

EIGHTEENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, October 28, 2015
Batavia, New York

The Genesee County Legislature met in Regular Session on Wednesday October 28, 2015 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Young followed by the Pledge to the Flag.

Chairman Cianfrini opened a public hearing on Local Law Introductory No. 2, Year 2015 A Local Law Amending Local Law No. 2 Of The Year 2013, Amending Local Law 2 Of The Year 2011, Amending Local Law No. 2 Of The Year 2009 Amending Local Law No. 2 Of The Year 2007 Amending Local Law No. 6 Of The Year 2004 With Regard To The Imposition Of A Mortgage Recording Tax Within The County Of Genesee-Adoption Of. There were no speakers.

The minutes of the October 14, 2015 meeting were approved upon motion of Legislator Bausch seconded by Legislator Ferrando.

Legislator Stein commented that she attended the NYS Conservation of Districts Conference in Utica, NY. It was a good conference about keeping New York's food production in line with the need and being able to work that through and leverage an asset in New York.

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

**RESOLUTION NO. 356 WINDSTREAM TELEPHONE AND INTERNET SERVICES
CONTRACT AGREEMENT - APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Director of Information Technology did present a contract agreement with Windstream Communications to provide three PRI's for telephone service and two 20mb internet connections to Genesee County under NYS Contract PS63070 and

WHEREAS, The County Attorney, the Purchasing Director and the Committee on Ways and Means did review the request and recommends approval at this time. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with Windstream Communications 245 East Main Street, Rochester NY 14604 effective November 1, 2015 at a monthly recurring cost of \$2,801.01

Budget Impact Statement: This contract reduces the annual expense in accounts a.1680.4290.0400 basic office phones and A.1680.4290.0035 Local and long distance usage by an estimated \$9,324 and a.1680.4290.0600 Internet and bandwidth by an estimated \$29,200

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

**RESOLUTION NO. 357 DECLARATION OF SURPLUS PROPERTY- IT -
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Information Technology Director has reviewed the list of obsolete computer equipment that is no longer suitable for county purposes, and

WHEREAS The Committee on Ways and Means concurs the equipment is no longer usable and recommends the equipment be declared surplus county property at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby declare the computer equipment as obsolete and surplus county property to be disposed of in an appropriate manner using a certified recycler - Regional Computer Recycling and Recovery Corporation, 7318

Victor-Mendon Rd., Victor, NY 14564.

Budget Impact Statement: Estimated cost of disposal is \$0 dollars.

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

RESOLUTION NO. 358 LEASE AGREEMENT – JOB DEVELOPMENT – APPROVAL OF

Legislator Ferrando offered the following resolution:

WHEREAS, The Employment and Training Director of the Genesee County Job Development Bureau dis recommend a five(5) year lease proposal for the continued operation of a Genesee County Career Center in Batavia, New York, and

WHEREAS, The Committee on Ways and Means, with concurrence of the County Attorney, did review said lease and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a space lease agreement effective 2/1/16 through 1/31/21 with Eastown Plaza Associates, located at the Eastown Plaza in Batavia, New York, for use by the Genesee County Job Development Bureau and its partner agencies to operate a Genesee County Career Center at a cost per square foot of \$103,908 per annum for the period February 1,2016 to January 31, 2019, and \$116,892.00 per annum for the period February 1, 2019 through January 31, 2021.

Budget Impact: A reduction in space rental for the period February 1, 2016 through January 31, 2019 or \$51,952 per annum; and a reduction in space rental for the period of February 1, 2019 through January 31, 2021 of \$38,964 per annum.

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

RESOLUTION NO. 359 SALARY SCHEDULE AMENDMENT – CENTRAL SERVICES – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Custodial Staff of the Central Services Department is experiencing a staffing shortage due to a long-term medical absence by a Custodial Worker, and

WHEREAS, The Purchasing Director did request an amendment to the 2015 Salary Schedule to create two (2) part-time Cleaner positions on a temporary basis to provide adequate cleaning services at various county buildings, and

WHEREAS, The Committee on 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 Central Services Salary Schedule by creating two temporary part-time Cleaner positions, to begin immediately and to continue until an employee on unpaid leave of absence is able to return to work.

