

**THIRD DAY
GENESEE COUNTY LEGISLATURE
BATAVIA, NEW YORK
WEDNESDAY, FEBRUARY 23, 2022
OLD COURT HOUSE, LEGISLATIVE CHAMBERS**

The Genesee County Legislature met in Regular Session on Wednesday, February 23, 2022 at 5:30 PM in the Legislative Chambers of the Old Courthouse. Zoom video conferencing was made available. Legislature Dibble offered to assist with the audit. The prayer was offered by Legislator Deleo followed by the Pledge to the Flag. Minutes of the February 9, 2022 Legislature meeting were approved upon motion of Legislator Torrey seconded by Legislator Maha, carried unanimously. Communications: Travel Out-of-State – Director of Emergency Communications in the Sheriff’s Office for \$1,692. Motion by Legislator Clattenburg and seconded by Legislator Dibble, carried unanimously. Roll call taken, 281 votes, Yunker (45) absent. Madam Chair Stein stated a draft of changes of the Legislature Rules will be presented at the Ways and Means Committee meeting next week. County Manger Report – Matt Landers stated surveys are being completed for Statewide Broadband. Genesee County is leading the State with most responses. The Clerk proceeded with the resolutions:

**RESOLUTION NO. 75 2022 BUDGET TRANSFER – VETERANS SERVICES -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Western New York National Cemetery Honor Guard, Inc. consists of 32 members who provide military funeral honors to eligible Veterans, and

WHEREAS, Genesee County is desirous of supporting the Honor Guard in their mission by providing financial assistance for honor guard uniforms for military funeral ceremonies, and

WHEREAS, The funds to cover the expense are available in the 2022 Contingency account and need to be transferred to the Veterans Services Budget to allow for payment, and

WHEREAS, The Ways and Means Committee did review this request and recommends approval at this time. Now, therefore be it

RESOLVED, The Genesee County Treasurer is hereby authorized and directed to make the following 2022 transfer:

\$8,000	from	A.1990.4800.0000	Contingency, Program Expense
\$8,000	to	A.6510.4660.0000	Veterans Services, Contracted Other

Budget Impact: initial cost not to exceed \$8,000 is available in the 2022 Contingency account.

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

**RESOLUTION NO. 76 TREASURER/ 2021 BUDGET ITEM
TRANSFERS AND BUDGET AMENDMENTS
COUNTY DEPARTMENTS - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Treasurer did present transfers to be recommended in the 2021 county budget to cover end-of-year expenditures in several county departments, and

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

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make the following 2021 budget transfers:

To	A.1171.4	Assign Counsel	Contractual	\$ 32,000
From	A.1165.1	District Attorney	Personnel	\$ 32,000
To	A.1141.4	Family Assign Counsel	Contractual	\$ 35,000
From	A.1170.1	Public Defender	Personnel	\$ 35,000
To	A.1411.1	Auto Bureau	Personnel	\$ 280
From	A.1411.4	Auto Bureau	Contractual	\$ 280
To	A.1435.4	Collective Bargaining	Contractual	\$ 12,000
From	A.1430.8	Human Resources	Benefits	\$ 12,000
To	A.1610.1	Central Services	Personnel	\$ 5,400
From	A.1610.4	Central Services	Contractual	\$ 5,400
To	A.1710.8	Self-Insurance Administrative	Benefits	\$ 361,138
From	A.9905.9	Transfer to Workers Comp	Transfers	\$ 361,138
To	A.4010.2	Health Department	Equipment	\$ 1,309
From	A.4010.4	Health Department	Contractual	\$ 1,309
To	A.4530.4	Nursing Home	Contractual	\$ 18
From	A.4324.4	Care & Crisis	Contractual	\$ 18
To	A.6101.4	Medicaid Other	Contractual	\$ 87,300
From	A.6070.4	Services for Recipients	Contractual	\$ 87,300
To	A.6141.4	HEAP	Contractual	\$ 6,900
From	A.6119.4	Child Care	Contractual	\$ 6,900
To	A.6410.4	Chamber of Commerce	Contractual	\$ 100
From	A.6142.4	Emergency Assistance to Adult	Contractual	\$ 100
To	A.9070.8	Employee Assistance Program	Benefits	\$ 5,000
From	A.9070.4	Employee Assistance Program	Contractual	\$ 5,000
To	CD.6293.8	WIA	Benefits	\$ 7,000
From	CD.6293.4	WIA	Contractual	\$ 7,000
To	D.3310.1	County Road - Traffic	Personnel	\$ 2,000
From	D.3310.4	County Road – Traffic	Contractual	\$ 2,000
To	D.5020.8	County Road – Engineering	Benefits	\$ 5,000
From	D.5020 .4	County Road – Engineering	Contractual	\$ 5,000
To	EW.8310.4	Water – Administration	Contractual	\$ 3,000
From	EW.8310.8	Water – Administration	Benefits	\$ 3,000

