







\$9,402	to A1325.1010.0000	Treasurer, Personal Services
\$581	to A1325.8010.0000	Treasurer, Social Security Tax
\$136	to A1325.8011.0000	Treasurer, Medicare Tax
\$979	to A1325.8020.0000	Treasurer, Retirement
\$13,142	to A1410.1010.0000	County Clerk, Personal Services
\$788	to A1410.8010.0000	County Clerk, Social Security Tax
\$185	to A1410.8011.0000	County Clerk, Medicare Tax
\$1,168	to A1410.8020.0000	County Clerk, Retirement
\$21,200	to A1411.1010.0000	Auto Bureau, Personal Services
\$1,315	to A1411.8010.0000	Auto Bureau, Social Security Tax
\$309	to A1411.8011.0000	Auto Bureau, Medicare Tax
\$2,077	to A1411.8020.0000	Auto Bureau, Retirement
\$21,506	to A1610.1010.0000	Central Services, Personal Services
\$1,334	to A1610.8010.0000	Central Services, Social Security Tax
\$314	to A1610.8010.0000	Central Services, Medicare Tax
\$2,433	to A1610.8020.0000	Central Services, Retirement
\$7,309	to A1680.1010.0000	Information Technology, Personal Services
\$453	to A1680.8010.0000	Information Technology, Social Security Tax
\$105	to A1680.8011.0000	Information Technology, Medicare Tax
\$840	to A1680.8020.0000	Information Technology, Retirement
\$3,676	to A2960.1010.0000	3-5 Preschool Program, Personal Services
\$228	to A2690.8010.0000	3-5 Preschool Program, Social Security Tax
\$54	to A2690.8011.0000	3-5 Preschool Program, Medicare Tax
\$414	to A2960.8020.0000	3-5 Preschool Program, Retirement
\$10,023	to A3110.1010.0000	Sheriff's Office, Personal Services
\$622	to A3110.8010.0000	Sheriff's Office, Social Security Tax
\$146	to A3110.8011.0000	Sheriff's Office, Medicare Tax
\$1,206	to A3310.8020.0000	Sheriff's Office, Retirement
\$25,662	to A3140.1010.0000	Probation, Personal Services
\$1,592	to A3140.8010.0000	Probation, Social Security Tax
\$373	to A3140.8011.0000	Probation, Medicare Tax
\$3,054	to A3140.8020.0000	Probation, Retirement
\$3,803	to A3150.1010.0000	Jail, Personal Services
\$244	to A3150.8010.0000	Jail, Social Security Tax
\$48	to A3150.8011.0000	Jail, Medicare Tax
\$405	to A3150.8020.0000	Jail, Retirement
\$15,186	to A3151.1010.0000	Genesee Justice, Personal Services
\$941	to A3151.8010.0000	Genesee Justice, Social Security Tax
\$221	to A3151.8011.0000	Genesee Justice, Medicare Tax
\$1,588	to A3151.8020.0000	Genesee Justice, Retirement
\$6,083	to A3152.1010.0000	Child Advocacy Center, Personal Services
\$396	to A3152.8010.0000	Child Advocacy Center, Social Security Tax
\$93	to A3152.8011.0000	Child Advocacy Center, Medicare Tax
\$568	to A3152.8020.0000	Child Advocacy Center, Retirement
\$1,176	to A3640.1010.0000	Emergency Management, Personal Services
\$74	to A3640.8010.0000	Emergency Management, Social Security Tax

