

**TENTH DAY
GENESEE COUNTY LEGISLATURE
Wednesday, May 28, 2014
Pavilion, New York**

The Genesee County Legislature met in Regular Session on Wednesday, May 28, 2014 at 5:30PM at the Town of Pavilion, One Woodrow Drive, Pavilion New York as part of an Outreach Meeting. Prayer was offered by Legislator Torrey, followed by the Pledge to the Flag.

Chair Cianfrini thanked the Town of Pavilion for hosting this Legislature Meeting. Legislator Torrey who represents the Town of Pavilion presented a County Seal to the Town Clerk of Pavilion Cindy Starr.

The minutes of the May 14, 2014 meeting were approved upon motion of Legislator Lawrence seconded by Legislator Bausch.

Legislator DeJaneiro reported that he attended the Solid Waste Meeting that was held in Perry. The 2014 Household Hazardous Waste Collection will be on September 20th held in Livingston County.

Chair Cianfrini commented that the Memorial Day Parade in the Village of Oakfield went very well, along with the Parade in the City of Batavia that Legislators Clattenburg, Ferrando and DeJaneiro attended. Legislator Clattenburg also commented that she and Legislator Ferrando also attend the new Veterans Memorial Ceremony and that is was a very beautiful ceremony.

County Manager Gsell stated he received a letter from the Department of Health in regards to an IGT payment the County will receive in the amount in \$4.3 million which is the County's enhanced share. This payment is a year and half late from State. The Clerk proceeded with the reading of the resolutions as follows:

**RESOLUTION NO. 168 ESTABLISH CAPITAL PROJECT/ BUDGET
AMENDMENT – TELEPHONE SYSTEM UPGRADE-
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The current telephone system is aging and has become unreliable with parts failing and the system occasionally going down, and

WHEREAS, The Director of Information Technology did present an agreement with MacSource Inc. to provide a Telephone System upgrade using AVAYA / Nortel Equipment and Installation Services on NYS Contract # PT64524,

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

RESOLVED, That the Genesee County Treasurer is authorized and directed to create Capital Project – Telephone System Upgrade in the amount of \$455,570 (includes equipment, installation and contingency) and to amend the 2014 budget by Increasing A.9950.9 Transfers to Capital in the amount of \$455,570 offset by an Increase in A.1000.1110.1 1% Sales Tax in a like amount. Increase H.1997.5031 Interfund Transfers in the amount of \$455,570 and Increase H.1997.2080 Capital Project Expense in a like amount.

Budget Impact Statement: This will increase expenditures and utilization of 1% Sales Tax in the amount of \$455,570.

Legislator Lawrence seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 169 CONTRACT –IT/TELEPHONE SYSTEM UPGRADE

- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of Information Technology did present an agreement with MacSource Inc. to provide a Telephone System upgrade using AVAYA / Nortel Equipment and Installation Services on NYS Contract # PT64524,

WHEREAS, The Committee on Ways and Means did review the 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 execute the agreement with MacSource Communications 2110 South Clinton Avenue Rochester NY 14618 in an amount not to exceed \$407,541.06

Budget Impact Statement: This project will increase expenditures and utilization of 1% Sales Tax in the amount of \$455,570. A Capital Project has been established to provide funding for this project.

Legislator Stein seconded the resolution which was adopted by 278 votes, Legislator Cianfrini (28) voted no.

Prior to roll call on the above resolution Chair Cianfrini stated that he did receive the financing option from Information Technology Director Zimmer and that he did like this option. This would eliminate the need to use the 1% Sales Tax Reserve which will be depleted significantly between this project and the Highway project.

**RESOLUTION NO. 170 AUTHORIZING CHAIRMAN OF THE GENESEE
COUNTY LEGISLATURE TO SIGN WIA YOUTH
CONTRACTS**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Job Development Bureau has been approved, by the Workforce Investment Board to receive the following PY2014 Youth Year Round WIA Formula funds in the amount of \$8,912.28, and

WHEREAS, The Genesee County Job Development Bureau has entered into contracts with the Workforce Investment Board in order to receive these funds. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby authorizes the Chairman of the Genesee County Legislature to sign said contract with the Workforce Investment Board in order for the Job Development Bureau to secure these funds to provide services to the youth of Genesee County.

