

**THIRD DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, February 13, 2013**

The Genesee County Legislature met in Regular Session on Wednesday, February 13, 2013 at 7PM at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator DeJaneiro offered the Prayer followed by the Pledge to the Flag. All members were present.

Two Participation in Government students were in attendance from Pavilion High School. They introduced themselves to the Legislature.

The minutes of the January 23, 2013 meeting were approved upon motion of Legislator Lawrence seconded by Legislator Ferrando.

Legislator DeJaneiro reported on the Nursing Home Quality Assurance meeting which was also attended by Legislator Bausch. Home Care is an option in the DOM. The facility has experienced very little flu so far this season. Legislator Cianfrini reported on the CJAC meeting. The Jail renovation has begun and Facilities Management is doing an excellent job. There have been unanticipated plumbing and mold issues which need to be addressed. Some male inmates have been boarded out as a result. Legislator Stein reported that she and Legislators Leadley, Bausch and Chair Hancock attended the NYSAC Conference in Albany. Legislator Lawrence reported that on January 29 Town of Darien officials met with Representative Collins' Chief Aide and gave a presentation on water needs. There may be some county-wide assistance as a result. It was an excellent meeting and she was appreciative of the opportunity to attend and the responsiveness of the Congressman's Office.

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

**RESOLUTION NO. 38 2013 SALARY SCHEDULE AMENDMENT-DSS/INTAKE CLERK-
APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, The Commissioner of Social Services did request the deletion of one Receptionist position, and the creation of one Intake Clerk position, and

WHEREAS, The Committees on Human Services 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 2013 Employees Salary schedule by deleting one permanent position of Receptionist in CSEA Grade 7 in the Department of Social Services, and by creating one permanent position of Intake Clerk in CSEA Grade 7 in the Department of Social Services.

Budget Impact Statement: Re-titling the position in and of itself presents no fiscal impact. However, as the position is refilled with newer staff, the savings may be up to \$5,000 in gross costs, decreasing the net local share by \$1,191 on an annual basis.

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

**RESOLUTION NO. 39 CONTRACT- HEALTH DEPARTMENT / EARLY
INTERVENTION PROGRAM PROVIDER SERVICE-
APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Public Health Director did present a contract for the provision of Provider Services in the Early Intervention Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and

directed to execute a contract with Summit Educational Resources, 150 Stahl Road, Getzville, NY 14068, for the provision of provider services for the Early Intervention Program for the period January 1, 2013 through December 31, 2013 at the specific rates as set by the New York State Department of Health.

Budget Impact Statement: Expenses are offset, up to 100%, by revenue generated from 3rd Party Insurance companies and Medicaid. New York State is liable for 49% of any non-reimbursed expenditure.

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

RESOLUTION NO. 40 CONTRACT– HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Public Health Director did present a contract for the provision of services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Summit Educational Resources, 150 Stahl Road, Getzville, NY 14068 for the provision of Special Education Itinerant Teacher (SEIT) Services, Classroom Services (CB), and Evaluator Services in the Preschool Supportive Health Services Program for the period December 1, 2012 through June 30, 2013 at the rates established by the State of New York. The contract may be renewed for two (2) additional one year periods upon mutual agreement between both parties, and must be in the best interest of Genesee County.

Budget Impact: Revenue and expenses are included in the 2012 and 2013 A 2960 3-5 Preschool Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

RESOLUTION NO. 41 CONTRACT– HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Public Health Director did present a contract for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to establish a contract with Summit Educational Resources, for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSHSP) for the period December 1, 2012 through June 30, 2013 per the 2012-2013 PSHSP rate schedule. The contract may be renewed for two (2) additional one year periods upon mutual agreement between both parties, and must be in the best interest of Genesee County.