\$18	to A3640.8011.0000	Emergency Management, Medicare Tax
\$153	to A3640.8020.0000	Emergency Management, Retirement
\$41,824	to A4010.1010.0000	Health Department, Personal Services
\$2,593	to A4010.8010.0000	Health Department, Social Security Tax
\$606	to A4010.8011.0000	Health Department, Medicare Tax
\$3,769	to A4010.8020.0000	Health Department, Retirement
\$7,564	to A4059.1010.0000	Early Intervention, Personal Services
\$469	to A4059.8010.0000	Early Intervention, Social Security Tax
\$110	to A4059.8011.0000	Early Intervention, Medicare Tax
\$752	to A4059.8020.0000	Early Intervention, Retirement
\$84,811	to A4310.1010.0000	Mental Health, Personal Services
\$5,258	to A4310.8010.0000	Mental Health, Social Security Tax
\$1,230	to A4310.8011.0000	Mental Health, Medicare Tax
\$7,574	to A4310.8020.0000	Mental Health, Retirement
\$132,560	to A6010.1010.0000	Social Services, Personal Services
\$9,580	to A6010.8010.0000	Social Services, Social Security Tax
\$2,240	to A6010.8011.0000	Social Services, Medicare Tax
\$16,750	to A6010.8020.0000	Social Services, Retirement
\$878	to A6510.1010.0000	Veterans Services, Personal Services
\$55	to A6510.8010.0000	Veterans Services, Social Security Tax
\$13	to A6510.8011.0000	Veterans Services, Medicare Tax
\$114	to A6510.8020.0000	Veterans Services, Retirement
\$35,083	to A6772.1010.0000	Office for the Aging, Personal Services
\$2,175	to A6772.8010.0000	Office for the Aging, Social Security Tax
\$509	to A6772.8011.0000	Office for the Aging, Medicare Tax
\$1,244	to A6772.8020.0000	Office for the Aging, Retirement
\$6,931	to A7110.1010.0000	Park, Personal Services
\$430	to A7110.8010.0000	Park, Social Security Tax
\$101	to A7110.8011.0000	Park, Medicare Tax9
\$671	to A7110.8020.0000	Park, Retirement
\$4,764	to A7310.1010.0000	Youth Bureau, Personal Services
\$296	to A7310.8010.0000	Youth Bureau, Social Security Tax
\$78	to A7310.8011.0000	Youth Bureau, Medicare Tax
\$677	to A7310.8020.0000	Youth Bureau, Retirement
\$1,203	to A7510.1010.0000	History, Personal Services
\$75	to A7510.8010.0000	History, Social Security Tax
\$17	to A7510.8011.0000	History, Medicare Tax
\$112	to A7510.8020.0000	History, Retirement
\$2,925	to A8020.1010.0000	Planning, Personal Services
\$181	to A8020.8010.0000	Planning, Social Security Tax
\$43	to A8020.8011.0000	Planning, Medicare Tax
\$240	to A8020.8020.0000	Planning Retirement
\$6,767	to A9902.9000.0000	Transfer to County Road

and, Be it Further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 budget by increasing County Road Fund Appropriations:

\$5,841	D5010.1010.0000	Administration, Personal Services
\$363	D5010.8010.0000	Administration, Social Security Tax
\$85	D5010.8011.0000	Administration, Medicare Tax
\$478	D5010.8020.0000	Administration, Retirement
to be offset by an increase in County Road Fund Revenue		
\$6,767	D5010.5031	Interfund Transfer

and, Be if Further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 budget by increasing Job Development Fund Appropriations:

\$4,649	CD6290.1010.0000	Job Development, Personal Services
\$288	CD6290.8010.0000	Job Development, Social Security Tax
\$67	CD6290.8011.0000	Job Development, Medicare Tax
\$513	CD6290.8020.0000	Job Development, Retirement
\$10	CD6290.8060.0000	Job Development, Self-Insurance
\$5,917	CD6293.1010.0000	WIA-Workforce Investment, Personal Srvc.
\$367	CD6293.8010.0000	WIA-Workforce Investment, Soc Sec Tax
\$86	CD6293.8011.0000	WIA-Workforce Investment, Medicare Tax
\$652	CD6293.8020.0000	WIA- Workforce Investment, Retirement
\$13	CD6293.8060.0000	WIA-Workforce Investment, Self-Insurance

to be offset by an increase in Job Development Fund Revenue

\$5,527	CD6290.1289	Job Development, General Dept Income
\$7,035	CD6293.4790	WIA Workforce Invest, Fed Aid – Job Trng

