

**FIFTH DAY**  
**GENESEE COUNTY LEGISLATURE**  
**Wednesday, March 9, 2016**  
**Batavia, New York**

The Genesee County Legislature met in Regular Session on Wednesday, March 9, 2016 at 5:30PM at the Old Courthouse, 7 Main Street, Batavia, New York. Prayer was offered by Legislator Torrey followed by the Pledge to the Flag.

Chairman Cianfrini opened a public hearing for Local Law Introductory No. One, Year 2016 to extend the current Bed Tax and asked if anyone wished to be heard. One citizen, John Sackett signed up to speak. However, no one commented on the Local Law Introductory No. One, Year 2016. Mr. Sackett commended the Legislature on selling the Nursing Home. He continued with his thoughts on a comment regarding court consolidation and encouraged the County Legislature to focus on county matters.

The minutes of the February 24, 2016 meeting was approved upon motion of Legislator Stein seconded by Legislator Davis.

The Clerk reported on two out of state travel requests:  
Courtney Ihuri, OFA – National RSVP Conference in Springfield, Mass May 2-4 cost: \$884  
Motion to approve by Legislator Young second by Legislator Stein, carried.  
Albert Cheverie, Health Dept – Emergency Preparedness Summit in Dallas, Tx 4/17-22 Grant funded Motion to approve made by Legislator Clattenburg second by Legislator DeJaneiro, carried.

Legislator Clattenburg shared her appreciation of the work being done by law enforcement, specifically Sheriff's Deputies and the relief in knowing no one was injured during an incident in Byron. Chairman Cianfrini echoed her sentiments.

County Manager Gsell referenced information on the State budget from NYSAC. There are two –one house bills the legislature is putting together to begin the negotiation process. Priorities for NYSAC and counties include increasing funding for the indigent defense legal fund, increased community college funding, imposing increased surcharge on 911 system to help with future funding of consolidated dispatch and what to do with the bank settlement funds the state has taken over.

The Clerk proceeded with the resolutions as follows:

**RESOLUTION NO. 70 GENESEE-ORLEANS REGIONAL ARTS COUNCIL FUNDING AGREEMENT - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Manager did present an agreement for the funding of the Genesee-Orleans Regional Arts Council for 2016 for the promotion of music and art appreciation in Genesee County, and

**WHEREAS**, The Committee on Human Service 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, 2016 through December 31, 2016 at a cost not to exceed seven thousand dollars (\$7,000.00).

**Budget Impact Statement:** First funded in 1993.

2016 = \$7,000

2015 = \$6,905

2014 = \$6,905  
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 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 71 CONTRACT– HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – APPROVAL OF**

Legislator DeJaneiro 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 Aspire of WNY Center for Learning, 4635

Union Road, Cheektowaga, NY 14225, 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 February 15, 2016 through June 30, 2017 at the rates established by State of New York.

**Budget Impact:** Revenue and expenses are included in the 2016 A 2960 3-5 Preschool Program Budget and will be included in the 2017 Program Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 72 CONTRACT– HEALTH DEPARTMENT/PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM – APPROVAL OF**

Legislator Young 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 execute a contract with Liberty Resources Psychology, Physical, Occupational, and Speech Therapy, PLLC, for the provision of **Related Services** in the Preschool Supportive Health Services Program (PSSHSP) for the period March 1, 2016 through June 30, 2017 per the 2015-2017 PSSHSP rate schedule.

**Budget Impact:** Revenue and expenses are included in the 2016 A 2960 3-5 Preschool Program Budget and will be included in the 2017 Program Budget. 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 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 73 BUDGET AMENDMENT – HISTORY DEPARTMENT/FUNDING FOR HISTORICAL MARKERS – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The County Historian has received funding from the William G. Pomeroy Foundation Historical Marker Fund Grant (Legends and Lore Category) to purchase one historical marker in the amount of \$1,000, and

**WHEREAS**, The County Historian did request the funds be incorporated into the current operating budget to provide for the purchase of one historical marker and a mounting pole, and

**WHEREAS**, The Committee on Human Services and Ways & 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 Genesee County Budget for the History Department by increasing Appropriation A7510 3060 St. Aid Records Management in the amount of \$1,000; to be offset by an increase in Revenue A7510 2091 County Historian Charges in the amount of \$1,000.

