

**TWENTIETH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
MONDAY, November 21, 2016**

The Genesee County Legislature met in Regular Session on Monday, November 21, 2016 at 5:30PM at the Old County Court House, Batavia, New York. Legislator Davis and Legislator Young assisted with the audit. Prayer was offered by Legislator Stein followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Cianfrini opened a **Public Hearing** on a local law to authorize overriding the tax levy limit.

The minutes of the November 9, 2016 Legislature Meeting were approved upon motion of Legislator Bausch seconded by Legislator Stein, carried unanimously.

Chairman Cianfrini asked if any one wished to be heard regarding the proposed local law authorizing an override of the tax levy limit. Hearing none, he stated the public hearing would remain open until such time as the resolution was scheduled to be voted on.

Legislator Stein commented on the recent Inter County meeting attended by her and Legislator Bausch. NYSAC continues to advocate for Counties on the following issues; Property tax reform, Indigent Defense funding, County Medicaid costs, Safety Net split, increasing the percentage of revenue to local DMV offices and Jail health care. Chair Cianfrini commented on the retirement party for Sheriff Gary Maha. The number of current and former deputies, other Sheriff's, and the many comments made honoring Mr. Maha were a true tribute to his dedication to law enforcement and public safety. He further stated that due to Sheriff Maha's efforts over 28 years, Genesee County's Sheriff Department is second to none in the State. Legislator Clattenburg reported that the 911 Board met and conducted a conference call with the consultant to review findings and recommendations. Legislator DeJaneiro stated he attended the Health Board meeting where various clinics were announced. He further reported his attendance at a local government workshop he attended that focused on planning board training.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 423                      2016 BUDGET AMENDMENT – COUNTY  
PARK/INTERPRETIVE CENTER – ACORNS  
DONATION --APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, the Association for Conservation of Outdoor Recreation and Natural Settings (ACORNS), a non-profit group which supports programming and activities at Genesee County Parks, wishes to donate funds to Genesee County in order to support an AmeriCorps position, and

**WHEREAS**, The Park Supervisor-Forester and Highway Superintendent have reviewed this request and recommend acceptance of the donation and request at this time, and

**WHEREAS**, The Committees on Public Service and Ways and Means have reviewed this request and do concur with the recommendation at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the 2016 County Budget by increasing A7110.INTC.2002 Interpretive Center Programs by \$2,400 and increasing A7110.INTC.4660.0000 Contracted-Other by \$2,400.

**Budget Impact:** This donation of \$2,400 will directly fund a 900-hr AmeriCorp position that will be used by the County as a volunteer coordinator and program developer.

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

**RESOLUTION NO. 424**

**HIGHWAY DEDICATION – SCHOOL RD (CR#19C)  
-- APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Genesee County has long maintained a portion of School Rd in the Town of Stafford, and

**WHEREAS**, the roadway has been included on County Highway Maps and filings as County Highway #19C, and

**WHEREAS**, the New York State Department of Transportation requires resolutions dedicating portions of highways in order for the highway to be included on the municipalities Local Highway Inventory, and

**WHEREAS**, the Local Highway Inventory is used in several funding formulas that affect the County,

**WHEREAS**, the continued maintenance of this highway is beneficial to the County, the Superintendent of Highways recommends rededicating the roadway so that it may be included on the Local Highway Inventory, and

**WHEREAS**, the Public Service Committee has reviewed this recommendation and does concur at this time. Now, therefore, Be it

**RESOLVED**, that the roadway known as School Road, from its intersection with Byron Road (CR#19) south and east to its intersection with a Town Highway, also known as School Road, shall be rededicated as County Road 19C, and be it further

**RESOLVED**, That the right-of-way shall continue to be maintained and operated by the County Genesee and included in all filings and maps as required by the Commission of Transportation.

**Budget Impact:** The costs for maintaining the road and associated right-of-way shall be included in the County Road Fund. 2017 costs for snowplowing were approximately \$5,502 per mile and the costs for summer mowing and shoulder maintenance are \$429 per mile. The roadway is approximately 0.208 miles in length. The County receives approximately \$6,450 in CHIPs funds annually for the construction and maintenance of highways.

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

**RESOLUTION NO. 425 CONTRACT FOR GRANTS NO. C000518 EXTENSION-  
PUBLIC DEFENDER-APPROVAL OF**

Legislature Davis offered the following resolution:

**WHEREAS**, The Public Defender does recommend the acceptance of the contract for grants extension between the Genesee County Public Defender's Office and the New York State Office of Indigent Legal Services (C000518), Distribution # 4, for a six-month period of January 1, 2017 – June 30, 2017.

**WHEREAS**, the Public Service Committee did review the contract for grants and does recommend acceptance at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the contract for grants extension C000518, Distribution # 4, with the New York State Office of Indigent Legal Services for a six-month period of January 1, 2017 – June 30, 2017, and be it further

**Budget Impact:** The contract for grants extension will have no effect on the budget.

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

**RESOLUTION NO. 426**

**CONTRACT FOR GRANTS NO. C000618  
EXTENSION-PUBLIC DEFENDER-APPROVAL OF**

Legislature Bausch offered the following resolution:

**WHEREAS**, The Public Defender does recommend the acceptance of the contract for grants extension between the Genesee County Public Defender's Office and the New York State Office of Indigent Legal Services (C000618), Upstate Quality Improvement and Caseload Reduction Grant, for a six-month period of January 1, 2017 – June 30, 2017.