Be it further,

RESOLVED, the Genesee County Treasurer is hereby authorized and directed to make the following 2021 budget amendments:

Increasing Appropriation A.1985.4800.0000 Distribution of Sales Tax in the amount of \$5,452,961 and Increase Revenue A.1000.1110.2 Shared Sales Tax in a like amount.

Increase A.1000.9999.Debt Appropriated Debt Reserve in the amount of \$18,815 and Increase Appropriation A.9710.7000.0000 Interest on Debt in a like amount.

Increase EW.8320.2770.6 MCWA Reimbursements Phase II in the amount of \$2,423,658 and Increase EW.8320.4660.0527 Contractual in a like amount.

Increase V.1000.5792 Refunding in the amount of \$3,620,000, Increase V.1000.2710 Premium in the amount of \$327,523 and Increase V.1380.4800.0000 Contractual, in the amount of \$85,850, Increase V.9710.6000.1000 Refunding Debt in the amount of \$3,855,000, Increase V.9907.9000.0000 Transfers in the amount of \$4,803, Increase V.9991.4800.0000 Contractual in the amount of \$1,870.

Budget Impact: None, transfers made from other appropriations.

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

**RESOLUTION NO. 77 CONTRACT – INDEPENDENT AUDITING SERVICES -
APPROVAL OF**

Legislator Hawley offered the following resolution:

WHEREAS, the contract for independent auditing services will expire upon the completion of the 2021 independent audit, and

WHEREAS, the County Treasurer asked the Purchasing Director to conduct an RFP for independent auditing services, and

WHEREAS, the review committee consisting of the County Treasurer, Deputy County Treasurer and the Assistant County Manager reviewed the proposals and recommends the firm of Drescher & Malecki LLP of Cheektowaga NY and the Committee on Ways & Means concurs, now therefore, Be it **RESOLVED**, that the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute a five year contract with Drescher & Malecki LLP of Cheektowaga NY for:

Audit Year 2022	\$41,985
Audit Year 2023	\$42,825
Audit Year 2024	\$43,681
Audit Year 2025	\$44,555
Audit Year 2026	\$45,446

Budget Impact: This will be an increase of \$10,985 for the first year of the contract over the current contract with Freed Maxick.

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

Legislator Clattenburg addressed Madam Chair to make a proposed amendment to resolution Number 4. Requesting to strike out the wording Local Law Number One Year 1992 amended by Local Law Number Four Year 2021 and substitute that language for Local Law Number Four Year 2021 repealed and declared null and void Local Law Number Four if 1990 and the two amendments 1991 and 1992. Motion by Legislator Clattenburg seconded by Legislator Maha, carried unanimously.

**RESOLUTION NO. 78 GENESEE COUNTY ETHICS AND DISCLOSURE LAW-
DESIGNATION OF POLICY MAKING POSITIONS AND
BOARDS-APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, Local Law No. 4 Year 2021 repealed and declared null & void local law no. 4, 1990 and the two amendments (1991 & 1992) did create the Genesee County Ethics and Disclosure Law which requires the Legislature to determine annually additional County Officers and Employees holding policy-making positions, and

WHEREAS, the County Attorney provided a required list that determined any agencies of the County rendering policy-making decisions or no longer render policy-making decision, and **WHEREAS**, the Committee on Ways and Means did review positions and boards and does recommend approval at this time. Now, therefore, Be it **RESOLVED**, that the Genesee County Legislature does hereby designate the following boards and additional positions as policy-making, thereby obligated to complete and file an annual statement of financial disclosure on or before May 31 of each year.