Legislator Ferrando seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 171 GRANT ACCEPTANCE -DISTRICT ATTORNEY/
AID TO PROSECUTION -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The District Attorney has been notified of the award of grant funding from the New York State Division of Criminal Justice Services for prosecution services aid in the amount of \$29,200.00, and

WHEREAS, The Committee on Public Services does recommend acceptance of these funds 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 the New York State Division of Criminal Justice Services for the acceptance of grant funds in the amount of \$29,200.00 for Aid to Prosecution in Genesee County, and Be it further

RESOLVED, That funds for said grant have been appropriated in the 2014 Genesee County Budget.

Budget Impact: None - funds have been appropriated.

Legislator DeJaneiro seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 172 GRANT AWARD-GENESEE JUSTICE/NYS
DIVISION OF CRIMINAL JUSTICE SERVICES–
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Coordinator of the Genesee Justice Program did receive notification of the award of grant funding from the New York State Division of Criminal Justice Services for the continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for a one year contract term starting July 1, 2014 through June 30, 2015, and

WHEREAS, The Public Service Committee does recommend acceptance of the grant funding at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby accept grant funding from the New York State Division of Criminal Justice Services in the amount of \$43,043 for continuation of the Community Service Sentencing Program and the Pre-Trial Services Program for 2014/15, and Be it further,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary form for the acceptance of funds for the period of July 1, 2014 through June 30, 2015 in the amount of \$43,043.

Budget Impact: There is no change to A 3151 3320 (State Aid-Comm Services) or A 3151 3310.31 (State Aid-ATI) as monies were already anticipated at noted levels in our 2014 County Budget.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 173 GRANT ACCEPTANCE - EMERGENCY
MANAGEMENT SERVICES/FY2014 EMERGENCY
MANAGEMENT PERFORMANCE GRANT (EMPG)
PROGRAM – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator requests authorization to accept grant funding in the amount of \$27,673 from the New York State Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, the purpose of the FY14 Emergency Management Performance Grant (EMPG) program is to support efforts to build and sustain core capabilities across the prevention, protection, mitigation, response, and recovery mission areas based on allowable costs, and

WHEREAS, The Committees on Public Service and Ways & Means concurs with the Emergency Management Services Coordinator's recommendation. Now therefore be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Office of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of the FY14 Emergency Management Performance Grant (EMPG) in the amount of \$27,673, and to execute any and all other documentation related to this funding.

Budget Impact Statement: None. Grant Funds offset the 2014 OEM operating expenses.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 174 GRANT ACCEPTANCE/BUDGET AMENDMENT -
EMERGENCY MANAGEMENT SERVICES &
SHERIFF OFFICE/FY14 STATE HOMELAND
SECURITY PROGRAM (SHSP) GRANT –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator and the Genesee County Sheriff request authorization to accept the FY14 State Homeland Security Program (SHSP) grant funding in the amount of \$115,000 from the US Department of Homeland Security, Federal Emergency Management Agency (FEMA); administered by the NYS Division of Homeland Security and Emergency Services (DHSES), and
WHEREAS, Grant funding is provided in support of regional preparedness efforts, and
WHEREAS, 25% of the total grant award or \$28,750 must be utilized for law enforcement terrorism prevention activities, and
WHEREAS, The Committees on Public Service and 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 execute the Agreement with the New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of FY14 State Homeland Security Program (SHSP) funds in the amount of \$115,000 and to execute any and all other documentation related to this funding, and
RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2014 County Budget by increasing the Sheriff's Office Appropriation Account A3110.4800.0503 – Homeland Security in the amount of \$28,750 to be offset by an increase in Sheriff's Office Revenue Account A.3110.4305.2 – Federal Aid/Homeland \$28,750.

Budget Impact Statement No County cost. Grant funds in the amount of \$28,750 are appropriated in the 2014 Genesee County Sheriff budget. SHSP funds in the amount of \$86,250 will be appropriated in the 2015 EMO operating budget.

