

**NINETEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Wednesday November 13, 2013  
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, November 13, 2013 at 7PM at the Old Courthouse, 7 Main Street, Batavia. Prayer was offered by Legislator Ferrando, followed by the Pledge to the Flag.

In addition to the regular meeting Chair Hancock opened a public hearing on 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. Chair Hancock stated that it is not the intention of the Legislature to go over the Tax Cap Limit but there has been incidents in the past where the Comptroller’s Office has after the budget has been passed interpreted the tax cap formula differently which may make the County go over the Tax Cap. This is strictly an insurance policy in case this happens.

The October 23, 2013 minutes were approved upon motion of Legislator Stein seconded by Legislator Ferrando.

Legislator Bausch attended the Genesee Community College Board of Trustees meeting. They had a brochure showing the results from a survey given to the 2012 graduates. The issue they were researching were of the graduates, how many are finding employment, how many are graduating in the time they should and how many attend a four year college. The College received a 50% return on their survey they sent out and the statistics that were returned were very positive.

Legislator Stein reported that a conference for the Micro-Chip Processors Site Selectors was held in San Jose, California, and the Genesee County Economic Development Center was part of the New York Loves Nano group that introduced STAMP to the Micro-Processors Site Selectors and the first reports have come back and they hit some traction. Many thanks to National Grid for their support.

Legislator DeJaneiro congratulated the Legislators and thanked them for the support during the recent Election. This election was a good learning experience and he looks forward to continuing his support to this community.

Legislator Bausch commented on the new History Department. The Facilities Management Department did an excellent job transferring everything over and the new History Department is spectacular.

Legislator Ferrando attended a recent program at Office for the Aging. He wanted to express how well organized it was and how impressed he was with how the program was run.

Legislator Chair welcomed the newly elected Legislator for District 4 Mr. Andrew Young.

Chair Hancock gave the job report from the Career Center. The unemployment rate is down to 5.8% which is the lowest since 2008. There are currently 348 job openings in the County and 100 people found jobs in the past month within the County.

The Clerk proceeded with the reading of the resolutions:

**RESOLUTION NO. 398 SALARY SCHEDULE AMENDMENT-PUBLIC  
DEFENDER/PART TIME PUBLIC DEFENDER  
INVESTIGATOR/ASSISTANT PUBLIC DEFENDERS’  
SALARIES-APPROVAL OF**

Legislator Stein 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 three Assistant Public Defenders and create a part time Public Defender Investigator position, and

**WHEREAS**, The 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 2013 Management Salary Schedule by increasing the salary for Senior Assistant Public Defender Jerry Ader to \$78,050, the salary for one (1) Assistant Public Defender Kelly Burns to \$64,627 and the salary for one (1) Assistant Public Defender Lisa Bruce to \$57,784, and by creating a part time position of Public Defender Investigator in CSEA Grade 13.

**Budget Impact:** Increase in Public Defenders 2013 appropriations of \$5,485 offset by an increase in revenue in a like amount  
Legislator DeJanerio seconded the resolution which was adopted by 283 votes, Legislator Lawrence (43) absent.

Prior to roll call on the above resolution Legislator Stein commented that if it wasn't for the ILFS funding given to the County the County would not be making these adjustments.

**RESOLUTION NO. 399 CONTRACT RENEWAL - OFA/LEISURETIMERS APTS  
MEAL SITE AGREEMENT - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with People Inc./Leisuretimmers Residential Services, 364 Bloomingdale Road, Akron, NY 14001 to host a meal site meal twice per week for Genesee County Office for the Aging congregate meal program for the period of January 1, 2014 through December 31, 2014 at a stipend rate of \$450.00 per year, and Be it further

**RESOLVED**, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name People Inc./Leisuretimmers Residential Services, 364 Bloomingdale Road, Akron, NY 14001 as additional insured from January 1, 2014 – December 31, 2014.

**Budget Impact Statement:** \$450 per year is the same rate as 2013; and this expense is covered by Title III C 1 Older Americans Act funds.

