

**SEVENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, April 10, 2019**

The Genesee Legislature met in Regular Session on Wednesday April 10, 2019 at 5:30PM at the Old Courthouse 7 Main Street, Batavia, New York. Legislator Bausch assisted with the audit. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag.

In addition to our regular meeting Chairman Bausch opened a Public Hearing on fair housing to identify any concerns and issues with fair housing practices in the County. All interested parties were invited to be heard, there were no speakers.

Chairman Bausch also opened a Public Hearing on Local Law Introductory No. 2 Year 2019, A Local Law Regulating the Transfer of Secondhand Articles. All interested parties were invited to be heard, there were no speakers.

Proclamations & Commendations included; County Day of Recognition for National Service presented to Courtney Iburi, RSVP coordinator at OFA by Human Service Chair Andrew Young. Public Service Chair & member of Water Resources Agency Shelley Stein presented a commendation to James Vincent upon his retirement from service on the Water Resources Agency. Mr. Vincent was the first chairman of the Water Resources Agency and volunteers hundreds of hours of his time and expertise. Chairman Bausch commented that ironically, Mr. Vincent does not have municipal water at his home. Vice Chair Clattenburg presented County Government Month Proclamation to County Manager Jay Gsell and Youth Bureau Director Jocelyn Sikorski. It was noted that April 25th the Youth Bureau is hosting the annual Family Game Night at County Building #2 where families can register and pay \$5/family for a light supper and after visiting all county department booths, will receive a new board game to take home. Legislator Dibble presented a proclamation to members of the Sheriff's Office-Dispatchers Department in celebration of Telecommunicator's week. Dispatchers are the first contact for people in crisis and they are often the difference between life and death. Six dispatchers and Sheriff Sheron were present to be recognized and thanked for their work which is stressful yet rewarding. Legislators Maha and Dibble presented retiring Chief Deputy Jerry Brewster with a commendation upon his retirement from the Sheriff's Department. He was hired in 1975 as a corrections officer and moved and was promoted several times. Mr. Brewster commented that he enjoyed his work and was grateful for the people he worked with and the support of the Legislature. His last day of work is April 12, 2019.

Minutes of the March 27, 2019 Legislature Meeting were approved upon motion of Legislator Stein seconded by Legislator Torrey, carried unanimously.

Legislator Stein announced the next meeting of Inter County Association is April 19, 2019 at the Iroquois National Wildlife Refuge in the Town of Alabama. NYSAC President Chuck Nesbitt will provide comments. Legislator Maha attended the OFA Advisory Council meeting where there was a presentation regarding the YMCA/UMMC Healthy Living Corridor project. Legislator Torrey stated the joint reception and dinner meeting with GCC administrators and trustees is scheduled for May 1 following Ways & Means. Chairman Bausch attended Criminal Justice Week activities including a special presentation/discussion about the DWI tragedy when a Pembroke Central School drivers' Ed teacher and students were killed in a crash. The Water Resources Agency meeting was held on April 9, 2019 and Legislator Maha was thanked for serving as chair of a subcommittee to develop a plan if there is a water emergency. Legislator Clattenburg stated that she and Legislator Stein attended the Youth Bureau Annual Awards Dinner where several youth and adults were recognized for their outstanding

contributions. She extended thanks to Youth Bureau Director Jocelyn Sikorski for the time and effort spent on coordinating the event.

The Clerk proceeded with the resolutions:

RESOLUTION NO. 126 ADDITIONAL INSURED AND CONTRACT - NUTRITION PROGRAM MEAL SITE AGREEMENT - OFA/ LEISURETIMERS RESIDENTIAL SERVICES, INC. 2019- APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract for the provision of a two (2) day per week meal site for senior citizens at Leisuretimmers Residential Services, Inc. Apartments and the Committee on Human Services does recommend approval at this time; and

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 naming Leisuretimmers Residential Services, Inc. 364 Bloomingdale Road, Akron, NY 14001 as additional insured.

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 Leisuretimmers Residential Services, Inc. 364 Bloomingdale Road, Akron, NY 14001 to host a meal site meal twice per week for Genesee County Office for the Aging congregate meal program for the period of April 1, 2019 through December 31, 2019 at a stipend rate of \$450.00 per year; and may it further be

RESOLVED, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Leisuretimmers Residential Services, Inc. 364 Bloomingdale Road, Akron, NY 14001 as additional insured from April 1, 2019 – December 31, 2019.

Budget Impact: None. No change to 2019 County Budget. \$450 per year stipend remains the same rate in 2019. This expense is covered by Nutrition Services Incentive Program (NSIP), Title III C-1 Older Americans Act, NY State WIN funds, and participant contributions.

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

RESOLUTION NO. 127 RENEWAL OF CONTRACT – DOYLE SECURITY SYSTEMS, INC. / OFFICE FOR THE AGING FOR PERSONAL EMERGENCY RESPONSE UNITS – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a Renewal of Contract with Doyle Security Systems, Inc. not to exceed \$4,450 for the period July 1, 2019 – June 30, 2020 resulting from RFP 2016-105 which took effect July 1, 2016 and is renewable for four (4) one-year (1) periods upon mutual, written consent of both parties and in the best interest of Genesee County for the provision of personal emergency response systems for older adults in Genesee County under the federally funded New York State Family Elder Caregiver Support Program Title IIIIE and the Expanded In-Home Services for the Elderly Program (EISEP) and the Committee on Human Services does recommend approval at this time; and

WHEREAS, This is the third of 4 (four) potential 1 (one) year renewals for provision of personal emergency response systems and the Committee on Human Services 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 necessary documents to renew a contract with Doyle Security Systems, Inc. 792 Calkins Road, Rochester, NY 14623 for the provision of personal emergency response

systems at the rate of:

Office for the Aging authorized clients:

1) PERS

a. One Time Installation Charge	\$ <u>0</u> per unit
b. Traditional Landline Device (aka Doyle Alert)	\$ <u>18</u> per month
c. Cellular Device (aka Telguard)	\$ <u>28</u> per month
d. Landline Auto. Fall Detection Device (aka Fall)	\$ <u>23</u> per month
e. Cell Fall Detection Device (aka Fall Telguard)	\$ <u>33</u> per month

2) PERS MOBILE GPS

a. One Time Activation Fee	\$ <u>10</u> per unit
b. Mobile GPS PERS	\$ <u>40</u> per month
c. Mobile GPS PERS w/Fall Detection	\$ <u>45</u> per month