**Budget Impact:** Increase of \$1,000 to the 2016 budget for the History Department. Funding was provided through the William G. Pomeroy Foundation Historical Marker Fund (Legends and Lore Category). Funding not used as outlined within the award will be returned to the William G. Pomeroy Foundation Historical marker Fund (Legends and Lore Category).

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 74 APPOINTMENT – GENESEE COUNTY YOUTH BOARD  
APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Committees on Human Service and Ways and Means do recommend an appointment to the Genesee County Youth Board at this time. Now, therefore, be it

**RESOLVED**, That the following individual is hereby appointed to the Genesee County Youth Board with a term and representation as noted.

**New Appointment**

City of Batavia                                      Shelly Wolanske                      March 1, 2016 – February 28, 2019

Legislator DeJaneiro seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 75 INSURANCE CERTIFICATE – BATAVIA CITY SCHOOL  
DISTRICT-2016 APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars per occurrence with a two million dollars aggregate naming Batavia City School District, 260 State Street, Batavia, NY 14020 as additional insured, for the purpose of conducting Genesee County Office for the Aging information and health insurance education sessions regarding Centers for Medicare and Medicaid Services' official U.S. government website, [Medicare.gov](http://www.Medicare.gov), at the Batavia High School on four separate dates throughout 2016; and

**WHEREAS**, The Office for the Aging desires to distribute information on health insurance options and senior services to residents in the City of Batavia and surrounding area; Now, Therefore, Be it

**RESOLVED**, That the Chairman of the Legislature is hereby authorized and directed to execute the necessary document to name the Batavia City School District, 260 State Street, Batavia, NY 14020 as additional insured on Monday, April 4, Monday May 2, Monday September 19,

Monday October 3, 2016 from the hours of 4:30 p.m. – 6:30 p.m. in the amount of at least one million dollars per occurrence with a two million dollars aggregate.

**Budget Impact:** None

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 76 CONTRACT AWARD /CERTIFICATE OF INSURANCE- OFA/ERIE/NIAGARA MLTCP DBA KALOS HEALTH – CONGREGATE & HOME DELIVERED MEALS - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a contract with ErieNiagara MLTCP, Inc. doing business as Kalos Health, for the provision of congregate meals and home delivered meals for Kalos Health Medicaid Managed Care Program Genesee County clients eligible and authorized by Kalos Health to receive Medicaid covered congregate and home delivered meals; and such meals to be provided by Genesee County Office for the Aging's Congregate and Home Delivered Meal Programs; and

**WHEREAS,** The contract requires a certificate of insurance indicating general liability insurance in the amount of at least one million dollars per occurrence with a one million dollars aggregate naming Kalos Health, 2424 Niagara Falls Blvd, Niagara Falls, NY 14304 as additional insured; and

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

**RESOLVED,** That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with ErieNiagara MLTCP, Inc. doing business as Kalos Health, 2424 Niagara Falls Blvd, Niagara Falls, NY 14304 for the period of March 10, 2016 and ongoing until such time as either party gives written notice of termination to the other party at least sixty (60) days in advance of such termination of contract.

Rates established for meals provided to ErieNiagara MLTCP, Inc. dba Kalos Health clients are as follows:

Home Delivered Meal	\$8.50 per meal
Congregate Meal	\$7.50 per meal

**Budget Impact:** Based on the number of meals anticipated for 2016, revenue of \$19,000 is projected for all Medicaid funded Congregate and Home Delivered Meal contracts; and is already incorporated into our 2016 county budget. Rate is \$8.50 per meal for home delivered meals and \$7.50 per meal for congregate meals.

