHEREAS**, Genesee County and Independent Health entered into an agreement commencing January 1, 2011 for Independent Health to provide administrative services to and on behalf of Genesee County in regard to the County Self-Funded Health and Self-Funded Prescription Drug Plan, and

**WHEREAS**, Independent Health has transitioned its administrative services for self-funded health plans to Nova Healthcare Administrators, Inc. ("Nova"), a wholly-owned subsidiary of IHC, and

**WHEREAS**, The County Manager recommends entering into the second of three renewals called for in the original contract. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Nova Healthcare Administrators and Pharmacy Benefit Dimensions, 511 Farber Lakes Drive, Buffalo, New York for the provision of third party administration services for the County's Self-Funded Health Plan and the County's Self-Funded Prescription Drug plan at the following rates effective January 1, 2014 through December 31, 2014.

	<u>Per Member Per Month</u>
Medical and COBRA Administration Fee:	\$33.00
Pharmacy Administration Fee:	<u>Per Prescription</u>
	\$2.25

**BUDGET IMPACT:** \$417,500 is included in the 2014 budget for Medical and Pharmacy Administration  
Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 394     BUDGET AMENDMENT- COUNTY ATTORNEY/  
CASUALTY LIABILITY INSURANCE RESERVE –  
APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The County Attorney did request an amendment to the 2013 County Budget due to unexpected insurance expense, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget as follows:

Increase in Revenue	MS.1000.9999	Balancing-Appropriated	\$2,000
To be offset by an			
Increase in	MS.9907.9000.0000	Transfer to General Fund	\$2,000
And an increase in	A.1000.5031	Interfund Revenue	\$2,000
To be offset by an			
Increase Expense	A. 1910.4660.0000	Unallocated Insurance	\$2,000

Legislator DeJaneiro seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 395 REQUESTING THE STATE OF NEW YORK ESTABLISH RESIDENCY REQUIREMENT IN ORDER TO RECEIVE WELFARE BENEFITS**

Legislator Leadley offered the following resolution:

**WHEREAS**, There is no residency requirement in the State of New York for anyone in order to receive welfare benefits, and

**WHEREAS**, Other states throughout the country have been known to send people to New York State to receive said benefits as a result of the State's total benefit package, including Medicaid, and

**WHEREAS**, Genesee County has experienced an influx of out of state residents to receive said benefits resulting in an increase of hundreds of thousands of dollars to County taxpayers. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature go on record as requesting the State of New York to establish a residency requirement for the receiving of welfare benefits, and Be it further

**RESOLVED**, That a copy of this resolution be forwarded to Governor Andrew M. Cuomo, State Senator Dean Skelos-Majority Leader, State Senator Michael Ranzenhofer, Assemblyman Sheldon Silver-Speaker, Assemblyman Stephen Hawley, NYSAC, GAM, and InterCounty.

Legislator Cianfrini seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 396 AUDIT-OCTOBER 23, 2013-APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2013 General Fund	\$	771,269.29
2013 Highway		45,216.60
2013 Water		512,023.70
2013 Nursing Home		535,348.82
DSS Abstracts		247,758.43

**2013 Capital Projects:**

Old Courthouse Roof & Cupola Repair	2,784.25
Sheriff 800 MHz Radio System Upgrade	1,634,142.49
Highway 2013 Bridge Construction	8,222.82

Highway Griswold Road Bridge	253,812.06
Highway Black St Rd Bridge Design	92,193.09
Highway Overlay	159,591.00
Airport Terminal Apron Construction Phase II	1,055.09
Airport Construct Terminal Apron	3,710.61
Airport Design Terminal & Maintenance Hangar	10,550.00
<b>Payroll – General &amp; Nursing Home</b>	
October 18, 2013	1,733,015.02
<b>Medicaid</b>	
October 15, 2013	186,456.00
October 22, 2013	<u>186,456.00</u>
<b>Total Audit</b>	\$ 6,383,605.27

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 Leadley seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

**RESOLUTION NO. 397 SET PUBLIC HEARING- LOCAL LAW  
INTRODUCTORY NO. 5, YEAR 2013 LOCAL LAW  
TO AUTHORIZE OVERRIDING THE TAX LEVY  
LIMIT ESTABLISHED BY GENERAL MUNICIPAL  
LAW §3-c (A/K/A “2% TAX CAP”) FOR THE  
GENESEE COUNTY 2014 BUDGET**

Legislator Bausch offered the following resolution:

**WHEREAS**, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 5, Year 2013 entitled “**A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c (A/K/A “2% TAX CAP”) FOR THE GENESEE COUNTY 2014 BUDGET**”, 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. 5, Year 2013, by the Genesee County Legislature on the thirteenth day of November, 2013 at 7:00 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Stein seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

Prior to roll call on the above referenced resolution Legislator Bausch commented that it is typical that the County has to pass this resolution. When you look at the audit there is so much that is out of the County’s control. Legislator Clattenburg commented that this Local Law is basically just an insurance policy with regards to the State. Her support of this resolution does not mean that she supports going over the tax cap. Chair Hancock stated that the Legislature is working hard at coming in under the tax cap. Legislature

DeJaneiro stated that there is still a possibility that the tax cap override local law will not be adopted. County Manager Gsell stated that this local law will need to be adopted before the county budget is adopted.

The meeting was adjourned at 7:50 PM upon motion of Legislator Stein seconded by Legislator Bausch.