Self-Identifying Private Pay Genesee County clients pricing:

1) PERS

a. One Time Installation Charge	\$ <u>0</u> per unit
b. Traditional Landline Device (aka Doyle Alert)	\$ <u>25</u> per month
c. Cellular Device (aka Telguard)	\$ <u>35</u> per month
d. Landline Auto. Fall Detection Device (aka Fall)	\$ <u>30</u> per month
e. Cell Fall Detection Device (aka Fall Telguard)	\$ <u>40</u> per month

2) GPS PERS

a. One Time Activation Fee	\$ <u>10</u> per unit
b. Mobile GPS PERS	\$ <u>47</u> per month
c. Mobile GPS PERS w/Fall Detection	\$ <u>52</u> per month

Budget Impact: Neutral. Total contract for 2019 not to exceed \$4,450 and is included in the 2019 county budget. Title III-E Caregiver Support Program and Expanded In-home Services for the Elderly (EISEP) funds 75% of the cost, with county funds providing required 25% match. Legislator Clattenburg seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 128 RENEWAL OF CONTRACT –OFA/ SOCIAL ADULT DAY CARE – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present a contract renewal for the provision of social adult day care for older adults to provide respite service under the Western New York Alzheimer’s Disease Caregiver Support Initiative (WNYADCSI), the federally funded New York State Family Elder Caregiver Support Program Title IIIIE, and to provide the ancillary service of Social Adult Day Service for older adults enrolled in the Expanded In-Home Services for the Elderly Program; and

WHEREAS, the Committee on Human Service 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 agreement with the Tender Loving Family Care, Inc., 97 West Avenue, Brockport, NY 14420 for social adult day care services at the rate of :

- \$80.00 per day per person for a 5 Hour Block of time
- \$90.00 per day per person for a Full Day (9:00 a.m. – 4:00 p.m.)

- \$115.00 per day per person for an Extended Full Day (7:00 a.m. – 6:00 p.m.) not to exceed \$13,625 for the period July 1, 2019 through June 30, 2020.

Budget Impact: The \$13,625 budgeted for this contract is already included in the 2019 budget as respite and social day care with \$10,000 under Title III-E Respite grant and \$1,000 from Expanded In-Home Services for the Elderly grant, and \$2,625 from WNYADCSI. Legislator Dibble seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 129 ACCEPTANCE OF GRANT AWARD – OFFICE FOR THE AGING – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request acceptance of a three year, annually renewable RSVP (Retired and Senior Volunteer Program) grant award totaling \$40,000 for the period of April 1, 2019 to March 31, 2020 from the Corporation for National and Community Service; and

WHEREAS, RSVP is one of the largest volunteer networks in the nation utilizing and placing the skills and talents of people 55 and over in a variety of volunteer activities within the community; and

WHEREAS, Genesee County Office for the Aging has hosted RSVP since 1985 with current program priorities in the areas of Aging in place initiatives, veterans’ support, environmental stewardship, reducing food insecurity, emergency preparedness, opioid awareness; and

WHEREAS, the Committee on Human Services did review this request and does recommend acceptance of this grant. Now, Therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is authorized to accept this grant award and is authorized to enter into any and all agreements under the grant to contract for goods and services to meet the grant requirements.

Budget Impact: None. This grant award of \$40,000 was already included in the 2019 County Budget along with remaining grant funds from 2018-2019 previous three year RSVP grant. Remaining 2019-2020 grant funds will be carried into the 2020 County Budget.

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

RESOLUTION NO. 130 OFFICE FOR THE AGING BY-LAWS REVISION- ESTABLISH MEMBERSHIP REVISIONS

Legislator Deleo offered the following resolution:

WHEREAS, The Federal Older Americans Act and the New York State Elder Law concerning aging network activities require each Office for the Aging (OFA) to establish an Advisory Council to represent the interests of older adults and review and comment on community policies, programs, and responsiveness to older adults, and

WHEREAS, The Genesee County Office for the Aging Advisory Council was established by Resolution of the Genesee County Legislature July 12, 1972, to address the concerns and needs of the County’s senior citizen population, and

WHEREAS, The OFA Advisory Council by-laws proposes by-laws revisions as follows:

Article II Organization (addition)

(8) Telephone presence is an acceptable form of attendance and voting. **(April 10, 2019)**

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

RESOLVED, That the Genesee County Legislature does amend OFA by-laws as proposed by OFA Advisory Council.

Budget Impact: none.

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

**RESOLUTION NO. 131 PERFORMANCE INCENTIVE ACCEPTANCE/
BUDGET AMENDMENT – HEALTH DEPARTMENT
– APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Public Health Department participated in the 2017-2018 Local Health Department Performance Incentive Program and completed all incentive objectives, and

WHEREAS, The New York State Department of Health has awarded the Genesee County Public Health Department \$25,000 to use this funding to support costs associated with Article 6 eligible services and,

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized to accept this award for \$25,000 as specified in the Local Health Department Incentive Program description and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2019 Genesee County Budget by increasing Appropriations A4010 4550.0000 Personnel Training by \$2,000 and A4010 4800.0000 Program Expense by \$18,000 and A4010 1010.0000 Personnel Service \$5,000 to be offset by an increase of \$25,000 in A4010 3401 State Aid, Public Health.

Budget Impact: An increase in expenditures in the amount of \$25,000 to be offset by revenue of \$25,000. No county cost.

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

**RESOLUTION NO. 132 GRANT ACCEPTANCE - HEALTH DEPARTMENT/
RABIES REIMBURSEMENT PROGRAM -
APPROVAL OF**

Legislator Dibble 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 Rabies Reimbursement Program contract funds have been approved, to be used from April 1, 2019 through March 31, 2022, in the amount of \$46,983, 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 rabies control activities, 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 is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Rabies Reimbursement Program for the period April 1, 2019 through March 31, 2022, and to execute any and all other documentation related to this funding.

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to accept \$15,661 annually from April 1, 2019 through March 31, 2022 from the New York State Department of Health, for Genesee County's Rabies Reimbursement Program. A grant award of \$15,661 will be included each year in the 2019 - 2022

Budgets, A4010 3472 State Aid, Anti-Rabies.

Budget Impact: The grant award each year of the multi-year contract is \$15,661.