GCC Board of Trustees

GCEDC Board

GGLDC Board

Genesee County Funding Corporation Board

GCEDC President/CEO, Sr. VP of Operations, VP Business Dev., CFO, Dir. Of Marketing

Genesee County Board of Health

Genesee County Community Services Board

Genesee County Planning Board

Genesee County Soil & Water Directors

Genesee County Ethics Board

Genesee County Water Resources Agency Board

Assistant District Attorney-1st

Assistant County Manager

Senior Assistant Public Defender

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

**RESOLUTION NO. 79 AUTHORIZE BUDGET ITEM TRANSFER FOR
COMPENSATION TO CLERK OF THE LEGISLATURE
FOR INTER-COUNTY ASSOCIATION OF WESTERN NEW
YORK SECRETARY - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the members of the Genesee County Legislature participates in the Inter-County Association of Western New York (ICAWNY) and members serve for the exchange of ideas and information relative to local government, by considering problems of mutual interest and supporting those policies and program of common interests, and

WHEREAS, Legislator Gary T. Maha was appointed as the 2022 President of the Inter-County Association of Western New York and Secretary is required to administrate and coordinate the monthly meetings providing agendas, resolutions, minutes, mailings, correspondences and other tasks as needed to members, and

WHEREAS, the President of ICAWNY has appointed Lisa K. Casey to Secretary of ICAWNY to assist in the administration of the monthly meetings for Inter-County Association of Western New York from February 24, 2022 through December 31, 2022, and

WHEREAS, the Secretary shall be compensated \$5,000 in addition to the Clerk of the Legislature current salary effective February 24, 2022 and a request for \$1,000 for the necessary office cost, and

WHEREAS, the Committee of Ways and Means did review and concurs said compensation and office cost be established. Now, therefore, be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following transfers in the 2022 County Budget from A.1990.4800.0000 Contingency in the amount of \$6,793.00 to:

\$5,000	A.1040.1010.0000	Clerk of Legislature, Personal Services
\$ 310	A.1040.8010.0000	Clerk of Legislature, Social Security Tax
\$ 73	A.1040.8011.0000	Clerk of Legislature, Medicare Tax

\$ 410 A.5010.8020.0000 Clerk of Legislature, Retirement
\$1,000 A.1010.4110.0000 Legislature Board, Office Supplies

BE IT FURTHER RESOLVED, that the Human Resources Director is hereby authorized and directed to amend the 2022 Genesee County Management Salary schedule by increasing the compensation of the Clerk to the Legislature by \$5,000 effective February 24, 2022.

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

**RESOLUTION NO. 80 AUTHORIZE CONTRACT WITH THE BENJAMIN
CENTER TO CALCULATE THE WEIGHTED VOTE FOR
EACH DISTRICT WITHIN GENESEE COUNTY AND
BUDGET ITEM TRANSFER – APPROVAL OF**

Legislator Klotzbach offered the following resolution:

WHEREAS, the Genesee County Legislature established their last reapportionment according to Local Law 4, Year 2002, and

WHEREAS, an updated reapportionment for Genesee County is required following the Federal Census, and

WHEREAS, Genesee County is unable to perform the special task of reapportionment to the weighted vote process in-house, and

WHEREAS, this task is very technical in nature to ensure that residents are properly represented in Genesee County weighted vote process, and

WHEREAS, proposals were requested from three companies and the Benjamin Center responded with the scope of work needed and matched the lowest quote of \$7,000 to complete the proposed scope of work and delivery of the final report, and

WHEREAS, The Committee of Ways and Means reviewed this recommendation and does concur at this time, and

WHEREAS, that the Budget Director has determined that the funding should be transferred from the County Contingency fund. Now, therefore, be it

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to sign a contract, in an amount not to exceed \$7,000, with the Benjamin Center for the provision of reapportionment numbers for the operation of local government, subject to approval of the County Attorney as to form and content. Be it further

RESOLVED, that the Genesee County Treasurer is authorized to make the following budget item transfer in the 2022 Genesee County Budget:

From: A.1990.4800.0000 Contingency Fund in the amount of \$7,000

To: A.1010.4660.0000 Legislative Board Contracted-other in the amount of \$7,000

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

**RESOLUTION NO. 81 AUTHORIZATION FOR HOME RULE REQUEST –
RETROACTIVE RETIREMENT STATUS -
APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Steven Grice became Deputy County Clerk, an appointed full-time position under Michael Cianfrini on February 16, 2016, and