**WHEREAS**, the Public Service Committee did review the contract for grants and does recommend acceptance at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the contract for grants extension C000618, Upstate Quality Improvement and Caseload Reduction Grant, with the New York State Office of Indigent Legal Services for a six-month period of January 1, 2017 – June 30, 2017, and be it further

**Budget Impact:** The contract for grants extension will have no effect on the budget.

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

**RESOLUTION NO. 427 ELIMINATION OF PETTY CASH FUND -  
DISTRICT ATTORNEY - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The District Attorney does hereby request that the District Attorney's Office Petty Cash Fund of \$50.00 be eliminated, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to eliminate the District Attorney's Office Petty Cash fund of \$50.00 effective immediately.

**Budget Impact Statement:** none.

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

**RESOLUTION NO. 428 GRANT AWARD-JUSTICE FOR CHILDREN  
ADVOCACY CENTER/NYS OFFICE OF CHILDREN  
AND FAMILY SERVICES AND GENESEE JUSTICE  
BUDGET AMENDMENT-APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Justice for Children Program Coordinator did receive notification of awards of grant funding from the New York State Office of Children and Family Services that Genesee County's existing contract for the Justice for Children Advocacy Center has been awarded an additional \$25,000.00 for the grant year running from 10/1/16 to 9/30/17.

**WHEREAS**, The Justice for Children Program Coordinator has requested the County accept this funding which stipulates that this revenue will be used for the expansion of services provided by the Justice for Children Advocacy Center into Orleans and Wyoming Counties, and

**WHEREAS**, the Justice for Children Program Coordinator is requesting an amendment to the 2016 Genesee Justice budget to allow for the expenditure of these funds, and

**WHEREAS**, The Committees on Public Service and Ways & Means did review this request and do recommend acceptance of the grant funding and budget amendment at this time. Now, therefore, Be it

**RESOLVED**, that the Genesee County Treasurer is hereby authorized and directed to amend the 2016 Genesee Justice budget as follows:

- \$3,000.00 to be appropriated to A.3151.2010.0020 (Desk)
- \$2,151.00 to be appropriated to A.3151.4800.0000 (Program Expense)



- \$15,000 to be appropriated to A.3151.4660.0000 (Contracted-Other)
- \$1,200.00 to be appropriated to A.3151.4110.0000 (General Office Supplies)
- \$1,000.00 to be appropriated to A.3151.4150.0000 (Printing)
- \$14,772.00 to be appropriated to A.3151.4280.0000 (Rent)
- \$18.00 to be appropriated to A.3151.4290.0000 (Fax/Dedicated lines)
- \$275.00 to be appropriated to A.3151.4110.0011 (Copier cost/copy))
- \$400.00 to be appropriated to A.3151.4540.0000 (Personnel Mileage)
- \$1,629.00 to be appropriated to A.3151.4800.0000 (Program Expense)
- \$6.00 to be appropriated to A.3151.8070.0000 (Vision)

For a total appropriation to the above accounts of \$51,400.00

The above appropriations are offset by increasing Genesee Justice revenue account A.3151.3323 (State Aid) by \$31,250.00.

**Budget Impact:** Appropriations to Genesee Justice 2016 budget are offset by revenue from the New York State Office of Children and Family Services.

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

**RESOLUTION NO. 430** **LEASE RENEWAL – SHERIFF’S OFFICE / SPOK, INC. – APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, Genesee agreement with USA Mobility pursuant to Resolution 499 dated December 13, 2007 and renewed that lease pursuant to Resolution #30, dated January 23, 2014, and

**WHEREAS**, Spok Inc. took over the lease from USA Mobility and desires to enter into a lease renewal with a 3% increase for each of the three (3) years of the contract commencing January 1, 2017, at the cost of \$1,175.00 per month for 2017, \$1,210.25 per month for 2018, and \$1,319.17 per month for 2019, along with a \$900.00 per year generator fee and

**WHEREAS**, after discussion between the Sheriff, Director of Emergency Communications, and County Attorney, it is recommended the County approve a lease renewal with Spok Inc., and

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

**RESOLVED**, that the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a site lease agreement with Spok Inc., 3000 Technology Drive, Suite 400W, Plano, TX 75074, for their lease of space on the Genesee County telecommunications tower located at 153 Cedar Street, Batavia, NY for the period January 1, 2017, through December 31, 2017, as specified in the terms of the agreement.

**Budget Impact:** The Spok lease renewal revenue was appropriated to the 2017 Sheriff Communications budget. The generator fee represents a \$300.00 increase for the County Highway revenue for 2017. During 2018 and 2019, an additional 3% in revenue will be generated.

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

**RESOLUTION NO. 431** **AGREEMENT RENEWAL – SHERIFF / ACTIVU, INC. SERVICE MAINTENANCE – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Genesee County did contract with Activu for the maintenance of the Network Interface Display Monitor (Video Wall) pursuant to Resolution No. 419 adopted on November 23, 2015, and

**WHEREAS**, the current agreement expires December 31, 2016, and

**WHEREAS**, the renewal agreement covers the period of January 1, 2017, through December 31,

2017, at a cost of \$15,942.80, 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 is authorized and directed to renew the Service Agreement with Activu, Inc., 301 Round Hill Drive, Rockaway, New Jersey 07866, for the maintenance of the Network Interface Display Monitor (Video Wall) at the 9-1-1 Communications Center for a total cost not to exceed \$15,942.80 effective January 1, 2017, through December 31, 2017.