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

**RESOLUTION NO. 133 CONTRACT - HEALTH DEPARTMENT/
QUICKSERIES PUBLISHING INC. – APPROVAL
OF**

Legislator Young offered the following resolution:

WHEREAS, The Public Health Director did present an agreement with Quickseries Publishing Inc. to maintain, update, and deploy all content for the Ready Genesee App. for the Health Department and Genesee County Emergency Management, 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 with Quickseries Publishing Inc. 5100 NW 33rd Avenue, suite 247 Ft. Lauderdale, FL 33309 to provide services for the period May 1, 2019 through April 30, 2020.

Budget Impact Statement: Expenses are included in the 2019 4010 budget. This expense is split 50/50 with Genesee County Emergency Management. The cost to the county is \$0. All expenses are eligible for state aid reimbursement.

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

**RESOLUTION NO. 134 AGREEMENT – HEALTH DEPARTMENT/
MARLOWE THOMPSON, CENTER FOR
DISEASE CONTROL PUBLIC HEALTH
ASSOCIATE PROGRAM (PHAP) FELLOW –
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Health Department is collaborating with the Orleans County Health Department to co-host a Center for Disease Control Public Health Associate Program (PHAP) Fellow for a 2-year period, and

WHEREAS, the fellow, Marlowe Thompson, will be integrated into both Health Departments with recognition by Genesee County of the formal agreement between Orleans County and the CDC, and

WHEREAS, the Public Health Associate Program (PHAP) Agreement specifies that any in-state or local travel by an associate that is required by host agency will be paid by the host agency as well as reimbursement for expenses related to host site required or sponsored training, and

WHEREAS, The Public Health Director did present an agreement with Marlowe Thompson, Center for Disease Control Public Health Associate Program Fellow, and

WHEREAS, The Committee on Human Services and Ways & Means did review the agreement 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 necessary documents to enter into an agreement with Marlowe Thompson retroactive for the period March 1st, 2019 through October 11th, 2020 to allow for utilization of the Health Department's Fleet vehicles or be reimbursed at the County's mileage reimbursement rates when a vehicle is not available for work related travel and eligible for expenses related to required and approved meetings or trainings.

Budget Impact Statement: Mileage will be reimbursed at the current IRS rate.

Expenses related to this agreement will be equally shared with Orleans County and are

eligible up to 100% for Article VI State Aid reimbursement.

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

**RESOLUTION NO. 135 GRANT ACCEPTANCE - HEALTH DEPARTMENT/
DRINKING WATER ENHANCEMENT PROGRAM -
APPROVAL OF**

Legislator Clattenburg 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 Drinking Water Enhancement Program contract has been awarded in the amount of \$85,922, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support local Drinking Water Enhancement activities, 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 Drinking Water Enhancement Program contract for the period April 1, 2019 through March 31, 2020, in the amount of \$85,922 and to execute any and all other documentation related to this funding.

Budget Impact: \$85,922 is included in the 2019 Dept. 4010 – Health Department Budget.

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

**RESOLUTION NO. 136 GRANT ACCEPTANCE - HEALTH DEPARTMENT/
TOBACCO ENFORCEMENT PROGRAM –
APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Public Health Director has received notification from the New York State Department of Health Bureau of Community Environmental Health and Food Protection that Genesee County's Tobacco Enforcement contract will be awarded in the total amount of \$32,360, and

WHEREAS, The Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the program goals of the Tobacco Enforcement Program, and

WHEREAS, The Committee on Human 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 hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Tobacco Enforcement contract for the period April 1, 2019 through March 31, 2020 in the amount of \$32,360, and to execute any and all other documentation related to this funding.

Budget Impact: Revenue and expenses, in the amount of \$32,360, has been appropriated in the 2019 Dept. 4010 – Health Department Program budget.

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

**RESOLUTION NO. 137 FUNDING AGREEMENT -GENESEE COUNTY CHAMBER
OF COMMERCE AGREEMENT/BUSINESS EDUCATION
ALLIANCE - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The 1989 “Genesee 2000” strategic planning process resulted in the formation of the Business Education Alliance as an adjunct of the Genesee County Chamber of Commerce, and

WHEREAS, The Business Education Alliance provides services and programs that promote the formation of partnerships among businesses and schools for the continuous improvement of education and employment readiness within Genesee County, and

WHEREAS, The County is desirous of supporting such a program, and

WHEREAS, The Committee on Human Services did review the agreement 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 execute an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce, 8276 Park Road, Batavia, NY for the Business Education Alliance program during the contract term of January 1, 2019 through December 31, 2019 in the amount of \$3,107.00.

Budget Impact Statement: \$3,107 appropriation in the 2019 budget
\$3,107 appropriation in the 2018 budget
10% reduction in funding; \$3,107 appropriated in 2017
\$3,452 appropriation in the 2016 budget
\$3,452 appropriation in the 2015 budget
\$3,452 appropriation in the 2014 budget
\$3,452 appropriation in the 2013 budget
5% reduction in funding; \$3,452 appropriated in 2012 budget
15% reduction in funding; \$3,634 appropriated in 2011 budget; first funded in 2000.
5% reduction in funding; \$4,275 appropriated in 2010 budget; first funded in 2000.
2005 – 2009 funding = \$4,500/year
2000 – 2004 funding = \$5,000/year

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

**RESOLUTION NO. 138 2019 SALARY SCHEDULE AMENDMENT –
JOB DEVELOPMENT BUREAU – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The GLOW WDB Finance Committee did approve a performance based raise for the GLOW WDB Manager and funding for the rate increase is provided through the GLOW WDB, and,

WHEREAS, The County Manager did request an amendment to the 2019 Management Salary Schedule to include the performance based rate increase for the GLOW WDB Manger, and,

WHEREAS, The Committee on 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 and Human Resources Director are hereby directed to amend the 2019 Management Salary Schedule by increasing the GLOW WDB Managers base salary to \$64763 plus \$800 longevity, effective April 1, 2019.

Budget Impact Statement: Increase of \$1600 will be covered by the GLOW WDB.

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

**RESOLUTION NO. 139 CONTRACT RENEWAL – COST-PER-COPY PROGRAM -
APPROVAL OF**

Legislator Stein offered the following resolution.

WHEREAS, the Director of Purchasing did present a contract renewal with Eagle Systems, Inc. for the provision of copy equipment under the Cost-Per-Copy program for the first additional one-year period,

WHEREAS, the Committee on Ways and Means 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 enter into a contract with Eagle Systems Inc. of Buffalo, NY for the provision of copy equipment under the Cost-Per-Copy program for the period of May 1, 2019 through April 30, 2020 at the cost of \$.0060 per copy black and white and \$.0350 color copies.

