

**RESOLUTION NO. 1      AGREEMENT – 2013 YOUTH BUREAU RESOURCE ALLOCATION PLAN – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS**, The Genesee County Youth Bureau and Department of Social Services have developed a joint plan to be eligible for state aid from the New York State Office of Children and Family Services under the Child and Family Services Planning Guidelines, and

**WHEREAS**, The Genesee County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2013 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Genesee County appropriation, and

**WHEREAS**, Guidelines provided by the Office of Children and Family Services for applying for said eligibility have been satisfactorily completed by the Genesee County Youth Bureau and the Committee on Human Services does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2013 Genesee County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services.

**Budget Impact Statement** - Resource allocation to contract programs is included in the 2013 department budget. Allocations are completely offset by revenue. Municipal funds are allocated directly to towns/villages and are not included in the county budget. All payments to agencies are subject to availability of state aid.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 2 GRANT ACCEPTANCE -- HEALTH DEPARTMENT/  
IMMUNIZATION ACTION PLAN - APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Genesee County Public Health Director has received notification from the New York State Department of Health Bureau of Immunization that Genesee County’s Immunization contract has been awarded in the amount of \$30,039, 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 immunization activities, 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 Immunization Action Plan contract for the period April 1, 2013 through March 31, 2014 in the amount of \$30,039, and to execute any and all other documentation related to this funding.

**Budget Impact:** Revenue and expenses, in the amount of \$27,272 have been appropriated in the 2013 Dept. 4010 – Health Department budget; the remaining balance will be built into the 2014 Dept 4010 – Health Department budget.

	Y	N	Simple	2/3
1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 3      CONTRACT – HEALTH DEPARTMENT  
/DIAGNOSTIC AND TREATMENT CENTER  
(D&TC) - AHCF COST REPORT – APPROVAL OF**

Legislator Leadley offered the following resolution:

**WHEREAS,** The Public Health Director did present a contract for the provision of professional accounting and auditing services, 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 the necessary documents to enter into a contract with Jack Venesky, CPA & Associates, 6114 Route 31, Cicero, New York 13039 for the provision of professional accounting and auditing services of the Genesee County Health Department’s Diagnostic & Treatment Center - AHCF Cost Report at the maximum fee of \$7,500 per reporting period, in accordance with the terms of the contract. This agreement does cover the reporting periods for the reporting years: 2012, 2013, & 2014.

**Budget Impact Statement:** Expenses for this contract are a maximum fee of \$7,500/reporting period for a three-year period. Expenses related to this contract are reimbursable up to 100% through Article 6 State Aid for Public Health Works.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 4      CONTRACT – HEALTH DEPARTMENT /PRESCHOOL  
SUPPORTIVE HEALTH SERVICES PROGRAM –  
MEDICAID COST REPORT – APPROVAL OF**

Legislator DeJaneiro offered the following resolution:

**WHEREAS,** The Public Health Director did present a contract for the provision of professional accounting and auditing services, 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 the necessary documents to enter into a contract with Venesky & Company, 6114 Route 31, Cicero, New York 13039 for the provision of professional accounting and auditing services of the Genesee County Preschool Support Health Services Program, at the rate of \$4,500, in accordance with the terms of the contract.

**Budget Impact Statement:** Expenses for this contract of \$4,500 will be included in the 2014 A 2960 preschool program budget.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 5 2013 SALARY SCHEDULE AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES/MENTAL HEALTH CLINICAL SOCIAL WORKER-APPROVAL OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2013 Employee Salary Schedule to eliminate one F.T. Mental Health Clinical Therapist, in CSEA-General, Grade 19 and create one F.T. Mental Health Clinical Social Worker, in CSEA-General, Grade 19 to the Community Mental Health Department to capture the new licensing criteria for Mental Health Therapists in New York State, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2013 Salary Schedule by eliminating one F.T. Mental Health Clinical Therapist, in CSEA-General, Grade 19 and to create one F.T. Mental Health Clinical Social Worker, in CSEA-General, Grade 19 to Community Mental Health Services Department, effective June 17, 2013.