Budget Impact: Revenue and expenses are included in the 2012 and 2013 A 2960 3-5 Preschool Program Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

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

RESOLUTION NO. 42 CONTRACT RENEWAL– HEALTH DEPARTMENT/ 3-5 PRESCHOOL SPECIAL EDUCATION PROGRAM-COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MUNICIPALITY REPRESENTATIVE –

APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Public Health Director did present a contract renewal for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) of the Genesee County School Districts, and

WHEREAS, The Committee on Human Services did review the contract and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract renewal with Amy Wolter, 3652 Orangeport Road, Gasport, NY 14067 at the rate of \$40.00 per hour plus mileage, at the current IRS rate, for the provision of municipality representative on the Committee on Preschool Special Education (CPSE) in the 3-5 Preschool Special Education Program for the period January 1, 2013 through December 31, 2013.

Budget Impact Statement: Expenses for this service are included in the 2013 A 2960 3-5 Preschool Program budget. Genesee County receives annual state aid reimbursement of \$75 per child for the administrative costs of the program.

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

RESOLUTION NO. 43 SALARY SCHEDULE / BUDGET TRANSFER – HEALTH DEPARTMENT/SUPERVISING COMMUNITY HEALTH NURSE– APPROVAL OF

Legislator Lawrence offered the following resolution:

WHEREAS, The Public Health Director did request an amendment to the 2013 Employee Salary Schedule by creating the part time position of Supervising Community Health Nurse to fulfill mandated responsibilities of the Health Department, and

WHEREAS, The Committees on Human Service and Ways and Means did review the request and do recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer and Human Resource Director are hereby authorized and directed to amend the 2013 Genesee County Employee Salary Schedule by creating the part time position of Supervising Community Health Nurse, Management Grade 6, effective thru December 31, 2013, and be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following transfer:

FROM:	\$	9,912	A 4010 4650.0003	Contracted Services
TO:	\$	9,207	A 4010 1010.0000	Personal Services
	\$	571	A 4010 8010.0000	Social Security Tax
	\$	134	A 4010 8011.0000	Medicare Tax

Budget Impact Statement: The total anticipated salary and fringe for this position is \$9912, requiring a transfer of funds from contractual services to personnel services. Salary expense for this position is reimbursable 100% thru Article 6 State Aid for General Public Health Works.

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

RESOLUTION NO. 44 GRANT AMENDMENT - HEALTH DEPARTMENT/ IMMUNIZATION PROGRAM COST OF LIVING ADJUSTMENT - APPROVAL OF

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County’s Immunization Program contract is eligible for a Cost of Living Adjustment (COLA) in the amount of \$2,406, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used for the reimbursement of expenditures associated with the recruitment and retention of staff or other critical non-personal service costs, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Immunization Program Cost of Living Adjustment during the 2012-13 State fiscal year in the amount of \$2,406, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue in the amount of \$2,406 to offset program expenditures made between April 1, 2012 and March 31, 2013.

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

**RESOLUTION NO. 45 GRANT AMENDMENT - HEALTH
DEPARTMENT/CHILDREN WITH SPECIAL
HEALTH CARE NEEDS PROGRAM COST OF
LIVING ADJUSTMENT - APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County's Children with Special Health Care Needs Program contract is eligible for a Cost of Living Adjustment (COLA) in the amount of \$1,491, and

WHEREAS, The Interim Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used for the reimbursement of expenditures associated with the recruitment and retention of staff or other critical non-personal service costs, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Children with Special Health Care Needs Program Cost of Living Adjustment during the 2012-13 State fiscal year in the amount of \$1,491, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue in the amount of \$1,491 to offset program expenditures made between April 1, 2012 and March 31, 2013.

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

RESOLUTION NO. 46 FUNDING AGREEMENT-GO-ART - APPROVAL OF

Legislator Leadley offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement for the funding of the Genesee-Orleans Regional Arts Council for 2013 for the promotion of music and art appreciation in Genesee County, and

WHEREAS, The Human Service Committee did review and does recommend approval of said contract at this time. Now, therefore Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement by and between the County of Genesee and the Genesee-Orleans Regional Arts Council, 201 East Main Street, Batavia, NY for a program which

promotes music and art appreciation during the contract term of January 1, 2013 through December 31, 2013 at a cost not to exceed six thousand nine hundred and five dollars (\$6,905.00).

Budget Impact Statement: First funded in 1993.