Budget Impact: Funds were allocated in departmental budgets for 2019.

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

RESOLUTION NO. 140 BID REJECTION – BEVERAGES FOR GENESEE COUNTY JAIL BID#2019-01 – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, The County of Genesee issued Bid 2019-01 for Beverages for the Genesee County Jail, and

WHEREAS, An inadequate number of vendors responded to the RFP, and

WHEREAS, The responding vendor is on State Contract and the State Contract prices are lower than the prices submitted to Genesee County, and

WHEREAS, The Purchasing Director does recommend all bid be rejected and the State Contract continue to be used, Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to reject all bids received through Bid 2019-01.

Budget Impact: None. The NYS Bid will continue to be used, so the pricing for this product will remain unchanged.

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

RESOLUTION NO. 141 GENESEE COUNTY SALE OF COUNTY OWNED PROPERTY RATIFICATION OF

Legislator Clattenburg offered the following resolution

WHEREAS, Bontrager Real Estate and Auction Services, Inc., on behalf of Genesee County, conducted a sale of county-owned property on Saturday, March 30, 2019, at 10:00 a. m. at 8975 Wortendyke Road, Batavia, New York, at which time county-owned property was sold to the highest bidder, and

WHEREAS, The Committee on Ways and Means did review the bids and does recommend ratification of the sale at this time, Now, therefore, Be it

RESOLVED, That the Genesee County Legislature hereby ratifies and confirms the sale of the properties listed below to the following:

<u>Purchaser</u>	<u>Parcel</u>	<u>Tax Map #</u>	<u>Town</u>	<u>Price</u>
Patrick M Mruczek	#1	15.-1-26	Alexander	\$1,100
Manner Properties LLC	#2	2.-1-51	Bethany	\$ 4,500
Nicholas Stefaniak	#3	5.-2-11.1	Byron	\$53,000
Kevin A Borth or Assigns	#4	7.-1-45	Darien	\$20,500
Leo Sitarek	#5	15.-1-31	Darien	\$101,000
James L Gloskey	#6	29.-1-69	Leroy	\$3,500
David Brumsted	#7	14.-1-20	Pavilion	\$16,000
Exeter 8124 NY LLC	#8	10.-2-23	V/Leroy	\$26,000

And, Be it further

RESOLVED, That the Genesee County Legislature hereby ratifies and confirms the sale of other County owned property listed below to the following:

<u>Purchaser</u>	<u>Parcel</u>	<u>Tax Map #</u>	<u>Town</u>	<u>Price</u>
Michael R Diehl	#9	1-1-28.112	V/Elba	\$ 18,000

And, Now therefore, Be it

RESOLVED, That payment of the net must be received from the buyer within sixty (60) days of ratification of the contract or the sale is considered void and all deposited monies will be forfeited.

Budget Impact: Total sale of foreclosed properties exceeds outstanding taxes owed by approximately \$ 137,155.14.

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

RESOLUTION NO. 142

GENESEE COUNTY LEGISLATURE, AS THE ELECTED LEGISLATIVE BODY OF GENESEE COUNTY, NEW YORK, IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE GENESEE COUNTY FUNDING CORPORATION OF UP TO \$6,000,000 TAX-EXEMPT REVENUE BONDS (GENESEE COMMUNITY COLLEGE FOUNDATION HOUSING SERVICES CORPORATION PROJECT), SERIES 2019.

Legislator Young offered the following resolution:

WHEREAS, the Genesee County Legislature (the "Legislature"), as the elected legislative body of Genesee County, New York (the "County") has been advised by the Genesee County Funding Corporation (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of Genesee Community College Foundation Housing Services, Inc. (the "Company"), a New York not-for-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Issue proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Revenue Bonds (Genesee Community College Foundation Housing Services, Inc.), Series 2019, in an aggregate principal amount not to exceed \$6,000,000 (the "Bonds"); and

WHEREAS, the project (the "Project") shall consist of: ((1) (a) the renovation of five (5) existing dormitory buildings containing in the aggregate approximately 51,744 square feet and containing approximately fifty (50) living units which house approximately 217 students located at 8170 Batavia-Stafford Townline Road, Town of Batavia, Genesee County, New York (the "Land"), including but not limited to, technology and safety upgrades and improvements, suite renovations, amenity renovations and renovations to address disability access, and (b) the construction of approximately 864 new feet of space on the Land to be used for building access (the collectively, the "Improvements"); (2) the acquisition and installation in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and (3) the paying of all or a portion of the costs incidental to the issuance of the Bonds, including issuance costs of the Bonds, capitalized interest and any reserve funds as may be necessary to secure the Bonds (the costs associated with items (1) through (3) above being hereinafter collectively referred to as the "Project Costs"); and

WHEREAS, the Issuer has determined that the Project and the issuance of the Bonds constitutes a "Type II action" pursuant New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), and therefore is exempt from review under SEQRA; and

WHEREAS, pursuant to Section 147(c) of the Code, interest on the Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Bonds is approved by the County Legislature after a public hearing to consider both the issuance of the Bonds and the nature and location of the facilities financed therewith has been conducted following reasonable public notice; and

WHEREAS, on March 5, 2019, the Issuer held such a public hearing upon proper notice in compliance with the Code; and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the

Environmental Assessment Form and related documents submitted by the Company to the Issuer; (c) the notice of public hearing published by the Issuer on February 16, 2019, in *The Daily News*, together with the affidavit of publication of such newspaper, (d) the minutes of such public hearing held on March 5, 2019; and (e) the Issuer's Official Intent Resolution, adopted on January 16, 2019, with respect to the proposed issuance of the Bonds; and **WHEREAS**, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Genesee County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Bonds, provided the principal, premium, if any, and interest on the Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State nor any political subdivision thereof including, without limitation, Genesee County, New York shall be liable thereon. **NOW, THEREFORE, BE IT RESOLVED**, by the Genesee County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code and on the recommendation of the Genesee County Ways and Means Committee, the Legislature hereby gives its approval of the issuance by the Issuer of the Bonds; *provided*, that, the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Genesee County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Genesee County, New York shall be liable thereon.