Legislator Klotzbach seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 104                      SALARY SCHEDULE AMENDMENT/ MENTAL HEALTH – APPROVAL OF**

Legislator Hawley offered the following resolution

**WHEREAS**, As a result of the recent CSEA wage increases, certain management supervisory position wages have been outpaced by their subordinate staff, and

**WHEREAS**, The County Manager and Human Resources Director recommend moving the position up the range to an appropriate step, and

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

**RESOLVED**, The Genesee County Treasurer and the Human Resources Director are hereby authorized and directed to amend the 2022 Management Salary Schedule by increasing the Mental Health Specialist (Outpatient Clinic) salary to \$68,407 and by increasing the Mental Health Financial Program Specialist to \$29.09/hr.,

Budget Impact: Due to current vacancies there will be adequate funds to cover these increases.

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

**RESOLUTION NO. 105                      BUDGET AMENDMENT –COMMUNITY DEVELOPMENT BLOCK GRANT FOR GENESEE COUNTY - APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Genesee County Legislature did authorize the submission of a Community Development Block Grant Application to the New York State Housing Trust Fund Corporation Office of Community Renewal per Resolution No. 337 duly adopted on August 25, 2021, with funding to be

used by the Genesee Gateway Local Development Corporation for the purpose of providing grants to eligible small businesses affected by the COVID 19 pandemic, and

**WHEREAS**, Genesee County did accept the award of this Economic Development grant in the amount of \$1,000,000, and

**WHEREAS**, In order to utilize the funds the County Manager recommends amending the 2022 budget, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 Genesee County budget by increasing A.6421.4800.0050 CDBG-GG LDC in the amount of \$1,000,000 to be offset by an increase in A.6421.4997.3 CDBG-GG LDC (CARES Act funding) in a like amount  
Budget Impact Statement: No impact on Genesee County budget; provides funding for economic development in the County by the Genesee County Economic Development Center.

Legislator Yunker seconded the resolution, which was adopted by 326 votes.

#### **RESOLUTION NO. 106**

#### **AGREEMENT & BUDGET AMENDMENT-ARPA SUBRECIPIENT AGREEMENT/ GENESEE COUNTY CHAMBER OF COMMERCE AND COUNTY OF GENESEE-APPROVAL OF**

Legislator Klotzbach offered the following resolution:

**WHEREAS**, The American Rescue Plan Act (ARPA) was signed into law March 11, 2021 with Genesee County scheduled to receive a total of \$11,125,969 Million in Coronavirus State and Local Fiscal Recovery Funds, and

**WHEREAS**, Treasury issued a Final Rule for ARPA Fiscal Recovery Funds effective April 1, 2022 and ARPA provides that Coronavirus State and Local Fiscal Recovery Funds may be used to respond to the public health emergency or its negative economic impacts including assistance to non-profits, and

**WHEREAS**, Genesee County Chamber of Commerce, a non-profit entity, reported a loss of revenue as a direct result of the COVID-19 pandemic and submitted a request to the County for \$240,000 to establish a County Branding Initiative, and

**WHEREAS**, The County of Genesee desires to enter into an Agreement with the Genesee County Chamber of Commerce for the purpose of assisting the County in meeting goals of the ARPA, and

**WHEREAS**, the County Manager, County Attorney and County Treasurer have reviewed and approve of the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund 21.027 Subrecipient Agreement between the County of Genesee and the Genesee County Chamber of Commerce, and

**WHEREAS**, the Ways & Means Committee did review the Agreement and does recommend approval at this time, Now therefore Be it

**RESOLVED**, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund 21.027 Subrecipient Agreement between the County of Genesee and the Genesee County Chamber of Commerce, and be it further

**RESOLVED**, that the Genesee County Treasurer is hereby authorized and directed to amend the 2022 budget by increasing A.1231.4800.0700 ARPA Contractual Expense in the amount of \$139,500 to be offset by an increase in revenue A.1231.4089.3 Federal Aid ARPA in a like amount.

