

**EIGHTH DAY**

**GENESEE COUNTY LEGISLATURE**

**Wednesday, April 22, 2015**

**Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday April 22, 2015 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Bausch followed by the Pledge to the Flag. Legislator Ferrando was absent.

In addition to the regular meeting Chairman Cianfrini opened a Public Hearing on 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 P.W. Minor, LLC.

Chairman Cianfrini presented two Proclamations to Eagle Scouts Tucker Allen and Josh Mullen.

The minutes of the April 8, 2015 meeting were approved upon motion of Legislator Bausch seconded by Legislator Stein.

Legislator Stein reported that she and Legislator Bausch attended InterCounty in Hammondsport. Things of interest at that meeting were the discussion on options for local communities to build infrastructure. These communities are now encouraged to go through the CFA process so that consolidated funding can be funded through Regional Councils. Mrs. Stein also reported that when the County takes in an inmate medical costs fall to the County to take care of. Even though healthcare is supposed to be provided to everyone it certainly is not. The cost of jail medications continues to rise. The Nursing Home meeting held last week reported that the cost for generic prescriptions is also escalating. The Nursing Home is awaiting their New York State Department of Health Survey Team and they are prepping by reviewing those survey results from the last four years.

Legislator Davis reported that he attended the GAM meeting held in the Town of Pembroke. The key speaker was Daniel Cullen from the Cullen Law Group. The Cullen Law Group specializes in franchise agreements with cable providers and municipalities. There are 400 agreements in New York State that are expired. The Cullen Law Group has offered free legal analysis to review the current franchise agreements especially with Time Warner and Comcast.

Legislator Bausch attended the Crime Victim Right Breakfast. The speaker was Theresa Roth and her topic was revenge porn. This is an issue that you don't care to know about but is a reality in our life. Mr. Bausch felt it was a very good presentation.

There were three Out-of-State Travel Requests. The first was for Undersheriff Bill Sheron, to attend National Police Week in Washington, DC from May 11-16, 2015. This was approved by a vote of 8-1, Legislator Ferrando was absent. The second request was for Sgt. Walker, Frieday, Deputies Baiocco, Parker, Reeves, Erion to travel to National Police Week in Washington, DC from May 11-16, 2015. This was approved by a vote of 8-1, Legislator Ferrando was absent. The third request was for Sgt. Seppala, Deputies Vlack, Corona, Diehl, Graff, Richardson and McCarthy to travel to National Police Week in Washington, DC from May 11-16, 2015. This was approved by a vote of 7-2. Legislator Ferrando was absent, Legislator Cianfrini voted no. Legislator Cianfrini stated that this is a tremendous event to attend however he has an issue with these employees being paid while they are at the event.

County Manager Gsell reported that the unemployment rate is at 6.2% .  
The Clerk proceeded with the reading of the resolutions:

**RESOLUTION NO. 146 MEMORANDUM OF AGREEMENT-SHERIFFS OFFICE/ NYS**

**DIVISION OF HOMELAND SECURITY & EMERGENCY  
SERVICES MUTUALINK PROGRAM ACCEPTANCE –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County desires to participate in the New York State Division of Homeland Security and Emergency Services Mutualink Program for the purpose of providing interoperable communications, and

**WHEREAS**, New York State will provide the necessary equipment and pay the installation costs to participate in such program, 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 Memorandum of Agreement between the New York State Division of Homeland Security and Emergency Services and Genesee County, and

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

**RESOLVED**, The Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with the New York State Division of Homeland Security and Emergency Services, 1220 Washington Avenue, State Office Campus, Building 7A, 7th Floor, Albany, New York 12226, for the purposes of loaning and installing Mutualink equipment.

**BUDGET IMPACT**: None

Legislator Torrey seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 147     SPECIAL EVENT-OAKFIELD ALABAMA LIONS CLUB-  
DEWITT RECREATION AREA-GENESEE COUNTY  
PARKS-APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, A special Events application was received from the Oakfield-Alabama Lions to use the DeWitt Recreation Area for a Fishing Derby on June 27, 2015, 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 does concur with this request. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby grant permission to the Oakfield-Alabama Lions to use the DeWitt Recreations Area for a Fishing Derby on June 27, 2015 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas. Legislator Clattenburg seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 148     SPECIAL EVENT-ASSOCIATION FOR CONSERVATION  
OF RECREATIONAL AND NATURAL SPACES (ACORNS)-  
GENESEE COUNTY PARK & FOREST -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 11, 2015, and

