FIFTH DAY GENESEE COUNTY LEGISLATURE OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY WEDNESDAY, MARCH 8, 2023

The Genesee County Legislature met in Regular Session on Wednesday, March 8, 2023 at 5:30 PM in the Legislative Chambers of the Old Courthouse. Legislator Yunker offered to assist with the audit. The prayer will be offered by Legislator Clattenburg followed by the Pledge to the Flag. <u>Proclamations & Commendations:</u> Developmental Disabilities Awareness Month - Presented By Legislator Clattenburg Accepting: Cheryl Englert; ARC GLOW Board President

<u>Approval of Minutes</u> February 22, 2023 – Motioned by Legislator Yunker and seconded by Legislator Klotzbach, carried.

<u>Committee & Special Assignment Reports</u>: Legislator Maha spoke on the Jail meeting he attended. Injury on-site but individual is okay. Jail progress is schedule. Good shape financially with the Jail project. Contractor ordered wrong door frames and is working through that. Another Contractor left out some piping 90K worth, negotiating a price for cost savings. Chair Stein appreciates those that are involved in this important project.

Chair Stein discussed attendance of a MEGA meeting at the NYSAC conference. Chair Stein a member of the MEGA Board discussed MEGA 2.0, reinvigorating the entire organization. Will hear more on that in the future. At NYSAC Conference, strong presences "Cost Shift Count Down–eFMAP". Raising voices to stop cost shift to the counties. Less than 200K impact from this 2023 Budget, as it goes on the tax payers they will feel the burden. Have contacted Senator Schumer, majority leader, champion of counties for years. This was his accolade where he pushed for the 3 % cap a long time ago. Waiting for his Senator Schumer's response.

Communications & Petitions

1. Travel Out-of-State: David Bell, Health Department NACCHO – No Cost, Scholarship

Travel - Bell	Y	Ν	simple	2/3
1. Klotzbach	Х		16	16
2. Yunker	Х		26	26
3. Dibble	Х		25	25
4. Hawley	2		31	31
5. Stein	Х		26	26
6. Torrey	1		23	23
7. Deleo	Х		17	17
8. Clattenburg	Х		18	18
9. Maha	Х		18	18
TOTALS			200	200
Roll Call			200	
Approval			101	134

Legislator Comments: None

<u>County Manager Report</u>: Attended the NYSAC conference February 27th through March 1st. Reviewed several resolutions. A lot of repeats, new ones such as 18b discussion, early voting under elections and associated cost. Paul Pettit going live with the mobile unit for coroner transports. Assistant County Manager Tammi Ferringer worked with Public Health Director Paul Pettit on RFP's. They are thinking outside the box. This is a great solution to use the mobile unit for the coroner transport.

<u>Resolutions</u>: Consent Agenda Items - Ways And Means Committee resolutions: Legislator Clattenburg motioned for adoption for resolutions 1-6, a request for a second, Legislator Yunker seconded.

- 1. Lease Agreement-Information Technology/Award of 36-month Dark Fiber and Internet with Empire Access
- 2. 2022 Year-End Budget-Treasurer/Amendments
- 3. 2022 Budget Item Transfers- Treasurer/County Departments
- 4. Affiliation Agreement Health Department/Cornell University

- 5. Genesee-Orleans Regional Arts Council Funding Agreement
- 6. Coroner Appointment

1-6	Y	Ν	simple	2/3
1. Klotzbach	Х		16	16
2. Yunker	2		26	26
3. Dibble	Х		25	25
4. Hawley	Х		31	31
5. Stein	Х		26	26
6. Torrey	Х		23	23
7. Deleo	Х		17	17
8. Clattenburg	1		18	18
9. Maha	Х		18	18
TOTALS			200	200
Roll Call			200	
Approval			101	134

<u>Swearing-in</u> of Donald Newton, the new appointed coroner. The County Clerk, Michael Cianfrini gave Donald Newton the Oath of Office.

Consent Agenda - Human Services Committee Resolutions

Human Services Committee Chair Torrey motioned for adoption of resolutions 7-9 and Legislator Deleo seconded.