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

**RESOLUTION NO. 400 CONTRACT-OF A/NUTRITION PROGRAM MEAL SITE  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into any and all agreements with Delta Development of WNY, Inc., 525

Washington Street, Buffalo, NY 14203 to authorize operation of a senior congregate meal site at Monsignor Kirby Apartments under the terms and conditions of the agreement for the period of January 1, 2014 – December 31, 2014, with no payment to Monsignor Kirby Apartments for services rendered or received. Participant contributions will be forwarded to the Office for the Aging for meals provided.

**Budget Impact Statement:** Neutral. Contributions received from participants, the Nutrition Service Incentive Program, and Title III C1 Older Americans Act grant funds will pay for the costs of providing meals at this meal site.

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

Prior to the roll call on the above resolution Legislator DeJaneiro commented that he was proud to see that Monsignor Kirby Apartments was able to provide a neutral budget for this service.

**RESOLUTION NO. 401 CONTRACT AWARD - OFA/LONG TERM CARE HOME HEALTH PROGRAM MEALS ON WHEELS - APPROVAL OF**

Legislator Ferrando offered the following resolution:

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

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with L Woerner, Inc. dba HCR, 85 Metro Park, Rochester, NY, 14623, for the period of January 1, 2014 - December 31, 2014. Rates established for home delivered meals provided to HCR are as follows:

Regular Home Delivered Meal	\$6.50 per meal
2 <sup>nd</sup> Sandwich Meal	\$5.00 per meal

**Budget Impact:** Based on the number of meals anticipated for 2014, revenue of \$14,625 projected; and is already incorporated into our 2014 county budget. Rates increase from \$6.25 to \$6.50 and \$4.50 to \$5.00.

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

**RESOLUTION NO. 402 CONTRACT-OFA/NUTRITION PROGRAM MEAL SITE -- APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

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

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into any and all agreements with the Genesee Valley Rural Preservation Council, Inc. 5861 Groveland Station Road, Mount Morris, NY 14510, for a senior mealsite operation at Havenwood Congregate Apartments under the terms and conditions of the agreement for the period of January 1, 2014 – December 31, 2014, with no payment to Genesee Valley Rural Preservation Council, Inc. for services rendered or received. Participant contributions will be forwarded to the Office for the Aging for meals provided.

**Budget Impact Statement:** Neutral. Contributions received from participants, the Nutrition Service Incentive Program, and NYS Wellness in Nutrition Program grant funds will pay for the costs of providing meals at this meal site.

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

Lawrence (43) absent.

Prior to roll call on the above resolution Legislator DeJaneiro commented that it is a fine gesture on the part of the Havenwood Congregate Apartments.

**RESOLUTION NO. 403 MEALSITE AGREEMENT –OFA/ EAST BETHANY  
PRESBYTERIAN CHURCH - APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Genesee County Office for the Aging desires to continue the congregational mealsite program at the East Bethany Presbyterian Church location at an annual stipend rate of \$600 per year and agrees to name East Bethany Presbyterian as additional insured; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew a contract with East Bethany Presbyterian Church, 5735 Ellicott Street Road, E. Bethany, New York 14054 for the provision of using designated space within the church facility to hold a once weekly congregational meal site operated by the Genesee County Office for the Aging, at the stipend rate of \$600 for the period January 1, 2014 through December 31, 2014, and Be it further

**RESOLVED**, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name East Bethany Presbyterian Church, 5735 Ellicott Street Road, E. Bethany, New York 14054 as additional insured from January 1, 2014 – December 31, 2014.

**Budget Impact:** This stipend rate increased by \$150 to cover additional costs of providing the site and utilities; and is covered by Title III C 1 Federal Grant funds.

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

**RESOLUTION NO. 404 MEALSITE AGREEMENT –OFA/ CORFU  
PRESBYTERIAN CHURCH - APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The Genesee County Office for the Aging desires to continue the congregational mealsite program at the Corfu Presbyterian Church location at an annual stipend rate of \$600 per year and agrees to name Corfu Presbyterian Church as additional insured; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew a contract with Corfu Presbyterian Church, 63 Allegheny Road, Corfu, New York 14036 for the provision of using designated space within the church facility to hold a once weekly congregational meal site operated by the Genesee County Office for the Aging, at the stipend rate of \$600 for the period January 1, 2014 through December 31, 2014, and Be it further

**RESOLVED**, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Corfu Presbyterian Church, 63 Allegheny Road, Corfu, New York 14036 as additional insured from January 1, 2014 – December 31, 2014.