Legislator Clattenburg seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 77 RENEWAL OF RFP 2012-102 CONTRACT – OFFICE FOR THE AGING/DIETITIAN SERVICES – APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a renewal of RFP 2012-102 contract with Ellen E. Foster, Consultant Dietitian, 33 Willmont Street, Rochester, N.Y. 14609-3617 for the provision of Dietitian Services for the Older Americans Act, NYS Office for the Aging and other contractual Nutrition Programs operated by Genesee County Office for the Aging; and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED,** That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to renew the contract with Ellen E. Foster, Consultant Dietitian, for the provision of Title III C-1, Title III C-2, Wellness in Aging (WIN)

and other nutrition funded services provided through the Genesee County Office for the Aging at a cost of \$36 per hour, not to exceed \$14,976 per year for the period April 16, 2016 through April 15, 2017.

**Budget Impact:** None. \$36 per hour for 8 hours of dietitian service per week, not to exceed \$14,976 annually and is already included in the 2016 Office for the Aging approved budget.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 78 OFFICE FOR THE AGING ADVISORY COUNCIL – APPOINTMENT TO**

Legislator Deleo offered the following resolution:

**WHEREAS,** The Office for the Aging Advisory Council by-laws specify that the Advisory Council shall not exceed eighteen (18) members, including both Community members and Service Provider members and at least 50% of the Council members shall be Community members who are Genesee County residents age 60 and over; and

**WHEREAS.** A vacant position currently exists on the Office for the Aging Advisory Council as a result of retirement of Genesee County Department of Social Services Supervisor-Adult Services and we offered invitation to the individual now in that position to fill the Office for the Aging Advisory Council vacancy, based on NYSOFA regulations regarding OFA Advisory Council composition; and

**WHEREAS,** Office for the Aging Advisory Council By-laws have recently been revised to make the position of Supervisor-Adult Services, Genesee County Department of Social Services a permanent position without term limits; and

**WHEREAS,** The Committees on Human Services and Ways and 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 effective March 10, 2016 until such time that this individual no longer holds the Supervisor-Adult Services position at Genesee County Department of Social Services.

**Provider Member:**

Carrie Herrmann, Genesee County Department of Social Services

**Budget Impact Statement:** None

Legislator DeJaneiro seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 79 CONTRACT AWARD /CERTIFICATE OF INSURANCE-FINGER LAKES PERFORMING PROVIDER SYSTEM (FLPPS) FOR DELIVERY SYSTEM REFORM INCENTIVE PAYMENT (DSRIP) - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The Director of the Office for the Aging did present a contract with Finger Lakes Performing Provider System (FLPPS) as part of NY State Dept. of Health Medicaid Redesign Initiative Delivery System Reform Incentive Payment (DSRIP) to participate in a regional collaborative effort to engage in Phase I performance, engagement, and reporting contracts (based on quarterly performance pay periods beginning July 1, 2015) to engage in projects to create an Integrated Delivery System, provide Care Transitions Intervention model to reduce 30 day readmissions for chronic health conditions, implementation of Patient Activation Activities to engage, educate and integrate the uninsured and low/non-utilizing Medicaid populations in community-based care, and improve access to high quality chronic disease preventative care and management in both clinical and community settings; and

**WHEREAS**, The contract requires a certificate of insurance indicating general liability insurance in the amount of at least one million dollars per occurrence with a two million dollars aggregate naming Finger Lakes Performing Provider System, 2100 Brighton Henrietta Town Line Rd., Unit #100, Rochester, NY 14623 as additional insured; and

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

**RESOLVED**, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a contract with Finger Lakes Performing Provider System, 2100 Brighton Henrietta Town Line Rd., Unit #100, Rochester, NY 14623 for Phase I quarterly performance periods beginning July 1, 2015 and contract renewable annually on a demonstration year basis (April 1-March 31) until December 31, 2020 or until such time as either party gives written notice of termination to the other party at least sixty (60) days in advance of such termination of contract.

**Budget Impact:** \$6000 additional revenue (based on \$3000 for Phase I Performance Period 1 July 1, 2015-September 30, 2015 and \$3000 for Phase I Performance Period 2 October 1, 2015 – December 31, 2015). Future revenue amounts are undetermined at this time and will become performance based in Phase II. DSRIP revenues were not included in 2016 county budget.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 80 AWARD OF CONTRACT – FINGER LAKES PERFORMING PROVIDER SYSTEM (an affiliate of New York State Delivery System Reform Incentive Payment Program) – Nursing Home – Approval of**

Legislator Stein offered the following resolution:

**WHEREAS**, The Administrator of The Genesee County Nursing Home requests approval to enter into a performance contract with the Finger Lakes Performing Provider System (FLPPS) for the period of July 1, 2015 – September 30, 2015 (Performance Period I) and October 1 – December 31, 2015 (Performance Period II).