WHEREAS, Mr. Grice had started working as a County employee June 22, 1981 but was not offered the opportunity to join the NYS Public Employee Retirement System which would have established his status as a Tier III retirement system employee, and

WHEREAS, The New York State Comptroller, sole trustee of the New York State Retirement System has ruled favorably on Mr. Grice’s petition to be granted Tier III retroactive status to his initial 1981 employment date, and

WHEREAS, the Genesee County Legislature did pass Resolution No. 63-2022 authorizing a one-time contribution of approximately \$12,900 to satisfy Mr. Grice’s status as a “current” Tier III contributor for immediate past service. Now therefore, Be it

RESOLVED, That the Genesee County Legislature hereby requests the New York State Legislature to support and pass Senate Bill No. S.7240 and Assembly Bill No. A. 8025 which is the legislation necessary to grant Tier III retroactive status to Steven Grice to his initial 1981 employment date. Be it further

RESOLVED, That the Chair of the Genesee County Legislature is authorized and directed to sign and file the necessary Home Rule Request, and Be it further

RESOLVED, That a copy of this resolution for Home Rule Request be sent to Governor Kathy Hochul, Senator Edward Rath III, Assemblyman Stephen Hawley.

Budget Impact Statement: A charge of approximate \$12,900 will be charged to the retirement benefits line of the County Clerk.

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

**RESOLUTION NO. 82 2022 BUDGET TRANSFER/MEDICAL AND DENTAL
INSURANCE COVERAGE FOR THE NEW COUNTY
ATTORNEY – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, the new County Attorney was appointed in January of 2022, and

WHEREAS, has opted to carry the medical and dental insurance provided by the County, and

WHEREAS, the prior County Attorney did not carry these benefits and the cost of such was not included in the 2022 County Attorney budget. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following 2022 budget transfers:

\$20,415	From	A.1990.4800.0000	Contingency Budget
\$230	To	A.1420.8040.0000	County Attorney, Dental
\$20,185	To	A.1420.8030.0000	County Attorney, Medical

Be it further

RESOLVED, That the Genesee County Treasurer and County Attorney’s Office are hereby authorized and directed to amend the 2022 County Attorney budget to cover the additional expenses incurred.

Budget Impact Statement: The remainder of the funds to cover the additional expenses will be transferred from the medical and dental buyback accounts that were included in the 2022 budget.

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

**RESOLUTION NO. 83 SET PUBLIC HEARING – LOCAL LAW INTRODUCTORY
A, YEAR 2022 – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, there is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory A, Year 2022 “**LOCAL LAW INTRODUCTORY A, YEAR 2022 OF THE COUNTY OF GENESEE, NEW YORK TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF GENESEE**”

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

RESOLVED, that a public hearing shall be held on proposed Local Law Introductory A, Year 2022, by the Genesee County Legislature on the 9th day of March, 2022 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York in the Legislature Chambers.

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

**RESOLUTION NO. 84 REVISED – GENESEE COUNTY HEALTH & SAFETY
MANUAL – APPROVAL OF**

Legislator Hawley offered the following resolution:

WHEREAS, Genesee County considers the safety of employees and the public to be paramount, and

WHEREAS, The Genesee County Safety Committee has conducted a review of the Genesee County Health & Safety Manual, and

WHEREAS, The Assistant County Manager did present revisions and updates to the manual, and

WHEREAS, The Committee on Ways and Means did review the Genesee County Health & Safety Manual and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the amendments to Genesee County Health & Safety Manual.

Budget Impact: None

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

**RESOLUTION NO. 85 HOUSEHOLD HAZARDOUS WASTE COLLECTION
CONTRACT-GLOW SOLID WASTE MGMT. COMMITTEE-
EXTENSION OF**

Legislator Deleo offered the following resolution:

WHEREAS, The GLOW Region Solid Waste Management Committee (herein referred to as “GLOW”) expects to be awarded funding from the New York State Department of Environmental Conservation in 2022 for a single Household Hazardous Waste Collection Program; and

WHEREAS, Environmental Enterprises, Inc. was awarded the contract for the 2020 collection; and

WHEREAS, This contract contained two one year extension options, with pricing to be renegotiated; and

WHEREAS, In 2021 Environmental Enterprises charged GLOW 2020 prices, rather than those proposed for the 2021 program, which were higher; and

WHEREAS, Environmental Enterprises has agreed to charge GLOW the prices that were originally agreed upon for the 2021 program for the 2022 program; and

WHEREAS, GLOW desires to exercise this option for the 2022 program; and

WHEREAS, the GLOW Committee has recommended that this option be exercised, and

WHEREAS, The Committee on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature authorizes the Chairperson to enter into an extension of this contract with the other GLOW Counties and Environmental Enterprises, Inc. for the GLOW Household Hazardous Waste Collection Program at a cost not to exceed \$32,000.