Legislator DeJaneiro seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 175 AGREEMENT RENEWAL - SHERIFF'S OFFICE/
JUSTICE BENEFITS, INC. – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, Genesee County entered into a contract with Justice Benefits, Inc., pursuant to Resolution 91, dated March 26, 2009, for the provision of professional assistance with revenue enhancement services, and
WHEREAS, the agreement expired on March 31, 2014, and
WHEREAS, a RFP was issued with only one bid received, therefore being the lowest bid, which met specifications from Justice Benefits, Inc., 2010 Valley View Lane, Suite 300, Dallas, Texas 75234, with a price of (15%) of all revenue paid to the County, and
WHEREAS, the Sheriff does recommend the award of bid for revenue enhancement services to Justice Benefits, Inc., 2010 Valley View Lane, Suite 300, Dallas, Texas 75234, for an initial term of one year commencing July 1, 2014, through June 30, 2015, at which time the contract may be renewed for four (4) additional one-year renewals, at the same terms and conditions, 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 award of bid for revenue enhancement services be made to Justice Benefits, Inc., 2010 Valley View Lane, Suite 300, Dallas Texas 75234, for (15%) of all revenue paid to the County, and it is further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Justice Benefits, Inc., 2010 Valley View Lane, Suite 300, Dallas, Texas 75234, for professional assistance with revenue enhancement services.

Budget Impact: Increase in Jail revenue based upon number of aliens incarcerated during the fiscal year. Legislator Ferrando seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 176 AGREEMENT RENEWAL/BUDGET AMENDMENT
-SHERIFF/POLICE SERVICES FOR VILLAGE OF
OAKFIELD - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Village of Oakfield has requested to renew an agreement to contract for additional police services for the Village, commencing June 1, 2014, and continuing through May 31, 2015, and

WHEREAS, The current Genesee County Deputy Sheriffs' Association Labor Agreement expired December 31, 2013, and the estimated rate of \$63.65 per hour plus mileage per four-hour segment of time is subject to change based on future contract negotiations, and

WHEREAS, the Sheriff does recommend entering into a Renewal Agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Oakfield and the Genesee County Sheriff's Office for a period commencing June 1, 2014, and continuing through May 31, 2015, at the rates and terms as outlined above and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2014 budget by increasing Sheriff's account A3110.1020.1000 (Overtime - Oakfield Patrols) in the amount of \$30,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services- Additional Police Services) in a like amount.

Budget Impact: Appropriation of \$30,000 offset by revenue billed back to entities for additional law enforcement services.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 177 AGREEMENT RENEWAL/BUDGET AMENDMENT
- SHERIFF / POLICE SERVICES FOR VILLAGE OF
BERGEN - APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Village of Bergen has requested to renew an agreement to contract for additional police services for the Village, commencing June 1, 2014, and continuing through May 31, 2015, and

WHEREAS, The current Genesee County Deputy Sheriffs' Association Labor Agreement expired December 31, 2013, and the estimated rate of \$63.65 per hour plus mileage per four-hour segment of time is subject to change based on future contract

negotiations, and

WHEREAS, the Sheriff does recommend entering into a Renewal Agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Bergen and the Genesee County Sheriff's Office for a period commencing June 1, 2014, and continuing through May 31, 2015, at the rates and terms as outlined above and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2014 budget by increasing Sheriff's account A3110.1020.0900 (Overtime - Bergen Patrols) in the amount of \$13,000, to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

Budget Impact: Appropriation of \$13,000 offset by revenue billed back to entities for additional law enforcement services.

Legislator Stein seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 178 CONTRACT APPROVAL – SHERIFF/WYOMING COUNTY PRISONER HOUSING - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Sheriff did present a prisoner housing contract between Wyoming County and Genesee County for the housing of prisoners at the Genesee County Jail, and **WHEREAS**, the Committee on Public Service did review this contract and does 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 between the County of Genesee and the County of Wyoming for the provision of jail space in the Genesee County Jail at a rate of \$85.00 per day for each prisoner for the period of January 1, 2014, through December 31, 2014, automatically renewed on a year-to-year basis if neither party requests renegotiation.

Budget Impact: Additional Jail revenue generated dependent upon number of Wyoming County prisoners housed at Genesee County Jail.

Legislator Lawrence seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 179 AGREEMENT RENEWAL -SHERIFF /LAW ENFORCEMENT SERVICES WITH DARIEN LAKE – APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Genesee County entered into an agreement with CLP Darien Lake, LLC, a Delaware limited liability company ("Darien Lake"), through its agent, DLFE Management Company, LLC, a Missouri limited liability company ("DLFE") pursuant to Resolution 201, adopted on May 22, 2013, whereby the Sheriff's Office would provide additional law enforcement services at Darien Lake and their Performing Arts Center for the 2013 operating/concert season, and

WHEREAS, the Sheriff's Office invoiced Darien Lake for the police services provided, and Darien Lake reimbursed the County, and