**Budget Impact Statement:** No budget amendment required. No changes in expenses and revenue.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 6 CORRECTION TO TAX ROLLS – TREASURER / CITY OF BATAVIA – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

Tax Map # 71.018-1-72, owned by James and Elizabeth Mungillo of 13 Union Square, Batavia, NY 14020. Due to a clerical error, the assessment for this parcel is incorrect and does not match the final figure agreed upon by the assessor and property owners, and,

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

**RESOLVED**, That the tax warrant for the City of Batavia 2013-14 tax year be reduced by \$335.60 as follows:

NYS Medicaid Mandate	=	\$ 74.28
County of Genesee	=	\$ 98.62
City of Batavia	=	\$162.70

**Budget Impact Statement:** Reduction to County of \$172.90.

Y N Simple 2/3			
1. Cianfrini		28	42
2. Bausch		45	55
3. Lawrence		43	51
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6. Leadley		38	45
7. Ferrando		26	38
8. Clattenburg		28	40
9. DeJaneiro		28	40
<b>TOTALS</b>		<b>326</b>	<b>420</b>
Roll Call			
Approval		164	280

**RESOLUTION NO. 7 ACCEPTANCE OF GRANT FUNDS/SHERIFF-  
STATEWIDE INTEROPERABLE COMMUNICATIONS  
GRANT-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, The Sheriff requested authorization to accept grant funding in the amount of \$5,435,095 from the New York State Division of Homeland Security and Emergency Services for the Statewide Interoperable Communications Grant, with a contract period of February 4, 2013 through February 3, 2014, and

**WHEREAS**, A capital project for the 800 Mhz Radio system upgrade was previously established per resolution no. #93, which identified this grant funding as one of the funding sources for the project, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized to enter into a contract with the NYS Division of Homeland Security and Emergency Services to accept grant funding in the amount of \$5,435,095 for the Statewide Interoperable Communications Grant to be used in the 800Mhz Radio System Upgrade Capital Project.

**Budget Impact:** Acceptance of grant funding in the amount of \$5,435,095, identified as one of the funding sources for a previously established capital project for the 800 MHz radio system upgrade.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 8      FUNDING AGREEMENT -GENESEE COUNTY CHAMBER OF COMMERCE AGREEMENT/BUSINESS EDUCATION ALLIANCE - APPROVAL OF**

Legislator Bausch 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, 210 East Main Street, Batavia, NY for the Business Education Alliance program during the contract term of January 1, 2013 through December 31, 2013 in the amount of \$3,452.00.

**Budget Impact Statement:** \$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

	Y	N	Simple	2/3
1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
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6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 9 LEASE AMENDMENT- FRIENDS OF THE  
BATAVIA PEACE GARDEN – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Resolution No. 175 duly adopted on April 25, 2013 did authorize an agreement with the Friends of Batavia Peace Garden for the lease of 142 square feet of space at the Engine House, 3 West Main Street, Batavia, NY, and

**WHEREAS**, The Friends of Batavia Peace Garden have requested the use of an additional 540 square feet of space recently vacated by the County History Department, and

**WHEREAS**, The Committee on Ways and Means did review said amendment and recommends approval at this time. Now, therefore, Be it

**RESOLVED**, The Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to amend the lease agreement with the Friends of the Batavia Peace Garden to increase the covered leased premises to 682 square feet.

