

**FOURTH DAY  
GENESEE COUNTY LEGISLATURE  
Wednesday, February 25, 2015  
Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday February 11, 2015 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag. Legislator Stein was absent.

The minutes of the February 11, 2015 meeting were approved upon motion of Legislator Clattenburg seconded by Legislator DeJaneiro.

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

**RESOLUTION NO. 70 APPOINTMENT-WEIGHTS & MEASURES /  
ADMINISTRATIVE REVIEW OFFICER-  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Pursuant to the provisions of the State Administrative Act, a Review Officer is designated for emergency administrative review action on condemnation, stop-use, stop removal and removal orders issued by the local Department of Weights and Measures, and

**WHEREAS**, The Committee on Public Service does recommend the appointment of Deputy Public Health Director, David Whitcroft, as Genesee County Weights and Measures Review Officer at this time. Now, therefore, Be it

**RESOLVED**, That Mr. David Whitcroft, Deputy Public Health Director for the Genesee County Health Department is hereby appointed as Administrative Review Officer to review decisions and provide independent evaluation of decisions of the Genesee County Director of Weights & Measures for a three-year period, effective January 1, 2015.

**Budget Impact Statement:** None

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

**RESOLUTION NO. 71 CONTRACT - PUBLIC DEFENDER/  
UNIFIED COURT SYSTEM-APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Public Defender does recommend the new three-month contract between the Genesee County Public Defenders Office and the New York State Unified Court System for the provision of legal services to minors appearing in proceedings in Genesee Family Court as approved for the period from January 1, 2015 – March 31, 2015, and

**WHEREAS**, The County Attorney did review the proposed amendment and the Public Service Committee 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 new contract with the Unified Court System of the State of New York, for Genesee County to provide legal representation of children involved in Family Court proceedings, as assigned by the Genesee Family Court, for the period of January 1, 2015 through March 31, 2015, at no cost to the County.

**Budget Impact:** This contract for services is at the actual cost of the services provided with no County financial participation or match.

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

**RESOLUTION NO. 72      BUDGET AMENDMENT - GENESEE JUSTICE –  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Donations in the amount of \$2,250 have been received to support Genesee Justice programs, which are to be expended during fiscal year 2015, and

**WHEREAS**, The Coordinator of Genesee Justice is requesting an amendment to the 2015 Genesee Justice budget to allow for the expenditure of these 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 as follows:

    \$ 2,250.00 to be appropriated to A3151.4800.0000 (Program Expense)

to be offset by increasing Genesee Justice revenue account A1000.3151.2705 (Gifts and Donations) in a like amount.

**Budget Impact Statement:** Increase in the 2015 Genesee Justice (Program Expense) account of \$2,250 is offset by an increase in a like amount to the Genesee Justice donation revenue account (Gifts & Donations).

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

**RESOLUTION NO. 73      INTERFERENCE AND SOLUTION IMPACT STUDY  
PROPOSAL– SHERIFF’S OFFICE / PERICLE  
COMMUNICATIONS COMPANY – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County contracted with Pericle Communications from Colorado Springs, CO, to provide an independent coverage impact study of the new Public Safety P25 800 MHz Radio System by Harris Corporation pursuant to Resolution 259, dated July 11, 2013, subsequently amended via resolution 180, dated May 29, 2014, and

**WHEREAS**, Genesee County desires additional interference and coverage studies to address County and stakeholder concerns regarding the performance of the Harris provided P25 800 MHz System and to evaluate the efficacy of potential solutions, and

**WHEREAS**, Genesee County also desires Pericle Communications to assist Harris Corporation with analyzing and improving performance of the new system, and

**WHEREAS**, After careful review by the Sheriff, Emergency Management Coordinator, County Attorney, and Director of Emergency Communications, it is recommended the County approve the proposal for a total not to exceed \$40,610.25, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature and the Sheriff are authorized to approve the proposal from Pericle Communications Company, 7222 Commerce Center Drive, Suite 180, Colorado Springs, CO 80919, for the P25 800 MHz Interference and Solution Impact Study for a cost not to exceed \$40,610.25.

**BUDGET IMPACT:** The cost of this project will be offset by the Public Safety Radio System Upgrade Project Contingency (\$40,610.25).

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

Prior to roll call on the above resolution Chairman Cianfrini stated that this study will be paid for through the Public Safety Radio System Upgrade Project Contingency Fund.