2013 = \$6,905

2012 = \$6,905; 5% reduction in funding

2011 = \$7,268; 15% reduction in funding

2010 = \$8,550; 5% reduction in funding

2005 – 2009 funding = \$9,000/year

1997 – 2004 funding = \$10,000/year (in 2001 received \$4,000 extra as matching funds for state grant)

1994 -1996 funding = \$3,000/year

1993 funding = \$2,500/year

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

RESOLUTION NO. 47 CORRECTION TO TAX ROLLS – TREASURER / TOWN OF BATAVIA – APPROVAL OF –

Legislator Bausch offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has received application for correction to the tax rolls in the Town of Batavia as follows:

Town of Batavia, Tax Map # 7.-1-25.1, owned by the Genesee County Chapter of NYSARC of 64 Walnut St, Batavia, NY 14020.

The owner is a nonprofit organization which is exempt pursuant to RPTL §420-a. The owner took title prior to taxable status date and was the owner of record as of taxable status date. The owner did not file for an exemption, but pursuant to Volume 9 Opinion of Counsel SBEA No. 76 the owner is eligible for a correction so long as the assessor concurs in writing that the property was eligible for tax exempt status as of taxable status date. The assessor has made such a statement, and,

WHEREAS, The Director of Real Property recommends and the Committee on Ways and Means concurs that this correction be made, Now, therefore Be it

RESOLVED, That the tax warrant for the Town of Batavia 2013 tax year be reduced by \$9,852.57 as follows:

NYS Medicaid Mandate	=	\$3,650.37
County of Genesee	=	\$4,189.84
Batavia Fire	=	\$2,012.36

RESOLVED, That the amount payable to the Supervisor of the Town of Batavia be reduced by \$2,012.36, and, Be it further

RESOLVED, That the amount payable to the Batavia City School District be reduced by \$21,543.07 for their unpaid School taxes.

Budget Impact Statement: Reduction to the County of \$7,840.21.

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

RESOLUTION NO. 48 2013 BUDGET AMENDMENT – CDBG FUNDS CARRYOVER/VALLEY MUSHROOM – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The Genesee County Manager did request an amendment to the 2013 County Budget to carryover from the 2012 County Budget unexpended CDBG Funds designated for the

Genesee County Economic Development Center for the purpose of providing financing to assist Genesee Valley Mushroom, Inc. in the development of a composting facility in the Town of Batavia, New York, 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 2013 County Budget by increasing Appropriation A6421.4800.0040 CDBG-Mushroom Plant in the amount of \$750,000 to be offset by an increase in Revenue A.1000.6421.4997.4 GDBG-Mushroom Plant

Budget Impact Statement: No net effect on 2013 County Budget; provides ability for program to fully utilize grant funds.

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

**RESOLUTION NO. 49 2013 BUDGET AMENDMENT – CDBG FUNDS
CARRYOVER /TRAINING PROGRAM AND BUFFALO
EAST – APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Genesee County Manager did request an amendment to the 2013 County Budget to carryover from the 2012 County Budget unexpended CDBG Funds designated for the Genesee County Economic Development Center for the purpose of establishing the Genesee County Advanced and Nano-Tech Manufacturing Concepts Training Program and the development of the Buffalo East Technology Park in the Town of Pembroke, 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 2013 County Budget by increasing Appropriation A6421.4800.0050 CDBG in the amount of \$500,000 to be offset by an increase in Revenue A.1000.6421.4997.3 GDBG-GG LDC in a like amount.

Budget Impact Statement: No net effect on 2013 County Budget; provides ability for program to fully utilize grant funds.

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

**RESOLUTION NO. 50 APPOINTMENT-GLOW WORKFORCE
INVESTMENT BOARD MEMBERSHIP-APPROVAL OF**

Legislator Cianfrini offered the following resolutions:

WHEREAS, The Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a Workforce Investment Area under the Workforce Investment Act of 1998, and

WHEREAS, The Federal Workforce Investment Act of 1998 mandates that each local Workforce Investment Area create a Workforce Investment Board to administer and oversee the local Workforce Investment System, and

WHEREAS, The Chief Elected officials are charged with the responsibility of soliciting and appointing members to this Workforce Investment Board. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the following appointment to the GLOW Workforce Investment Board:

Christine Luly representing the At- Large New York State Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) for an ongoing term.