**Budget Impact:** This stipend rate remains the same as 2013 and is covered by Title III C 1 Federal Grant funds.

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

**RESOLUTION NO. 405 CONTRACT -OFFICE FOR THE AGING/CLERICAL  
SUPPORT-APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present an agreement with the Genesee Senior Foundation, Inc., to accept revenue to provide clerical and administrative

support for activities of the Genesee Senior Foundation, Inc., a not-for-profit foundation serving seniors in Genesee County, and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into an agreement with the Genesee Senior Foundation, Inc., to accept revenue of up to \$2,500 for clerical and administrative support services rendered from January 1, 2014 – December 31, 2014.

**Budget Impact:** This \$2,500 in revenue remains the same as 2013 and has already been included in our 2014 proposed county budget and will go towards offsetting existing salary and fringe expenses for the Senior Fiscal Clerk position.

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

**RESOLUTION NO. 406      AWARD OF CONTRACT –OFFICE FOR THE AGING/  
GENESEE ARC – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present a contract with Genesee ARC, a Chapter of NYSARC, Inc. of 64 Walnut Street, Batavia, NY 14020, for the provision of providing labor and supervision to set up rooms at the Office for the Aging for various meetings and activities in the building at a rate of \$25 per day for the period of January 1, 2014 – December 31, 2014; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to award a contact with Genesee ARC, 64 Walnut Street, Batavia, NY, 14020 not to exceed \$4,200 for the period January 1, 2014 – December 31, 2014.

**Budget Impact:** \$4,200 expense is under the Office for the Aging Recreation Program budget. Same rate and total contract amount as 2013.

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

**RESOLUTION NO. 407      CONTRACT –OFFICE FOR THE AGING/SOCIAL ADULT  
DAY CARE – APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present a contract for the provision of social adult day care for older adults at Gardenview Senior Care Center to provide respite service under the federally funded New York State Family Elder Caregiver Support Program and to provide the ancillary service of Social Adult Day Service for older adults enrolled in the Expanded In-Home Services for the Elderly Program, and the Committee on Ways & Means 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 agreement with the Tender Loving Family Care, Inc., 124 E. Main Street, LeRoy, NY 14482 for social adult day care services at the rate of \$72.50 for a 5 Hour Block during the day; \$80 per day for a full day, 9 a.m. – 4 p.m.; and \$112 for an Extended Day, 7 a.m. – 6 p.m. not to exceed \$14,500 for the period January 1, 2014 through December 31, 2014.

**Budget Impact:** The \$14,500 budgeted for this contract is already included in the 2014 budget with \$7,500 under Title III-E Respite grant and \$7,000 from Expanded In-Home Services for the Elderly grant.

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

Prior to roll call on the above resolution Legislator Leadley commented that this is an enormous service to those that are taking care of an adult who needs adult day care.

**RESOLUTION NO. 408 2013 BUDGET AMENDMENT – HUMAN RESOURCES - APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Human Resources Director did request a budget amendment to cover shortfall of funds in the 2013 budget for Medical, Mileage and Physical Exams, and

**WHEREAS**, Committee on Ways and Means did review this request and does concur. Now, therefore, Be it

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

\$4,233 from A.1430.1 Personnel Services to A.1430.8 Benefits

\$1,400 from A1430.1 Personnel Services to A.1430.4 Contractual

**Budget Impact:** These funds are currently available in the Human Resources budget; there is no effect on the overall 2013 County budget.