Section 2. The Genesee County Legislature concurs in the findings of the Issuer made in its Bond Resolution adopted on March 28, 2019, that the Project constitutes a "Type II action" pursuant SEQRA, and therefore is exempt from review under SEQRA; and

Section 3. This Resolution shall be deemed to be made for the benefit of the holders of the Bonds.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

RESOLUTION NO. 143 POLICY AND PREVENTION PROGRAM – WORKPLACE VIOLENCE - APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Genesee County is committed to the safety and security of its employees, and **WHEREAS**, The Assistant County Manager, The Human Resources Director and the Compliance Officer have reviewed and updated the Genesee County Workplace Violence Policy and Prevention Program, and **WHEREAS**, The Genesee County Safety Committee has reviewed and recommends approval at this time, and **WHEREAS**, The Committee on Ways and Means did review the Workplace Violence Policy and Prevention Program and does recommend approval at this time. Now, therefore, Be it **RESOLVED**, The Chair of the Genesee County Legislature is hereby authorized and directed to approve the Genesee County Workplace Violence Policy and Prevention Program.

Budget Impact: None

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

RESOLUTION NO. 144 GENESEE COUNTY LEGISLATURE- OPPOSING NEW YORK STATE SENATE BILL NO. 2837 AND ASSEMBLY BILL NO. 2750 – APPROVAL OF

Legislator Stein offered the following resolution:

WHEREAS, Agriculture is Genesee County's number one industry where farms directly and indirectly provide valuable jobs, support local business and are a critical component of our County and Region's economy, and, **WHEREAS**, Farms must compete for workers in a tight labor market, they value and respect their employees and pay over minimum wage to retain their skilled workforce, and H2A

employees have a choice to work in less restrictive states, increasing stress on a shrinking labor pool, and,

WHEREAS, According to the USDA, 98 % of New York farms are family owned, and **WHEREAS**, Senator Jessica Ramos and Assemblywoman Catherine Nolan introduced S2837 and A2750 which would, among other things, provide collective bargaining rights of farm workers and require overtime pay and where, advocacy groups are asking for collective bargaining, not farmworkers, and

WHEREAS, Farming is already a highly regulated industry in NYS, placing a further marketplace competitive disadvantage from surrounding states and Canada on growing food for New Yorkers, and

WHEREAS, Animal agriculture requires a workforce to care for animals 24- hours per day, 7 days per week, 365 days per year and crop, vegetable and fruit farming requires seasonal, climate sensitive and time sensitive planting and harvesting where the effects of a labor strike on a farm could destroy an entire year's worth of crops, render perishable food not edible and adversely affect the health and care of animals, and

WHEREAS, NYS minimum wage ranks among the top five in the country, minimum wage in upstate NY is currently \$3.85 higher than federal minimum wage and on average farm wages are well above minimum wage currently, and

WHEREAS, prices paid to farmers for milk and most crops produced in Genesee County are set by market conditions out of farmers' control so they have no way to recoup added costs of production by increasing the prices of their products and proposed overtime will likely result in fewer hours for workers rather than increased pay since current prices received for agricultural products at the farm level cannot justify overtime pay rates, and

WHEREAS, Genesee County farmers must compete in regional, national and global marketplaces and this legislation would place them at an even greater competitive disadvantage, according to an analysis by Farm Credit East, overtime combined with the rising minimum wage would raise labor costs on NY farms by nearly \$300 million and reduce net farm income 23.4% and

WHEREAS, family farming is already on the decline and the economic impact of these labor mandates will further reduce profitability and push further disincentive to continue family farming operations in New York State and the net effect of increasing agricultural cost solely on NY farms will simply be to drive farm families out of business or out of state, and

WHEREAS, agriculture provides and protects Genesee County's open spaces and beautiful landscapes, which are in jeopardy of falling to development and non-agriculture use if added costs force farms out of business and in that unique capacity, Genesee County's opposition to this legislation should be critically considered by State Legislators, and

WHEREAS, Governor Cuomo has invested millions in the infrastructure for dairy processing in NYS, supporting the growth and capacity of the entire dairy economy, which this proposed labor bill will directly decimate substantial economic development investment by NYS, Now, therefore, Be It

RESOLVED, That the Genesee County Legislature does pause in its deliberations to oppose S2837 / A2750 based on loss of market place, agribusiness economy loss on our farm communities and major loss of income and benefits of farm employees who will have to work a second job to make up the financial hardship, hereby requests that Genesee County's State Legislators advise us of their position and further take steps to defeat such legislation, and be it further

RESOLVED, that a copy of this resolution be forwarded to Assemblyman Steve Hawley, Senator Michael Ranzenhofer, Assemblywoman Nolan, Senator Ramos, Governor Cuomo, NYSAC and Inter County Association.

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

**RESOLUTION NO. 145 GENESEE COUNTY LEGISLATURE POSITION ON
ADDITIONAL COSTS ASSOCIATED WITH EARLY
VOTING LEGISLATION**

Legislator Clattenburg offered the following resolution:

WHEREAS, Governor Cuomo and the NYS Legislature has changed the NYS Election Laws regarding early voting and same day registration and voting, and

WHEREAS, there will be excessive costs to these proposed changes, including but not limited to; increased election inspection hours and training, e-polling books, internet connectivity during mandated early voting , and

WHEREAS, New York State had imposed a 2% property tax cap on municipalities with serious consequences if the tax cap is exceeded, and

WHEREAS, the currently proposed unfunded mandated costs associated with early voting and same day registration/voting will far exceed state mandated property tax cap allowance for municipalities, and

WHEREAS, the County is currently financially stressed with the imposed 2% property tax cap, Now, therefore, Be it

RESOLVED, that the Genesee County Legislature opposes any and all changes in election laws or practices that increases costs to the County, towns or villages without full funding from New York State to cover any and all costs associated with implementation of the changes in election laws and practices in the state of New York, and Be it further

RESOLVED, that copies of this resolution be sent to Governor Andrew Cuomo, Senator Michael Ranzenhofer, Assemblyman Steve Hawley, NYSAC and any others deemed necessary and proper.

Budget Impact: None

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

Chairman Bausch asked again if anyone wished to be heard regarding any concerns and issues with fair housing practices in the County. No one spoke and the Public Hearing was closed at 6:09 PM.

Chairman Bausch asked again if anyone wished to be heard regarding Local Law Introductory No. two year 2019 “A Local Law Regulating the Transfer of Secondhand Articles”. No one spoke on the matter and the hearing was closed at 6:10 PM.