RESOLVED, That the GLOW Workforce Investment Board will be in effect until such time that the Workforce Investment Act of 1998 is repealed.

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

RESOLUTION NO. 51 2013 BUDGET/SALARY SCHEDULE AMENDMENT -

**MENTAL HEALTH /MENTAL HEALTH CLINICAL
SOCIAL WORKER -APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2013 Employee Salary Schedule to create one (1) Mental Health Clinical Social Worker CSEA-General, Grade 19 to the Community Mental Health Department.

WHEREAS, The Committees on Human Services 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 2013 Employee Salary Schedule to create one (1) position of Mental Health Clinical Social Worker to Community Mental Health Services Department, in CSEA-General, Grade 19 effective February 14, 2013 and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee County Budget by:

Increasing A4310. .1620.1100	Medicaid Reg. by	\$60,350.00
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AND

Increasing A4310. .1010.0000	Personnel Services by	\$40,300.00
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Increasing A4310. .8010.0000	Social Security Tax by	\$ 2,675.00
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Increasing A4310. .8011.0000	Medicare Tax by	\$ 625.00
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Increasing A4310. .8020.0000	Retirement by	\$ 7,100.00
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Increasing A4310. .8030.0000	Medical by	\$ 9,300.00
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Increasing A4310. .8040.0000	Dental by	\$ 300.00
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Increasing A4310. .8070.0000	Vision by	\$ 50.00
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Budget Impact Statement: Budget amendment required: Increase by \$60,350.00. Changes in expenses and revenue: no increased county cost.

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

**RESOLUTION NO. 52 CLARIFICATION- LL ONE 1965 RESOLUTION NO. 45 AS
AMENDED LL FOUR 1985/LL THREE 2005 – GENESEE
COUNTY COMMUNITY MENTAL HEALTH SERVICES
BOARD-STIPEND-APPROVAL OF**

Legislator Leadley offered the following resolution:

WHEREAS, Established LL One 1965, Resolution No. 45 as Amended LL Four 1985/LL Three 2005, did authorize the establishment of the Genesee County Mental Health Community Services Board, and

WHEREAS, The Director of Community Mental Health Services did request an clarification to this Resolution to be in compliance with New York State Mental Hygiene Law Article 41.05. Now, therefore, Be it

RESOLVED, That the Genesee County Mental Health Community Services Board is the policy making and fiscal oversight Board enforcing New York State Mental Hygiene Laws through its duly constituted Department of Mental Health. The Mental Health Community Services Board may consist of nine to fifteen members, one of whom shall be a member of the County Legislature. The members of the Community Services Board shall be appointed by the County Legislature. The term of office of each appointive member of the Community Services Board shall be four years, except for that of the Legislature representative whose term coincides with that of his/her Special Assignment appointments. The Board shall be paid a stipend of \$40.00 per

meeting for service at official Board meetings. Such stipend will not be paid to Legislator representative.

Budget Impact Statement: Board Members are reimbursed at a rate of \$40.00 per board meeting attended.

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

**RESOLUTION NO. 53 BUDGET AMENDMENT - MENTAL HEALTH SERVICES/
LIVING OPPORTUNITIES OF DEPAUL– APPROVAL OF**

Legislator Lawrence offered the following resolution:

WHEREAS, The Director of the Community Mental Health Services did request an amendment to the 2013 Genesee County budget to cover additional funding for supportive housing services, and

WHEREAS, The Committees on Human Services and Ways and Means did review this request and do recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2013 budget between the County of Genesee and Living Opportunities of DePaul, and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Genesee County Budget by

Increasing A4312.	.4660.0000	Living Opportunities of DePaul by	\$25,280
Increasing A4312	.3490.0000	State Aid, Mental Health by	\$25,280

Budget Impact Statement: No County Budget Impact due to the offset of State Aid.