**Budget Impact:** 2022 Budget will be amended by increasing A.1231.4800.0700 ARPA Contractual Expense in the amount of \$139,500 to be offset by an increase in revenue A.1231.4089.3 Federal Aid ARPA in a like amount.

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

**RESOLUTION NO. 107****AMENDMENT TO RESOLUTION NO. 379 YEAR  
2021/CHANGE ORDERS-PHASE 2 WATER SUPPLY-  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Resolution No. 379 Year 2021 authorized necessary change orders on projects needed to expand water capacity supply under Phase 2 of the Countywide Water Supply Program, and

**WHEREAS**, these projects have encountered additional changes in requirements, which have increased costs required to complete the project, and

**WHEREAS**, The Genesee County Highway Superintendent has reviewed this change and requests the need and accuracy of pricing for final payment at this time. Now, therefore be it

**RESOLVED**, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to approve the final payment and execute documentation, subject to the approval of the County Attorney, with Randsco Pipeline, Inc., 672 Frey Rd., Macedon, NY 14502 for a final amount of \$220,000 in full satisfaction of all incurred costs.

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

**RESOLUTION NO. 108****AUTHORIZATION TO SIGN THE GLOW WORKFORCE  
INNOVATION AND OPPORTUNITY AREA  
MEMORANDUM OF UNDERSTANDING – APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, the Chief Elected Officials (CEO's) of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a Workforce Innovation and Opportunity Area under the Workforce Innovation and Opportunity Act (WIOA) of 2014, and

**WHEREAS**, the Federal Workforce Innovation and Opportunity Act of 2014 mandates that each local Workforce Innovation and Opportunity Area create a Memorandum of Understanding (MOU) regarding the operation of the local one-stop delivery system, including the roles and responsibilities of all GLOW WIOA system partners, and

**WHEREAS**, Each required WIOA system partner must enter into the GLOW WIOA MOU with the GLOW Workforce Development Board (WDB) and the four County CEO's, and

**WHEREAS**, The Genesee County Legislature has designated the Genesee County Job Development Bureau (GCJDB) as the required system partner providing WIOA Title I Adult, Dislocated Worker, and Youth program services in Genesee County. Now, Therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct Teresa Van Son, the Director of the GCJDB, to sign the GLOW WIOA MOU as the required partner in Genesee County for the WIOA Title I Adult, Dislocated Worker and Youth program services, and Be it Further

**RESOLVED**, That the Genesee County Legislature does hereby authorize Rochelle Stein, Chair of the Genesee County Legislature, to sign the GLOW WIOA MOU as the CEO of Genesee County, and Be it Further

**RESOLVED**, That the GLOW WIOA MOU will be effective July 1, 2020 and will be renewed not less than once every three years, or until such time that the Workforce Innovation and Opportunity Act is repealed.

Budget Impact: Neutral. The GLOW WIOA MOU does not represent a legally binding contract or establish any financial liability for any of the parties.

Legislator Yunker seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 109****NUTRITION PROGRAM MEAL SITE AGREEMENT - OFA/  
GENESEE VALLEY RURAL PRESERVATION COUNCIL,  
INC. AT HAVENWOOD CONGREGATE APARTMENTS  
2022 - APPROVAL OF**

Legislator Torrey offered the following resolution:



**WHEREAS**, the Director of the Office for the Aging did present a contract for the provision of meal site operations for older adults at Havenwood Apartments, and

**WHEREAS**, the Committees on Human Services did review this request and do recommend approval at this time, and

**WHEREAS**, the Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars naming Genesee Valley Rural Preservation Council, Inc. 5861 Groveland Station Road Mount Morris, NY 14510 as additional insured. Now, therefore, be it

**RESOLVED**, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to enter into any and all agreements with the Genesee Valley Rural Preservation Council, Inc. 5861 Groveland Station Road, Mount Morris, NY 14510, for a senior meal site operation at Havenwood Congregate Apartments under the terms and conditions of the agreement for the period of January 1, 2022 – December 31, 2022, with no payment to Genesee Valley Rural Preservation Council, Inc. for services rendered or received. Participant contributions will be forwarded to the Office for the Aging for meals provided. May it be further

**RESOLVED**, that the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Genesee Valley rural Preservation Council, Inc. 5861 Groveland Station Road. Mount Morris, NY 14510 as additional insured from January 1, 2022-December 31, 2022.