Budget Impact: Savings of \$857.67 per pay period, until the employee on leave of absence is able to return to work

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

RESOLUTION NO. 360 GRANT ACCEPTANCE/2015 BUDGET AMENDMENT – STOP-DWI/SHERIFF – APPROVAL OF

Legislator DeJaneiro offered the following resolution

WHEREAS, The Genesee County STOP-DWI program did apply for and has been approved to receive grant funding from the Governor’s Traffic Safety Council for a High Visibility Road Check/Saturation Patrols/DRE Call Out program in the amount of \$17,785, and

WHEREAS, the grant period runs October 1, 2015 through September 30, 2016

WHEREAS, local police agencies will coordinate special crackdown details to receive the additional funding, and

WHEREAS, since the grant period runs October 1, 2015 through September 30, 2016, the additional funding to reimburse the STOP-DWI program for the expense of the special detail was not budgeted for in the current year and is above the budgeted revenue for the STOP-DWI program, and

WHEREAS, The Ways and Means Committee 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 budget by

Increasing	A.3315.4660.0502 (Enforcement Nights - Sheriff)	\$3,358
	A.3315.4660.0503 (Enforcement Nights – City Police)	\$2,219
	A.3315.4660.0504 (Enforcement Nights – LeRoy Police)	\$1,092

to be offset by an increase in revenue account A.3315.3389.2 (St Aid -Govt Traffic Safety Council) in the amount of \$6,669 and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 budget by increasing Sheriff’s account A.3110.1020.0160 (DRE Overtime) in the amount of \$3,358 to be offset by an increase in revenue account A.3110.2804 (Shared Services) in the amount of \$3,358.

Budget Impact Statement: No impact on County Budget. Increase in revenue and expense funded by GTSC grant
Legislator Torrey seconded the resolution which was adopted 283 votes, Legislator Davis (43) absent.

RESOLUTION NO. 361 2015 BUDGET TRANSFER – PROBATION DEPARTMENT / FIREARMS - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Genesee County Probation Department did request a Budget Transfer within the 2015 Probation Department Budget for the purchase of 15 new duty pistols, 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 2015 Probation Department Budget:

\$4,000.00	from	Probation A.3140.1010.0000	Personal Services
\$4,000.00	to	Probation A.3140.2050.0000	Firearms

Budget Impact Statement: No fiscal impact to County.

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

RESOLUTION NO. 362 2015 BUDGET TRANSFER – PROBATION DEPARTMENT / CHAIRS – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Director of the Genesee County Probation Department did request a Budget

Transfer within the 2015 Probation Department Budget for the purchase of office chairs, 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 2015 Probation Department Budget:

\$2,000.00 from Probation A.3140.1010.0000 Personal Services
\$2,000.00 to Probation A.3140.2010.0022 Chairs

Budget Impact Statement: No fiscal impact to County.

Legislator DeJaneiro seconded the resolution which was adopted 283 votes, Legislator Davis (43) absent

RESOLUTION NO. 363 BUDGET TRANSFER/PURCHASE AND IMPLEMENTATION-SHERIFF/BODY WORN CAMERA PROGRAM – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The purchase and implementation of a body-worn camera program for the Sheriff's Office has been considered and researched for the past couple of years, and

WHEREAS, A body-worn camera has been selected, which is offered under NY State Contract through Linstar, Inc., 430 Lawrence Bell Drive, Buffalo, NY, with the total cost of the cameras being \$16,990, and

WHEREAS, The program also requires server storage of the videos at a cost of \$22,845.22, and a cost to bridge the PCs of \$3,10.68, making the total cost to purchase cameras and install this program \$42,846, and

WHEREAS, Funds have been identified in the Sheriff's current 2015 budgets to cover the cost of the body-worn camera program and the Sheriff is requesting a budget amendment to make this purchase and implement this program, 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 2015 budget transfers:

\$33,469 from A3020.4660.0000 (Contracted Other)
\$ 1,650 from A3020.4410.0000 (Equipment Maint/Repair)
\$ 4,000 from A3110.1020.0250 (OT-Drug)
\$ 3,727 from A3110.1020.0400 (OT-Court)
\$22,845 to A3110.2024.0014 (Server)
\$16,990 to A3110.2060.0000 (Cameras)
\$ 3,011 to A3110.2025.0020 (Network, Dept. Upgrade), and Be it further

RESOLVED, That the Chairman of the Genesee County Legislature is authorized and directed to enter into an agreement with Linstar, Inc., 430 Lawrence Bell Dr, Buffalo, NY for the provision of body-worn cameras.

Budget Impact Statement: Cost for the purchase and implementation of the Body-Worn Camera Program (\$42,846) if funded from balances in this year's Sheriff's budgets.

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

RESOLUTION NO. 364 BUDGET AMENDMENT - SHERIFF/STATE CRIMINAL ALIEN ASSISTANCE PROGRAM – APPROVAL OF

Legislator Torrey offered the following resolution

WHEREAS, The County of Genesee has received an award of \$1,383 from the State Criminal Alien Assistance Program (SCAAP), which requires funding to be used for correctional purposes only, and

WHEREAS, Per our agreement with Justice Benefits, Inc., 15% of these funds, in the amount of \$208, will be paid to Justice Benefits for their professional assistance in acquiring this award, and the remaining \$1,175 will be used to help cover medical expenses at the Genesee County Jail, and

WHEREAS, The Sheriff is requesting a 2015 budget amendment in the amount of \$1,383 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 2015 budget by increasing Jail appropriations as follows:

\$1,175 to Jail Account A.3150.4650.0000 (Contracted Medical),
\$208 to Jail Account A3150.4660.0010 (Contracted Services-SCAAP)
to be offset by an increase in Jail Revenue Account
A3150.4089.1 (OJP - SCAAP) in the amount of \$1,383.

Budget Impact Statement: Increase in Jail appropriations of \$1,383, from a SCAAP award. Funds will be used to help cover medical expenses at the County Jail. 15% of the award will pay for professional services used to acquire this award. This will be offset by increase in Jail revenue in a like amount.

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

**RESOLUTION NO. 365 GRANT ACCEPTANCE/ BUDGET
AMENDMENT/SHERIFF – RURAL TRAFFIC
ENFORCEMENT INITIATIVE PROJECT – APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Sheriff requested authorization to accept grant funding from the NYS Governor’s Traffic Safety Committee, through the NYS Sheriff’s Association, in the amount of \$25,000, to participate in the Rural Traffic Enforcement Initiative Project, for the time period of October 1, 2015 through September 30, 2016, 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 2015 budget by increasing Sheriff’s account A3110.1020.0700 (Overtime – STEP Grant) in the amount of \$25,000, to be offset by an increase in revenue account A3110.4511 (Federal Aid Traffic Safety) in a like amount.

Budget Impact Statement: Increase in Sheriff’s appropriation of \$25,000, from grant funding from the NYSSA Rural Traffic Enforcement Initiative project, offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 366 GRANT ACCEPTANCE/BUDGET AMENDMENT -
SHERIFF/NYS DHSES-ROUND 4 STATEWIDE
INTEROPERABLE COMMUNICATIONS GRANT -
APPROVAL OF**

Legislator Clattenburg offered the following resolution

WHEREAS, The NYS Division of Homeland Security and Emergency Services has awarded Genesee County grant funding in the amount of \$3,065,120 from the Round 4 Statewide Interoperable Communications Grant, and

WHEREAS, The grant funds will be used to continue the progression of the upgrade of the 800 MHz radio system, and

WHEREAS, The Sheriff is requesting acceptance of these grant funds and an amendment to the Capital Project for the 800 MHz radio system upgrade, 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 2015 capital project as follows:

\$3,065,120 to H3397.2080.0000 (Capital Project Expense)

To be offset by an increase to the following revenue account:

\$3,065,120 to H3397.3097 (State Aid-Communications Grant)

Budget Impact Statement: Increase in Capital Project appropriations of \$3,065,120 for the 800 MHz radio system upgrade, with an increase in Capital Project revenue in a like amount.