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

**RESOLUTION NO. 409 BUDGET TRANSFER – FACILITIES MANAGEMENT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Facilities Management Department completed an unanticipated County Jail Cell Renovation project, and

**WHEREAS**, The funds to cover the expenses of the project were not budgeted for in the Facilities Management budget and the County Manager has recommended using the 2013 General Contingency Fund, and

**WHEREAS**, The Committee on Ways and Means 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 make the following 2013 budget transfers:

\$8,892.00	from	A.1990.4800.0000	Contingency, Program expense
\$6,972.00	to	A.1620.1010.0000	Facilities Mngmt, Personal Svcs.
\$ 433.00		A.1620.8010.0000	Facilities Mngmt., Soc. Security
\$ 102.00		A.1620.8011.0000	Facilities Mngmt., Medicare
\$1,385.00		A.1620.8020.0000	Facilities Mngmt., Retirement

**Budget Impact:** Increase in Facilities Management Department's appropriation of \$8,892. Contingency Fund balance after above transaction = \$48,908.

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

**RESOLUTION NO. 410 CONTRACT RENEWAL –FLEXIBLE BENEFITS MANAGEMENT/ADMINISTRATOR – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, Resolution No. 488 duly adopted on December 12, 2012 did award a contract to Health Economics Group, Inc. for administration services for the County's Flexible Benefit Plan, and

**WHEREAS**, The RFP did allow for two (2) one year renewals under the same terms and conditions and Health Economics Group has agreed to renew the contract for the first of the two

additional years at the same terms and the Genesee County Manager and the Human Resources Director recommended the renewal of this contract, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a renewal contract with Health Economics Group, 1050 University Avenue, Suite A, Rochester, NY for the provision of Flexible Benefits Program Administration Services at the following rates effective January 1, 2014 through December 31, 2014:

Flexible Benefits Program Administration Fee Per Member Per Month: \$2.00

**Budget Impact Statement:** Flex Plan Administration costs are paid utilizing the County's FICA savings generated by employee participation in the flexible benefits program.

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

**RESOLUTION NO. 411 RENEWAL CONTRACT- NURSING HOME/DIETARY SERVICES – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Resolution No. 428 did authorize a contract with Morrison Senior Dining for the provision of dietary services through December 31, 2012 with the option to renew for three additional one-year periods upon mutual agreement, and

**WHEREAS**, The Administrator of the Nursing Home does recommend the contract be extended for the second additional one-year period through December 31, 2014 and the Committee on Human Services 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 renew the contract with Morrison Senior Dining, 5801 Peachtree Dunwoody Road, Atlanta, Georgia, 30342 for the second of three additional one year periods for the provision of management and operation services of the Dietary Department of the Genesee County Nursing Home for the period of January 1, 2014 through December 31, 2014 under the negotiated administrative fee of \$2,811.39 per month, or \$33,737 for the year under the original terms and conditions as the original Agreement.

**Budget Impact:** \$33,737 has been budgeted for 2014.

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

**RESOLUTION NO. 412 CONTRACT – NURSING HOME /SUPPLEMENTAL HEALTHCARE STAFFING — APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Administrator of the Genesee County Nursing Home did present a proposed contract with AMN Healthcare, Inc. for the provision of supplemental healthcare staffing for the residents of the Nursing Home on an as-needed basis, and

**WHEREAS**, The Committee on Human Services does recommend approval of said contract at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into contract with AMN Healthcare, Inc., 12400 High Bluff Drive, San Diego, California, 92130, commencing December 1, 2013 and continuing in effect until November 30, 2014.

**Budget Impact:** Both the 2013 and 2014 budgets include funds for supplemental nursing staffing.

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

**RESOLUTION NO. 413 RENEWAL CONTRACT – NURSING HOME/ THIRD PARTY HEALTH INSURANCE CLAIMS RECOVERY– APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, Resolution No. 390-2012 did authorize a contract with Beth Platt & Associates for third party health insurance claims recovery services for the Genesee County Nursing Home through November 30, 2013 with the option to renew for four (4) additional one-year periods upon mutual agreement, and

**WHEREAS**, The Nursing Home Administrator does recommend the contract be extended for the first additional one-year period through November 30, 2014 and the Committee on Human Services 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 extend the contract with Beth Platt & Associates, Inc., 2100 Penfield Road, Walworth, New York, 14568, for the provision of third party health insurance claims recovery, for the period of December 1, 2013 through November 30, 2014 at a cost of \$35 per hour for approximately 10 hours per month.