**RESOLUTION NO. 146 LOCAL LAW INTRODUCTORY NO. 2 YEAR 2019
A LOCAL LAW REGULATING THE TRANSFER OF
SECONDHAND ARTICLES-APPROVAL OF**

Legislator Stein offered the following resolution:

WHEREAS, There has been introduced to the Genesee County Legislature a proposed Local Law Introductory No.2, Year 2019 entitled “**A LOCAL LAW REGULATING THE TRANSFER OF SECONDHAND ARTICLES.**” Now, therefore

BE IT ENACTED by the Genesee County Legislature as follows:

Section 1. Legislative Finding & Purpose.

The purpose of this local law is to protect the residents of the County of Genesee by discouraging the theft, sale and purchase of stolen goods. Those Secondhand Dealers engaged in the sale of secondhand goods often serve a legitimate function, but may also be used by individuals to dispose of stolen goods. This Local Law will regulate those commercial outlets by requiring Secondhand Dealers to register their

businesses, to maintain records of transactions and to provide such records to the Genesee County Sheriff's Office. These requirements will serve to assist crime victims in the recovery of stolen items, assist in the detection and apprehension of law violators and discourage Secondhand Dealers from taking in articles that they suspect may be stolen, thereby reducing the market for stolen goods and discouraging theft. The Genesee County Legislature specifically finds that the rules and regulations in this local law, including the provisions for limited warrantless inspections, are applicable and allowable with regard to Secondhand Dealers as defined herein because they are closely and pervasively regulated in New York State.

Section 2. Definitions.

- a. "Secondhand Dealer" means any person, company, corporation, partnership, association, limited liability corporation, and the agents, associates or employees thereof (except licensed auctioneers), engaged in the commercial exchange, purchase and/or sale of "Secondhand Articles" as defined below, if, and only if, classified and defined herein as a pawnbroker, a precious metal dealer, a jewelry and coin exchange dealer and/or a transient merchant. Such "Secondhand Dealers" shall be subject to this law with respect to any and all of their transactions, regardless of the type of merchandise involved.
- b. "Transient Merchant" means a business conducted by a pawnbroker, a precious metal dealer and/or a jewelry and coin exchange dealer, in a store, hotel, building or other structure, etc. for the purchase and sale of "Secondhand Articles" as defined below, and which is intended to be conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of six months or less, such fact shall be presumptive evidence that the business carried on therein is a transient business. This law shall not apply to the sale of secondhand articles at antique shows or trade shows, where such shows are advertised and/or promoted as such.
- c. "Pawnbroker" means any person or business establishment who holds goods as collateral on short-term, high-interest loans or a person who qualifies as a "collateral loan broker" pursuant to § 52 of the New York General Business Law.
- d. "Jewelry" means articles composed (in whole or in part) of gold, silver, or other precious metals, gems or gemstones which, as constructed, are designed to be worn for personal adornment.
- e. "Jewelry, Precious Metal and Coin Exchange Dealer" means any person or business establishments engaged in the business of sale, purchase, or exchange of precious metals and/or jewelry for other objects of precious metal, jewelry, United States currency, bank drafts, other negotiable instruments as defined in the Uniform Commercial Code or any other object or thing of value. This law shall not apply to the sale of any items by a jewelry, precious metal or coin exchange dealer whose annual gross retail sales are comprised of less than fifteen percent (15%) of secondhand articles. Any jewelry or coin exchange dealer claiming an exemption to this local law, must provide written proof of its non-applicability by a certified public accountant within 20 days upon request of the Genesee County Sheriff (herein also "Sheriff") or his or her designee.
- f. "Secondhand Article" means any article or object, with the exception of clothing and books, that has previously been bought or sold at retail and/or which has been previously used and/or is not in a new condition. This shall include any "gift card" or other electronic payment device that is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, is issued in a specific amount, and may or may not be increased in value or reloaded, or as otherwise defined in Article 26, §396(I), or Article 13, §1315, of the New York State General Business Law.
- g. "Identification" means an official document issued by the United States government, or by any state, county, municipality, public agency or department thereof, provided that such document contains a photographic image of the holder.
- h. "Precious metals" means gold, silver, platinum, titanium, precious and semi-precious stones

and coins.

Section 3. License Required.

Effective June 1, 2019, no person, corporation, partnership, association, limited liability corporation or other entity shall operate in Genesee County as a Secondhand Dealer or hold themselves out as a Secondhand Dealer without first being licensed by the Genesee County Clerk (herein also "Clerk") as provided for herein.

Section 4. License Application.

Applicants for a license pursuant to this local law must file with the Genesee County Clerk's Office an application, supplied by such Office, containing the following information:

- a. the exact name, address, and telephone numbers of the applicant and the principals and officers thereof and the date of incorporation or organization, as applicable;
- b. the name, business address, residential address, and telephone numbers of the operator of such business if other than the applicant;
- c. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application.
- d. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. In this situation, the secondhand dealer's license shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principals shall also be listed on the application. All addresses of persons involved shall be home addresses listing street and number. Any and all assumed names must be included in the application. The license shall be issued in the name of the business entity;
- e. the address and telephone number where the business is to be conducted;
- f. The application shall also include any and all e-commerce websites, including Internet storefronts, third-party sales outlets, as well as any and all written or electronic classified advertisements. The application shall further include any seller names or otherwise identifying names used within those e-commerce sites;
- g. the days and hours during which such business will be open to the public.

Section 5. License Fee.

There shall be no fees or charges for licensing or otherwise.

Section 6. Licensing.

Before the issuance of a dealer's license, the Sheriff or his or her representative shall have the right to enter once upon such premises during normal business hours for the purpose of making an inspection. After a dealer's license has been issued, the Sheriff or his or her representative shall enter upon the area open to the public within such premises at least quarterly in every calendar year, but no more than a total of twelve (12) times per calendar year, for the purpose of inspecting the records required to be maintained pursuant to Section 11 herein. Upon filing of an application for a license, if the Genesee County Clerk shall be satisfied that the application complies with the provisions of this Local Law, the Clerk shall issue a license to operate as a Secondhand Dealer. The license shall remain in effect for a period of two (2) years unless surrendered or revoked. The Clerk shall approve or deny every application within sixty (60) days from filing. In the event the location of the business changes, licensee shall notify the Clerk in writing within ten (10) days of such change. If there are changes among the principals, officers or

operators of such business, licensee shall notify the Clerk within ten (10) days of such change. The form of the license shall be prescribed by the Clerk.

Section 7. Grounds for denial or revocation of license.