Budget Impact Statement: None. Contributions received from participants, Federal NSIP (Nutrition Service Incentive Program), NY State WIN (Wellness in Nutrition), Title IIIC-1 Federal Older Americans Act grant funds, and contributions received from participants will pay for the costs of providing meals at this meal site.

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

**RESOLUTION NO. 110                      RENEWAL OF CONTRACT - RFP-2020-103 OFA  
/CARING ENVIRONMENTS J&H, INC. - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, the Director of the Office for the Aging did present a renewal of contract established through RFP #2020-103 to Caring Environments J&H , Inc. 4365 Ransom Rd. Clarence, NY 14031 to provide Stair lift and wheelchair/vertical lift installation, and

**WHEREAS**, the Office for the Aging (OFA) is implementing a new stair lift and wheelchair/vertical lift program using targeted home and community based funding. This funding allows for certain services which maintain or promote the independence of older adults who meet eligibility criteria. These services include, but are not limited to, removal of physical barriers (such as providing ramps, lifts, grab bars, etc.) and wraparound services such as purchasing/renting, maintaining and repair of appliances Due to the lack of personal aide services for those eligible for such services, installation of stair lifts and wheelchair/vertical lift service has been identified as a need in Genesee County and is in greater demand with the increasing number of frail and/or chronically ill elders in our county needing in-home and community support services in order to remain in the home of their choice; and

**WHEREAS**, an installation provider has been identified by the Office for the Aging to help address home modification needs for eligible older adults, and

**WHEREAS**, The Committees on Human Services did review this request and do recommend approval at this time, and

**WHEREAS**, the initial contract took effect March 12, 2020 with renewal options for two additional one year periods. This is the first of those renewals for the period of March 12, 2022-March 11, 2023. Now, therefore, be it

**RESOLVED**, that the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to award the contract to Caring Environments J&H, Inc. 4365 Ransom Rd. Clarence, NY 14031, to serve as an installer at a cost of \$140 per hour, not to exceed \$102,000 for the period of March 12, 2022-March 11, 2023.

Budget Impact: Neutral. Funds have come from Unmet Needs Supplemental and EISEP Awards and are incorporated into the 2022 county budget in the Homecare and Maintenance/Equipment lines. No additional County funds will be required.

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

**RESOLUTION NO. 111                                RENEWAL OF CONTRACT –RFP-2020-104  
OFA/CARING ENVIRONMENTS J&H, INC. -  
APPROVAL OF**

Legislator Hawley offered the following resolution:

**WHEREAS**, the Director of the Office for the Aging did present a renewal contract established through RFP #2020-104 to Caring Environments J&H, Inc. 4365 Ransom Rd. Clarence, NY 14031 to provide tub/shower modifications, and

**WHEREAS**, the Office for the Aging (OFA) is implementing a new Tub/Shower Modification Program using targeted home and community based funding. This funding allows for certain services which maintain or promote the independence of older adults who meet eligibility criteria. These services include, but are not limited to, removal of physical barriers (such as changing out tubs for walk-in showers providing raised toilets, grab bars, etc.) and wraparound services such as purchasing/renting, maintaining and repair of appliances. Due to the lack of personal aide services for those eligible for such services, tub/shower modification has been identified as a need in Genesee County and is in greater demand with the increasing number of frail and/or chronically ill elders in our county needing in-home and community support services in order to remain in the home of their choice, and

**WHEREAS**, an installation provider has been identified by the Office for the Aging to help address home modification needs for eligible older adults, and

**WHEREAS**, The Committees on Human Services did review this request and do recommend approval at this time, and

**WHEREAS**, the initial contract took effect March 12, 2020 with renewal options for two additional one year periods. This is the first of those renewals for the period of March 12, 2022-March 11, 2023. Now, therefore, be it

**RESOLVED**, that the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to award the contract to Caring Environments J&H, Inc. 4365 Ransom Rd. Clarence, NY 14031, to serve as an installer at a cost of \$140 per hour, not to exceed \$102,000 for the period of March 12, 2022-March 11, 2023.