- 7. Contract Amendment Health Department/Paratransit Services
- 8. Renewal Agreement Health Department/Early Intervention Program/New York State Department of Health
- 9. Grant Amendment NYS Public Health Corps Fellows Program Funding

7-9	Y	Ν	simple	2/3
1. Klotzbach	Х		16	16
2. Yunker	Х		26	26
3. Dibble	Х		25	25
4. Hawley	Х		31	31
5. Stein	Х		26	26
6. Torrey	Х		23	23
7. Deleo	2		17	17
8. Clattenburg	Х		18	18
9. Maha	1		18	18
TOTALS			200	200
Roll Call			200	
Approval			101	134

Non-Consent Items

Legislator Clattenburg offered the Following Resolution

10. County Audit – March 8, 2023 seconded by Legislator Yunker.

Please take the roll call:

10	Y	Ν	simple	2/3
 Klotzbach 	Х		16	16
2. Yunker	2		26	26
3. Dibble	Х		25	25
4. Hawley	Х		31	31
5. Stein	Х		26	26
6. Torrey	Х		23	23
7. Deleo	Х		17	17
8. Clattenburg	1		18	18
Maha	Х		18	18
TOTALS			200	200
Roll Call			200	
Approval			101	134

Unfinished Business: None

<u>Adjournment:</u> Vice Chair Clattenburg Moved to close the meeting and seconded by Legislator Deleo. TIME:5:58 p.m.

RESOLUTION NO. 90

LEASE AGREEMENT-INFORMATION TECHNOLOGY/AWARD OF 36 MONTH DARK FIBER AND INTERNET WITH EMPIRE ACCESS -

APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of Information Technology did present a 36-month lease agreement with Empire Access to provide dark fiber and internet access to various Genesee County locations, and

WHEREAS, the Ways and Means Committee did review this request for dark fiber provided by Empire Access between County Building-II 3837 W Main St Rd, Batavia and Genesee County Mental Health 5130 E Main St Rd, Batavia, and

WHEREAS, the Ways and Means Committee did review this request for dark fiber provided by Empire Access between County Building-II 3837 W Main St Rd, Batavia and Job Development 587 E Main St, Batavia, and

WHEREAS, the Ways and Means Committee did review this request for dedicated internet circuits provided by Empire Access at County Building-II 3837 W Main St Rd, Batavia, Board of Elections 3837 W Main St Rd, Batavia and Sheriff's Office 165 Park Rd. Now, therefore be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a 36-month lease agreement with Empire Access, 34 Main Street Prattsburgh NY, 14873 for a dark fiber connection between County Building-II and County Mental Health at a cost of \$450/month. Be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a 36-month lease agreement with Empire Access, 34 Main Street Prattsburgh NY, 14873 for a dark fiber connection between County Building-II and Job Development at a cost of \$300/month. Be it Further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a 36-month agreement with Empire Access, 34 Main Street Prattsburgh NY, 14873 for a 100Mbps dedicated internet circuit at County Building-II at a cost of \$350/ month. Be it Further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a 36-month agreement with Empire Access, 34 Main Street Prattsburgh NY, 14873 for a 50Mbps dedicated internet circuit to Elections at County Building-II at a cost of \$285/month. Be it Further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a 36-month agreement with Empire Access, 34 Main Street Prattsburgh NY, 14873 for a 100Mbps dedicated internet circuit at Sheriff's Office at a cost of \$350 / month.

Budget Impact: \$1,735 monthly charge will be from budget line A.1680.4290.0600 Internet & Bandwidth. Legislator Yunker seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 91

2022 YEAR-END BUDGET AMENDMENTS-TREASURER/APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Treasurer is recommending two budget amendments in order to close the books for 2022, and

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

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

Increasing Revenue A.1000.1110 Sales Tax in the amount of \$815,600 and Increase Appropriation A.1985.4800.0000 Distribution of Sales Tax in a like amount.

Increasing Revenue MS.9050.9999 Balancing Appropriated in the amount of \$14,858 and Increase Appropriation MS.9050.8050.0000 Unemployment Claims in a like amount.