- a. The Genesee County Clerk may in his discretion deny or revoke any license granted herein in any of the following situations:
 1. Where the secondhand dealer has made a false statement in connection with its application;
 2. Where the secondhand dealer or his or her employee or representative fails to consent to allow the Sheriff or his or her representative to enter and remain upon the areas of the premises open to the public for the purpose of conducting an inspection of the records required to be maintained pursuant to Section 11 herein, and/or fails to produce the said records for inspection.
 3. If it is determined that the applicant has violated either federal, state or local laws or rules and regulations, the County Clerk may in his discretion issue a conditional license. The conditional license shall state the grounds for the issuance of a conditional license and the conditions under which the applicant shall operate his or her business. Said license shall be signed by the applicant and contain a provision which provides that any violation of the terms of the conditional license shall be deemed to be grounds for the revocation of the conditional license as solely determined by the County Clerk.
 4. Grounds for denial of a license may include but are not limited to reliable information indicating that the applicant, operator or manager of a business has in the past previously operated a business without a required secondhand dealer's license or engaged in fraudulent or deceptive business practices in a business identical to or similar to the business for which the applicant seeks a license pursuant to this chapter. The license may be denied if the investigation conducted by the Sheriff reveals a criminal conviction of the applicant, operator, employee or manager as stated above or a conviction of the applicant, operator, manager or any of its principal officers or employees of a crime involving deceit or misrepresentation or a conviction of any crime involving theft of or receiving stolen goods, whether such conviction was as a principal or an accessory before or after the fact or co-conspirator. The License may be denied if an investigation conducted by the local code enforcement officer reveals that the location of applicant's business premises is not code-compliant or a valid certificate of compliance does not exist. Additional grounds for recommending denial of a license may be the revocation of a prior secondhand dealer's license within the last 10 years.
 5. Any license granted pursuant to this chapter may be revoked if any licensee or any of its officers, directors, members, partners, operators, managers or employees are convicted of any crime, which conviction would have resulted in the denial of the application for a secondhand dealer's license in the first instance.
- b. Notice of denial or revocation of a license issued pursuant to this local law, or the granting of a conditional license, shall be given by the Clerk or his designee in writing, setting forth specifically the grounds on which such license was either denied, revoked or granted conditionally. If the Clerk denies the application or imposes conditions upon the granting of a license, the applicant shall be entitled to a hearing before the County Attorney, within 30 days of the applicant's receipt of such notice, at which time the

applicant shall be permitted to introduce such evidence as may be deemed relevant to such decision by the County Attorney's Office. Within 15 days of the hearing, the County Attorney shall issue a written decision which sustains the County Clerk, reverses the decision of the Clerk or remands the matter to the County Clerk for further consideration. Pending a hearing and adjudication on denial or revocation of a license, no person shall operate as a Secondhand Dealer.

Section 8. Transfer of Licenses

Dealer's licenses shall not be transferred. In the event of any change involving the owner or operator of the business or the business location, a new dealer's license shall be required. A dealer's license shall not be transferred to any person who holds power of attorney.

Section 9. Expiration and renewal of licenses.

A license issued pursuant to this local law must be renewed every two (2) years, as measured from the date of the issuance of the initial license, and all renewal applications shall be submitted to the Clerk's Office no less than sixty (60) days prior to the expiration date.

Section 10. Display of license.

Every Secondhand Dealer shall cause the Secondhand Dealer license to be prominently displayed at said Secondhand Dealer's place of business.

Section 11. Records to be maintained by Secondhand Dealer.

- a. Seller Information. Except as otherwise provided herein, no Secondhand Dealer shall acquire or dispose of within Genesee County any secondhand article, including but not limited to precious metals, jewelry and gems, (whether or not acquired or disposed of within the Secondhand Dealer's physical place of business) unless such Secondhand Dealer has obtained and recorded the following information in a substantial bound book in which shall be legibly written in ink and in English at the time of every purchase or sale; and on a receipt, numbered in consecutive order and maintained in the Dealer's records as provided for herein:
 1. The amount paid, advanced, or loaned for the article;
 2. A detailed and accurate description of the article including any identifying marks;
 3. The serial and model number (if any);
 4. In the case of precious metals, jewelry and gems, a photograph of the article;
 5. The Seller's or Purchaser's Identification information as required in subparagraph b below; and
 6. The date, time and place of the acquisition or disposition.
- b. Identification Information. Prior to acquiring or disposing of any secondhand article covered by this local law, every Secondhand Dealer shall be required to obtain Identification from the seller or purchaser and shall verify the identity of such individual by comparing the individual to the photographic image contained on said Identification. The Secondhand Dealer shall record the individual's name, date of birth and address (or current address if different than that listed on the Identification), and the Identification number (e.g., motorist ID number) listed on the Identification. The Secondhand Dealer shall make a photocopy of the front of the Identification. If the acquisition is made from another Secondhand Dealer, the Secondhand Dealer purchasing the item shall also record the business name and address of the Selling Dealer and the number of days the item was held by the Selling Dealer prior to acquisition.
- c. Records Retention/Inspection.

1. Every Secondhand Dealer shall maintain for a period of 5 years all of the information required in subparagraphs a and b of this Section 11. All records required to be maintained pursuant to this local law shall be subject to examination as set forth in Section 6 herein during normal business hours by any member of the Genesee County Sheriff's Office or the Sheriff's designee.
 2. Every secondhand dealer shall allow his records to be examined as set forth in Section 6 herein by any member of the Sheriff's Office or the Sheriff's designee.
 3. If a secondhand dealer, pawnbroker, jewelry, precious metal dealer or coin exchange dealer, as defined above, employs more than five people at a location, the employee names, dates of birth, and dates of employment shall be kept and made available for inspection by the Sheriff or his representative during the time of such employment and for one year after termination of such employment;
 4. Failure to maintain the records required by this Section 11 shall constitute presumptive evidence of a crime.
- d. Electronic Records

Every dealer covered by this chapter shall upload to the Genesee County Sheriff electronic records of all reportable transactions. Each transaction record shall contain all information required by this chapter and shall be uploaded via Internet connection to an electronic reporting service determined by the Genesee County Sheriff according to the following procedures:

1. Using point of sale software, all dealers covered by this chapter shall review the compatibility of their software with the electronic reporting service used by the Genesee County Sheriff, and dealers with compliant point of sale software shall electronically upload all required information from their point of sale software to the specified electronic reporting service via Internet connection using the upload process or reporting service; or
2. All dealers covered by this chapter and using point of sale software noncompliant with that utilized by the Genesee County Sheriff's office or not using point of sale software shall manually enter all reportable transactions into the electronic reporting service via Internet connection.
3. In the event that any dealer covered by this chapter is unable to successfully upload transaction records via the electronic reporting service within the required 48 hours, the dealer shall, within 24 hours of the unsuccessful upload, notify the Genesee County Sheriff of the reason for the submission failure and provide the Genesee County Sheriff with an estimated time of compliance. Under these circumstances, the dealer shall provide the Genesee County Sheriff a daily electronic data table or spreadsheet of all transactions that would otherwise have been submitted via the electronic reporting service. This data shall either be hand delivered or e-mailed to the Sheriff no later than one business day after the transaction date.