Legislator Stein seconded the resolution which was adopted 283 votes, Legislator Davis (43) absent

**RESOLUTION NO. 367 AGREEMENT RENEWAL-SHERIFF'S OFFICE/
UNITED UNIFORM CO., INC. – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County entered into a contract with United Uniform Co., Inc., pursuant to Resolution 34, dated January 28, 2015, for the provision of uniforms and accessories for the Sheriff's Department and Correction Officers, and

WHEREAS, The current agreement is due to expire on December 31, 2015, and

WHEREAS, The contract contained an option to renew for three additional one-year periods upon written mutual agreement of both parties, and

WHEREAS, The Sheriff does recommend renewing this contract for an additional one-year period to commence January 1, 2015, and continue through December 31, 2015, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal agreement with United Uniform Co., Inc.; 495 North French Road; Buffalo, New York 14228, for the provision of uniforms and accessories for the Sheriff's Department and Corrections Officers.

BUDGET IMPACT: Uniforms are purchased with funds from the personnel uniform account, pursuant to the Collective Bargaining Agreement. Amount budgeted for 2016 is \$82,837, which includes Law Enforcement, Jail, Communications, Animal Control and Juvenile divisions.

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

**RESOLUTION NO. 368 AGRICULTURAL DISTRICT NO. 1 - TOWNS OF
ALEXANDER, BATAVIA, BETHANY, DARIEN,
PEMBROKE, AND STAFFORD – EIGHT YEAR REVIEW –
CONTINUATION AND MODIFICATION – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The creation of Agricultural District No. 1 was approved by the Genesee County Legislature by Resolution No. 219 adopted November 25, 1974, and certified by the State of New York

on April 25, 1975, and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-a specifies that the County Legislative Body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

WHEREAS, The initial eight year review with modifications was approved by the County Legislature by Resolution No. 66 adopted March 23, 1983, and

WHEREAS, The County Legislature has subsequently modified Agricultural District No. 1 through reviews in 1991, 2002, and 2007

WHEREAS, The District was duly referred to the Agricultural and Farmland Protection Board which produced a report with the recommendation for the approval and modification of the District at its May 27, 2015 meeting, and

WHEREAS, On Wednesday the 24th day of June 2015, pursuant to public notice, a public hearing was held on the proposed District, and

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

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

RESOLVED, That the Genesee County Legislature does hereby approve of the adoption of the proposal for the continuation and modifications of Agricultural District No. 1 in the Towns of Alexander, Batavia, Bethany, Darien, Pembroke, and Stafford as recommended by the Agricultural and Farmland Protection Board for a period of eight years, and be it further

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

Budget Impact: Funds were allocated in Planning departmental budget for 2015 including Postage \$575, Copier Cost/Copy \$100, and Printing \$20. Other costs incurred include office supplies and paper. Legislator Stein seconded the resolution which was adopted 283 votes, Legislator Davis (43) absent.

**RESOLUTION NO. 369 CONTRACT RENEWAL- GENESEE JUSTICE/
CLINICAL SUPERVISION -APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Coordinator of Genesee Justice did submit a contractual agreement for clinical supervision for the JFCAC Mental Health Clinical Therapist who provides services to children alleged to be abused and/or neglected; and

WHEREAS, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature and the Coordinator of Genesee Justice are hereby authorized and directed to enter into a contractual agreement with Vicky Chamberlain, 405 East Main Street, Batavia, NY 14020 for clinical supervision for the JFCAC Mental Health Clinical Therapists, 304 East Main Street, Batavia, NY for the period of October 1, 2015 through September 30, 2016 at a cost of \$75.00 per hour.