Legislator Yunker seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 92 2022 BUDGET ITEM TRANSFERS-TREASURER/ COUNTY DEPARTMENTS- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Treasurer did present transfers to be recommended in the 2022 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 2022 budget transfer

<u>To From</u>	<u>Dept Code</u>	<u>Dept Name</u>	Account Category	<u>Amount</u>
То	A.1010.1	Legislative Board	Personnel Services	3,325
From	A.1010.8	Legislative Board	Benefits	3,325
		Family Court Assign		
То	A.1411.4	Counsel	Contractual	74,605
From	A.1170.1	Public Defender	Personnel Services	74,605
То	A.1185.4	Coroners	Contractual	20,000
From	A.4010.1	Health Department	Personnel Services	20,800
То	A.1420.1	County Attorney	Personnel Services	6,250
From	A.1420.8	County Attorney	Benefits	6,250
То	A.1450.4	Elections	Contractual	1,800
То	A.1450.8	Elections	Benefits	5,400
From	A.1610.1	Central Services	Personnel Services	7,200
From	A.2960.4	3-5 Preschool Program	Contractual	10
То	A.3640.1	Emergency Management	Personnel Services	3,300
From	A.3640.4	Emergency Management	Contractual	3,300
То	A.5630.4	Bus Operation	Contractual	12,800
From	A.6010.4	Social Services	Contractual	12,800
То	A.6101.4	Medicaid Other	Contractual	225,172
From	A.6010.1	Social Services	Personnel Services	225,172
		Emergency Assistance to		
То	A.6142.4	Adults	Contractual	177
From	A.6010.1	Social Services	Personnel Services	177
То	A.8090.1	Environmental Control	Personnel Services	1
From	A.8090.4	Environmental Control	Contractual	1
То	D.5020.1	County Road Engineering	Personnel Services	2,000
То	D.5020.4	County Road Engineering	Contractual	2,000
_		County Road Snow		
To	D.5142.1	Removal	Personnel Services	21,000
From	D.5110.1	County Road Maintenance County Road Snow	Personnel Services	21,000
То	D.5142.8	Removal	Benefits	1,200
From	D.5110 .8	County Road Maintenance	Benefits	1,200
То	DM.5130.1	Road Machinery	Personnel Services	19,000
То	DM.5130.8	Road Machinery	Benefits	300
From	DM.5130.4	Road Machinery	Contractual	19,300
То	EW.8310.1	Water Administration	Personnel Services	1
From	EW.8310.4	Water Administration	Contractual	1

Budget Impact: None, transfers made from other appropriations.

Legislator Yunker seconded the resolution, which was adopted by 200 votes.

AFFILIATION AGREEMENT – HEALTH DEPARTMENT/ CORNELL UNIVERSITY– APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Public Health Director did present an agreement with Cornell University for the placement and experiential learning opportunity for the benefit of Student Interns of the College, and

WHEREAS, the Committees on Human Services and Ways & Means did review this request and

RESOLUTION NO. 93

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 required in order to enter into an affiliation agreement with Cornell University, having its principal place of business located at 616 Thurston Avenue, Ithaca, NY 14853to provide a learning opportunity for Student Interns, effective April 1, 2023.

Budget Impact: There is no direct cost associated with this agreement.

Legislator Yunker seconded the resolution, which was adopted by 200 votes.

GENESEE-ORLEANS REGIONAL ARTS COUNCIL FUNDING AGREEMENT - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement for the funding of the Genesee-Orleans Regional Arts Council for 2023 for the promotion of music and art appreciation in Genesee County, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement by and between the County of Genesee and the Genesee-Orleans Regional Arts Council, 201 East Main Street, Batavia, NY for a program which promotes music and art appreciation during the contract term of January 1, 2023 through December 31, 2023 at a cost not to exceed seven thousand five hundred dollars (\$7,500.00).

Budget Impact Statement: 2023 = \$7,500

RESOLUTION NO. 94

2022 = \$7,5002021 = \$6,5002020 =\$6,500 2019 = \$6,500 2018=\$6,500 2017= \$6,300; 10% reduction in funding 2016 = \$7,0002015 = \$6,9052014 = \$6,905 2013 = \$6,905 2012 =\$6,905; 5% reduction in funding 2011 = \$7,268; 15% reduction in funding 2010 = \$8,550; 5% reduction in funding 2005 - 2009 funding = \$9,000/year 1997 – 2004 funding = \$10,000/year (in 2001 received \$4,000 extra as matching funds for state grant) 1994 -1996 funding = \$3,000/year 1993 funding = \$2,500/year

Legislator Yunker seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 95 APPOINTMENT - COUNTY CORONER

Legislator Clattenburg offered the following resolution:

WHEREAS, the resignation of Genesee County Coroner Chad T. Brade has resulted in a vacancy for one of the four positions of County Coroner; and

WHEREAS, pursuant to Section 400 (7) of the County Law, a vacancy in the Office of Coroner shall be filled by the County of Genesee Legislature, and such appointee shall hold office until the thirty-first day of December following the first annual election at which the vacancy can be filled by election; and

WHEREAS, the committee of Ways and Means recommends approval at this time. Now, therefore be it

RESOLVED, that Donald Newton residing at 2266 Angling Road, Corfu, New York 14036, is hereby appointed by the Genesee County Legislature as the County of Genesee Coroner in an unexpired term filling this vacancy to serve until December 31, 2023.