**Budget Impact:** Cost of this renewal agreement is offset by wireless 911 surcharge revenue, which has been appropriated to the 2017 Communications Budget.

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

**RESOLUTION NO. 432**

**AWARD OF BID – SHERIFF / PERIMETER FENCE AT RADIO TOWERS - NEW YORK STATE FENCE, INC. - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Genesee County Purchasing Department issued a bid for the installation of perimeter fence at the new LeRoy radio site, and

**WHEREAS**, One bid was received at the bid opening on November 10, 2016, and is as follows:

Company Name	Address	City	State	Zip	Bid
New York State Fence, Inc.	858 Manitou Road	Hilton	NY	14468	\$8,288.00

**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 \$8,288.00, 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 \$8,288.00, 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 LeRoy radio tower.

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

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

**RESOLUTION NO. 433 BUDGET AMENDMENT - SHERIFF/STATE CRIMINAL ALIEN ASSISTANCE PROGRAM – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The County of Genesee has received an award of \$3,266 from the State Criminal Alien Assistance Program (SCAAP), which requires funding be used for correctional purposes only, and

**WHEREAS**, Per our agreement with Justice Benefits, Inc., 15% of these funds, in the amount of \$490, will be paid to Justice Benefits for their professional assistance in acquiring this award, and the remaining \$2,776 will be used to help cover medical expenses at the Genesee County Jail, and

**WHEREAS**, The Sheriff is requesting a 2016 budget amendment in the amount of \$3,266, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now therefore be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget by increasing Jail appropriations as follows:

\$2,776 to Jail Account A.3150.4650.0000 (Contracted Medical),  
\$490 to Jail Account A3150.4660.0010 (Contracted Services-SCAAP)  
to be offset by an increase in Jail Revenue Account  
A3150.4089.1 (OJP - SCAAP) in the amount of \$3,266.

**Budget Impact Statement:** Increase in Jail appropriations of \$3,266, from a SCAAP award. Funds will be used to help cover medical expenses at the County Jail. 15% of the award will pay for professional services used to acquire this award. This will be offset by an increase in Jail revenue in a like amount.

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

**RESOLUTION NO. 434 BUDGET AMENDMENT - SHERIFF/GTSC GRANT  
AWARD REMAINING FUNDS – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, the Genesee County STOP-DWI program was awarded funds from a Governor's Traffic Safety Council grant for a High Visibility Road Check/Saturation Patrols/DRE Call Out Program per resolution #360, dated October 29, 2015, of which \$3,358 was added to the Sheriff's 2015 budget, and

**WHEREAS**, \$5,600 of the grant funding was awarded to the Sheriff's Office to be used in 2016, but was not included in the 2016 budget at the time of adoption, and

**WHEREAS**, The Sheriff is requesting a budget amendment to allow for the use of these grant funds, and

**WHEREAS**, The Committees on Public Service and Ways and Means did review this request and do recommend approval at this time. Now therefore be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget as follows:

\$5,600 to A3110.1020.0150 (STOP-DWI Overtime)  
To be offset by increasing the following revenue account:  
\$.600 to A3110.2804 (Shared Services)

**Budget Impact:** Increase in Sheriff's 2016 appropriations in the amount of \$5,600, with money coming from grant funds received from the Genesee County STOP-DWI Program - Governor's Traffic Safety Council's High Visibility Road Check/Saturation Patrols/DRE Call-Out Program; to be offset by an increase in revenue in a like amount.

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

**RESOLUTION NO. 435 2016 BUDGET TRANSFER – SHERIFF'S OFFICE –  
APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS**, There is currently a shortage in funds in the Sheriff's Overtime account due to the training overtime and travel time for the new deputy sheriff recruits attending the law enforcement academy , and

**WHEREAS**, There are no funds available within the Sheriff budget to cover the expenses and the County Manager recommends using the 2016 General Contingency Fund, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to make the following 2016 budget transfers:

\$123,533.00 from A.1990.4800.0000 Contingency, Program expense





**WHEREAS**, the Overpayment has now been refunded to the County Clerk’s Office by means of a check in the amount of \$62,870, payable to the “Genesee County Clerk”; and

**WHEREAS**, The County Clerk’s Office has determined that a substantial need exists to take steps to digitalize and preserve the paper records in our possession, many of which currently have no backup and would be permanently lost in the event of a disaster; and

**WHEREAS**, It has been further determined that the Overpayment refund shall be utilized to fulfill this need; and

**WHEREAS**, The Overpayment funds shall be deposited in account A1410 4660.0312 (Contractual Services-Records Restoration), to be used for the restoration, preservation and digitalization of the paper records maintained by the County Clerk; and

**WHEREAS**, The Committee on Ways and Means did review the request and does recommend a budget amendment at this time. Now, therefore Be It

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and Directed to amend the 2016 budget by increasing appropriation A1410 4660.1312 in the amount of \$\$62,870 to be offset by an increase in revenue A1000 2701 (Refund of Prior Year Expense) by a like amount.

**Budget Impact:** None. Increase in revenue offsets increase in appropriation.

Legislator Young made a motion to table the resolution seconded by Legislator Bausch. Mr. Young stated his motion to table would allow the Legislature an additional tool for use with the budget process. Motion to table was adopted by 298 votes Legislator Cianfrini (28) no.