Budget Impact: Funding for this item to be covered by grant funds through the NYS OCFS.

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

**RESOLUTION NO. 370 CONTRACT RENEWAL-GENESEE JUSTICE/
MENTAL HEALTH CLINICAL THERAPIST-**

APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Coordinator of Genesee Justice did submit a contractual agreement for a Mental Health Clinical Therapist for the Justice for Children Advocacy Center; and

WHEREAS, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contractual agreement with Kimberly R. Levitsky, LCSW, 275 Lake Avenue, Rochester, NY 14608 to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2015 through September 30, 2016 at a cost of \$35.00/hour.

Budget Impact: Funds for this position covered through NYS Office of Victim Services grant.

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

**RESOLUTION NO. 371 CONTRACT RENEWAL-MENTAL HEALTH SERVICES
JUSTICE FOR CHILDREN ADVOCACY
CENTER/GENESEE JUSTICE-APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Coordinator of Genesee Justice did submit a contractual agreement for a Mental Health Clinical Therapist for the Justice for Children Advocacy Center; and

WHEREAS, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contractual agreement with Julie A. Walsh, LCSW, 43 Sarah Circle, Spencerport, NY 14559 to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2015 through September 30, 2016 at a cost of \$40.00/hour.

Budget Impact: Funds for this position covered through NYS Office of Victim Services grant.

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

**RESOLUTION NO. 372 CONTRACT RENEWAL-GENESEE JUSTICE/
FORENSIC INTERVIEWER –APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Coordinator of Genesee Justice did submit a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center; and

WHEREAS, The Public Service Committee did review the contractual agreement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature and the Coordinator of Genesee Justice are hereby authorized and directed to enter into a contractual agreement with Jessica Mitchell, 971 Redman Road, Hamlin, NY 14464, or forensic interviewing, peer review, and training for the Justice for Children Advocacy Center/Team, 304 East Main Street, Batavia, NY for the period of October 1, 2015 through September 30, 2015 at a cost of \$40.00 per hour.

Budget Impact: Funding for this item to be covered by grant funds through the NYS OCFS.

Legislator Stein seconded the resolution which was adopted 283 votes, Legislator Davis (43) absent

**RESOLUTION NO. 373 BUDGET TRANSFER-GENESEE JUSTICE
– APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Coordinator of the Genesee Justice is requesting an appropriation transfer to the 2015 Genesee Justice budget to allow for the use of remaining grant funds 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 2015 Genesee Justice budget by transferring funds from A.3151.1010.0000 (Personnel) in the amount of \$4,000, A.3151.8030.000 (Medical) in the amount of \$2,800, and A.3151.8020.0000 (Retirement) in the amount of \$1,250 into the following accounts

\$3,749	A.3151.2010.0022	Chairs
\$204	A.3151.2010.0019	Bookcases
\$250	A.3151.2010.0025	File Cabinets
\$827	A.3151.2080.0900	JFCAC Equipment
\$1,200	A.3151.4550.0000	Training

\$50	A.3151.4160.0000	Publications
\$270	A3151.4290.0600	Internet/Bridge
\$1,500	A3151.4800.0018	Insurance

Budget Impact: \$8,050 in budget transfers are covered in 2015 grant funds through the NYS Office of Victim Services and NYS Office of Children and Family Services which expired on September 30, 2015.

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

RESOLUTION NO. 374 CONSULTANT AGREEMENT –HIGHWAY/ RIVER STREET OVER TONAWANDA CREEK - APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County has been awarded a federal aid grant to rehabilitate the River Street over Tonawanda Creek bridge in the City of Batavia, and

WHEREAS, Superintendent of Highways has reviewed and evaluated engineering proposals submitted for this work under a qualification based selection, and

WHEREAS, The Superintendent of Highways has negotiated a contract with Barton and Loguidice, D.P.C. and recommends approval of a consultant agreement with them at this time, and

WHEREAS, The Committee on Public Service have reviewed this request and does 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 Barton and Loguidice, D.P.C., 290 Elwood Davis Rd, Box 3107, Syracuse, NY 13220 for the design of the rehabilitation of the River Street over the Tonawanda Creek bridge in an amount not to exceed \$225,000.