WHEREAS, the current agreement will expire May 31, 2014, and

WHEREAS, Darien Lake is entering into its 2014 operating/concert season and has indicated a desire to renew the law enforcement services agreement with Genesee County for another term (May 1, 2014 through October 31, 2014) and is based on the same terms

and conditions from 2013, and

WHEREAS, The current Genesee County Deputy Sheriffs' Association Labor Agreement expired December 31, 2013, and the estimated rates are subject to change based on future contract negotiations, and

WHEREAS, the Sheriff does recommend renewing this contract for the term stated above, 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 and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for additional law enforcement services at Darien Lake and their Performing Arts Center for the 2014 operating/concert season for the period of May 1, 2014 through October 31, 2014.

Budget Impact: \$160,000 has been appropriated to account A3110.1020.0800 (Overtime – Additional Police Services), to be offset by revenue billed back to entities for additional law enforcement services.

Legislator DeJaneiro seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 180 CONTRACT AMENDMENT – SHERIFF'S OFFICE /
PERICLE COMMUNICATIONS COMPANY – P25 800
MHZ COVERAGE IMPACT STUDY AND
PERFORMANCE ANALYSIS – 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; and

WHEREAS, Genesee County desires a more comprehensive coverage acceptance test plan to ensure County receives a system that meets Harris Corporations contractual obligations; and

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

WHEREAS, The County received grant funds to conduct the impact study as part of its 2012 Department of Homeland Security and Emergency Services Statewide Interoperable Communications Grant; and

WHEREAS, After careful review by the Sheriff, Emergency Management Coordinator, County Attorney, and Director of Emergency Communications, it is recommended the County execute the amendment to the contract for a total cost of a statement of work not to exceed \$108,675.18; and

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

RESOLVED, That the Genesee County Chair and the Sheriff are authorized to amend the agreement with Pericle Communications Company, 7222 Commerce Center Drive, Suite 180 Colorado Springs, CO 80919, for the 800 MHz impact study and performance analysis for a cost not to exceed \$108,675.18.

BUDGET IMPACT: The cost of this project will be offset by revenues from the 2012 NYS Department of Homeland Security and Emergency Services Statewide Interoperable Communications Grant funds (\$84,006.25) and the remainder will be funded by the Public Safety Radio System Upgrade Project (\$24,668.93).

Legislator Stein seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 181 AGREEMENT RENEWAL – SHERIFF/MONROE
COUNTY REGIONAL CRIME LABORATORY-
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, the Sheriff did present an agreement renewal for forensic laboratory services with Monroe County, and

WHEREAS, after careful review by the Sheriff and County Attorney, it is recommended the County Legislature approve this contract for the period of January 1, 2014, through December 31, 2014, and

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

RESOLVED, that the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the contract renewal between the County of Genesee and the County of Monroe for forensic laboratory services for the period of January 1, 2014 through December 31, 2014 at a cost of \$71,667.00.

Budget Impact: Appropriation of \$71,667.00 has been included in the 2014 Sheriff's budget for this contracted service.

Legislator Lawrence seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 182 AWARD OF BID – SHERIFF / NEW YORK STATE
FENCE, INC. - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Purchasing Department issued a bid for the installation of perimeter fence at the three new radio sites (Alabama, Darien and Bergen), and

WHEREAS, Three bids were received at the bid opening on May 7, 2014, and are as follows:

Company Name	Address	City	State	Zip	Bid
Excel Fence, Inc.	10760 Alleghany Road	Darien Center	NY	14040	\$17,969.00
New York State Fence, Inc.	858 Manitou Road	Hilton	NY	14468	\$21,210.00
Rommel Fence, LLC	17 Railroad Street	Poland	NY	13431	\$28,650.00

WHEREAS, Excel Fence submitted an incomplete bid package by not providing a Bid Bond or references as required by the bid package, and

WHEREAS, after discussion with the Purchasing Director and County Highway Superintendent, I am recommending the County award this bid to New York State Fence, Inc., 858 Manitou Road, Hilton, New York 14468 at the cost of \$21,210.00, and

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

RESOLVED, that the award of bid for perimeter fence at the radio towers be made to New York State Fence, Inc., 858 Manitou Road, Hilton, New York 14468, for \$21,210.00, and it is further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with New York State Fence, Inc., 858 Manitou Road, Hilton, New York 14468, for perimeter fence at the three radio towers.