**RESOLUTION NO. 438                      CONTRACT RENEWAL – CENTRAL  
SERVICES/GARBAGE/REFUSE REMOVAL –  
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The County of Genesee does contract with Waste Management of New York, LLC for the removal of garbage and refuse from various county facilities, and

**WHEREAS**, Said contract does provide for three additional one-year renewal options with the same terms and conditions as allowed in the original agreement, and

**WHEREAS**, The Purchasing Director does recommend the contract be renewed for the third and final one-year period 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 a one year renewal with Waste Management of New York, LLC for the removal of garbage and refuse from various county facilities for the period January 1, 2017 through December 31, 2017.

**Budget Impact:** Central Services, Highway Department, Airport, County Parks and Nursing Home budget for this contract in their operating budgets.

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

**RESOLUTION NO. 439                      BUDGET AMENDMENT – CENTRAL SERVICES –  
APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, Resolution No. 181, adopted May 25, 2016, did establish a Capital Project for County Building #2 Flood Damage Restoration, and

**WHEREAS**, Central Services has depleted its 2016 overtime budget due to the cleanup of County Building #2, and has now received reimbursement for overtime worked by county custodial employees for County Building #2 Flood Damage from the Capital Project in the amount of \$3,077.00 as an unanticipated revenue, and, the overtime budget needs to be replenished for the remainder of the year, and

**WHEREAS**, The Committee on Ways and Means does concur. Now, therefore, Be it **RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget as follows:

Increase Revenue	A1610 1289	General Department Income	\$3,077.00
Increase Expense	A1610 1020 0000	Over-Time Salaries	\$3,077.00

**Budget Impact:** Increase in Central Services appropriations of \$3,077.00, offset in increase in revenue in a like amount  
Legislator Torrey seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 440 FULL DOCUMENT IMAGING/ELECTIONS-  
MAINTENANCE FEE - NTS DATA SERVICES, LLC-  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, On May 14, 2014 the Genesee County Legislature entered into a contract with NTS Data Services to provide for Full Document Imaging for the voting records maintained by the Genesee County Board of Elections, and

**WHEREAS**, The contract also requires an annual maintenance contract fee of \$5,229.45 and by mutual agreement by both parties can be renewed pursuant to the same terms and conditions for a total of three (3) additional one (1) year terms, and

**WHEREAS**, Commissioners Lorie Longhany and Richard Siebert have reported their staff is now implementing this system and this maintenance and support is essential to the project. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with NTS Data Services, LLC of 2079 Sawyer Drive, Niagara Falls, NY, 14304 for maintenance and support to the Genesee County Board of Elections at an annual fee of \$5229.45 to be paid January 15, 2017.

**Financial Impact:** This expenditure is in the proposed 2017 Board of Elections budget.

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

**RESOLUTION NO. 441 RENEWAL OF CONTRACT-ELECTIONS/POLL BOOK  
AND RELATED MAINTENANCE SERVICES-NTS DATA-  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, On September 23, 2013 the Genesee County Legislature contracted with NTS Data Services to provide poll book services for the Genesee County Board of Elections for a two year period at the rate of \$26,448 per, and

**WHEREAS**, This contract, which expired December 31, 2015, provided the parties by mutual agreement to renew the agreement pursuant to the same terms and conditions for a total of three (3) additional one (1) year terms, and

**WHEREAS**, Commissioners Lorie Longhany and Richard Siebert are very pleased with the services provided by NTS over the past several years and feel the services provided by NTS are absolutely crucial to the effective operation of the Genesee County Board of Elections, and

**WHEREAS**, The Committee on Ways & Means does concur. Now, therefore, Be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to sign the agreement with NTS Data Services, LLC, 1342 Military Road, Niagara Falls, New York for the period January 1, 2017 through December 31, 2017.

**Financial Impact:** This expenditure is in the proposed 2017 Board of Elections budget.

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

**RESOLUTION NO. 442 2016 BUDGET AMENDMENT/ELECTIONS/PART-TIME SALARIES– APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, Election Commissioner, Richard Siebert, reported that the 2016 appropriation for part-time salaries was over budget due to an increase in the hourly rate for the part-time technicians, and

**WHEREAS**, The Election Commissioner, County Manager and County Treasurer have determined that there is not sufficient funds within the Board of Elections budget to cover the increased costs and that the Sale of Scrap could be used to cover the additional expense, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget by increasing A.1450.1030.0000 Part-time Salaries in the amount of \$15,000 to be offset by an increase in General Revenue A1000.2650 Sale of Scrap in a like amount.

**Budget Impact Statement:** Adopted 2016 budget appropriation for Part time Salaries = \$32,000; Current Balance = \$3,660.

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

**RESOLUTION NO. 443 CONTRACT EXTENSION – THIRD PARTY ADMINISTRATION SERVICES – GENESEE COUNTY SELF-INSURANCE PLAN – APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The Genesee County Self-Insurance Plan did contract with First Niagara Risk Management, Inc. for third party administration services through 12/31/15 with two one-year periods upon mutual agreement at the same terms and conditions, and

**WHEREAS**, Resolution No. 406, November 13, 2015 did authorize a one-year renewal through 12/31/2016, and

**WHEREAS**, The Executive Secretary of the Self-Insured Plan does recommend a second one-year renewal through December 31, 2017 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 a second one-year contract extension with First Niagara Risk Management for third party administration services for the Genesee County Self-Insured Workers' Compensation Plan for the period January 1, 2017 through December 31, 2017 at the rate of \$46,500.00.

**Budget Impact:** Funds for this service have been provided in the 2017 Self-Insurance budget and apportioned to the participants.