Budget Impact: Neutral. Funds have come from Unmet Needs Supplemental and EISEP Awards and are incorporated into the 2022 county budget in the Homecare and Maintenance /Equipment lines. No additional County funds will be required.

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

**RESOLUTION NO. 112                                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 2022 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, 2022 through December 31, 2022 at a cost not to exceed seven thousand five hundred dollars (\$7,500.00).

**Budget Impact Statement:** 2022 = \$7,500  
2021 = \$6,500

2020 = \$6,500  
 2019 = \$6,500  
 2018= \$6,500  
 2017= \$6,300; 10% reduction in funding  
 2016 = \$7,000  
 2015 = \$6,905  
 2014 = \$6,905  
 2013 = \$6,905  
 2012 = \$6,905; 5% reduction in funding  
 2011 = \$7,268; 15% reduction in funding  
 2010 = \$8,550; 5% reduction in funding  
 2005 – 2009 funding = \$9,000/year  
 1997 – 2004 funding = \$10,000/year (in 2001 received \$4,000 extra as matching funds for state grant)  
 1994 -1996 funding = \$3,000/year  
 1993 funding = \$2,500/year

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

**RESOLUTION NO. 113                                 SUPPORTING THE ENACTMENT OF THE NEW YORK STATE BUY AMERICAN SALT ACT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, New York State has at least two salt mines within the state that provide rock salt for road deicing purposes and one of those mines is located in Livingston County, specifically in the Town of Groveland, and

**WHEREAS**, despite these two large Upstate New York mines offering good paying union jobs, competition with foreign salt operations recently harmed these mines. Alarming, in 2019 hundreds of workers employed by these mines were laid off when non-US companies were awarded over \$18.8 million in state contracts; and

**WHEREAS**, in addition to providing jobs, salt mined or harvested in New York State adds an estimated \$3.00 in tax revenue for every ton of salt produced providing a financial boon to the state and various counties. There is a clear fiscal and economic benefit to purchasing salt produced in the state; and

**WHEREAS**, New York State has previously prioritized the purchase of goods by focusing on a buy American strategy, most recently in 2017 when the Governor and Legislature agreed to prioritize American made steel in state contracts; and

**WHEREAS**, while purchasing American products does not necessarily mean New York products will be purchased, it does present a legal framework that still gives New York State mines an advantage over foreign competition; now, therefore, be it

**RESOLVED**, that the Genesee County Legislature hereby supports the passage of Senate Bill S3908A and Assembly Bill A07919 known as the Buy American Salt Act; and be it further

**RESOLVED**, that the Clerk to the Legislature shall forward this resolution to Senator Edward A. Rath, Assemblyman Stephen Hawley, Inter-County Association of Western New York and all others deemed necessary and appropriate.

Legislator Klotzbach seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 114             2022 BUDGET AND CONTRACT AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES – GENESEE COUNCIL ON ALCOHOLISM AND SUBSTANCE ABUSE (GCASA) – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2022 Genesee Council on Alcoholism and Substance Abuse (GCASA) contract and budget, and

**WHEREAS**, These additional funds are the result of an increase of 2022 New York State OASAS funds Now, therefore, Be it

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

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2022 contract and budget between the County of Genesee and GCASA. , and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 Genesee County Budget by

Increasing A4313.4660.000 Contracted Other by \$ 102,500.00

AND

Increasing A.4313.3490 State Aid Mental Health by \$ 102,500.00

Budget Impact Statement: Increasing the budget by \$102,500, offset by an increase in State Aid in the amount of \$102,500.00