Budget Impact: Cost of the fencing is appropriated in the 800 MHz Radio System Upgrade Capital

Project.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 183 CONTRACT-HIGHWAY/ SHARED SERVICES –
APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Superintendent of Highways reported that the Genesee County Highway Department currently shares equipment, materials and services with other Genesee County municipalities and neighboring counties on an informal basis and to be in compliance with New York State Highway Law and General Municipal Law, Genesee County is required to adopt an agreement formalizing this arrangement, and

WHEREAS, the Superintendent of Highways reported that municipalities, including the County of Genesee, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, the Superintendent of Highways reported that it has been determined that the County of Genesee and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed, and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Genesee and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is the intent of the County of Genesee to give the Superintendent of County Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making of each individual arrangements, and

WHEREAS, Genesee County authorized such arrangements with other municipalities on February 27, 2006 and the Superintendent of Highways is requesting that such an arrangement be continued through an extension of the original agreement, and

WHEREAS, The Committees on Public Service and Ways and Means has determined that it will be in the best interests of the County of Genesee to continue to be a party to such shared service arrangements, and does concur with this recommendation. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby extend the Highway Shared Services Agreement which shall be effective June 1, 2014 through May 31, 2016, and Be it Further

RESOLVED, The Legislative Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the Supervisors/Mayors/Board Presidents of the municipalities within Genesee County.

Budget Impact Statement: None. Sharing municipal services is a cooperative effort to save money.

Legislator Ferrando seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 184 CONTRACT AWARD – HIGHWAY – PAVEMENT
MARKINGS -- APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Department did receive bids for the painting of pavement markings on county roads and airport, and,

WHEREAS, The Genesee County Highway Superintendent has reviewed the bids and the qualifications of bidders and does recommend awarding contracts at this time, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Seneca Pavement Markings, Inc., 23 Hunters Run, Horseheads, NY 14845 for the application of pavement markings as bid under Item Groups A, B, and D as per specifications, effective June 1, 2014 through May 31, 2015 in an amount not to exceed budgeted amounts, and Be it further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Accent Stripe, Inc., 3275 North Benzing Rd, Orchard Park, NY 14127 for the application of epoxy pavement markings as bid under Item Groups C as per specifications, effective June 1, 2014 through May 31, 2015 in an amount not to exceed budgeted amounts.

Budget Impact Statement: The County Road Fund includes \$115,000 for highway pavement markings and the Airport budget includes \$30,000 for pavement maintenance which will be used towards the application of pavement markings.

Legislator Lawrence seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 185 AGREEMENT RENEWAL - HIGHWAY /WORK
CLOTHING – APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Highway Department is currently under contract with Coyne Textile Services and this agreement allows for (3) one year extensions, and

WHEREAS, the Genesee County Highway Superintendent recommends renewing the contract agreement with Coyne Textile Services, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and do concur. 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 Coyne Textile Services, 111 James E. Casey Drive, Buffalo, New York 14206 for the work clothing as per bid specifications, effective June 1, 2014 through May 31, 2015.

Budget Impact Statement: \$3,300 is budgeted for Work Clothing in County Road and \$3,200 in the Road Machinery Fund.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 186 ESTABLISH/CLOSE CAPITAL PROJECTS – 2014
BUDGET AMENDMENT – HIGHWAY –APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The State of New York has provided Genesee County with Consolidated Local Street and Highway Improvement Program (CHIPS) funding and the Genesee County Legislature has planned for capital projects to be funded with additional 1% sales tax, and

WHEREAS, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts that have been completed with prior year’s funding, and

WHEREAS, The Superintendent of Highways recommends closing existing projects and establishing new capital projects for work planned for this construction season, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to close/establish the following capital projects and transfer existing balances as required:

<u>Close Capital Project</u>	<u>Balance</u>	<u>Fund Source</u>	<u>Action</u>
2013 Highway Chipseal	\$89,728.48		CHIPS Trans to 2014 Bridge Const.
2013 Highway Surface Treatment	\$0.00		CHIPS
2013 Bridge Construction	\$55,157.50	CHIPS	Trans to 2014 Bridge Const.