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

**WHEREAS**, The Committee on Public Service does concur with this request. 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 11, 2015 as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas. Legislator Stein seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

A resolution for Deer Management Hunting Program for Genesee County Park and Forest-Genesee County Parks was Tabled upon motion of Legislator DeJaneiro seconded by Legislator Clattenburg. Legislator Davis stated he publicly wanted to commend Tim Hens and Paul Osborn for their work that they put into this proposal. Legislator Davis supports deer hunting and he understands the need to do something about the white tail population in the Park, however his concern is the safety of the public. The hunting is proposed to allow hunting from sunrise to noon. His concern is that the park opens at 9:00 and there is a 3 hour overlap where the park is open to the public for hikers. If the Park was closed for those three hours then Legislator Davis stated that he would be able to support this program. Legislator Young commented that he does support hunting and that he himself is an avid hunter. Legislator Young went on to state that he has looked at this issue like he looks at most issues, everybody should have a right to enjoy the Park and initially he felt this made a lot of sense. However, since hearing concerns like Legislator Davis's he feels that this program is burdensome and regulatory, and he will not support it. Legislator DeJaneiro stated he has received a call from a City resident on this issue. His concern is the safety to the public. He too understands the need to harvest the deer in the Park, but he would like to amend this resolution to close the Park for the entire time hunting will be going on at the Park. This resolution was Tabled. Legislator Cianfrini opposed.

A resolution for an Amendment to Local Law No. 7 Year 2002-Genesee County Department Of Parks, Recreation And Forestry Rules And Regulations-Genesee County Parks was Tabled upon motion of Legislator Clattenburg seconded by Legislator Torrey. Legislator Cianfrini opposed.

**RESOLUTION NO. 149      AGREEMENT RENEWAL – HIGHWAY/WORK  
CLOTHING – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Genesee County Highway Department is currently under contract with Coyne Textile Services and this agreement allows for 3 – 1 year extensions, the Genesee County Highway Superintendent recommends renewing the contract agreement with Coyne Textile Services for the third and final one year term, 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, 2015 through May 31, 2016.

**Budget Impact Statement:** Work clothing budgeted in County Road and Road Machinery Funds Legislator Clattenburg seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 150      AWARD OF BID-HIGHWAY /BULLDOZER- ROAD  
MACHINERY-APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent planned for and included funds into the 2015 Road Machinery Fund for the purpose of replacing aging equipment, and

**WHEREAS**, The Genesee County Director of Purchasing did advertise and receive bids for a Bulldozer for use by the Highway Department, and

**WHEREAS**, The Genesee County Highway Superintendent did review these bids and did make a recommendation of award at this time, 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 initiate a 5-yr lease purchase of a new D5K2 Bulldozer from Milton Caterpillar in the amount of \$154,355 to be paid from the Road Machinery Fund.

**Budget Impact:** The bid price of the bulldozer is \$154,355. Based on a 5-year 2% lease, the total cost of the bulldozer is \$160,839.05. Annual payments on the lease-purchase are \$32,167.81. The 2015 Road Machinery Budget included \$34,000 for the lease-purchase of this bulldozer.

Legislator Stein seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 151      SALARY SCHEDULE AMENDMENT-HIGHWAY/PARK-  
TEMPORARY SENIOR BUILDING MAINTENANCE  
MECHANIC -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent has requested the creation of a Temporary Senior Building Maintenance Mechanic position for six (6) months while the current Senior Building Maintenance Mechanic is on an unpaid medical leave of absence, and

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

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2015 Salary Schedule by creating one temporary Senior Building Maintenance Mechanic position CSEA Grade 14 for a period of six (6) months effective April 27, 2015.

**Budget Impact:** None. Current Senior Building Maintenance Mechanic is on an unpaid medical leave of absence. Legislator Torrey seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 152      AWARD OF BID – NURSING HOME/ DISH MACHINE –  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Genesee County Purchasing Director did advertise and receive bids for a new dish machine at the Genesee County Nursing Home, and

**WHEREAS**, The seven bids received were reviewed and the Nursing Home Administrator does recommend awarding the bid to the lowest bid that also met the specs of the bid and the existing space where the machine will be used, and 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 execute the necessary documents to award the bid for a new dish machine to Main Ford General Supply, 366 Lyell Avenue, Rochester, New York, 14606 for the cost of \$22,706.43.