**WHEREAS**, incentive payments will be made based on our achievement of certain performance metrics within the two performance periods, and

**WHEREAS**, it is valuable for the Nursing Home to participate in this regional healthcare cost reduction effort, and to receive an incentive payment for our participation, and

**WHEREAS**, the Genesee County Attorney and has reviewed and approved this contract, with certain requests that FLPPS has agreed to meet, and

**WHEREAS**, the Nursing Home Administrator recommends participation in this contract, and

**WHEREAS**, The Committee on Human Services did review this recommendation and does concur,

Now, therefore, Be it

**RESOLVED**, that the Chair of the Genesee County Legislature is hereby authorized and directed to enter into contract with Finger Lakes Performing Provider System (FLPPS) for Performance Periods I and II.

**Budget Impact Statement:** Revenue from this contract is based on our ability to meet the performance metrics and will be a maximum of \$6000. This revenue has not been budgeted for 2015 or 2016. There will be no unbudgeted costs.

Legislator Torrey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 81 2016 SALARY SCHEDULE AMENDMENTS-DSS-APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, the Commissioner of Social Services did recommend several adjustments to the salary schedule due to staffing changes at the Department of Social Services, and

**WHEREAS**, the Commissioner did request the deletion of a Clerk Typist position, a Social Services Investigator position and a Medical Services Support Supervisor position, and

**WHEREAS**, the Commissioner did request the creation of an Intake Clerk position, a Principal Social Services Investigator position and an Employment Program Assistant position, and

**WHEREAS**, the Committees on Human Services and Ways And Means did review these requests 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 Employees Salary schedule by deleting a permanent position of Clerk Typist in CSEA Grade 6, by deleting a permanent position of Social Services Investigator in CSEA Grade 16S and by deleting a permanent position of Medical Services Support Supervisor in CSEA Grade 14, and to further create a permanent position of Intake Clerk Typist in CSEA Grade 7, to create a permanent position of Principal Social Services Investigator in CSEA Grade 18S and to create a permanent position of Employment Program Assistant in CSEA Grade 14 in the Department of Social Services.

**Budget Impact Statement:** There is an increase of \$7,340 for the remainder of 2016, offset by revenue of \$5,473. Total local share net increase is \$1,867 and funds are available within the 2016 DSS budget.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

#### **RESOLUTION NO. 82 PART R OF THE ARTICLE VII TED BUDGET LEGISLATION- OPPOSITION OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, Part R of the Article VII TED budget legislation would require tax-exempt Private Activity Bonds, subject to the bond volume cap, financed by local Industrial Development Agency (IDAs) to be approved by the Public Authority Control Board (PACB), And

**WHEREAS**, typically, these bonds are approved at the local level as IDA's help companies finance projects that they are undertaking. They act as a financial tool for the company and are not debt or obligations of the state, of local governments. These bonds can be used to finance very specific types of projects authorized in IRS regulations, including manufacturing, affordable housing, pollution control equipment, and waste disposal facilities, And

**WHEREAS**, Today, the current federal formula allocates \$100 times the population of the state. Therefore, New York is awarded just under \$2 Billion in Private Activity Bond Capacity, one third of which is reallocated to local IDAs for use on local projects. By law the local IDAs are entitled to one third of the state Private Activity Bond Capacity amount annually, And,

**WHEREAS**, These local projects have no impact on state debt, and because Part R would eliminate the principle of local control provided in the current statute, which has operated effectively for 29 years. Now, therefore, Be it

**RESOLVED**, The Committee on Ways and Means does recommend the Genesee County Legislature Oppose Part R of the Article VII TED Budget Legislation, and Be it further