<u>Establish Capital Project</u>	<u>Amount</u>	<u>Fund Source</u>
2014 Bridge Construction	\$144,885.98	CHIPS Transfers

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following CHIPS capital projects by increasing CHIPS Revenue D9950.3501, Transfers to Capital D9950.9900, Highway Capital Project Expense H5197.2080, and Interfund Transfer H5197.5031 in the amount of \$1,823,766.26, and be it further

<u>Establish Capital Project</u>	<u>Amount</u>	<u>Fund Source</u>
2014 Highway Chipseal	\$382,034.92	CHIPS
2014 Highway Surface Treatment	\$641,839.27	CHIPS
2014 Highway Overlay	\$147,998.90	CHIPS Winter Recovery
2014 Highway Recycling	\$651,893.17	CHIPS

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following capital project by increasing Highway Capital Project Expense H5197.2080, Interfund Transfer H5197.5031, 1% Sales Tax A1000.1110.1, and Transfer to Capital A9950.9 in the amount of \$465,000.00

<u>Establish Capital Project</u>	<u>Amount</u>	<u>Fund Source</u>
CR#35 East Road	\$465,000.00	1% Sales Tax

Budget Impact Statement: 2014 CHIPS allocation is \$1,675,767.35 with a one-time increase in CHIPS for extreme winter recovery in the amount of \$147,998.91 for a total of \$1,823,766.26. There is also \$144,885.98 available in 20113 CHIPS rollover funds. The county’s six-year capital improvement plan also had \$465,000 allocated for East Rd (CR 35) in the Town of Bethany. Total highway and bridge capital improvements for 2014 are \$2,433,652.24.

Legislator Stein seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 187 SPECIAL EVENT-PARK/GENESEE COUNTY PARK
& FOREST- ASSOCIATION for CONSERVATION
OF RECREATIONAL and NATURAL SPACES –
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, A Special Events application was received from the Association for Conservation Of Recreational and Natural Spaces (ACORNS) to use the Genesee County Park and Forest for a 5K/10K trail run and walk fundraiser on October 12, 2014, and

WHEREAS, The Genesee County Parks, Recreation, & Forestry Advisory Committee and Parks Supervisor-Forester did review and recommend approval of, and

WHEREAS, The Committees on Public Service and Ways and Means do concur with these requests. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Association for Conservation Of Recreational and Natural Spaces (ACORNS) to use the Genesee County Park and Forest for a 5K/10K trail run and walk fundraiser on October 12, 2014 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None.

Legislator Ferrando seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 188 SPECIAL EVENT-PARK - DeWITT RECREATION
AREA- GENESEE CANCER ASSISTANCE 5K
RUN/WALK-APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, A Special Events application was received from the Genesee Cancer Assistance to use the DeWitt Recreation Area for a 5K trail run and walk fundraiser on June 7, 2014, and

WHEREAS, The Genesee County Parks Supervisor did review and recommends approval of, and

WHEREAS, The Committees on Public Service and Ways and Means do concur with this request. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby grant permission to the Genesee Cancer Assistance to use the DeWitt Recreation Area for a 5K trail run and walk fundraiser on June 7, 2014 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact Statement: No budget impact.

Legislator Bausch seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 189 REAPPOINTMENT -HIGHWAY
SUPERINTENDENT-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The term of office of Timothy Hens, Highway Superintendent will expire on May 25, 2014, and

WHEREAS, The Committees of the Whole did recommend reappointment at this time.
Now, therefore, Be

RESOLVED, That Timothy Hens is hereby reappointed as Genesee County Highway Superintendent, effective May 26, 2014 through May 25, 2018.

Legislator Young seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 190 AWARD OF CONTRACT - NURSING HOME/
LABORATORY SERVICES – APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Purchasing Director did advertise for proposals for laboratory services for the Genesee County Nursing Home, and two proposals were received, and

WHEREAS, A review committee reviewed the proposals and has recommended the award of services go to United Memorial Medical Center, and

WHEREAS, The cost of laboratory services is billed to insurances, except for the cost of laboratory services for residents on Medicare Part A. The cost of Medicare Part A laboratory services has already been budgeted for 2014 and will not change under this contract, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into contract with United Memorial Medical Center, 127 North Street, Batavia, New York 14020, for laboratory services, commencing on June 1, 2014 and continuing through May 31, 2015 with the option of renewing the contract for four (4) additional one (1) year periods upon mutual consent of both parties.

Budget Impact: None. Already budgeted.