**RESOLUTION NO. 74 CONTRACT EXTENSION - SHERIFF'S OFFICE /  
LIVINGSTON COUNTY PRISONER HOUSING  
- APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Genesee County entered into a contract with the County of Livingston, pursuant to Resolution 62, dated February 27, 2014, for the housing of Genesee County Jail inmates at the Livingston County Jail, and

**WHEREAS**, The current contract expired on December 31, 2014, and

**WHEREAS**, The County of Livingston did propose a contract extension for the period of one year (January 1, 2015, through December 31, 2015), and is based on the same terms and conditions from 2014. Genesee County will continue to pay \$85.00 per day for each prisoner, and

**WHEREAS**, The Sheriff does recommend extending this contract for the one-year, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to execute the contract extension between the County of Genesee and the County of Livingston for the provision of Jail space in the Livingston County Jail at a rate of \$85.00 per day for each prisoner for the period of January 1, 2015, through December 31, 2015.

**BUDGET IMPACT:** Funds have been appropriated to the 2015 budget.

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

**RESOLUTION NO. 75 REJECTION OF BIDS- HIGHWAY/  
ROAD MACHINERY- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent did advertise local bid specifications for a Hooklift Flatbed Truck Bed for use within the Road Machinery Fund, and

**WHEREAS**, The Genesee County Highway Superintendent did receive only one bid, and

**WHEREAS**, The bid received exceeded budgetary expectations the Genesee County Highway Superintendent recommends the rejection of this bid, and

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

**RESOLVED**, That the Genesee County Legislature does hereby reject any and all bids received for the Hooklift Flatbed Truck Body.

**Budget Impact:** None. New Specifications will be issued and the County will seek additional bids.

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

Prior to roll call on the above resolution Legislator Clattenburg stated that there was only bid received for the flatbed truck that exceeded the budgeted amount, therefore this bid was rejected.

**RESOLUTION NO. 76 EQUIPMENT PURCHASE - HIGHWAY/  
ROAD MACHINERY- APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent did review state bid specifications for a new and unused Wheel Loader for use within the Road Machinery Fund, and

**WHEREAS**, The Genesee County Highway Superintendent did review bids for accuracy and recommends that a bid be awarded at this time, and

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

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Genesee County Highway Superintendent to purchase a Hyundai 760-9 Wheel Loader in conformance with state bid specifications from George & Swede Sales and Service, Inc., 7155 Big Tree Rd, Pavilion, NY 14525 in a total amount not to exceed \$193,486 with the purchase to be financed over 5 years with annual payments of \$38,894.10.

**Budget Impact:** Purchase of this equipment is budgeted in the 2015 Road Machinery Fund.

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

**RESOLUTION NO. 77 2015 VEHICLE PURCHASES – HIGHWAY/  
MOTOR POOL- APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Funds were incorporated into the 2015 Internal Service Fund (Motor Pool) to purchase vehicles for use by the various County Departments, and

**WHEREAS**, The Genesee County Highway Superintendent has reviewed vehicles available at state bid pricing and other county contracts and recommends purchases, and

**WHEREAS**, The Committee on Public Service did review this request and does recommend this purchase to be authorized at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Highway Superintendent is hereby authorized and directed to purchase the following vehicles from Van Bortel Ford, 71 Marsh Rd, East Rochester, NY 14445, in an amount not to exceed \$334,615.80 to be paid from the 2015 Internal Service Fund.

Vehicle Size	Qty	Type	Bid Type	Amount
SUV (Sheriff)	2	2015 Ford Explorer Police	Onondaga Co	\$ 53,527.76
3/4 Ton 4WD Pickup (Fac Maint)	1	2015 F-250 XL Short Box	OGS 22737/PC 66389	\$ 36,515.33
1/2 Ton Pickup (Soil & Water)	1	2015 F-150 XL Short Box	Chautauqua Co Group5, Item2, Veh2	\$ 28,388.40
Full Size (Probation)	1	2015 Ford Taurus Police	Onondaga Co	\$ 24,779.34
Full Size	4	2015 Ford Fusion	Chautauqua Co Group1, Item2, Veh1	\$ 70,337.20
Van (Animal Control)	1	2015 Ford Transit Van Med Roof	Chautauqua Co Group3, Item2, Veh2	\$ 29,737.50
Van (Fac Maint)	2	2015 Ford Transit Van Low Roof	Chautauqua Co Group3, Item2, Veh2	\$ 58,559.60
SUV (EMS)	1	2015 Chevy Tahoe 4WD	OGS 22737/PC 66388	\$ 32,770.67
<b>Total</b>	<b>13</b>			<b>\$ 334,615.80</b>