Budget Impact Statement: Funds are available in the 2022 GLOW Budget for this expense.

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

**RESOLUTION NO. 86 ACCEPTANCE OF AMENDED CONTRACT-NYS OFFICE OF
INDIGENT LEGAL SERVICES /GENESEE COUNTY -
APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Public Defender does recommend the acceptance of the amended five year contract between Genesee County and the New York State Office of Indigent Legal Services (ILS), Contract Number: CSTWIDEHH18, (Statewide Expansion of *Hurrell-Harring*). This contract now includes the Year 3 budget and work plan for the Public Defender and the Assigned Counsel Program approved by ILS. This amended contract continues to fund Genesee County's plan for its use of the previously approved five year contract grant funds provided to extend the benefits of the *Hurrell-Harring* settlement reforms, those being ensuring that all eligible defendants are represented by counsel at arraignment, that we fully comply with ILS' caseload standards and that we implement and continue initiatives to improve the quality of indigent defense.

WHEREAS, the Public Service Committee and Ways and Means Committee did review the amended contract and does recommend acceptance at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute Amended Contract Number: CSTWIDEHH18, Statewide Expansion of *Hurrell-Harring*, a contract between our county and the New York State Office of Indigent Legal Services, located at the A. E. Smith Building, 11th Floor, 80 South Swan Street, Albany, New York 12210.

BUDGET IMPACT STATEMENT: Total Public Defender contract revenue for 2022 in the amount of \$283,260 is contained within the 2022 adopted budget in its line A.1170.3025 Indigent Legal Services offset by like amounts in expenses.

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

**RESOLUTION NO. 87 DARIEN-ALEXANDER TOWNLINE RD BRIDGE OVER
 TUNNERY BROOK – AWARD OF BID – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent advertised specifications and construction drawings for the replacement of the Darien-Alexander Townline Rd Bridge over Tunnery Brook in the Towns of Darien and Alexander; and

WHEREAS, The County advertised the specifications for this work as and did receive (7) seven bids from contractors, and

WHEREAS, The Genesee County Highway Superintendent reviewed the accuracy of these bids and does recommend award at this time, and

WHEREAS, The Committees on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, The Genesee County Legislature does hereby award the Darien-Alexander Townline Rd Bridge contract in the amount of \$718,564.00 to Union Concrete and Construction Corp. 435 Meyer Rd, West Seneca NY 14224.

Budget Impact: The low bidder was more than \$100,000 below the engineer's estimate of probable construction costs for the entire project. This work is anticipated to start upon the receipt of a supplemental grant agreement from NYSDOT. The contract will be funded from the Darien Alexander Tl Rd Bridge Capital Project. The capital project has an available balance of \$780,813 when factoring all current obligations, which is funded by 80% Federal Aid and a 20% local match from 1% sales tax.

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

**RESOLUTION NO. 88 COUNTYWIDE WATER PROJECT PHASE 2 –
 CHESTNUT RIDGE RD WATER MAIN – VILLAGER
 CONSTRUCTION INC. – CHANGE ORDER #4 –
 APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent recommends authorizing a deduct

RESOLVED, The Chair of the Genesee County Legislature is hereby authorized and directed to enter into a Road Use Agreement with Excelsior Energy Center, LLC, 700 Universe Blvd., Juno Beach, FL 33408 for the use and related impacts to county-owned infrastructure related to the development of the Excelsior Solar project within the Town of Byron.

Budget Impact Statement: There is no immediate budget impact to the adoption of this agreement, however, by adopting the agreement, the developer commits to working with the County to either improve, repair or restore impacted highways, bridges, tile lines, or culverts related to the Excelsior Solar project.