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

**RESOLUTION NO. 444 A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF GENESEE, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

Legislator Davis offered the following resolution:

**WHEREAS**, the County of Genesee, New York (hereinafter, the “County”) heretofore issued an aggregate \$3,500,000 Public Improvement (Serial) Bonds, 2007, pursuant to a bond resolution dated January 24, 2007 to pay the cost of the construction of a new County Public Safety Building, such Public Improvement (Serial) Bonds, 2007, being dated April 1, 2007 and maturing or matured on October 1 annually (the “2007 Bonds”); and

**WHEREAS**, the County heretofore issued an aggregate principal amount of \$2,050,000 Public Improvement (Serial) Bonds, 2009, pursuant to a bond resolution dated March 11, 2009 to pay the cost of the expansion and rehabilitation of athletic fields and the renovation of the gym and locker rooms at the Genesee Community College, such Public Improvement (Serial) Bonds, 2009, being dated July 15, 2009 and maturing or matured on September 15 annually (the “2009 Bonds”); and

**WHEREAS**, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$2,305,000 outstanding principal balance of the 2007 Bonds maturing in 2017 and thereafter (the “2007 Refunded Bonds”), and the \$1,240,000 outstanding principal balance of the 2009 Bonds maturing in 2017 and thereafter (the “2009 Refunded Bonds”, together with the 2007 Refunded Bonds, the “Refunded Bonds”), each by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

**WHEREAS**, each of such refundings will individually result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT **RESOLVED**, by the County Legislature of the County of Genesee, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding aggregate \$3,545,000 principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$3,800,000 refunding bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the “County Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,310,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding bond issues. The County Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-16 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates,

and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law or pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Treasurer.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Treasurer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same

maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the County Treasurer is also hereby authorized to act as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The County Treasurer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for the objects or purposes for which such respective Refunded Bonds were issued is thirty years for the purpose financed by the 2007 Bonds and fifteen years for the purposes financed by the 2009 Bonds;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law,

with regard to each of the respective series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$3,310,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit A. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The County Treasurer is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 and paragraph f of Section 90.10 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the applicable requirements of Section 90.10 of the Local Finance Law, as applicable. The County Treasurer shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Genesee, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each respective series of Refunded Bonds which the County Treasurer shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Piper Jaffray & Co. (the “Underwriter”) for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Treasurer, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the County



Treasurer to the Underwriter or purchaser in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection thereof are hereby delegated to the County Treasurer.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the County Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

**RESOLUTION NO. 445 2016 BUDGET AMENDMENT-IGT-NURSING HOME -  
APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The State of New York and the Federal Government Medicaid Program have agreed to the Inter Governmental Transfer (IGT) Program to assist public nursing homes through their financial crisis, and

**WHEREAS**, New York State and the federal Medicaid Program is allowing county owned nursing homes to recapture IGT for 2014 in the amount of \$305,254,833 state wide with Genesee County's share being \$6,207,985 with the requirement of Genesee County having a 50% match (\$3,103,992.50), and

**WHEREAS**, Genesee County has already committed funds to the nursing home in the amount of \$2,006,784 for IGT in the MMIS account in the 2016 budget and

**WHEREAS**, The Genesee County Treasurer did set aside funds from prior year budgets as an IGT Reserve, and the County Treasurer wishes to utilize \$1,097,209 of that reserve to maximize the IGT payment and

**WHEREAS**, The Committee on Ways and Means concurs, Now, therefore Be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2016 budget by Increasing Appropriation A.6100.4800.0000 MMIS in the amount of \$1,097,209 and Increasing Revenue A.1000.9999 Balancing in a like amount utilizing the Reserve for IGT funds.

**Budget Impact:** An increase in expenditures of \$1,097,209 in addition to the \$2,006,784 budgeted in the General Fund and increase in revenue to the nursing home in the amount of \$6,207,985

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

**RESOLUTION NO. 446     CONTRACT – REHABILITATION THERAPY SERVICES –  
NURSING HOME – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Nursing Home requires a contract Rehabilitation Services provider to supply licensed physical, occupational, and speech therapists, and

**WHEREAS**, The current provider will be discontinuing their service as of December 10, 2016, and

**WHEREAS**, The Administrator of the Nursing Home recommends entering into a contract with Tender Touch Rehab Services, LLC of Lakewood, New Jersey, and the Committee on Ways and Means does concur Now, therefore, Be it

**RESOLVED**, The contract is subject to approval of the Genesee County Attorney and shall include a thirty day termination clause without cause, Now, therefore Be it further,

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to contract with Tender Touch Rehab Services, LLC, 685 River Avenue, Lakewood, New Jersey, 08701, for professional rehabilitation services at a cost of \$1.08 per minute of service to begin on December 11, 2016.

**Budget Impact Statement:** The added .03 cents per minute of service will increase the budget by approximately \$1,400 for the three weeks that Tender Touch Rehab Services will be providing service before Premier takes ownership of the Nursing Home.