**Budget Impact:** Amount has been budgeted for 2014

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

**RESOLUTION NO. 414 CONSULTING AGREEMENT EXTENSION – NURSING HOME/RECEIVABLES AND REVENUE COLLECTION – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Resolution No. 338 did authorize an extension to the contract with Freed Maxick Healthcare, 424 Main Street, Suite 800, Buffalo, New York 14224 for the services of Ms. Barbara Losi, Principal of their firm, to act as consultant in streamlining billing practices and cleaning up outstanding accounts receivable, and

**WHEREAS**, The Administrator does recommend further extending this agreement for an additional 50 hours for implementing and training staff on electronic billing for Medicare and third party insurers. Twenty-five (25) of these hours will be dedicated to the service of Ms. Losi at the rate of \$250/hr., and twenty-five (25) hours dedicated to the service of support staff at the rate of \$125/hr., plus an estimated \$300 for expenses; and the Committee on Human Services and Ways and Means do 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 extend the agreement with Freed Maxick Healthcare, 424 Main Street, Suite 800, Buffalo, New York 14224, for the consultant services of Ms. Barbara Losi and support staff for a total of 50 additional hours starting November 1, 2013 not to exceed 90 days at a total cost of \$9,675.00.

**Budget Impact:** \$9,675 to be paid under expense line 8350.0000.1000.2900 in 2013 budget. Cost impact will be covered by additional cash generated through improved collections.

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

Prior to roll call on the above resolution Legislator Bausch commented that this \$9,000 investment is well worth it. Legislator Cianfrini asked at what point Freed Maxick will be done. Legislator Bausch commented that after this additional 90 days if things are not turned around other arrangements will be made to get the results that are needed.

**RESOLUTION NO. 415 AUTHORIZATION FOR THE USE OF BERGEN TOWER SITE FOR AN ANNUAL EASTER SUNDAY SUNRISE SERVICE**

Legislator Bausch offered the following resolution:

**WHEREAS**, the Bergen Christian Community has for the past 42 years used Bergen Tower Site for an annual Easter Sunday Sunrise Service with leadership be provided by members of the First Presbyterian Church of Bergen and The United Methodist Church of Bergen, and

**WHEREAS**, Previous owners have allowed the use of this property and the Monroe County Water Authority has allowed access to the property using their driveway, and

**WHEREAS**, The Sheriff has reviewed this use and does not believe that it will in any way impact the functions of his office. Now, therefore, Be it

**RESOLVED**, The Genesee County Legislature does approve the use of this property for the annual Easter Sunday Sunrise Service with the understanding that the First Presbyterian Church of Bergen and the United Methodist Church of Bergen provide the County with proper insurance coverage.

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

Prior to roll call on the above resolution he stated that when this matter was presented at Ways and Means he raised the issue of possibly setting a precedent. He certainly has no problem at all with this group holding their service and he would like to research it they may be grandfathered in to use this property.

**RESOLUTION NO. 416 CITY OF BATAVIA PROPERTY EASEMENT/CEDAR STREET- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The City of Batavia wishes to construct and maintain a sewer line upon County Property located at 153 Cedar Street, and

**WHEREAS**, The City of Batavia has presented to the County a Permanent Easement Agreement and right of way for approval, and

**WHEREAS**, The County Attorney and the Committee on Ways and Means have reviewed this Permanent Easement and do recommend approval. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Easement Agreement between the County of Genesee and the City of Batavia, One City Centre, Batavia, NY which grants a permanent easement and right of way to the City of Batavia for the installation and maintenance of sewer lines at 153 Cedar Street, Batavia, NY as outlined below:

ALL THAT TRACT or parcel of land situate in the City of Batavia, County of Genesee, State of New York, and more particularly described as follows:

Beginning on the easterly right of way line of Cedar Street, said point being the southwesterly corner of tax account number 95.05-1-1;thence,

1. Northerly, along the easterly right of way line, a distance of 165 feet, more or less, to a point being the northwesterly corner of said tax account number, thence,
2. Easterly, along the northerly line of said tax account number, a distance of 35 feet, more or less, to a point; thence,
3. Southerly, through the lands of said tax account number, a distance of 169 feet, more or less, to a point on the southerly line of said tax account number, thence,

4. Westerly, along the southerly lone of said tax account number, a distance of 35 feet, more or less, to the point and place of beginning.  
Containing 0.133 acres of land, more or less.  
Lands of the Grantor are subject to a Temporary Construction Easement, coincident with and adjoining the above described Permanent Easement.