**Budget Impact:** 2015 Internal Service Fund budgeted \$418,000 for the purchase of new vehicles. The purchase of mid-sized vehicles was approved separately by the Legislature in January 2015. The total purchase price of scheduled remaining fleet vehicles is \$334,615.80. These purchases are \$22,878.16 under budget.

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

**RESOLUTION NO. 78 GRANT ACCEPTANCE –AIRPORT/ CONSTRUCT  
NEW TERMINAL BUILDING (AIP 34-14) –  
APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS,** Genesee County has been offered a supplemental grant from the New York State Department of Transportation to match an existing Airport Improvement Program (AIP) grant by the Federal Aviation Administration to Construct a New Terminal Building (AIP 34-14) at the Genesee County Airport, and

**WHEREAS,** The County Superintendent of Highways has reviewed this grant agreement and recommends accepting the grant to authorize funding of the state portion of the existing grants, 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 Chairperson of the Genesee County Legislature is hereby authorized to approve the grant offer as prepared by the New York State Department of Transportation.

**Budget Impact:** The supplemental grant offer provides \$11,111 in additional state aid for the Terminal Building Construction project. The Terminal Building capital project will be amended under separate resolution.

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

**RESOLUTION NO. 79 2015 BUDGET TRANSFER – PLANNING –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The County Planning Director has requested to purchase GIS Spatial Analyst software for the new GIS Administrator, and

**WHEREAS,** There are no funds available within the Planning Department budget to cover the expenses and the County Manager and County Treasurer recommend using the 2015 General Contingency Fund, 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:

\$2,040.00 from A.1990.4800.0000 Contingency, Program  
expense

\$2,040.00 to A.8020.2024.0005 Planning, Software Database

**Budget Impact:** Increase in the Planning Department's appropriation of \$2,040. Contingency Fund balance (not allocated for wage increases) after above transaction = \$47,960.

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

**RESOLUTION NO. 80 OFFICIAL TOURISM AGENCY -DESIGNATION OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The County of Genesee and the Genesee County Chamber of Commerce have determined that it is in their best interests to work together in their endeavors to promote tourism within Genesee County, and

**WHEREAS**, The Chamber of Commerce did present a Tourism Report for 2014 and plans for 2015 and did request the official designation as Tourism Agency for Genesee County, and

**WHEREAS**, The Committee on Ways and Means does recommend the official designation of the Chamber of Commerce as the County's Tourism Agency. Now, therefore, Be it

**RESOLVED**, That the Genesee County Chamber of Commerce be and hereby is designated as the Official Tourism Agency for the County of Genesee for the fiscal year January 1, 2015 through December 31, 2015.

**Budget Impact Statement:** No fiscal impact.

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

**RESOLUTION NO. 81 CONTRACT -CHAMBER OF  
COMMERCE/TOURISM - APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, The County of Genesee is desirous of continuing its support of a program to promote tourism within Genesee County, and

**WHEREAS**, The County of Genesee has implemented a hotel and motel tax to fund tourism promotion within Genesee County, and

**WHEREAS**, The Genesee County Chamber of Commerce has presented a tourism marketing plan and budget for 2015 inclusive of the Matching Funds Program called "I Love New York", the Non-Matching Funds Program and administrative and operating expenses, and

**WHEREAS**, The Committee on Ways and Means has reviewed the proposed marketing plan and budget and recommends approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair be and hereby is authorized and directed to execute an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce for the year 2015 to be funded from the County's 2015 hotel and motel tax receipts up to an amount not to exceed \$350,000 for publicity and tourism services for the calendar year ending December 31, 2015.

**Budget Impact Statement:** Appropriation fully funded by Bed Tax revenue; County will only supply funding for Tourism activity to the extent actual revenues from bed tax are realized, not to exceed fiscal year appropriation of \$350,000.