Budget Impact: The agreement is for \$225,000. The capital project established for this project has \$211,000 available, but will be amended once a supplemental agreement is returned from NYSDOT. The capital project is federally funded with 80% federal aid, 15% state match and 5% local share.

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

RESOLUTION NO. 375 SURPLUS EQUIPMENT-HIGHWAY/ ROAD MACHINERY FUND- APPROVAL OF

Legislator Stein 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 does 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.

Road Machinery

#6026 – 1972 CAT Bulldozer

#6028 – 1988 JD Bulldozer

#6301 – CAT Loader

Budget Impact: Revenue for the Road Machinery Fund

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

**RESOLUTION NO. 376 GRANT ACCEPTANCE/2015 BUDGET
AMENDMENT/AMEND CAPITAL PROJECT –
RELOCATE AIRPORT PERIMETER FENCE – AIRPORT –
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Genesee County was awarded a federal airport improvement program grant to design the relocation of the perimeter fence at the Genesee County Airport, and

WHEREAS, The State Department of Transportation has offered a supplemental matching grant for this project, and

WHEREAS, The Genesee County Highway Superintendent accepting the supplemental grant from New York State and recommends the amending the capital project to match actual federal and state grants received, and

WHEREAS, The Committees on Public Service and Ways and Means reviewed these requests and does concur at this time, Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to approve the grant offer as prepared by the New York State Department of Transportation, and Be it further

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2015 Budget:

Increase H1000.5997.5031 Interfund Revenue	\$2,000
Increase H1000.5997.4592 Federal Aid	\$36,005
Increase H1000.5997.3897 State Aid	\$2,001

Increase H5997.2080.0000 Relocate Airport Fence \$40,006, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend capital project AIP 35-15, Design Airport Perimeter Fence Relocation for a total of \$80,506 as per the following:

Increase Federal Funds	\$36,005
Increase State Funds	\$2,001
Increase County Funds	\$2,000 (1% Sales Tax)

Budget Impact: Amended capital project amount will be \$80,506, with \$72,455 in federal aid, \$4,026 in state aid and \$4,025 in local match from 1% sales tax.

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

**RESOLUTION NO. 377 2015 SALARY SCHEDULE AMENDMENT-HIGHWAY-
FACILITIES MANAGEMENT /AFSCME-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent has requested eliminating a Building Maintenance Worker position from the Facilities Management Budget and creating a Building Maintenance Mechanic position in the Facilities Management Budget, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and do recommend the change be implemented at this time. Now, therefore, Be it,

RESOLVED, That the Genesee County Human Resources Director is hereby authorized and directed to amend the Salary Schedule to eliminate the Building Maintenance Worker position (Grade 6) and create a Building Maintenance Mechanic position (Grade 11).

Budget Impact: None, funds are in A1620 1010.000 due to a vacancy

Legislator Bausch seconded the resolution which was adopted 283 votes, Legislator Davis (43) absent

RESOLUTION NO. 378 DISTRIBUTION OF MORTGAGE TAX-SECOND PAYMENT 2015-APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Clerk and Treasurer have reported to this Legislature that there is now available for distribution to the several towns and villages and the City of Batavia, mortgage tax money amounting to \$340,055.66, and

WHEREAS, The Committee on Ways & Means did review the mortgage tax money available and recommends distribution of said sum among the several towns, villages, and the City of Batavia, according to the provisions of Section 261 of the tax laws as follows:

City Of	Batavia	\$ 66,784.35	
Towns Of	Alabama	5,222.15	
	Alexander	22,414.63	
	Batavia	50,896.49	
	Bergen	15,646.30	
	Bethany	8,501.76	
	Byron	15,389.08	
	Darien	16,703.55	
	Elba	9,882.94	
	LeRoy	40,358.86	
	Oakfield	11,424.56	
	Pavilion	14,075.75	
	Pembroke	27,033.50	
	Stafford	12,619.08	
Villages Of	Alexander	2,825.66	
	Attica	974.40	
	Bergen	2,294.52	
	Elba	1,327.40	
	LeRoy	12,128.38	
	Oakfield	1,862.10	
	Corfu	1,690.20	
Total			\$340,055.66

Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to pay the Town Supervisors, Village Treasurers, and the Treasurer of the City of Batavia the amounts aforesaid from the Mortgage Tax refund.