**Budget Impact Statement:** No impact on County budget.

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

At this time Chair Hancock closed the Public Hearing. There were no speakers.

**RESOLUTION NO. 417      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, The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law: 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**

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

**Section 1. TITLE**

This Local Law shall be known as “**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**”

**Section 2. LEGISLATIVE FINDINGS**

The Legislature for the County of Genesee hereby finds and determines that the anticipated budgetary needs for fiscal 2014 require that Genesee County adopt the appropriate legislation necessary to override the tax levy limit established by General Municipal Law §3-c, and more commonly referred to as the: 2% tax cap.”

**Section 3. ENACTMENT AUTHORITY**

This Local Law is adopted pursuant to authority provided in section 10 of the Municipal Home Rule Law of the State of New York as well as the specific authority found in General Municipal Law §3-c [5].

**Section 4. OVERRIDE AUTHORIZATION**

The Legislature be and the same is hereby authorized to adopt a budget for fiscal year 2014 that exceeds the “tax levy limit” as that term is defined and calculated pursuant to the provisions of General Municipal Law §3-c.

**Section 5. EFFECTIVE DATE**

This local law shall take effect immediately.

**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 5 of the Year 2013, and

**WHEREAS,** The Public Hearing was held at 7PM on the 13th day of November 2013 in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

**RESOLVED,** That LOCAL LAW INTRODUCTORY NO. 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 to be known as Local Law Number 5, 2013 for the County of Genesee is hereby adopted.

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

**RESOLUTION NO. 418 COUNTY AUDIT – NOVEMBER 13 APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2013 General Fund	\$	1,255,984.44
2013 Highway		289,405.46
2013 Nursing Home		278,077.84
2013 Self Insurance		11,545.00
DSS Abstracts		534,083.90
<b>2013 Capital Projects:</b>		
Sheriff 800 MHz Radio System Upgrade		1,592,664.18
Highway Parking Lot Driveway		16,862.98
Highway 2013 Bridge Construction		40,214.60
Highway 2013 Highway Surface Treatment		19,342.29
Highway 2013 Highway Chipseal		24,180.50
Highway Griswold Road Bridge		30,670.60
Highway Hopkins Rd Bridge		18,760.41
<b>Payroll – General &amp; Nursing Home</b>		
November 1, 2013		1,207,597.40
<b>Medicaid</b>		
October 29, 2013		186,456.00
November 5, 2013		186,456.00
November 12, 2013		<u>186,456.00</u>
<b>Total Audit</b>	\$	<b>5,878,757.60</b>

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 by 283 votes, Legislator Lawrence (43) absent.

A motion was made by Legislator Stein and seconded by Legislator Ferrando to invoke a Rule 19 on the following resolution:

**RESOLUTION NO. 419 AUTHORIZATION TO HOLD REQUISITE PUBLIC HEARING TO SUPPORT AN APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

Legislator Stein offered the following resolution:

**WHEREAS**, Genesee County is contemplating the submission of an application for Community Development Block Grant (“CDBG”) funding from the New York State Office of Community Renewal (“OCR”) to assist the implementation of a project to expand the operations of Yancey’s Fancy, Inc. at the Buffalo East Technology Park South in the Town of Pembroke, and

**WHEREAS,** The submission of such an application requires that a public hearing be held to obtain citizen comments regarding community and economic development needs in the County and to comment on any specific project proposals. Now, therefore, Be it

**RESOLVED,** That a Public Hearing on the Application to the New York State Office of Community Renewal for Community Development Block Grant Funding to expand operations of Yancey's Fancy, Inc. at the Buffalo East Technology Park South in the Town of Pembroke will be held on Monday, November 25, 2013 at 7:00 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

**Budget Impact Statement:** None

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

A motion to adjourn at 7:50 was made by Legislator Bausch and seconded by Legislator Cianfrini.