**Budget Impact:** None as no additional rent will be charged

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
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6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 10 CULTURAL PLAN-ARTS ADVISORY COUNCIL-  
ADOPTION OF**

Legislator Ferrando offered the following resolution:

**WHEREAS**, The Genesee County Arts Advisory Committee’s purpose is to promote the arts of Genesee County by encouraging the growth, awareness and prosperity of its cultural resources and opportunities, and

**WHEREAS**, The Genesee County Cultural Plan is an overall County wide master plan for arts and culture, including an implementation strategy, developed at the behest of the Genesee County Legislature, and

**WHEREAS**, By the year 2020 the cultural economy of Genesee County will be recognized for its strength, diversity and industry. This plan represents ideas and recommendations to work toward making this vision a reality. These recommendations include improve and increase communications among individual artists, cultural groups, libraries, educational institutions, government entities, media and businesses. Integrate arts and culture in the local planning and development. Market the County as a cultural destination. Promote artists and creative workers. Encourage multi-generalization education opportunities and increase public and private funding to ensure vitality of the County’s creative sector. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the Arts Advisory Council Cultural Plan as outlined above.

**BUDGET IMPACT:** None

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
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6. Leadley			38	45
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8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 11 APPOINTMENT- GENESEE VALLEY REGIONAL  
MARKET AUTHORITY-APPROVAL OF**

Legislator Stein offered the following resolution:

**WHEREAS,** A vacancy does exist as a Genesee County Representative to the Genesee Valley Regional Market Authority and the Committee on Ways and Means does recommend an appointment be made at this time. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby appoint Stephen Starowitz of Elba, New York as a Genesee County Representative to the Genesee Valley Regional Market Authority effective immediately.

**BUDGET IMPACT:** None

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
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6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 12 CONTRACT-BROKER OF RECORD-RISK  
MANAGEMENT SERVICES/EXCESS WORKER'S  
COMPENSATION-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, A response to a request for Broker of Record and Risk Management Services for the Excess Worker's Compensation Policy were received, and

**WHEREAS**, It has been decided that Lawley Genesee, LLC be awarded this contract to provide the County with Broker of Record and Risk Management Services which include Loss Source Analysis, Claim Analysis, Claim Reviews, Loss Forecasting, Safety Program Assessment and Training Programs, and

**WHEREAS**, The Committee on Ways and Means has reviewed this proposal and does concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with LawleyGenesee, LLC 20 Jefferson Square, Batavia, New York 14020 for the Broker of Record and Risk Management Services for the Excess Worker's Compensation Policy effective immediately for a three year period with the option to terminate at any time.

**BUDGET IMPACT:** The funding for the Risk Management Services will be provided from the fees earned by Lawley from placing the Excess Worker's Compensation policy.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
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6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 13      AWARD OF RFP-NURSING HOME/CONSULTANT FOR THE POTENTIAL MARKETING,SALE, LEASE OR OTHER DISPOSTION INCLUDING ALTERNATIVE OPERATING OPTIONS OF THE GENESEE COUNTY NURSING HOME AND ASSISTED LIVING CENTER- APPROVAL OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, A Response to a request for professional services of a consultant for the potential marketing, sale, lease, or other disposition, including alternative operating options of the Genesee County Nursing Home and Assisted Living Center were received, and

**WHEREAS**, A Selection Committee made up of members of the County Legislature, County Attorney, County Manager, County Treasurer, and the Nursing Home Administrator did interview Professional Consulting Firms and the Committee on Ways and Means 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 negotiate and enter into a retainer agreement with Bond, Schoeneck and King, PLLC, 111 Washington Ave., Albany, NY 12210 pursuant to the scope and fee schedule set forth in their response to the RFP for the consultant to the Genesee County Legislature and Management/Administration to review and recommend options for the future of the Genesee County Nursing Home.