Legislator Yunker seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 96

RESOLUTION NO. 97

CONTRACT AMENDMENT– HEALTH DEPARTMENT/PARATRANSIT SERVICES – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, Genesee County must provide transportation services for the Early Intervention and Preschool Supportive Health Services Program, and

WHEREAS, the Public Health Director did present an amendment to the agreement with Student Transport Inc. and Transpo Bus Services LLC., to increase the contracted annual cost of living index percentage from 4.7% to 6.3%, and

WHEREAS, the Committee on Human Services did review this recommendation 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 amend the contract with Student Transport, Inc. (DBA: WNY Bus Co.), 79 Sheldon Avenue, Depew, NY 14043 and Transpo Bus Services LLC., 233 Fillmore Ave. Tonawanda, NY 14150, for the provision of paratransit services for the Early Intervention and Preschool Supportive Health Services Programs for the period of January 1, 2023 through August 31, 2023 based on the current bid rates plus 6.3%. The 6.3% is the NYSED CPI increase.

Budget Impact: Estimated increase in transportation expenses for the 2023 budget year will be \$7,596, no increase to the 2023 A 2960 Preschool Supportive Health Services and 4059 Early Intervention budgets are needed at this time.

Legislator Deleo seconded the resolution, which was adopted by 200 votes.

RENEWAL OF AGREEMENT – HEALTH DEPARTMENT/EARLY INTERVENTION PROGRAM/NEW YORK STATE DEPARTMENT OF HEALTH-APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, the Public Health Director did present an agreement with the New York State Department of Health to provide fiscal management and payment of Early Intervention claims, and

WHEREAS, this is a renewal of a five year contract for the provision of fiscal management and payment of early intervention claims, and the Committee on Human Services did review the request and does recommend approval at this time. Now, therefore be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a five-year agreement with the New York State Department of Health to provide fiscal management and payment of Early Intervention claims, effective April 1, 2023.

Budget Impact: Cost savings are not anticipated during the five-year duration of this agreement. All reductions in expenditures will be offset by a proportionate reduction in revenue.

Legislator Deleo seconded the resolution, which was adopted by 200 votes

GRANT AMENDMENT NYS PUBLIC HEALTH CORPS FELLOWS PROGRAM – HEALTH DEPARTMENT – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, the New York State Department of Health has extended the Genesee County Public Health Department NYS PH Corps Fellows Grant until 6/30/24, and

WHEREAS, the Committees on Human Services did review this grant proposal 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 Amendment with the New York State Department of Health as specified. Budget Impact: There is \$0 cost to the county.

Legislator Deleo seconded the resolution, which was adopted by 200 votes

RESOLUTION NO. 99

RESOLUTION NO. 98

COUNTY AUDIT-MARCH 8, 2023-APPROVAL OF

Legislator Clattenburg offered the following resolution:	
WHEREAS, Legislator Yunker did review the following claims:	
General Fund	\$ 1,096,615.35
Highway	55,965.49
Water Fund	376,376.56
Self Insurance	864.24
DSS Abstracts	319,387.10
Capital Projects	
Sheriff/Jail – Jail Construction	7,035.90
Airport – Runway Lighting & Signage Replacement	10,000.00
Facilities Management – Engine House Renovations	763.10
Facilities Management – Energy Performance Contract	210,980.00
Highway – S Lyons Street Over Tonawanda Creek	3,860.00
Highway – South St. Culvert over Drainage Ditch	10,441.04
Highway – Large Span Culverts	15,839.58
Payroll – General	
February 24, 2023	2,400,975.29
Medicaid	
February 28, 2023	152,875.00
March 7, 2023	<u>152,875.00</u>
Total Audit	\$ 4,814,853.65
Now therefore be it	

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 Yunker seconded the resolution, which was adopted by 200 votes.