**RESOLVED**, The Legislature Clerk is authorized and directed to send a copy of this resolution to Governor Cuomo, Senator Ranzenhofer, Assemblyman Hawley and Inter County Association of Western New York.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 83 S. 1151 (O'MARA)/A. 3611 (MORELLE) TO BE INCLUDED IN THE ADOPTED FY 2016-2017 STATE BUDGET –SUPPORT OF**

Legislator Davis offered the following resolution:

**WHEREAS**, The legislation would generate additional revenue for school districts and other local governments by treating IDA projects the same as other property for purposes of the two percent real property tax cap, And

**WHEREAS**, One of the intentions of the real property tax cap is to allow a taxing jurisdiction's tax levy to increase due to "quantity change," or new growth or significant additions to existing properties. The additional new growth is to be factored into the "Tax Levy Growth Factor" to determine the amount of increase from the prior year that taxing jurisdictions can increase their tax levy, And

**WHEREAS**, New growth that is subject to an IDA Payment In Lieu of Tax agreement is excluded from the calculation for determining a jurisdiction's Tax Levy Growth Factor. Even when property comes off of a PILOT and is entered onto the taxable rolls, it isn't included in the calculation for the determining the growth factor. As a result, communities that are successful in attracting new economic growth through incentives provided by an IDA are penalized. Thus, a community that must pay for new services and infrastructure to support new economic growth cannot grow its tax base proportionately to pay for these additional costs if the property is improved through incentives provided by an IDA, And

**WHEREAS**, At the end of last session, the legislature included a requirement in legislation that was signed by the Governor for the Department of taxation and finance to, "...as appropriate, promulgate rules and regulations regarding the calculation of the quantity change factor which may adjust the calculation based on the development on tax-exempt land." Now, therefore, Be it

**RESOLVED**, Action this year is especially important since local governments will realize nearly no new growth in their tax levies this year. Enactment of this provision would remedy the unfair treatment of assessed property under a PILOT, generate needed revenue for local taxing jurisdictions, and restore the partnership between school districts and economic development agencies that existed prior to enactment of the tax cap, And Be it further

**RESOLVED**, The Committee on Ways and Means and the Genesee County Legislature believe that when the legislature included this language in legislation last year, it intended for the Department of Taxation and Finance to act. It has not. As a result, Genesee County Legislature is encouraging the New York State Legislature to include in the final state budget the specific language contained in the Morelle/O'Mara legislation, And Be it further

**RESOLVED**, The Legislature Clerk is authorized and directed to send a copy of this resolution to Governor Cuomo, Senator Ranzenhofer, Assemblyman Hawley and Inter County Association of Western New York.

Legislator Torrey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 84 REAPPOINTMENTS - GENESEE COUNTY WATER RESOURCES AGENCY - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The terms of office of James Vincent, Lucine Kauffman, William Kappus, Terri Starowitz and David Hagelberger on the Genesee County Water Resources Agency have expired and they have indicated an interest and desire for reappointment, and

**WHEREAS**, the Committee on Ways and Means does recommend they be reappointed at this time. Now, therefore, Be it



**RESOLVED**, That the Genesee County Legislature does hereby reappoint Mr. James Vincent of the Town of Byron, Ms. Lucine Kauffman of the Town and Village of Elba, Mr. William Kappus of the Town of Pembroke, Terri Starowitz of the Town of Stafford, and Mr. David Hagelberger of the Town of Darien to serve another term on the Genesee County Water Resources Agency for the period ending on December 31, 2018.

Budget Impact Statement: None, these are unpaid positions.

Legislator Davis seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 85 CONSULTING SERVICES CONTRACT EXTENSION  
INFORMATION TECHNOLOGY - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS**, The Genesee County Information Technology Director is recommending Genesee County extend the existing Consulting Services Contract with Systems Management Planning (SMP) for 1 year as provided for in the original contract award (Resolution # 2014-56), and

**WHEREAS**, The Ways and Means Committee did review this request and recommend the approval of the Consulting Services Contract Extension. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Consulting Services Contract Extension with Systems Management Planning: 1020 John Street, West Henrietta, New York 14586 with an amount not to exceed \$17,500.