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

RESOLUTION NO. 91

**AWARD OF BID – HIGHWAY-
ROAD MACHINERY/EXCAVATOR-
APPROVAL OF**

Legislator Klotzbach offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did review available state bid specifications of NYSOGS Group 40625, Award 22792, Contract PC#69406 for Hydraulic Excavators, and

WHEREAS, The Genesee County Highway Superintendent and Genesee County Treasurer did review options for financing this purchase, and

WHEREAS, The Genesee County Highway Superintendent recommends awarding a bid at this time as a 5-year lease-purchase per NYSOGS specifications, and

WHEREAS, The Committee on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby award a Caterpillar 330NG Hydraulic Excavator to Milton Caterpillar, 4610 East Saile Drive, Batavia, NY 14020 in the amount of \$299,929.00, and be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to enter into a Finance Agreement with Caterpillar Financial Services Corporation, 2120 West End Avenue, Nashville, TN 37203 in order to effectuate a 5-year lease purchase of the awarded equipment. The finance agreement shall have a fixed annual rate of 3.39% with 5 annual payments, made in advance, in the amount of \$64,135.80 to be funded from the Road Machinery Fund.

Budget Impact: The annual payment shall be made from the Road Machinery Fund for \$64,135.80. The 2022 Road Machinery Budget was adopted with an estimated amount of \$85,000 for this lease purchase.

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

RESOLUTION NO. 92

**2022 SALARY SCHEDULE AMENDMENT – AFSCME HVAC
MAINTENANCE MECHANIC – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did include in the 2022 budget a new AFSCME position of HVAC Maintenance Mechanic, and

WHEREAS, The 2022 Salary Schedule was adopted with this position as AFSCME Grade 13, and

WHEREAS, After negotiating a Memorandum of Understanding with AFSCME Local 392 to modify the existing AFSCME Wage Schedule in the Labor Agreement adopted for January 1, 2022 through December 31, 2026, the union preferred the HVAC Maintenance Mechanic position to be placed at AFSCME Grade 12, and

WHEREAS, The Genesee County Highway Superintendent is amenable to this placement and recommends an amendment to the 2022 Salary Schedule at this time, and

WHEREAS, The Committee on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby amend the 2022 Salary Schedule by downgrading the position of HVAC Maintenance Mechanic from AFSCME Grade 13 to AFSCME Grade 12.

Budget Impact: This lower job classification will save the County approximately \$748 in base wages per year.

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

RESOLUTION NO. 93 BUDGET AMENDMENT - SHERIFF/ REMAINING GRANT FUNDS – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, The Sheriff's Office has several active grants with funds remaining available to be used in 2022, and an Agreement with the Village of Bergen with funds available to use through May 31, 2022 and

WHEREAS, These grants include the GTSC Police Traffic Services Grant, with available funds in the amount of \$24,991; and two DHSES grants with available funds totaling \$40,142; as well as an Agreement with the Village of Bergen to provide additional police services with available funds in the amount of \$12,186, and

WHEREAS, The Sheriff is requesting a 2022 budget amendment to allow for the use of the available funds, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 budget by increasing Sheriff's appropriations as follows:

\$24,991 to A3110.1020.0700 (Overtime STEP Grant)

\$12,186 to A3110.1020.0900 (Overtime Bergen)

\$40,142 to A3110.4800.0503 (Program Expense Homeland Security)

To be offset by increasing the following revenue accounts:

\$24,991 to A3110.4511 (Fed Aid Traffic Safety)

\$12,186 to A3110.2804.1 (Shared Services-Additional Police Services)

\$40,142 to A3110.4305.2 (Fed Aid Homeland Security)

Budget Impact: Increase in Sheriff's 2022 appropriations in the amount of \$77,319, offset by an increase in revenue in a like amount, with funds coming from DHSES and NYSGTSC grant funding, and the Sheriff's Office Agreement with the Village of Bergen.

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

RESOLUTION NO. 94 ACCEPTANCE OF GRANT FUNDS 2021 BUDGET AMENDMENT - SHERIFF/NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES GRANT AWARD – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, The NYS Division of Homeland Security and Emergency Services has awarded Genesee County grant funding in the amount of \$4,056 to cover the cost of Sheriff's Department personnel participation in emergency preparedness exercises, and

WHEREAS, The Sheriff is requesting acceptance of these grant funds and an amendment to the 2021 budget, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 budget as follows:

\$2,860 to A3110.1020.0000 (Overtime Salaries)

\$178 to A3110.8010.0000 (Social Security Tax)

\$42 to A3110.8011.0000 (Medicare Tax)

\$976 to A3110.8020.0000 (Retirement)

To be offset by increasing the following revenue account:

\$4,056 to A3110.4305.2 (Federal Aid/Homeland Security)

Budget Impact Statement: Increase in Sheriff's 2021 appropriations in the amount of \$4,056, offset by an increase in revenue in a like amount, with funds coming from the NYS DHSES grant funding.

