

PRESENT: Chair Cianfrini, Legislators Bausch, Clattenburg, Stein, DeJanerio, Lawrence, Hancock. Legislature Clerk Kingdon, County Manager Gsell. Also Present: Sheriff Maha, Deputy Thompson, Genesee Justice Coordinator Ford, EMS Coordinator Yaeger, Highway Superintendent Hens, Planning Director Oltramari, Mark Masse, GCEDC, Mark Boylan, Town of Alabama Attorney, Adam Walters, Philips Lytle, News Reporter Mrozek.

Chair Cianfrini called the meeting to order at 4PM in the Legislature Conference Room of the Old Courthouse. The minutes of the June 18, 2013 meeting were approved upon motion of Legislator Bausch seconded by Legislator Clattenburg.

A motion at 4:00 PM was made to adjourn to Executive Session to discuss a Real Estate Contractual Matter by Legislator Bausch, seconded by Legislator Clattenburg.

At 4:20 PM, the Committee adjourned from Executive Session and a motion was made by Legislator Bausch to authorize the County Attorney to proceed with a land acquisition for the sites in the Town of Alabama and the Town of Bergen for the tower upgrades. This was seconded by Legislator Clattenburg.

Sheriff Maha presented a budget amendment for the purchase of the police K-9 and for the contract for the K-9 handler training program. The Sheriff's office current police K-9 will be retiring at the end of 2013, and the current K-9 handler will be relinquishing his K-9 assignment, therefore, a fund-raising campaign was initiated to assist with funding for a new police K-9 and training for a new K-9 handler. A new K-9 has been selected for purchase at a cost of \$5500, with additional equipment and supplies at a cost of \$2846 and K-9 handler training to cost \$5000 with the total cost being \$13,346. The Sheriff requested a budget amendment to use the money donated to the Genesee County K-9 fund, as well as funds from forfeiture of crime proceeds to cover these costs. Legislator Cianfrini asked how long the training is. Deputy Thompson stated that it is a 15 week training program. There are also additional trainings throughout the year in additional certifications that will need to be done. Legislator Hancock asked if the County is guaranteed that there will not be any problems with the dog. Deputy Thompson stated that there is a five-year guarantee on any genetic issues, alignment issues and any type of psychological issues. This was approved for placement on the next legislature agenda upon motion of Legislator Bausch seconded by Legislator Stein.

Next, the Sheriff presented another budget amendment for the County jail that is in need of funds to cover projected deficits in both the female inmate housing and overtime line items. The jail is currently experiencing a significant increase in the number of female inmates, and projections indicate that they will need an additional \$205,000 to cover 2013 female inmate housing expenses. Due to numerous officer injuries at the end of 2012 and during 2013, this resulted in increased over time details to cover for employees off on leave for those injuries, the 2013 overtime expenses have far exceeded the original budget amount. It is estimated that they will need an additional \$87,000 for overtime during the rest of the fiscal year 2013 after review of the jail budget. There, are on average about 17 to 20 women at the county jail. The problem the jail is facing is finding housing for these women, especially on the weekends. They are looking at Wayne

County, and Steuben County to help house these females. Legislator Cianfrini asked the Sheriff if he saw any relief in sight regards to the female housing. Sheriff responded that someday down the road a new jail will probably have to be built, within that jail there will be a female housing unit. This was approved for placement on the next legislature agenda upon motion of legislator clambered seconded by legislator Stein.

Shannon Ford the Coordinator for Genesee Justice requested an appropriation transfer to the 2013 Genesee Justice budget to correspond with amendments to the New York State Office of Victim Services and New York State Office of Children and Family Services Grants. Reallocation of monies is necessary due to the two major factors. One factor being the move of the Child Advocacy Center. This move will decrease rent costs for this year by \$6000. Secondly the newer staff members chose to participate in the medical/dental buybacks instead of the County medical/dental programs, which will decrease medical costs by over \$20,000. This was referred to the Ways and Means Committee with the recommendation for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch.

Ms. Ford requested an out-of-state travel request for Erin Martin of the Genesee for Children Advocacy Center. She will attend the Boot Camp for the Victim Advocacy Standard in Concorde, New Hampshire September 3 through September 6. The cost for this will be \$117. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein.