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

**RESOLUTION NO. 54 APPOINTMENT-OFFICE FOR THE AGING ADVISORY
COUNCIL –APPROVAL OF**

Legislator Ferrando offered the following resolution:

WHEREAS, There is are two vacant positions on the Office for the Aging Advisory Council, one for a Community Member and one for a Provider/Caregiver/General Public Member; and there are two applicants who have completed applications and desire to be appointed to this Committee;

WHEREAS, The Committees on Human Services and Ways & Means do recommend appointment at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint the following to the Genesee County Office for the Aging Advisory Council to serve a term effective February 14, 2013 through December 31, 2015.

Community Member:

Walter Wenhold of Bethany

Provider/Caregiver/General Public Member

Cheryl Venditte, Adult Service Supervisor, Dept. of Social Services

Budget Impact Statement: None

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

**RESOLUTION NO. 55 AWARD OF CONTRACT – OFA & DSS/PERSONAL
EMERGENCY RESPONSE SYSTEM – CONSENT TO
ASSIGNMENT/ASSUMPTION – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Office for the Aging and the Commissioner of the Department of Social Services did present a request for approval for sign off on Genesee County's Form required for Consent to Assignment and Assumption of Personal Emergency Response System (PERS) Services RFP 2011 – 102 due to the sale of Help Link PERS service by Medical

Answering Service, Inc. to M. Sauer Co. – Security Unlimited; and

WHEREAS, All rates, terms and conditions agreed to as a result of RFP 2011 – 102 remain the same, at the previously negotiated rate of \$25.00 per installation of each unit and ongoing monthly charge of \$21.95 per unit arising out of or in connection with the Agreement commencing July 1, 2012 – June 30, 2013; with three (3) additional one year renewal periods, upon mutual agreement; and

WHEREAS, Genesee County Office for the Aging and Department of Social Services are authorized to provide these services through a contract with a PERS provider and are in agreement with assignment and assumption of this contract due to the sale of the service; Now, Therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Consent to Assignment and Assumption of Personal Emergency Response System Services RFP 2011 – 102 document required by Genesee County to approve the transfer assignment from Medical Answering Service, LLC, P.O. Box 11998, Syracuse, NY, 13218 to M. Sauer Co. – Security Unlimited, 3106 Pinkney Road, Baltimore, MD 21215.

Budget Impact: Neutral. Same contract rates, terms and conditions, just transferring assignment to the company's new owner.

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

**RESOLUTION NO. 56 2012 BUDGET AMENDMENT- TREASURER/
YEAR END-APPROVAL OF**

Legislator Bausch offered the following resolution:

WHEREAS, The Genesee County Treasurer is recommending a budget amendment in order to close the books for 2012, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2012 budget by:

Increase Revenue A.1000.1110.2 Sales Tax Towns and City in the amount of \$709,949 and Increase Expense A.1985 4800.0000 Distribution of Sales Tax in a like amount.

Budget Impact: Increase in expenses offset by revenue.

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

**RESOLUTION NO. 57 2012 BUDGET ITEM TRANSFERS-TREASURER/
COUNTY DEPARTMENTS- APPROVAL OF**

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee County Treasurer did present transfers to be recommended in the 2012 county budget to cover end-of-year expenditures in several county departments, and

WHEREAS, The Committee on Ways and Means did review this request and does recommend that transfers be made at this time, Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make the following 2012 budget transfers:

\$1	to	A 1040.1	Clerk of Legislature, Personnel Services
	from	A 1040.4	Clerk of Legislature, Contractual
\$10,200	to	A 1171.4	Public Defender Assign Counsel, Contractual
	from	A 1141.4	Family Court Assign Counsel, Contractual
\$6,000	to	A 1185.4	Coroners, Contractual
\$ 600	to	A 1185.8	Coroners, Benefits
\$6,600	from	A 4010.1	Health, Personnel Services