**Budget Impact:** To Be Determined, current fee schedule not to exceed \$250/ hour.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
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6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 14 2013-2014 OPERATION BUDGET-GENESEE  
COMMUNITY COLLEGE/SPONSOR'S SHARE-  
ADOPTION OF**

Legislator Bausch offered the following resolution:

**WHEREAS**, The President and Trustees of Genesee Community College have presented to the Genesee County Legislature the proposed operating budget of Genesee Community College for the academic year 2013-2014 in the amount of \$38,071,000, and

**WHEREAS**, The Board of Trustees and the Genesee County Legislature have approved the amount of \$2,036,374 as the sponsor's share of the proposed current operating budget for Genesee Community College. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve of the proposed 2013/2014 operating budget of the Genesee Community College in the amount of \$38,071,000 for academic year 2013-2014, and Be it further

**RESOLVED**, That the Genesee County Legislature does hereby approve of the sponsor's share of the operating budget of the Genesee Community College for the fiscal year September 1, 2013 through August 31, 2014 in the amount of \$2,036,374 and cause the same to be included in the County Tax levy for the year 2014.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
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6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

**RESOLUTION NO. 15      LOCAL LAW INTRODUCTORY NO. TWO YEAR 2013  
A LOCAL LAW REGULATING THE TRANSFER OF  
SECONDHAND ARTICLES-APPROVAL OF**

Legislator Cianfrini offered the following resolution:

**WHEREAS**, There has been introduced to the Genesee County Legislature a proposed Local Law Introductory No. 2, Year 2013 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 thieves 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 in the recovery of stolen items, assist in the detection and apprehension of thieves and discourage Secondhand Dealers from taking in articles that they suspect may be stolen, thereby reducing the market for stolen goods and discouraging theft.

**Section 2.**      Definitions.

- a.      "Secondhand Dealer" means any person, company, corporation, partnership, association, limited liability corporation, and the agents, associates or employees thereof, engaged in the commercial exchange, purchase and/or sale of “Secondhand Articles” as defined below. Pawnbrokers, precious metal dealers, transient merchants and scrap processors shall be classified as secondhand dealers.
  
- b.      “Transient Merchant” means a business conducted 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.
  
- c.      “Scrap Processor” means any person, company, corporation, partnership, association, limited liability corporation, and the agents, associates or employees thereof operating from a fixed location where machinery and equipment are used for processing scrap metals of all kinds including auto wreckage yards.
  
- d.      "Secondhand Article" means any precious metals, jewelry, gems and scrap metal sold at resale, except as specifically provided for herein.
  
- e.      "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.
  
- f.      "Precious metals" means gold, silver, platinum, titanium, precious and semi-precious stones and coins.

**Section 3.**      License Required.

Effective June 12, 2013, 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 as provided for herein.

**Section 4.** Exemption from Licensing Requirement.

Nothing in this local law shall be construed to apply to the following:

- a. The sale of any item sold at a garage sale, yard sale, estate sale, or moving sale (collectively referred to herein as "garage sale"), provided that all of the following conditions are met:
  1. The garage sale is held on residential property owned, rented, leased, or occupied by the seller or by at least one seller if there are multiple sellers; and
  2. The items offered for sale are owned by the seller, and/or the seller is authorized by the owner to sell said items.
  3. The garage sale does not exceed a period of three (3) consecutive days;
  4. The seller does not conduct more than four (4) garage sales in any consecutive twelve month period;
  5. None of the items offered for sale were purchased by the seller for resale or received on consignment for purposes of resale.
- b. The sale of any secondhand article by any non-profit or charitable organization or on property occupied by any non-profit or charitable organization.
- c. The sale of secondhand articles at an auction held by a licensed auctioneer.

**Section 5.** 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. the address and telephone number where the business is to be conducted; and
- d. the days and hours during which such business will be open to the public.

**Section 6.** License Fee.

Upon original application for a license to operate as a Secondhand Dealer, the applicant shall pay to the Genesee County Clerk a fee in the amount of \$50.00. Upon application for a renewal, licensee shall pay to the Genesee County Clerk a renewal fee in the amount of \$20.00.