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

**RESOLUTION NO. 82 2015 BUDGET AMENDMENT – CDBG FUNDS  
CARRYOVER – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Genesee County Manager did request an amendment to the 2015 County Budget to carryover from the 2014 County Budget unexpended CDBG Funds designated for the Genesee County Economic Development Center for the purpose of constructing a truck access road within the Buffalo East Technology Park south in the Town of Pembroke, and



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

**RESOLUTION NO. 84 2014 BUDGET AMENDMENT- TREASURER/  
YEAR END-APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Treasurer is recommending a budget amendment in order to close the books for 2014, and

**WHEREAS**, The Committee on Ways and Means concurs with the County Treasurer's recommendations; Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2014 budget by:

Decrease Expense A 6421 4800.0040 GCEDC – CDBG Mushroom Plant in the amount of \$750,000 and Decrease Revenue A 6421 4997.4 in a like amount.

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

**RESOLUTION NO. 85 AGREEMENT – GENESEE COUNTY BAR  
ASSOCIATION/MOCK TRIAL PROGRAM-  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Ways and Means Committee did receive a request from the Genesee County Bar Association. to hold a Mock Trial at the Genesee County Courts Facility on March 9, March 11, March 16 and March 25, 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 Chair of the Genesee County Legislature is hereby authorized and directed to enter into agreement with the Genesee County Bar Association for access to and use of the Genesee County Courts Facility on March 9, 11, 16 and 25, 2015 subject to the rules and regulations of the Genesee County Use of Facilities Agreement.

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

**RESOLUTION NO. 86 REQUEST FOR AUTHORIZING LEGISLATION-  
SALES TAX/CONTINUATION OF ONE PERCENT  
INCREASE EXTENSION-APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, State Legislation authorizing Genesee County to continue its imposition of an additional 1% Local Sales Tax expires on November 30, 2015, and

**WHEREAS**, The Committee on Ways & Means does recommend requesting approval for continuation at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby request New York State Senator Michael Ranzenhofer and Assemblyman Stephen Hawley to draft and introduce Legislation authorizing Genesee County to renew the additional 1% Sales Tax, and Be it further

**RESOLVED**, That certified copies of this resolution be forwarded to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Stephen Hawley, NYSAC and GAM.



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

**RESOLUTION NO. 87 MORTGAGE TAX INCREASE EXTENSION–  
REQUEST FOR AUTHORIZING LEGISLATION –  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The County of Genesee has imposed an additional one-quarter of one percent (0.25%) local tax on mortgages for real property situated within the County of Genesee in addition to the tax imposed on said mortgages with the local tax of one-quarter of one percent to be used for the purpose of offsetting expenses of the Recording/County Clerk’s Office or any County General Fund purpose in Genesee County, and

**WHEREAS**, The legislation authorizing such additional mortgage tax will expire October 31, 2015 and the County Legislature wishes to extend its provisions. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby petition State Senator Michael Ranzenhofer and Assemblyman Stephen M. Hawley to draft and introduce such legislation and further requests the New York State Legislature to support the legislation necessary to continue a one-quarter of one percent (0.25%) increase in Genesee County’s mortgage tax rate, and Be it further

**RESOLVED**, That certified copies of this resolution be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer and Assemblymen Stephen M. Hawley and any other agency as indicated by the Chair of the Genesee County Legislature.

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

**RESOLUTION NO. 88 COUNTY AUDIT – FEBRUARY 25 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2014 General Fund	\$	94,361.22
2015 General Fund		435,142.12
2015 Highway		147,094.44
2015 Nursing Home		431,438.78
2015 Self Insurance		113.09
2015 Water		20,075.64
2014 DSS Abstracts		14,910.90
2015 DSS Abstracts		206,007.12

**2015 Capital Projects:**

DeWitt Park Utility Ext/Security Improvements	709.09
Airport Tie-Down Apron Relocation	1,425.49
Airport Terminal & Maint. Hangar Demo. & Site Conversion	11,684.00
Airport T-Hangar Taxiway Apron Phase III	9,077.27
GCC Wellness & Event Center	13,039.00

**Payroll – General & Nursing Home**

February 20, 2015 1,766,253.26

**Medicaid**

February 17, 2015	174,706.00
February 24 2015	<u>174,706.00</u>
<b>Total Audit</b>	\$ 3,500,743.42

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

The meeting was adjourned at 5:45 PM upon motion of Legislator DeJaneiro seconded by Legislator Torrey.