Emergency Management Coordinator Yaeger was seeking permission to accept a grant award totaling \$110,000 from the US Department of Homeland Security, Federal Emergency Management Agency, administered by the New York State Division of Homeland Security and Emergency Services. Grant funds have been identified as building sustainable systems, sustaining and maintaining useful capabilities, building and sustaining interoperable communications systems, maintaining core planning and response capabilities, developing regional capabilities and focusing on worst-case planning. 25% of the total grant award or \$27,500 must be allocated toward law enforcement terrorism preventive activities. Mr. Yaeger will also have to do a budget amendment to appropriate these grant funds into the 2013 EMS budget. This was referred to Ways and Means with the recommendation for placement on the next Legislature Agenda upon motion of Legislator Clattenburg seconded by Legislator Bausch.

Next, Mr. Yaeger presented a budget amendment to reflect the FY 12 hazmat grant program awarded in the amount of \$98,000 from the Federal Department of State Division of Homeland Security. EMS did receive authorization to accept the grant funds in conjunction with Monroe, Orleans, Wyoming and Livingston County. Appropriation of funds is necessary to allow for the expenditure of the grant funds. This was referred to the Ways and Means Committee for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch.

Lastly Mr. Yaeger presented another budget amendment to amend the 2013 budget by increasing appropriations account specialize supplies, allowing for the replacement of expended supplies. The Genesee County Office of Emergency Management Services did

receive reimbursement in the amount of \$1231 from Berkeley Insurance Company as a result of the HAZMAT response which occurred on June 7, 2013. Approval of this budget amendment will allow the EMS office to replace supplies expended as a result of the incident allowing the team to return to a state of readiness. This was referred to the Ways and Means Committee with the recommendation for placement on the next Legislature Agenda upon motion Legislator Stein seconded by Legislator Clattenburg.

Mr. Yaeger presented his Department Review. The County Animal Response team that is shared between Wyoming, Genesee and Orleans Counties has recently made their final purchases. Training sessions are to be scheduled within the next 3 to 6 months and the team should be operational by fall of 2013. The equipment and the trailer for this team will be stored in Genesee County. The Regional Hazardous Materials Grant that is shared between Genesee, Monroe, Orleans, Livingston, Wyoming County was awarded for \$8000. The Homeland Security Grant helped with the command in communications vehicle upgrade. It also went towards the emergency operations center upgrade and the fire/EMS reporting and operation software. The 2013 Homeland Security funding was \$110,000 and has been tentatively awarded. EOC/security upgrades, communication, tech rescue equipment, training, props, weather station, accountability system and operational readiness consultant had been earmarked for these funds. The retention/recruitment of volunteer fire service personnel is going extremely well. Staffing for adequate fire and emergency response grant was awarded in the amount of \$388,000. This is a four-year grant cycle which will help with marketing/advertising, employee development and consulting services. There are approximately 90 new recruits since the receipt of this grant. Legislator Cianfrini asked if there is a disaster plan in place in the event that there is a disaster. Is there a continuity of government in place? Mr. Yaeger responded that this is an ongoing process. They are working on it with the state. Right now there is none in place. Legislator Stein asked what the challenges there are for the next year. Mr. Yaeger responded that the radio project and the fire reporting software would be the two biggest projects in the upcoming year. The committee thanked Mr. Yaeger for his report.

Highway Superintendent Hens did request the following equipment be declared surplus property. This includes a 2006 Chevrolet express seven passenger van, a 2007 Ford, E – 250 utility Van, a 2007 Chevrolet express 15 passenger van, a 2000 freight dump 4x2 truck and a 1972 Bomag walk behind roller. This was referred to the Ways and Means Committee with the recommendation for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch.

Mr. Hens presented a Consultant Agreement for the N. Pembroke Rd. Bridge over the Tonawanda Creek. Proposals were reviewed and a consultant was selected based on the qualifications per federal guidelines for construction administration and inspection and subsequently negotiated a fee for this work. The consultant selected was TY-Lin International of Buffalo, New York for the construction administration and inspection of the N. Pembroke Rd. over Tonawanda Creek Bridge for a total contract of \$59,000. This was approved for placement on the next Legislature Agenda upon motion of Legislator Clattenburg seconded by Legislator Stein.