**BUDGET IMPACT STATEMENT:** The contract cost of \$17,500 for Consulting Services is within the 2016 Adopted Budget in line item A.1680.4600.0000 Consulting Services.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 86 PICTOMETRY CONTRACT EXTENSION - INFORMATION  
TECHNOLOGY - APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS**, The Information Technology Director is recommending Genesee County extend the existing Pictometry Contract for aerial images providing flights every 2 years starting in 2016 and ending in 2020, and

**WHEREAS**, The Ways and Means Committee did review this request and recommend the approval of the Pictometry Contract Extension. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the contract extension with Pictometry International Corp.: 25 Methodist Hill Drive, Rochester, NY 14623 with an amount not to exceed \$40,748 in 2016.

**BUDGET IMPACT STATEMENT:** The 2016 payment of \$40,748 is included in account A.1989.2080.0020 Asset Acquisition.

Legislator Clattenburg seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 87 SURPLUS PROPERTY DISPOSAL – INFORMATION  
TECHNOLOGY - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Information Technology Director has reviewed the list of obsolete computer equipment that is no longer suitable for county purposes, and

**WHEREAS**, The Ways and Means Committee concurs the equipment is no longer usable and recommends the equipment be declared surplus county property at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby declare the computer equipment as obsolete and surplus county property to be disposed of in an appropriate manner using a certified recycler or sold through auction.

**BUDGET IMPACT STATEMENT:** ESTIMATED COST OF DISPOSAL IS \$0 DOLLARS.

Legislator Deleo seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 88 APPOINTMENT/REAPPOINTMENT – STOP-DWI ADVISORY BOARD – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The term of office has expired for James Tuttle, Jr., citizen member of the STOP-DWI Advisory Board and he has indicated a desire and ability to continue service, and

**WHEREAS**, The Genesee County STOP DWI Coordinator has identified individuals Shannon Ford and Theresa Asmus-Roth, who have expressed interest in serving on the Advisory Board as citizen members, and

**WHEREAS**, The Genesee County STOP DWI Advisory Board approved the recommendation to reappoint James Tuttle and appoint Shannon Ford and Theresa Asmus-Roth to the Advisory Board, and

**WHEREAS**, The Committee on Ways and Means does recommend the reappointment of citizen James Tuttle and the appointment of citizens Shannon Ford and Theresa Asmus-Roth. Now, therefore, Be it

**RESOLVED**, That James Tuttle of Corfu, New York be reappointed as a citizen member of the Genesee County STOP-DWI Advisory Board to serve another term effective immediately through December 31, 2018, and Be it further

**RESOLVED**, That Shannon Ford of Alexander, New York and Theresa Asmus-Roth of Akron, New York be appointed as citizen members of the Genesee County STOP-DWI Advisory Board to serve a term effective immediately through December 31, 2018

**Budget Impact:** None – these are volunteer Board Members.

Legislator Clattenburg seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 89 CONTRACT AWARD FOR RISK MANAGEMENT GENESEE COUNTY SELF-INSURANCE PLAN—APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Self-Insurance Plan was created in 1956, and although there have been updates to the local law over the years to account for natural growth in the plan, the basic cost allocation method for plan participants has not been modified, and

**WHEREAS**, The current funding allocation method relies heavily on property assessments of the various participants, which is not seen anywhere else in the private sector marketplace due to its inherent flaw of emphasizing a participants ability to pay compared with a more fair assessment of the actual risk the participant brings to the overall plan, and

**WHEREAS**, The Self-Insurance Plan local law needs to be updated to clarify the process for participants exiting the plan and to incorporate additional best practice elements commonly found in the market place, and

**WHEREAS**, The Self-Insurance Plan has already taken positive steps over the last several years by investing in excess insurance, conducting an actuarial analysis, actively funding the long term liability and investing in safety services, and

**WHEREAS,** The Assistant County Manager, County Manager, County Attorney and Executive Secretary of the Self-Insurance Plan all agree that a change in funding allocation to the members to better reflect the true market place is needed, along with assistance in updating the local law to reflect a twenty first century workers compensation plan, and