**Section 7.** Licensing.

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 one year unless surrendered or revoked. The Clerk shall approve or deny every application within ninety (90) days from filing. In the event the location of the business changes, licensee shall notify the Clerk in writing. If there are changes among the principals, officers or operators of such business, licensee shall notify the Clerk and shall

submit two fingerprint cards and the appropriate fee for each individual. The form of the license shall be prescribed by the Clerk.

**Section 8.** Grounds for denial or revocation of license.

The Genesee County Clerk shall have the power to deny or revoke the license of any person convicted of a crime involving theft, larceny, burglary, possession of stolen property, or other fraudulent dealing. The Clerk may revoke any license for a conviction pursuant to § 15 of this local law. Notice of denial or revocation of a license issued pursuant to this local law shall be given by the Clerk or his designee in writing, setting forth specifically the grounds on which such license was either denied or revoked. If the Clerk denies the application, the applicant shall be entitled to a hearing before the County Attorney, within 30 days of the applicant's receipt of denial, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. 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 9.** Expiration and renewal of licenses.

A license issued pursuant to this local law must be renewed annually, as measured from the date of the issuance of the initial license.

**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 (whether or not acquired or disposed of within the Secondhand Dealer's physical place of business **including but not limited to precious metals, jewelry, gems and scrap metal**) 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:
  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.

The information shall be recorded on a Receipt, numbered in consecutive order and maintained in the Dealer's records as provided for herein.

Note: with respect to scrap processors, this Section 11 shall only apply to scrap metal delivered to the scrap processor and it shall not apply to scrap metal picked up by the scrap processor from its commercial customers.

- b. Identification Information. Prior to acquiring or disposing of any secondhand article covered by this local law, every Secondhand Dealer shall request 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 individuals' 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 instant 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 and all secondhand articles covered by this local law shall be subject to examination during normal business hours by any member of the Genesee County Sheriff's Office or other police department or agency.
2. Before 10:00 a.m. each business day, every Secondhand Dealer shall forward to the Genesee County Sheriff, on electronic forms provided by the Sheriff, a copy of the Seller Information required by subparagraphs a and b of this Section 11 for each secondhand article acquired subsequent to the accounting of the previous business day, and shall cause such forms to be delivered via electronic mail to the Sheriff at the address designated on said form. Photographs of precious metals, jewelry and gems shall not be required to be transmitted with these forms.
3. Every secondhand dealer shall allow his place of business and all articles therein to be examined by any member of a law enforcement agency.
4. Failure to maintain the records required by this Section 11 shall constitute presumptive evidence of a crime.

**Section 12.** Purchase of Secondhand Property From Certain Persons Prohibited.

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.

**Section 13.** Requirement to Hold Secondhand Articles Prior to Disposal, Resale or Alteration.

For a period of ten days after the acquisition of any secondhand article, excluding the day of acquisition, (the "holding period"), every Secondhand Dealer shall maintain the secondhand article in a manner so as to be easily identified with the transaction in which said article was acquired. (**Note: this requirement shall not apply to scrap processors**). During said holding period, no Secondhand Dealer shall:

- a. Sell, trade, transfer, remove from the local business premises or otherwise dispose of any secondhand article covered by this local law;
- b. Alter in any fashion any such article; or
- c. Commingle any such article with similar items.

**Section 14.** 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 law enforcement.

**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 the license.

**Section 16.** Severability.

If any provision, sentence or clause of the 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 12, 2013 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 2, Year 2013, and

**WHEREAS,** The Public Hearing was held at 7:00 pm on the 12th day of June 2013 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 Three of the Year 2013 for the County of Genesee is hereby adopted.

Y N Simple 2/3

1. Cianfrini			28	42
2. Bausch			45	55
3. Lawrence			43	51
4. Hancock			47	57
5. Stein			43	52
6. Leadley			38	45
7. Ferrando			26	38
8. Clattenburg			28	40
9. DeJaneiro			28	40
<b>TOTALS</b>			<b>326</b>	<b>420</b>
Roll Call				
Approval			164	280