Budget Impact Statement:

2014 2 nd Payment	\$272,880.58
2013 2 ND Payment	\$326,302.91
2012 2nd Payment	\$313,581.21
2011 2 nd payment	\$264,130.74
2010 2 nd payment	\$278,579.69
2009 2 nd payment	\$347,348.01
2008 2 nd Payment	\$345,640.73
2007 2 nd Payment	\$370,065.36

Legislator Stein seconded the resolution which was adopted 283 votes, Legislator Davis

(43) absent.

RESOLUTION NO. 379 LOCAL LAW INTRODUCTORY NO. 2, YEAR 2015 A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 2013, AMENDING LOCAL LAW 2 OF THE YEAR 2011, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2009 AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE- ADOPTION OF

Legislator Ferrando offered the following resolution:

WHEREAS, The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law: LOCAL LAW INTRODUCTORY NO. 4, YEAR 2013, AMENDING LOCAL LAW 2 OF THE YEAR 2011, AMEDNING LOCAL LAW NO 2 OF THE YEAR 2009 AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE

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

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

Section 1. Imposition of Tax

Pursuant to Chapter 579 of the Laws of 2004, for the period beginning January 1, 2005 and ending October 31, 2017, there is hereby imposed, in the County of Genesee, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage or real property situated within the County of Genesee and recorded on or after January 1, 2005 and a tax of \$0.25 on such Mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 2. Effective Date

This local law shall take effect on November 1, 2015, provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Genesee County Clerk, the Secretary of State and the State Comptroller within five days after the date it is duly enacted. And,

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

WHEREAS, The Clerk of the Genesee County Legislature did cause to be published in the Daily News, the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local Law Introductory Number 2 of the Year 2015, and

WHEREAS, The Public Hearing was held at 5:30PM on the 28th day of October 2015 in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

RESOLVED, That LOCAL LAW INTRODUCTORY NO. 2, YEAR 2015 AMENDING LOCAL LAW NO 2, YEAR 2013, AMENDING A LOCAL LAW NO 2, YEAR 2011, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2009 AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007 AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE

COUNTY OF GENESEE to be known as Local Law Number , 2015 for the County of Genesee is hereby adopted.

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

RESOLUTION NO. 380 COUNTY AUDIT – OCTOBER 28 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2015 General Fund	\$	6,130,190.11
2015 Highway		286,937.76
2015 Nursing Home		610,679.41
2015 Water		487,237.96
2015 Self Insurance		736.61
2015 DSS Abstracts		1,145.716.56
2015 Capital Projects:		
Sheriff/Jail Upgrade of Civil Bureau Software		1,087.50
DeWitt Park Utility Extensions/Security Improvements		624.75
Highway CR #22 Lewiston Road		58,276.23
Highway CR #1 Stroh Road		3,607.17
Highway Pratt & Powers Road Intersection Improvements		11,628.47
Highway 2014 Highway Recycling		9,450.00
Highway 2015 Highway Recycling		2,708.46
Highway 2015 Bridge Construction		3,863.26
Airport Construct New Terminal & Maintenance Hangar		795,237.40
Payroll – General & Nursing Home		
October 16, 2015		1,781,622.29
Medicaid		
October 20, 2015		177,425.00
October 27, 2015		<u>177,425.00</u>
Total Audit		
		11,684,453.94

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

The meeting was adjourned at 5:50 PM upon motion of Legislator Bausch seconded by Legislator Clattenburg.