Legislator Ferrando seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 191 AWARD OF CONTRACT – NURSING HOME /MDS
CONSULTING SERVICES -- APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Nursing Home seeks to hire a professional consulting service to provide consultation and training on the MDS document in an effort to increase Medicare and Medicaid revenue at the Nursing Home, and

WHEREAS, The existing contract for such consulting services will expire on June 13, 2014, and

WHEREAS, Genesee County did issue a Request for Proposals for such services in April 2014 and two responses were received, and

WHEREAS, The proposals were reviewed and the Nursing Home Administrator does recommend the award of services to Information Management Solutions, Inc. (IM Solutions, Inc.) in the person of Patrick Flaherty, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Information Solutions, Inc. (IM Solutions, Inc.), 109 Chatham Avenue, Buffalo, New York 14216, in the person of Patrick Flaherty, for a one-year period beginning on June 14, 2014 through June 13, 2015 and the option to renew for three additional one-year periods, for the purpose of providing professional consulting services on the MDS document at an annual cost of \$84,000.

Budget Impact Statement: There will be annual savings of \$31,500 from what was budgeted for 2014 for this service.

Legislator Stein seconded the resolution which was adopted by 326 votes.

Prior to roll call on the above resolution Legislator Stein stated that the rebidding of this contract will bring fresh eyes on how this process works.

**RESOLUTION NO. 192 CAPITAL PROJECT APPROVAL – GENESEE
COMMUNITY COLLEGE -APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, The Genesee Community College Board of Trustees formally approved the Facilities Master Plan on June 18, 2012, and

WHEREAS, State of New York provided appropriations for the following projects from the Facilities Master Plan totaling \$24,652,929 which includes the projects and approximate budgets:

Construct Community Wellness and Event Center	\$13,848,000
Construct Student Success Center	\$ 5,186,700
Reconfigure Main Entrance	\$ 135,000
Energy Conservation Measures	\$ 3,000,000
Sitework	\$ 1,332,624
Renovate Ground Floor of Main Building	\$ 255,150
Renovate Second Floor of Main Building	\$ 895,455

WHEREAS, The State of New York requires Sponsor commitment of funds of specific approved Capital Projects to obtain SUNY approval to progress, and financing capital

projects would be borne half by the State of New York, and when the project(s) are approved, half by the County; and

WHEREAS, The Genesee Community College Foundation has committed to enter into a capital funds campaign to raise funds to help offset the addition of any debt which the County of Genesee may incur for approved capital projects; and

WHEREAS, The Committee on Ways and Means does recommend the funding of this project to the Legislature. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve proceeding with the approved Capital Project not to exceed \$24,652,929, and Genesee County being responsible for up to \$12,326,464.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

A motion to amend this resolution was made by Legislator Ferrando seconded by Legislator Bausch. Roll call was taken and was passed 9-0. The last resolved of the original resolution stated that the County Treasurer was authorized to establish a capital project for the construction of a Community and Event Center and a Student Success Center and the related approved projects at the Genesee Community College. County Treasurer German reported that he would not be establishing these capital projects until funding was secured, which at this time has not happened therefore it was decided to take that portion of the resolution out.

**RESOLUTION NO. 193 AMEND RESOLUTION NO. 292-08 – FACILITIES
MANAGEMENT/NYS OFFICE OF GENERAL
SERVICES/OFFICE OF REAL PROPERTY
SERVICES – APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, Resolution No. 292-08 did approve the lease between the New York State Office of General Services and the County of Genesee for the lease of space in County Building #2 for the period effective April 1, 2008 through March 31, 2018, and

WHEREAS, Pursuant to Clause No. 5 of the lease agreement as it pertains to the commencement date and term of the lease, the state does elect to establish the commencement date as April 3, 2009 and the expiration date as March 31, 2019, and

WHEREAS, The County Attorney has reviewed the lease agreement and agrees that the State is justified in moving the commencement date to April 3, 2009. Now, therefore, Be it

RESOLVED, That pursuant to Clause No. 5 of the signed agreement of Lease between the New York State Office of General Services and the County of Genesee for the lease of space in County Building # 2, the commencement date of the contract is changed to April 3, 2009 and runs through March 31, 2019 at an annual cost of \$87,696 for April 3, 2009 through March 31, 2014 and an annual cost of \$92,088 for the period April 1, 2014 through March 31, 2019.