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

**RESOLUTION NO. 95 ACCEPTANCE OF GRANT FUNDS/ BUDGET
AMENDMENT - SHERIFF/NYS GOVERNORS TRAFFIC
SAFETY COMMITTEE - CHILD PASSENGER
SAFETY PROGRAM – APPROVAL OF**

Legislator Klotzbach offered the following resolution:

WHEREAS, The NYS Governor's Traffic Safety Committee has awarded Genesee County grant funding in the amount of \$1,200 to participate in the statewide Child Passenger Safety Program, and

WHEREAS, The Sheriff is requesting acceptance of these grant funds and an amendment to the budget, and

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

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 budget as follows:

\$1,200 to A3110.4800.3318 (Child Passenger Safety)

To be offset by increasing the following revenue account:

\$1,200 to A3110.4305.2 (Federal Aid/Homeland Security)

Budget Impact Statement: Increase in Sheriff's 2022 appropriations in the amount of \$1,200, offset by an increase in revenue in a like amount, with funds coming from NYS GTSC Child Passenger Safety Program grant funding.

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

**RESOLUTION NO. 96 GRANT AWARD JUSTICE FOR CHILDREN ADVOCACY
CENTER NYS OFFICE OF CHILDREN AND FAMILY
SERVICES – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The Justice for Children Program Coordinator has been notified of a grant award from the New York State Office of Children and Family Services that will fund programming at the Batavia, Albion, and Warsaw sites for the next five years, and

WHEREAS, The Justice for Children Program Coordinator has requests that the County accept an award in the amount of \$500,000.00 from the New York State Office of Children and Family Services, and

WHEREAS, This award will begin on October 1, 2022 and conclude on September 30, 2027, and

WHEREAS, Funds from this award will be distributed in the amount of \$100,000.00 annually, and

WHEREAS, Funds from this grant will enable to Justice for Children Advocacy Center to provide services to children and families impacted by abuse in the Batavia, Warsaw, and Albion offices, and

WHEREAS, The Public Service Committee and Ways and Means did review this request and does recommend acceptance of the grant funding 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 for acceptance of this grant funding for the period of October 1, 2022 through September 30, 2027 in the amount of \$500,000.00.

Budget Impact: The New York State Office of Children and Family Services funds direct victim services at the Justice for Children Advocacy Center, including victim advocacy, mental health treatment, and medical care.

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

RESOLUTION NO. 97

**ESTABLISH AUTOMATED SECURE ALARM
PROTOCOL CAPITAL PROJECT & BUDGET
AMENDMENT – SHERIFF
/COMMUNICATIONS - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Association of Public Safety Communications Officers and The Monitoring Association have established national standards for the automated receipt of alarms by 911 centers in order to reduce call processing time, data entry error, and improve emergency response times, and

WHEREAS, The Genesee County 911 Operations Board reviewed the benefits of implementing an Automated Secure Alarm Protocol within the Genesee County Emergency Dispatch Center and do recommend establishment of a capital project at this time, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed this request and recommend that said Capital Project be established at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be and hereby is authorized to establish a new Capital Project for Automated Secure Alarm Protocol in the amount of \$35,530.00 and to amend the budget as follows:

Increase A.3020.1590.911WD Wireless Deferred in the amount of \$20,000.00, Increase A.3020.3390.911D State Aid Deferred in the amount of \$15,530.00, Increase A.9950.9000 Transfer to Capital in the amount of \$35,530.00, Increase H.3397.5031 Interfund Transfers, Increase H3397.2080.0000 Capital Project Expense in the amount of \$35,530.00

Budget Impact Statement: Project is funded by revenues in A.3020.1590.911WD (Wireless Deferred) in the amount of \$20,000.00 and A.3020.3390.911D (State Aid Deferred) in the amount of \$15,530.00.