\$5,500	to	A 1411.1	Auto Bureau, Personnel Services
	from	A 1410.8	County Clerk, Benefits
\$8,000	to	A 1420.8	County Attorney, Benefits
	from	A 1141.4	Family Court Assign Counsel, Contractual
\$3,600	to	A1435.4	Collective Bargaining, Contractual
	from	A 1430.4	Human Resources, Contractual
\$1,000	to	A 1450.1	Elections, Personnel Services
	from	A 1450.4	Elections, Contractual
\$29,435	to	A 2490.4	Community College Chargebacks, Contractual
	from	A 1991.4	Contingency, Contractual
\$188,000	to	A 2960.4	3-5 Preschool, Contractual
	from	A 4059.4	Early Intervention, Contractual
\$44,000	to	A 3150.1	Jail, Personnel Services
\$21,000	to	A 3150.4	Jail, Contractual
\$40,000	from	A 3150.8	Jail, Benefits
\$25,000	from	A 3110.1	Sheriff, Personnel Services
\$3,700	to	A 5610.8	Airport, Benefits
	from	A 5610.1	Airport, Personnel Services
\$74,000	to	A 6140.4	Safety Net, Contractual
	from	A 6129.4	State Training Schools, Contractual
\$800	to	A 6141.4	HEAP, Contractual
	from	A 6129.4	State Training Schools, Contractual
\$62	to	A 6610.1	Weights & Measure, Personnel Services
	from	A 6610.4	Weights & Measure, Contractual
\$1,621	to	A 7110.8	Parks, Benefits
	from	A 7110.1	Parks, Personnel Services
\$700	to	A 7510.1	Historian, Personnel Services
\$74	from	A 7510.4	Historian, Contractual
\$484	from	A 7510.8	Historian, Benefits
\$142	from	A 1990.4	Contingency, Contractual
\$1541	to	A 8020.8	Planning, Benefits
	from	A 8020.4	Planning, Contractual
\$1	to	A 8090.1	Recycling, Personnel Services
	from	A 8090.4	Recycling, Contractual
\$12,339	to	CD6293.1	Job Development, Personnel Services
	from	CD6293.4	Job Development, Contractual
\$44	to	D 5010.1	County Road Administration, Personnel Services
\$260	to	D 5010.8	County Road Administration, Benefits
\$304	from	D 5010.4	County Road Administration, Contractual
\$1,069	to	D 5020.8	County Road Engineering, Benefits
	from	D 5010.4	County Road Administration, Contractual
\$800	to	D 5110.8	County Road Maintenance, Benefits
	from	D 5110.1	County Road Maintenance, Personnel Services

Budget Impact: None, transfers made from other appropriations.

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

**RESOLUTION NO. 58 BUDGET TRANSFER/AMENDMENT-NURSING
HOME/YEAR END – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

WHEREAS, The Genesee County Treasurer is closing the books for 2012 and finds it necessary to give the Nursing Home some additional funding to cover unanticipated expenses 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 make the following 2012 budget transfers and budget amendments:

Transfer \$47,741 from A 1990.4800 Contingency to A 9908.9000 Transfers to Nursing Home and Amend the Nursing Home 2012 budget by Increasing Revenue E. 9000.5031 Interfund Transfers in the amount of \$47,741 and Increasing Appropriation E.8350.0000 1000.9100 in a like amount.

Budget Impact: Increases County Contribution to Nursing Home by \$47,741.

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

RESOLUTION NO. 59 BUDGET AMENDMENT- SHERIFF'S OFFICE (JAIL)/ REMAINING GRANT FUNDS-APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, There is remaining grant funds in the Jail's 2012 budget to be used in 2013 for the purchase and installation of video conferencing equipment at the Jail, and

WHEREAS, The Sheriff is requesting an amendment to the Jail's 2013 budget to allow for the use of this remaining grant money, and

WHEREAS, The Ways and Means committee did review this request and do recommend approval at this time. Now, therefore, Be it

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to amend the 2013 budget by increasing Jail account A3150.2060.0065 (Audio/Visual Equipment) in the amount of \$20,429, to be offset by an increase in revenue account A.3150.4789 (Federal Aid-ARRA) in a like amount.