Legislator Dibble seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 115 2022 BUDGET AND CONTRACT AMENDMENT -  
COMMUNITY MENTAL HEALTH SERVICES – WNY  
HEROES INC. – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2022 WNY Heroes contract and budget, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2022 contract between the County of Genesee and WNY Heroes, Inc. Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 Genesee County Budget by

Increasing A.4316.4660.0000 Contracted Other by \$ 10,000.00

AND

Increasing A.4316.3490 State Aid Mental Health by \$ 10,000.00

Budget Impact Statement: Increasing the budget by \$10,000, offset by an increase in State Aid in the amount of \$10,000.00. A total payout to not exceed \$10,000.00

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

**RESOLUTION NO. 116 CONTRACT/MENTAL HEALTH/SAFESIDE PREVENTION  
TRAINING – 2022 - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Director of Community Services is presenting a contract with Safeside Prevention. Safeside InPlace Learning program is a suicide prevention and educational subscription. This program will provide workshop training plus all of the consultation and ongoing support/learning for a whole year for the entire Mental Health department team, and

**WHEREAS**, The Committee on Human Services and Ways and Means does recommend approval of a contract with Safeside Prevention as presented by the Director of Community Mental Health Services. Now, therefore, Be it.

**RESOLVED**, That the Chairman of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to implement a contract between the County of Genesee and SafeSide Prevention for the provision of Safeside InPlace Learning program at a cost not to exceed \$3,125 for the period of one year to start April 1, 2022, and Be it further

**RESOLVED**, That the county agrees to approve the contract not to exceed \$3,125 in accordance with the terms of the contract attested to by the Genesee County Legislature and SafeSide Prevention, and approved as to form by the Genesee County Attorney.

Budget Impact Statement: \$3,125 cost to be covered by the Workforce Block Grant received.

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

**RESOLUTION NO. 117                      2022 AFFILIATION AGREEMENT WITH SUNY COLLEGE  
AT BROCKPORT/COMMUNITY MENTAL HEALTH  
SERVICES - APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS**, The Director of Community Mental Health Services reviewed and approves of the affiliation agreement with the SUNY College at Brockport to participate in and complete an internship that will assist interns in completing their degrees, and

**WHEREAS**, The Genesee County Attorney, did review the affiliation agreement and does recommend approval at this time, and

**WHEREAS**, The Committees on Human Services and Ways and Means did review the affiliation agreement and does concur at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Chairperson to approve and signoff on the 2022 Affiliation Agreement with SUNY College of Brockport, effective March 10, 2022 and shall continue in full force and effect for five (5) years or until terminated as set forth in the agreement.

Budget Impact Statement: There is no financial impact associated with this affiliation agreement. No budgetary Impact.

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

**RESOLUTION NO. 118                      PROGRAM CLOSURE- COMMUNITY MENTAL HEALTH  
SERVICES/CONTINUING DAY TREATMENT PROGRAM  
- APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Genesee County Mental Health offers several programs and services designed to assist individuals and families with mental health needs, and

**WHEREAS**, the Continuing Day Treatment (CDT) Program has faced operational barriers and challenges due in part, to the COVID-19 pandemic, resulting in inconsistent program delivery, and

**WHEREAS**, the director of community services conducted a thorough program and fiscal evaluation to review the effectiveness and appropriateness of CDT, and

**WHEREAS**, the director of community services and the Community Services Board have thoroughly reviewed program outcomes and costs and determined the program should be closed, and

**WHEREAS**, the director of community services has identified new models of service delivery that will be made available to CDT program participants as well as community resources currently offered by the Mental Health Association, and

**WHEREAS**, The director of community services and the Community Services Board are in full agreement and recommend the Continuing Day Treatment program be closed and request the support of the Genesee County Legislature, and

**WHEREAS**, every CDT program participant will have a unique continuity of care plan in place and will be supported by GCMH through the first appointment identified in their plan, and

**WHEREAS**, NYS Office of Mental Health will not approve formal program closure until every CDT patient has participated in the creation of their continuity of care plan and attended the first appointment, and

**WHEREAS**, The Genesee County Mental Health Department's CDT program currently provides services to 64 clients, of which 53 clients are Genesee County residents

**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 Legislature supports the recommendation of the director of community services and the Community Services Board to cease operation of the Continuing Day Treatment Program currently operated by Genesee County Mental Health.