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

**RESOLUTION NO. 447**

**MEMORANDUM OF UNDERSTANDING –  
SHERIFF’S OFFICE / ORLEANS COUNTY -  
REGIONAL PUBLIC SAFETY RADIO  
NETWORK -- APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, Genesee County received a New York Statewide Interoperable Communications grant from the New York State Division of Homeland Security, and a portion of this grant is to be used to link communication systems throughout four Western New York counties, and

**WHEREAS**, Genesee and Orleans County desire to enter into a Memorandum of Understanding for the use of tower space on an Orleans County tower located at 11816 Maple Ridge Rd, Medina NY, 14103, and

**WHEREAS**, Genesee and Orleans County will further develop operational Memorandums of Understanding governing the administration of a regional public safety radio network, and

**WHEREAS**, After careful review by the Sheriff, Emergency Management Coordinator, Director of Emergency Communications, and County Attorney, it is recommended the County enter into a Memorandum of Understanding for the use of tower space and enter into further operational Memorandums of Understanding to govern the administration of a regional public safety radio network, 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 Sheriff is authorized and directed to sign the Memorandum of Understanding for the use of tower space on an Orleans County tower located at 11816 Maple Ridge Rd, Medina NY, 14103, and be it further

**RESOLVED**, That the Genesee Director of Emergency Communications is authorized and directed to further develop and sign operational Memorandums of Understanding for the administration of a regional public safety radio network.

**BUDGET IMPACT:** Costs associated with the connecting of the Genesee County and Orleans County communications systems is offset by a New York State Divisional of Homeland Security and Emergency Services grant.

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

**RESOLUTION NO. 448      DISTRIBUTION OF MORTGAGE TAX-SECOND  
PAYMENT 2016-APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS,** The Genesee County Clerk and Treasurer have reported to this Legislature that there is now available for distribution to the several towns and villages and the City of Batavia, mortgage tax money amounting to \$379,929.40, and

**WHEREAS,** The Committee on Ways & Means did review the mortgage tax money available and recommends distribution of said sum among the several towns, villages, and the City of Batavia, according to the provisions of Section 261 of the tax laws as follows:

<b>City Of</b>	Batavia	\$ 72,860.60	
<b>Towns Of</b>	Alabama	14,150.23	
	Alexander	13,157.98	
	Batavia	69,465.94	
	Bergen	19,049.74	
	Bethany	8,933.24	
	Byron	12,577.30	
	Darien	21,493.80	
	Elba	7,811.22	
	LeRoy	37,391.89	
	Oakfield	9,427.05	
	Pavilion	17,727.48	
	Pembroke	40,791.85	
	Stafford	14,760.65	
<b>Villages Of</b>	Alexander	1,377.01	
	Attica	482.95	
	Bergen	2,623.08	
	Elba	1,042.89	
	LeRoy	10,750.54	
	Oakfield	1,507.12	
	Corfu	2,546.84	
<b>Total</b>			<b>\$379,929.40</b>

Now, therefore, Be it

**RESOLVED,** That the Genesee County Treasurer be and hereby is authorized and directed to pay the Town Supervisors, Village Treasurers, and the Treasurer of the City of Batavia the amounts aforesaid from the Mortgage Tax account.

**Budget Impact Statement:**

2015 2 <sup>nd</sup> Payment	\$340,055.66
2014 2 <sup>nd</sup> Payment	\$272,880.58
2013 2 <sup>ND</sup> Payment	\$326,302.91
2012 2nd Payment	\$313,581.21
2011 2 <sup>nd</sup> payment	\$264,130.74
2010 2 <sup>nd</sup> payment	\$278,579.69
2009 2 <sup>nd</sup> payment	\$347,348.01
2008 2 <sup>nd</sup> Payment	\$345,640.73
2007 2 <sup>nd</sup> Payment	\$370,065.36

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

**RESOLUTION NO. 449     STANDARD WORK DAY RESOLUTION FOR  
EMPLOYEES-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**BE IT RESOLVED**, That Genesee County hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body;

Sr. Motor Vehicle Svs Rep.	7.5
Accounting Supervisor	7.5
Activities Aide	7.5
Activities Coordinator	7.5
Admin. Officer/Budget Officer	7.5
Administrative Officer	7.5
Airport Fuel Attendant	8
Airport Supervisor	8
Assistant County Attorney	7.5
Assistant County Manager	7.5
Assistant Director of Nursing	7.5
Assistant District Attorney	7.5
Assistant Public Defender	7.5
Assistant Social Worker II	7.5
Automotive Mechanic	8
Automotive Parts Worker	8
Bridge Maintenance Worker	8
Bridge Maintenance Worker	8
Bridge Maintenance Worker	8
Building Maintenance Mechanic	8
Building Maintenance Worker	8
Case Manager - PD	7.5
Case Manager (Health)	7.5
Case Manager II	7.5
Case Manager, Genesee Justice	7.5
Case Supervisor Grade B - MH	7.5
Caseworker	7.5
Central Services Supervisor	7.5
Certified Nursing Asstistant	7.5
Chairperson	6
Chauffeur	7.5
Chief Assistant District Attorney	7.5
Chief Deputy-Criminal	8
Chief Deputy-Road Patrol	8
Child Care Social Worker	7.5