**WHEREAS,** The firm, OneGroup, has extensive experience working with New York State Counties to identify how their current funding allocations are handled compared to the marketplace, along with experience updating workers compensation plans to incorporate best practices, and

**WHEREAS,** The Committee on Ways and Means did review the proposal from OneGroup, and does recommend approval at this time. Now, therefore, Be

**RESOLVED,** That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to contract with OneGroup, 5232 Witz Drive, North Syracuse, New York 13212 for the provision of consulting services for the Self-Insurance Plan at a cost not to exceed \$10,600

**Budget Impact Statement:** Monies previously targeting paying down long term liability will be used.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 90 2016-2017 RULES FOR GENESEE COUNTY –  
LEGISLATURE ADOPTION OF**

Legislator Young offered the following resolution:

**WHEREAS,** The Genesee County Legislature did review the Rules for the Legislature and the Committee on Ways & Means does recommend adoption. Now, therefore, Be it

**RESOLVED,** That the Rules for the Legislature be and hereby are approved as the Rules which will govern the Genesee County Legislature for its operation for the term 2016-2017.

**Budget Impact Statement:** None

Legislator Davis seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

The Public Hearing for Local Law Introductory No. One, Year 2016 to extend the current Bed Tax was closed upon motion of Legislator Stein seconded by Legislator Deleo.

**RESOLUTION NO. 91 LOCAL LAW INTRODUCTORY NO. ONE, YEAR 2016  
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, LOCAL  
LAW NO. ONE YEAR 2010 AND LOCAL LAW NO. TWO YEAR 2013, IMPOSING A  
HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH  
REGARD TO THE EXPIRATION THEREOF – APPROVAL OF**

Legislator Davis offered the following resolution:

**WHEREAS,** There has been introduced to the Genesee County Legislature a proposed Local Law Introductory No. 1, Year 2016 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, LOCAL LAW NO. ONE YEAR 2010 AND LOCAL LAW NO THREE YEAR 2013 IMPOSING A HOTLE/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF.”

Now, therefore

**BE IT ENACTED** by the Genesee County Legislature as follows:

**Section 1.** Section 702 of the Local Law No. Two, Year 1995 as amended by Local Law No.

Four, Year 1998, Local Law No. SIX, Year 2001 and Local Law No. Four, Year 2004, Local Law No. Two, Year 2007, Local Law No. One, Year 2010 and Local Law No. Two, Year 2013 is hereby amended to read as follows:

**702.** Effective Date: This Local Law shall take effect on October 1, 2016 and expire on September 30, 2019, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately, and

**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 1, Year 2016 and

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

**RESOLVED**, That “**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, LOCAL LAW NO. ONE YEAR 2010 AND LOCAL LAW NO. TWO YEAR 2013 IMPOSING A HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF**” to be known as Local Law Number two of the Year 2016 for the County of Genesee is hereby adopted.

Legislator Stein seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

**RESOLUTION NO. 92 COUNTY AUDIT – MARCH 9 - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

2016 General Fund	\$	469,171.06
2016 Highway		22,335.39
2016 Nursing Home		497,843.68
2016 Self Insurance		738.22
DSS Abstracts		693,480.42
<b>2016 Capital Projects:</b>		
Highway Fuel Farm		22,641.50
Highway River Street Bridge		14,136.51
Airport Construct New Terminal Building & Maintenance Hangar		56,524.70
Airport T-Hangar Taxiway Apron Phase III		42,615.33
Airport Design Perimeter Fence Relocation		29,812.50
GCC Wellness & Event Center		187,634.55
<b>Payroll – General &amp; Nursing Home</b>		
March 9, 2016		1,261,647.68
<b>Medicaid</b>		
March 1, 2016		177,425.00
March 8, 2016		<u>177,425.00</u>
<b>Total Audit</b>	\$	3,653,431.54

Now, therefore, Be it

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

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

Legislator Torrey seconded the resolution which was adopted by 281 votes, Legislator Bausch (45) absent.

The meeting was adjourned at 6:04 PM upon motion of Legislator Stein seconded by Legislator Deleo.