Budget Impact: Increase in Jail appropriations in the amount of \$20,429, from 2011 grant funding that is available to be used in 2013, with an increase in revenue in a like amount.

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

RESOLUTION NO. 60 SET PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 1, YEAR 2013-BED TAX EXTENSION-APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 1, Year 2013 entitled "A LOCAL LAW TO AMEND LOCAL LAW NUMBER TWO, YEAR 1995, AS AMENDED BY LOCAL LAW NO. FOUR, YEAR 1998, LOCAL LAW NO. SIX, YEAR 2001, LOCAL LAW NO. FOUR, YEAR 2004, LOCAL LAW NO. TWO YEAR 2007 AND LOCAL LAW NO. ONE YEAR 2010, IMPOSING A HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF" and

WHEREAS, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No. One by the Genesee County Legislature on the 27th day of February at 7:00 pm at the Old Courthouse, 7 Main Street, Batavia, New York.

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

RESOLUTION NO. 61 REQUEST FOR AUTHORIZING LEGISLATION-SALES TAX/CONTINUATION OF ONE PERCENT INCREASE EXTENSION-APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, State Legislation authorizing Genesee County to continue its imposition of an additional 1% Local Sales Tax expires on November 30, 2013, and

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

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

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

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

RESOLUTION NO. 62 MORTGAGE TAX INCREASE EXTENSION– REQUEST FOR AUTHORIZING LEGISLATION – APPROVAL OF

Legislator Leadley offered the following resolution:

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

WHEREAS, The legislation authorizing such additional mortgage tax will expire October 31, 2013 and the County Legislature wishes to extend its provisions. Now, therefore, Be it

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

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

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

RESOLUTION NO. 63 COUNTY AUDIT – FEBRUARY 13 APPROVAL OF

Legislator Bausch offered the following resolution:

WHEREAS, Legislator Cianfrini did review the following claims:

2012 General Fund	\$	137,167.49
2013 General Fund		640,364.98
2013 Highway		656,766.98
2013 Self Insurance		40,492.75
2013 Nursing Home		129,026.38
2013 Water		312,446.47
DSS Abstracts		371,525.16

2013 Capital Projects:

Sheriff’s Admin. Building Modifications		17,177.11
Highway - Griswold Road Bridge		7,915.46
Airport – Design Terminal & Maintenance Hangar		4,700.00
Ariport – Terminal Apron Construction Phase II		14,982.94

Payroll – General & Nursing Home

January 25, 2013	1,713,490.73
February 8, 2013	1,223,567.77
Medicaid	
January 29, 2013	185,572.00
February 5, 2013	185,572.00
February 12, 2013 (Includes IGT Payment)	<u>1,435,276.00</u>
Total Audit	\$ 7,076,044.22

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 Lawrence seconded the resolution which was adopted by 326 votes.

Legislator Cianfrini commented that volunteering for the Audit is always an adventure. He noted that three weeks of gas and fuel charges amounted to \$23,000.

At this time Legislator Cianfrini made a motion to invoke Rule 19 to consider the following resolution. This was seconded by Legislator Bausch and approved unanimously.

RESOLUTION NO. 64 STOP LOSS INSURANCE/HEALTH BENEFITS PLAN - APPROVAL OF

Legislator Cianfrini offered the following resolution:

WHEREAS, The Genesee County Manager did retain the services of a Broker of Record to acquire quotations for stop loss insurance coverage for the County's self-insured medical health benefit plan, and

WHEREAS, The Genesee County Legislature did review the recommendation and request by the County Manager and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to sign the Agreement with HM Insurance Company of New York, a division of Highmark Insurance Company which is a larger Blue Cross Blue Shield insurer based in Pittsburgh, PA for Excess Health Insurance at a cost of \$48,123 for the period February 1, 2013 through January 31, 2014.

Budget Impact Statement: Premium decrease of \$225 from previous year's cost. \$55,000 allocated for this insurance in the Risk Retention Fund's 2013 operating budget.

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

The meeting was adjourned at 8PM upon motion of Legislator Ferrando seconded by Legislator Stein.