Section 12. Prohibited Acts.

- A. No secondhand dealer may purchase any secondhand property from any person who appears to be under the influence of alcohol or drugs, any person under the age of 18 years or any person obviously providing false information.

- B. It shall be unlawful for any pawnbroker, secondhand dealer or jewelry, precious metal and coin exchange dealer to sell, dispose of, destroy, alter or remove from such dealer's premises any articles, jewelry or precious metals until the expiration of 10 calendar days after the electronic reporting by such dealer of any such articles, jewelry or precious metals.
- C. When requested not to do so by the appropriate local law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any pawnbroker, secondhand dealer or jewelry, precious metal and coin exchange dealer to sell, dispose of, destroy, alter or remove from such dealer's premises any articles, jewelry or precious metals until the expiration of 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held for up to two additional thirty day periods.
- D. Secondhand dealers shall not employ any person who has been convicted of any crime related to the operation of a business or who has had a secondhand dealer's license revoked or denied nor have any such person working in conjunction with their business.

Section 13. Requirement to Report Suspicious Offers to Sell Articles.

If any individual shall offer to sell any article to a secondhand dealer under circumstances which would provide reason to believe that such article may be stolen or acquired by dishonest means, it shall be the dealer's obligation to immediately report the same to the Genesee County Sheriff's Office.

Section 14. Release of Stolen Property.

- A. A secondhand dealer shall release to the Genesee County Sheriff's office or his or her designee any item in the secondhand dealer's possession if:
 - 1. The item is established to be stolen;
 - 2. The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency;
 - 3. The stolen property report describes the item by one or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, a unique engraving or a statement of facts that show the item is one of a kind; and
 - 4. The secondhand dealer is given a receipt for the item released.
- B. When the Genesee County Sheriff's office or other law enforcement agency no longer needs an item for evidence, it shall returned to the owner.

Section 15. Penalty.

Any Secondhand Dealer who fails to comply with any of the provisions of this local law shall, upon conviction thereof, be guilty of a Class B misdemeanor as defined in section 55.10 of the Penal Law of the State of New York as may be amended from time to time. Such violation shall be punishable as defined in the Penal Law of the State of New York as may be amended from time to time. Conviction of any offense against the provisions of this local law shall constitute grounds for denial or revocation of a license.

Section 16. Severability.

If any provision, sentence or clause of this local law is held unconstitutional, illegal or invalid by a Court of competent jurisdiction, such findings shall not affect or impair any of the remaining provisions, sentences or clauses or their application to persons and circumstances.

Section 17. Application.

This local law shall apply to all Secondhand Dealers operating in Genesee County.

Section 18. Effective Date.

The local law shall become effective June 1, 2019 and shall be filed pursuant to the provisions of the Municipal Home Rule Law.

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 Two year 2019, and

WHEREAS, the Public Hearing was held at 5:30 p.m. on the 10th day of April 2019, 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 REGULATING THE TRANSFER OF SECONDHAND ARTICLES**” to be known as Local Law Number 3 of the Year 2019 for the County of Genesee is hereby adopted.

Prior to the vote, Legislator Stein thanked elected officials and the county attorney who worked on making requested edits and changes as well as paring it down to be less cumbersome. Legislator Young stated the changes are an improvement. He is sensitive to crime victims and also to regulations on businesses in New York State, which he stated are too many already therefore, he stated he will vote no. Legislator Deleo agreed with Legislator Young stating there are too many rules and regulations imposed already therefore he will vote no. Legislator Maha stated this matter was first reviewed several years ago when he was Sheriff. It did not pass then but now has returned in a more focused and streamlined manner. He also commended the work group of elected officials including the Sheriff, County Clerk and DA. He is satisfied with the edits and thinks this will assist victims and law enforcement and therefore will vote in favor of the local law.

Legislator Hilchey seconded the resolution which was adopted by 253 votes, Legislators Young (47) and Deleo (26) No.

RESOLUTION NO. 147 COUNTY AUDIT –APRIL 10 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Bausch, did review the following claims:

General Fund	\$	3,644,150.82
Highway		660,439.50
Self Insurance		56,032.84
DSS Abstracts		446,503.12
Capital Projects		
Highway-Large Span Culverts	\$	6,205.74
Highway-Preventive Maintenance Bridge Painting		5,566.90
Airport-Perimeter Fence Relocation		750.32
Airport-Airport 8 Bay T-Hangar		2,500.00
Airport-Airport Taxiway “C” Reconstruction		1,176.53
Airport-Airport Reconstruct Runway 10-28		4,774.86
Payroll – General		
March 29, 2019		1,117,758.85

Medicaid

April 2, 2019	177,332.00
April 9, 2019	<u>177,332.00</u>
Total Audit	\$ 6,300,523.48

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.

Legislator Clattenburg made a motion to suspend the rules of the Legislature, Rule No. 19, to take up the matter of a contractual agreement for the Director of Community Mental Health Services seconded by Legislator Stein, carried unanimously.

RESOLUTION NO. 148 CONTRACTUAL AGREEMENT-COMMUNITY MENTAL HEALTH SERVICES/ DIRECTOR OF COMMUNITY MENTAL HEALTH SERVICES-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County is in need of a Community Mental Health Services Director and,

WHEREAS, the Genesee County Mental Health Director of Clinical Services, Augusta Welsh retired March 15, 2019 but is agreeable to return on a short-term basis for 30 hours/week at a rate of \$2,500 per week for no more than twelve weeks to carry out the role and responsibilities of the Community Mental Health Services Director and,

WHEREAS, The Genesee County Legislature did review this request and do 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 contractual agreement with Augusta Welsh for the provision of services as Director of Community Mental Health

Budget Impact Statement:

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

The meeting adjourned at 6:15 PM upon motion of Legislator Clattenburg seconded by Legislator Deleo, carried unanimously.