Budget Impact: 2014 budgeted revenue was 12 months at higher monthly rate of \$7,674. The State's exercise of clause 5 means the new higher monthly rate of \$7,674 doesn't start until April of 2014. Therefore, this revenue will be under budget by \$1,098 for the year.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 194 APPOINTMENT-GENESEE COMMUNITY
COLLEGE BOARD OF TRUSTEES-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, An application to fill an expiring term has been received for appointment to the Genesee Community College Board of Trustees from Robert Boyce of LeRoy, New York, and

WHEREAS, The Committee on Ways & Means does recommend an appointment be made at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint Robert Boyce of LeRoy, New York to serve a term effective July 1, 2014 through June 30, 2021 on the Genesee Community College Board of Trustees.

Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 195 CONTRACT WITH U.S. BANKRUPTCY COURT -
WESTERN DISTRICT OF NEW YORK - RENEWAL
OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The United States Bankruptcy Court for the Western District of New York has contracted with Genesee County since 1997 for use of space within the Old County Courthouse in Batavia, NY to conduct proceedings of the Court, and

WHEREAS, The United States Bankruptcy Court has presented the County with an amendment to their Revocable License for Federal Use of Real Property space in the Old County Courthouse to extend the term of this Agreement to September 30, 2015 and

WHEREAS, The Committee on Ways and Means did review this Amendment to the Revocable License and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That Genesee County will maintain with New York Municipal Insurance Reciprocal General Liability Insurance coverage in the amount of \$1 million for only the Old Courthouse, 7 Main Street, Batavia, NY, and Be it Further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Amendment of License Agreement for the extension of the Revocable License for Federal Use of Real Property with the United States Bankruptcy Court, Western District of New York, 300 Pearl Street, Suite 250, Buffalo, NY for the use of the Courtroom in the Old Genesee County Courthouse, Batavia, NY for the period October 1, 2014 through September 30, 2015 at \$850 per month for utilities, general liability insurance and maintenance of space.

Budget Impact Statement: Extends current agreement at current monthly rate; revenue for period \$10,200.

Legislator Stein seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 196 OPPOSING EXPANSION OF FEDERAL CONTROL
UNDER THE CLEAN WATER ACT**

Legislator Stein offered the following resolution:

WHEREAS, The U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act, and

WHEREAS, Both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, The rule change proposed by the EPA and the Corps would subject almost

all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

WHEREAS, The proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood-control channels, and

WHEREAS, The cost to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, The New York Farm Bureau opposes the proposed rule change, and

WHEREAS, It is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or “significant nexus”, miles away, to a body of water currently defined as "navigable", now, therefore, be it

RESOLVED, That the Genesee County Legislature hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed, and be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Association of Counties, State Senator Ranzenhofer, State Assemblyman Hawley, the New York State Association of Counties, and the Western New York Inter-County Association.

Budget Impact: The expansion of federal jurisdiction will add significant cost to the replacement of culverts under county roadways and residential and commercial driveways throughout the county by adding a burdensome permitting process to routine maintenance items.

Legislator Lawrence seconded the resolution which was adopted by 278 votes, Legislator DeJaneiro (28) voted no.

Prior to roll call on the above resolution, Legislator DeJaneiro stated that he would be voting no on this resolution. He feels that he cannot vote towards a measure that can help prevent water pollution. Chair Cianfrini thanked Legislator Stein for drafting this resolution and he feels that this can do more harm than good. Legislator Stein stated that this cost burden would go to the municipalities if this were to go through.

RESOLUTION NO. 197 COUNTY AUDIT – MAY 28 - APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Bausch did review the following claims:

2014 General Fund	\$	632,352.56
2014 Highway		70,445.58
2014 Nursing Home		427,366.71
2014 DSS Abstracts		243,109.85

2014 Capital Projects:

Sheriff 800 Mhz Radio System Upgrade		2,768.99
Facility Management-Old Courthouse Roof & Cupola Repair		5,477.61
Airport-Tie-Down Apron Relocation		1,906.53
Airport-T Hangar Taxiway Apron Development, Phase III		12,884.25

Payroll – General & Nursing Home

May 16, 2014	1,699,544.19
Medicaid	
May 20, 2014	184,665.00
May 27, 2014	<u>184,665.00</u>
Total Audit	\$ 3,465,186.27

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Torrey seconded the resolution which was adopted by 326 votes.

A motion to adjourn at 6:15 PM was made by Legislator Stein seconded by Legislator DeJaneiro.