**Budget Impact:** \$37,000 was budgeted for a new dish machine. This bid comes in well below budget. Legislator Clattenburg seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 153 MEMORIALIZATION – IN SUPPORT OF  
SENATE BILL S-3600-2015– APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, Research indicates that alcohol is the most commonly used and abused drug among youth in the United States, and we recognize that alcohol used by persons under the age of twenty-one is a major public health problem, and

**WHEREAS**, According to the Surgeon General and the Institute of Medicine, reducing underage drinking may be accomplished by many prevention strategies, including the enforcement of minimum legal drinking age laws, which require actions on the national, state and local levels, and

**WHEREAS**, Current statutes in New York State, Alcohol Beverage Control Law Section 65-c (Underage Possession of an Alcoholic Beverage), do not provide any remedy to the courts to enforce sentences imposed for dispositions, and therefore an alarming number of young defendants are simply disregarding the sentences imposed and/or are failing to appear in court as directed, and

**WHEREAS**, Senate Bill S3600 will allow courts to render default judgements in cases of any person who fails to appear before the court, pay a fine, complete an alcohol awareness program or complete community service as established by such court. Now, therefore, Be it

**RESOLVED**, The Genesee County Legislature hereby memorializes the State Assembly and State Senate to pass Senate Bill S3600, which would provide a remedy to the courts to enforce Alcohol Beverage Control Law Section 65-c (Underage Possession of an Alcoholic Beverage) and be it, further

**RESOLVED**, That certified copies of this resolution be sent to New York State Majority Leader Dean Skelos, Assembly Majority Speaker Carl Heastie, Senator Michael Ranzenhofer, Assemblyman Robin Schimmoeller, Assemblyman Stephen Hawley, NYSAC, InterCounty Association of Western New York , New York State Magistrates Association, Genesee County Magistrates Association and the New York State Association of Towns.

**Budget Impact:** None

Legislator Clattenburg seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 154 INSURANCE RENEWAL -AIRPORT/OWNERS AND  
OPERATORS LIABILITY INSURANCE –APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Lawley Genesee, LCC has presented a policy premium of \$6,050 from Allianz Global Corporate & Specialty and the Genesee County Attorney does recommend award of this bid and 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 an agreement with Lawley Genesee, LLC, 20 Jefferson Square Batavia, NY to provide Airport Premises (Owners and Operators) Liability insurance for the Genesee County Airport effective May 1, 2015 through May 1, 2016 at an annual premium of \$6,050.

**Budget Impact Statement:** No increase in premium from 2014.

Legislator Bausch seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 155    AGREEMENT– FUEL STORAGE TANK POLLUTION  
LIABILITY INSURANCE /AIRPORT/HIGHWAY/PARK –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County sought proposals for storage tank pollution liability insurance for tanks located at the Highway, Airport and Parks departments, and

**WHEREAS**, One bid was received from Lawley Genesee with W.H. Greene & Associates, Inc. as the underwriting carrier, and

**WHEREAS**, It is the recommendation of the Genesee County Attorney to award this coverage to Lawley Genesee and the Committee on Ways and Means does concur. Now, therefore, Be it **RESOLVED**, That the Genesee County Legislature does hereby designate Lawley Genesee, LLC, 20 Jefferson Square, Batavia, NY to provide Storage Tank Pollution Liability in the amount of \$1 million each occurrence and \$5 million annual aggregate with a \$25,000 deductible effective May 1, 2015 through May 1, 2016 for an annual premium of \$4,000 with one (1) year renewal with negotiations of renewal premiums and rates consistent with changes in risk or exposure.

**Budget Impact Statement:** Fuel Storage Tank Pollution Liability premium decrease of \$276.

Legislator Torrey seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 156    AUTHORIZATION TO ESTABLISH CAPITAL  
PROJECT/BUDGET AMENDMENT- EMS WATERLINE -  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Townline Water Project, has awarded Sergi Construction, Inc. and Visone Construction, Inc. a contract to install 104,700 linear feet of new 8-inch and 12-inch diameter water mains within the participating districts which includes State Street Road where the County's Fire Training Center is located, and

**WHEREAS**, The project will enable Visone Construction, Inc. to connect public water to the County's Fire Training Center buildings, and

**WHEREAS**, The Committee on Ways and Means has reviewed the request and recommends that said Capital Project be established at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Treasurer be and hereby is authorized to establish a new Capital Project for the year 2015:

<u>PROJECT</u>	<u>SOURCE</u>	<u>FUNDING AMOUNT</u>
<b>Emergency Management Services</b> Public Water Line	1% Sales Tax (2012/13) and Be it further	\$ 50,000

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Budget by Increasing A9950.9 – Transfer to Capital in the amount of \$50,000 offset by an Increase in A.1000.1110.1- 1% Sales Tax in a like amount, and Be it further **RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2015 Genesee County Capital Projects by increasing appropriation H3397.2080.0000 – Public Safety-Capital in the amount of \$50,000 offset by an increase in revenues H3397.5031 – Public Safety, Interfund Transfer in a like amount.