Child Care Worker	8
Cleaner	8
Clerk to the County Legislature	7.5
Clerk/Machine Technician	6
Clerk-Typist	7.5
Client Services Outreach Assistant	7.5
Clinical Care Coordinator	7.5
Clinical Services Director	7.5
Code Enforcement Officer I	7.5
Commissioner of Social Services	7.5
Communications Coordinator	8
Community Health Nurse	7.5
Community Mental Health Nurse	7.5
Community Service/Victim Assistant	7.5
Community Victim/Services Counselor	7.5
Computer Support Technician	7.5
Conf. Secretary-Co. Attorney	6
Confidential Secretary-DA	7.5
Confidential Secretary-MH	7.5
Confidential Secretary-PD	7.5
Confidential Secretary-Sheriff	7.5
Conservation Edu. Prog. Coord	8
Cook	8
Cook-Manager (Jail)	8
Coord. of Child Support Enforcement	7.5
Coord. of Emer. Mgt. Services	7.5
Coord. Of SPOA/CCSI	7.5
Coroner (Paid Per Diem)	6
Correction Officer	8
County Attorney	7.5
County Clerk	7.5
County Historian/Archivist	7.5
County Hwy. Superintendent	8
County Manager	7.5
County Treasurer	7.5
Courier	6
Custodial Worker	8
Dep. Coord of Emer. Mgt Serv	7.5
Deputy County Attorney	6
Deputy County Clerk	7.5
Deputy County Treasurer	7.5
Deputy Director RPTS III	7.5
Deputy Election Commissioner	7.5

Deputy Fire Coordinator	7.5
Deputy Hwy. Superintendent	8
Deputy Sheriff	8
Deputy Sheriff-Investigator	8
Deputy Sheriff-Sergeant	8
Deputy Sheriff-Youth Officer	8
Dir. Of Emer. Communications	8
Dir. Of Fis. Opr. & Child Support	7.5
Dir. of RPTS III	7.5
Dir.Of Vet.Ser.Agency	7.5
Director Of Comm. M H Serv.	7.5
Director of Finance	7.5
Director of Financial Services	7.5
Director of Infor. Technology	7.5
Director of Nursing Services	7.5
Director of Office for the Aging	7.5
Director of Planning	7.5
Director of Social Services	7.5
Director of Wgths. & Measures I	7.5
Director-Chldrn With Spcl Needs	7.5
District Attorney	7.5
Dog Control Officer	8
Driver	6
Election Commissioner	6
Emer. Mgt. Training Technician	6
Emergency Services Dispatcher	8
Empl. & Training Director II	7.5
Empl. & Training Manager(WIB)	7.5
Employee Payroll/Insurance Clerk	7.5
Employment Program Assistant	7.5
Employment Program Assistant	7.5
Employment Program Assistant	7.5
Employment Program Coordinator	7.5
Environmental Health Director	7.5
Exec. Director-Youth Bureau	7.5
Exec. Secretary-Wkrs. Comp.	7.5
Executive Assistant	7.5
Executive Asst.-Co. Manager	7.5
File Room Attendant	7.5
Financial Clerk	7.5
Financial Clerk-Typist	7.5
Financial Management Assistant	7.5
Flagperson (Hwy) Seasonal	8

Flagperson (Hwy)	Seasonal	8
Fleet Maintenance Supervisor		8
G.I.S. Analyst		7.5
Gen. Justice Program Coord.		7.5
Groundskeeper (Hwy)	Seasonal	8
Head Custodial Worker (Co.)		8
Heavy Equipment Operator		8
Highway Maintenance Supervisor		8
History Research Assistant		7.5
Human Resources Clerk		7.5
Human Resources Director		7.5
Human Resources Specialist		7.5
Institutional Aide		8
Intake Clerk		7.5
IT Operations Analyst I		7.5
IT Operations Specialist I		7.5
IT Operations Technician I		7.5
IT Operations Technician II		7.5
Jail Superintendent		8
Justice for Chldrn Prog. Coord.		7.5
Laborer (Hwy)		8
Laundry Worker		8
Legal Clerk-Typist		7.5
Legislator		6
Licensed Practical Nurse		7.5
Managed Care Coordinator		7.5
Medical Records Clerk		7.5
Medical Records Clerk		8
Medical Records Technician		8
Mental Health Clincial Social Worker		7.5
Mental Health Clinical Therapist		7.5
Mental Health Therapy Assistant		7.5
Motor Equipment Operator		8
Motor Vehicle Services Representative		7.5
Nursing Home Administrator		7.5
Nursing Unit Coordinator		7.5
Nutrition Project Meal Site Assistant		7.5
OFA Services Administrator		7.5
Parent Aide		7.5
Park Supervisor-Forester		8
PH Emer. Preparedness Coord.		7.5
Principal Clerk		7.5
Principal Financial Clerk		7.5

Principal Financial Support Specialist	7.5
Principal Social Services Investigator	7.5
Principal Social Welfare Examiner	7.5
Probation Director II	7.5
Probation Officer	7.5
Probation Supervisor	7.5
Program Assistant OFA	7.5
Public Defender	7.5
Public Defender Investigator	6
Public Health Educator	7.5
Public Health Sanitarian	7.5
Public Health Technician (Seasonal)	7.5
Purchasing Director	7.5
Quality Assurance Coordinator	7.5
Receptionist	7.5
Recording Clerk	7.5
Records Management Clerk	7.5
Recycling Administrator	7.5
Registered Professional Nurse	7.5
Senior Building Maintenance Mechanic	8
Senior Clerk	7.5
Senior Client Services Outreach Assistant	7.5
Senior Correction Officer	8
Senior Custodial Worker	8
Senior Executive Assistant	7.5
Senior Financial Clerk	7.5
Senior Financial Clerk-Typist	7.5
Senior Intake Clerk	7.5
Senior Medical Billing Clerk	7.5
Senior Medical Records Clerk	7.5
Senior Planner	7.5
Senior Probation Officer	7.5
Senior Public Health Sanitarian	7.5
Senior Recording Clerk	7.5
Senior Social Welfare Examiner	7.5
Senior Social Work Assistant	7.5
Senior Tax Map Technician	7.5
Services Program Assistant	7.5
Sheriff	8
Sign Maintenance Mechanic	8
Social Services Investigator	7.5
Social Welfare Examiner	7.5