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

RESOLUTION NO. 98

**CONTRACT EXTENSION – SMRT
ARCHITECTS AND ENGINEERS –
ARCHITECTURAL AND ENGINEERING
PLANNING, DESIGN AND CONSTRUCTION
ADMINISTRATION SERVICES – GENESEE
COUNTY JAIL PROJECT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution 71 duly adopted February 27, 2019, did retain SMRT Architects and Engineers for Architectural and Engineering Planning, Design and Construction Administration Services for the Genesee County Jail Project, and

WHEREAS, The contract allows for two additional one-year renewals and due to the magnitude and length of the project the County Manager, in consultation with the County Attorney and County Purchasing Director wishes to enact both one-year renewals at this time, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed the recommendation and does concur at this time, Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute all documents related to a contract extension with SMRT Architects and Engineers, PC, 11 Century Hill Drive, Suite 207, Latham, New York 12110, under the same terms and conditions outlined in RFP #2018-106 and existing AIA B132 for the Genesee County Jail Construction Project for the period of March 1, 2022 – February 29, 2024.

Budget Impact: There is no additional cost to extend the contract.

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

**RESOLUTION NO. 99 CONTRACT EXTENSION/AMENDMENT – THE PIKE
COMPANY –CONSTRUCTION MANAGEMENT
SERVICES FOR THE GENESEE COUNTY JAIL PROJECT -
APPROVAL OF**

Legislator Klotzbach offered the following resolution:

WHEREAS, Resolution 206 duly adopted May 22, 2019, did retain The Pike Company for Construction Management Services for the Genesee County Jail Project, and

WHEREAS, The contract allows for two additional one-year renewals and due to the magnitude and length of the project the County Manager, in consultation with the County Attorney and County Purchasing Director wishes to enact both one-year renewals at this time, and

WHEREAS, The Pike Company has recommended extending the construction time line from eighteen to twenty months in the construction bid packages, based on the current market and supply chain constraints, which would require The Pike Company to incur additional man-hour cost not included in the original cost estimates, and

WHEREAS, The Pike Company has requested an escalation cost due to the unforeseen market changes since the County’s pause in the jail construction project due to the COVID-19 pandemic in 2020, and

WHEREAS, The Committees on Public Service and Ways and Means have reviewed the recommendation and does concur at this time, Now, therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute all documents related to the construction phase extension from 18 months to 20 months with The Pike Company, 1 Circle Street, Rochester, New York 14607, at an additional cost of \$96,550, for the period of June 1, 2022 – April 30, 2024. All other terms and conditions as outlined in existing AIA C132 for the Genesee County Jail Construction Project remain the same, and, Be it Further,

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute all documents related to the cost escalation requested by The Pike Company, 1 Circle Street, Rochester, New York 14607, at an additional cost of \$24,748. All other terms and conditions as outlined in existing AIA C132 for the Genesee County Jail Construction Project remain the same, and Be it Further

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute all documents related to the two-one year renewals with The Pike Company, 1 Circle Street, Rochester, New York 14607, for the period of June 1, 2022 – May 31, 2024. All other terms and conditions as outlined in existing AIA C132 for the Genesee County Jail Construction Project remain the same.

Budget Impact: Cost escalation increase = \$24,748, Construction phase extension increase = \$96,550. Total increase = \$121,298

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

RESOLUTION NO. 100**COUNTY AUDIT - FEBRUARY 23 – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Dibble, did review the following claims:

General Fund-2021	\$	11,649.00
General Fund-2022		637,024.47
Highway		127,014.01
Self Insurance		6,262.17
Water Fund		384,207.81
DSS Abstracts		13,965.76
Capital Projects		
Highway-Hundredmark Road Bridge over Drainage Ditch		13,447.79
County Park-DeWitt Recreation Area Waterfront Enhancement		2,547.00
Office for Aging-OFA Property Improvements		264.00
Sheriff/Jail-Jail Construction		183,975.00
Payroll – General		
February 11, 2022		1,251,159.88
Medicaid		
February 15, 2022		146,087.00
February 22, 2022		<u>146,087.00</u>
Total Audit	\$	2,923,690.89

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 Dibble seconded the resolution, which was adopted by 281 votes, Yunker (45) absent.

At 5:54 pm the meeting adjourned upon motion of Legislator Torrey seconded by Legislator Deleo, carried unanimously.