Mr. Hens presented an award of bid for the Griswold Road Bridge over Black Creek. The County advertised bid specifications for the construction of this project, and received several competitive bids. The County Highway Superintendent and Barton & Loguidice Engineers reviewed the bids to determine the most responsible bidder. Ramsey Constructors were awarded the bid in an amount not to exceed \$597,149.50. Mr. Hens reported that this was a very late award by the State, and it was amazing to get a bid in this low. They hope to have the bridge open in time by winter. This is approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg.

The County Hwy., Department advertised bid specifications for the construction of the N. Pembroke Rd. Bridge over the Tonawanda Creek, and only received one bid. Highway Superintendent Hens and the Project Engineer reviewed the bid and found it to exceed the federal authorization for this project and recommend rejecting the bid at this time. Highway Superintendent Hens stated that this bridge is okay for traffic and that they will be advertising this in the spring for better bids. This was approved for placement on the next Legislature Agenda upon motion of Legislator Stein seconded by Legislator Bausch.

The Highway Superintendent was seeking approval to renew an agreement for the delivery of bulk oil products. Mr. Hens recommended renewing this contract with Superior Lubricants and William A Phillips and Son. The contract allows for four, one-year period renewal agreements under the same terms and conditions of the original agreement. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Clattenburg.

Director of Planning Oltramari presented the renewal of Agricultural District No. 4 which is the towns of Byron, Bergen Stafford Elba and Leroy. This is the eight year review for this Ag District. The review has resulted in a net gain of 600 acres. There is quite a bit of land in the Village of Bergen that is being added. A public hearing was held on Wednesday, June 26, 2013, and in accordance with the New York State Environmental Quality Review Act of 1975, and in accordance with adopted review procedures and the criteria set forth in part, 617, the Ag District under review has been determined to have no significant impact on the environment. This was approved for placement on the next Legislature Agenda upon motion of Legislator Bausch seconded by Legislator Stein.

Mr. Oltramari presented the draft revisions to the Smart Growth Plan. This is the 2013 review. Given that a significant amount of planning has taken place at the County and local level since adoption of the Smart Growth Plan in 2001, it is important to reevaluate the plan to ensure that the needs and desires of communities with regard to the manner location of future development are met. In order to accomplish this task, it is recommended that a second classification of development area be added that will be in keeping with the principles of smart growth in the original intent of the Smart Growth Plan. Existing development areas would be renamed Priority Development Areas and a new type of development area called Reserved Development Areas would be created. This new type of development area would function similarly to the existing development areas, but would need to be certified as meeting additional criteria before water hookups

are allowed per right. The secondary classification would ensure that specific areas identified sufficiently studied by local municipalities for near future development can hook into the County water system without the need to analyze the Smart Growth Plan. This restructure development area classification system would maintain the intent of the original Smart Growth Plan and allow for the continued historical development pattern of a prospering County. Comments were solicited on possible revision to the County's Smart Growth Plan from all of the local municipalities and reviewed suggestions from four towns. A series of three public informational meetings were conducted across the County, where additional comments were received. Comments are also received from the County Planning Board, Agricultural and Farmland Protection Board and the Water Resource Agency. After reviewing those comments made by local municipalities, other interested agencies and community members proposed revisions to the plan were made. The town proposed map amendments include, post-development areas expansions around the hamlets of Alabama, South Alabama and Basom. The proposed STAMP footprint would be added as a New Development Area and delete three areas of its existing Smart Growth Development area boundaries. The recommended map amendments for the Town of Alabama include Hamlet expansions be added as Priority Development Areas. Hamlet, deletions be removed from Priority Development Areas. STAMP area be added as a Reserved Development Area with the reasoning being the Town Comprehensive Plan and Zoning Law direct growth to the three hamlets. STAMP property identified in recent update of the Town of Alabama Comprehensive Plan, and all recommendations seek to ensure that the Town of Alabama, developing a planned historical pattern. The Town of Batavia Town Proposed Map Amendments include proposed expansion of the existing development area and three locations. Area number one located north of the Thruway interchange along New York State Route 98, adjacent to Genesee Gateway Business Parks No. 1 & 1. Next area No. 2A, located south of the New York State Thruway, north of New York State Route 5 on both sides of New York State Route 63. Lastly, area #2B located south of the New York State Thruway, north of New York State Route 5 and west of area #2A. The proposed deletion of three areas the Town of Batavia from its existing smart growth of development area boundaries include deletion of area a which is south of the City, east of New York State Route 98, at last New York State Route 63. South of Rose Road and north of Pike Road. Deletion of area C, which is north of the New York State Thruway, adjacent to the boundary Stafford. The recommended map amendments of the Town of Batavia consist of proposed deletions (Area A, B and C) be removed from Priority Development Area. Proposed additions include 1, 2A, 2B be added as Reserved Development Areas. The reasoning includes areas identified and studied in multiple Town documents including, Town Comprehensive Plan, Zoning Regulations, Agricultural & Farmland Protection Plan and Batavia Central Corridor Plan. Incorporating the Town's interest and ideas for a conditional development area provides the opportunity for a different form of economic use. This also ensures that the development that may occur does so in keeping with established guidelines.