**Budget Impact Statement:** No impact on 2015 County General Fund.

Legislator Stein seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

**RESOLUTION NO. 157 CONTRACT WITH U.S. BANKRUPTCY COURT -  
WESTERN DISTRICT OF NEW YORK - RENEWAL OF**

Legislator Davis 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, 2016 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, 2015 through September 30, 2016 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 Bausch seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

Prior to closing the Public Hearing Legislator Young stated that there is a conflict of interest between himself being a Legislator and being President and Owner of P.W. Minor. Legislator Young wanted to make it clear that he understands that there is a process that needs to be followed when a conflict of interest happens and it is his intention on following that process. This process requires that he announce his conflict, which he has just done, and that he will excuse himself from the meeting if there is any discussion that happens on this item and he will be abstaining to any votes on the matter. Chairman Cianfrini closed the Public Hearing, there were no speakers.

At this time Legislator Young left the room prior to voting on the following resolution.

**RESOLUTION NO. 158 AUTHORIZATION TO SUBMIT A GRANT  
APPLICATION TO THE NEW YORK STATE OFFICE OF  
COMMUNITY RENEWAL FOR COMMUNITY  
DEVELOPMENT BLOCK GRANT FUNDING**

Legislator Bausch offered the following resolution:

**WHEREAS**, P. W. Minor, LLC (“PWM”) plans to expand production capacity at its facilities on Treadeasy Avenue in the City of Batavia through the purchase and installation of new machinery and equipment and the creation of new employment opportunities (hereinafter the “Project”), and

**WHEREAS**, PWM’s decision to undertake the Project was based in part on the offer of certain incentives by the Empire State Development Corporation and the New York State Office of Community Renewal (the “OCR”), and

**WHEREAS**, the OCR has invited the County to submit a grant application for funding to assist in financing the Project, and

**WHEREAS**, the Genesee Gateway Local Development Corporation (the “GGLDC”) is assisting in the facilitation of the project and has requested that the County provide the OCR funding to the GGLDC as a grant for the purpose of making term and deferred loans to PWM, and  
**WHEREAS**, the GGLDC has the capacity to administer the OCR grant in the best interests of the County, and

**WHEREAS**, the Project will result in substantial benefit to the County in the form of an estimated 80 new employment positions to be created within two years of the expansion of operations, and

**WHEREAS**, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the Project. Now, therefore, Be it

**RESOLVED**, that the County Chairman is hereby authorized to submit a grant application in an amount to be determined by the OCR and not to exceed the sum of seven hundred fifty thousand dollars (\$750,000.00), such amount to be provided as a grant to the GGLDC to finance a portion of the cost of machinery and equipment for the Project and to fund the cost of grant administration and program delivery activities, and be it further

**RESOLVED**, that the Chairman is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

**RESOLVED**, that the Chairman is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, subject to review and approval by the County Attorney.

Legislator Stein seconded the resolution which was adopted by 253 votes; Legislator Ferrando (26) was absent, Legislator Young (47) abstain.

**RESOLUTION NO. 159 COUNTY AUDIT – APRIL 22 - APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2015 General Fund	\$	705,321.06
2015 Highway		63,440.62
2015 Nursing Home		617,911.56
2015 Self Insurance		14,071.44
2015 Water		608,890.94
2015 DSS Abstracts		261,045.57

**2015 Capital Projects:**

DeWitt Park Utility Extensions/Security Improvements	278.00
Sheriff Upgrade of Jail Camera/Recording System	5,083.80
Facility Management Jail A/C Cold Water Chiller	6,730.50
Highway 2014 Highway Recycling	8,904.61
Highway North Pembroke Rd Bridge	2,987.55
Airport Tie-Down Apron Relocation	87,827.19

**Payroll – General & Nursing Home**

April 17, 2015	1,741,363.29
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**Medicaid**

April 14, 2015	177,425.00
April 21, 2015	<u>177,425.00</u>

<b>Total Audit</b>	\$ 4,478,706.13
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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 Davis seconded the resolution which was adopted by 300 votes; Legislator Ferrando (26) was absent.

The meeting was adjourned at 6:07 PM upon motion of Legislator Stein seconded by Legislator Clattenburg.