Social Work Assistant	8
Social Work Assistant	7.5
Specialist (Day Treatment)	7.5
Specialist (Outpatient Clinic)	7.5
Specialist, Services for the Aging	7.5
Sr. Asst. Public Defender	7.5
Sr. Building Maintenance Mechanic	8
Sr. Emergency Services Dispatcher	8
Sr. Employment & Training Counselor	7.5
Sr. Engineering Technician	8
Sr. Financial Clerk-Typist	7.5
Sr.Motor Vehicle Services Representative	7.5
Stock Clerk	8
Supervising MH Clinical Social Worker	7.5
Supervising Nurse	7.5
Supervisor of Bldgs & Gr.	8
Support Investigator	7.5
Systems Analyst I	7.5
Systems Specialist II	7.5
Telephone Operator	7.5
Therapeutic Activities Aide	7.5
Undersheriff	8
Welder	8
Youth Program Assistant	7.5
Youth Program Coordinator	7.5
Youth Program Specialist	7.5

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

Chairman Cianfrini closed the public hearing at 6:00 PM on local law introductory number 4, year 2016 regarding an override of the tax levy limit. There were no speakers or written comments regarding the matter.

**RESOLUTION NO. 450 LOCAL LAW INTRODUCTORY NO. 4, YEAR 2016 LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c (A/K/A “2% TAX CAP”) FOR THE GENESEE COUNTY 2017 BUDGET**

Legislator Bausch offered the following resolution:

**WHEREAS, The following resolution was duly introduced to the Genesee County Legislature in accordance with the Law: LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c (A/K/A “2% TAX CAP”) FOR THE GENESEE COUNTY 2017 BUDGET**

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

**Section 1. TITLE**

This Local Law shall be known as “**A LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-C (A/K/A**

**“2% TAX CAP”) FOR THE GENESEE COUNTY 2017 BUDGET”**

**Section 2. LEGISLATIVE FINDINGS**

The Legislature for the County of Genesee hereby finds and determines that the anticipated budgetary needs for fiscal 2017 require that Genesee County adopt the appropriate legislation necessary to override the tax levy limit established by General Municipal Law §3-c, and more commonly referred to as the: 2% tax cap.”

**Section 3. ENACTMENT AUTHORITY**

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

**Section 4. OVERRIDE AUTHORIZATION**

The Legislature be and the same is hereby authorized to adopt a budget for fiscal year 2017 that exceeds the “tax levy limit” as that term is defined and calculated pursuant to the provisions of General Municipal Law §3-c, by a vote of 60% of the total weighted vote of the Legislature.

**Section 5. EFFECTIVE DATE**

This local law shall take effect immediately.

**WHEREAS**, The Clerk of the Genesee County Legislature did post a certified notice of the Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

**WHEREAS**, The Clerk of the Genesee County Legislature did cause to be published in the Daily News, the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local Law Introductory Number 4 of the Year 2016, and

**WHEREAS**, The Public Hearing was held at 5:30PM on the 9th day of November 2016 in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

**RESOLVED**, That LOCAL LAW INTRODUCTORY NO. 4, YEAR 2016 LOCAL LAW TO AUTHORIZE OVERRIDING THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW §3-c (A/K/A “2% TAX CAP”) FOR THE GENESEE COUNTY 2017 BUDGET to be known as Local Law Number 5, 2016 for the County of Genesee is hereby adopted.

Prior to the vote, Legislator Stein stated legislators are in a position of responsibility and must take action to protect local government and county residents. Legislator Bausch stated that he is not pleased to have offered the resolution but thinks there is little choice. Legislator Young expressed his thoughts on the state imposed tax cap and that it is really a sham; the 2% cap is not really 2%. Legislators Clattenburg, Deleo and DeJaneiro agreed with Legislator Young that 2% is not an accurate reflection of the state imposed cap. Chair Cianfrini stated even if the Legislature adopted last years’ budget, it would still exceed the 2% tax cap.

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

**RESOLUTION NO. 451 COUNTY AUDIT– NOVEMBER 21- APPROVAL OF**

Legislator Bausch offered the following resolution:

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

2016 General Fund	\$	688,780.63
2016 Highway		82,141.97
2016 Nursing Home		603,371.29
2016 Self Insurance		11,625.00
DSS Abstracts		134,492.40

**2016 Capital Projects:**

County Park Pav A/B Roof Repairs & Fireplaces	1,028.63
DeWitt Park Utility Ext/Security Improvements	286.57
EMS Public Water Line	47.71
Sheriff 800MHZ Radio System Upgrade	5,923.98
Facility Mgt County Building#2 Flood Damage Restoration	1,050.00
County Manager County Building#2 Security Updates	1,748.78
Highway 2016 Road Machinery	2,021.15
Highway 2016 Bridge Construction	9,286.79
Airport Construct New Terminal & Maint Hangar	524.80
Airport Obstruction Removal & Perimeter Fence Relocation	36,540.43

**Payroll – General & Nursing Home**

November 10, 2016 1,443,057.07

**Medicaid**

November 15, 2016 178,282.00

**Total Audit** \$ 3,200,209.20

Now, therefore, Be it

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

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

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

The meeting adjourned at 6:05 PM upon motion of Legislator Stein seconded by Legislator Davis, carried unanimously.