The Town of Darien Supervisor Hagemberger presented his concerns with the County Smart Growth Plan and how it relates to his issues in the Town of Darien. The Darien Town Board has requested that the Genesee County Legislature include all of the Town of Darien's requested area #1 and #2 Smart Growth Priority Development Area proposed additions identified in the Smart Growth Plan Three Year Review amendment

when approved. These new additions include 14 acres of Strategic Farmland which is very small compared to other changes outside of the town under consideration. Currently, parts of Water District #1 are already in the development area and the addition of area #1 would link this district together and avoid financial hardships of water connection denials in an Ad Valorem Water District. Mr. Oltramari went on to explain the Town Proposed Map Amendments for the Town of Darien include two expansions to its Development Area. The first is area #1 is between Harlow Road and County Line Road. The second on New York State Route 20 between Harlow Road and New York State Route 77. Deletions to the development area include the State Park Lands East Side of Harlow Road in the State Park Lands West of 77. The recommended Map Amendments for the Town of Darien propose that the deletions be removed from the Priority Development Areas. No additions made to the Priority Development Area Boundaries. Reasoning is the lack of comprehensive planning for these areas was not sufficiently addressed in any town plan or study. The Smart Growth Plan was not intended as a means to correct legal issues related to water districts that were created prior to enactment of the plan. The Proposed Development Areas would contribute to strip development and do not further the intent and goals of the Smart Growth Plan. Also areas proposed to be deleted are State Park lands and already cannot be developed without State action. The town proposed map amendments for the Town of Leroy include three expansions to its development area. These areas are South Street Rd., Randall Road, Seldon Road. The recommended map amendments for the Town of Leroy, are no changes be made to the development area boundaries. The reasoning is for the lack of comprehensive planning for these areas is not sufficiently addressed in any town plan or study. The Smart Growth Plan was not created with the intent to extend Smart Growth Development Areas to all locations where water lines are located. The post-development areas would contribute to strip development and do not further the intent and goals of the Smart Growth Plan. Proposed additions along the road frontage may hinder agricultural production in the rear portions. After the public in agency review process there were many comments received. The Town of Alabama met with GCEDC with their concerns with the STAMP area being designated as Reserved Development Area. There was a meeting with Adam Walters, an attorney at Philips Lytle Mark Massey GCEDC, Mark Boylan Alabama Town Attorney. They feel that the STAMP area being designated as Reserved Development area would interfere with marketability of the site. There would be no guarantee of county water hookup approval. The prescribed zoning changes could interfere with incentives, zoning agreement between GCEDC and the Town of Alabama. Philips Lytle has proposed to designate the STAMP footprint as Priority Development Area, make changes to the size of the STAMP Development Area presented in the plan, inclusion of STAMP project history and have the deletion of references to acreages of land currently farmed in land enrolled in Ag District within the STAMP project. The Legislature has many options, they can accept the proposal and amend the Smart Growth Plan as requested, they can reopen the Smart Growth Review to review these changes, they can make minor revisions to the text of the plan and adoption by the Legislature, which would mean to soften the language regarding form-based codes, form-based codes or other land-use regulations, or lastly they can accept the Smart Growth Plan as presented. After a lengthy discuss a motion was made by Legislator Clattenburg to re-

prioritize STAMP as a priority. This was seconded by Legislator Bausch. It was decided to look at the Town of Darien concerns at a different when more time permits.

The meeting was adjourned at 6:40 upon motion of Legislator Bausch seconded by Legislator Stein.

Ray Cianfrini, Chair
Public Service Committee
Submitted 9/10 ssk