Budget Impact Statement: A decrease in anticipated State Aid for CDT services in the amount of \$174,000. Reallocation of staff will allow

existing personnel expenses to be offset by Medicaid, Medicare and third party insurance.

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

**RESOLUTION NO. 119                      2022 SALARY SCHEDULE AMENDMENT - COMMUNITY MENTAL HEALTH SERVICES/ASSISTANT SOCIAL WORKER (COMMUNITY MENTAL HEALTH) - APPROVAL OF**

Legislator Hawley offered the following resolution:

**WHEREAS**, The department of Mental Health in Genesee County is restructuring positions within the department to cover the needs of the community. The Director is requesting one full-time Mental Health Clinical Therapist position be eliminated and one full-time Assistant Social Worker (Community Mental Health) position be created to cover ongoing community needs due to the closure of programs within the agency, and

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2022 Employee Salary Schedule by eliminating one (1) Full-time, Mental Health Clinical Therapist position, CSEA-General, Grade 19, and creating one (1) Full-Time Assistant Social Worker (Community Mental Health) position, in CSEA-General, Grade 15, 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 and Human Resources Director are hereby authorized and directed to amend the 2022 Employee Salary Schedule by eliminating one (1) Full-time, Mental Health Clinical Therapist position, CSEA-General, Grade 19, and creating one (1) Full-Time, Assistant Social Worker (Community Mental Health) position, in CSEA-General, Grade 15 effective March 14, 2022.

Budget Impact Statement: The Assistant Social Worker (Community Mental Health) title is a lower grade than the MH Clinical Therapist, there would be a savings of \$22, 944 annually; no budget amendment needed.

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

**RESOLUTION NO. 120                      AGREEMENT – GENESEE COUNTY HEALTH DEPARTMENT/ LIVINGSTON COUNTY HEALTH DEPARTMENT – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, The Public Health Director did present an agreement with The Livingston County Health Department, which allows the Genesee County Health Department to access to the County of Livingston LeadWeb platform and all lead-related data stored therein for the tracking and analysis of data regarding childhood lead testing to support primary prevention of childhood lead poisoning throughout the GLOW region, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement with The Livingston County Health Department, located at 2 Murray Hill Dr., Mt. Morris, NY 14510 which allows the Genesee County Health Department access to the County of Livingston LeadWeb platform and all lead-related data stored therein, from January 27, 2022 – September 30th, 2026.

Budget Implications: No County Cost.

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

**RESOLUTION NO. 121                      2022 SALARY SCHEDULE AMENDMENT–HEALTH DEPARTMENT /PRE-K 3-5/EARLY INTERVENTION – APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The Public Health Director has requested the creation of one full time position of a

Transportation Coordinator, and

**WHEREAS**, The Committees on Human Services and Ways and Means did review the request and do recommend approval at this time, now therefore, be it

**RESOLVED**, That the Genesee County Treasurer and Personnel Human Resources Director are hereby authorized and directed to amend the 2022 Genesee County Management Salary Schedule by creating one full time position of Transportation Coordinator (Management grade 111) effective 3/14/2022.

Budget Impact: The creation of one full time Position of Transportation Coordinator will take effect 3/14/2022. The Transportation Coordinator's salary and fringe will be split evenly between Genesee, Orleans and Livingston counties and funds are allocated in the 2022 Health Department budget. The cost to the county will be approx. \$30,866 annually.

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

**RESOLUTION NO. 122                      BUDGET AMENDMENT – HEALTH DEPARTMENT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, National Association of County and City Health Officials (NACCHO) has awarded the Genesee County Public Health Department \$11,000 in funding (Resolution #545) to participate in a wastewater surveillance mentorship program, and

**WHEREAS**, The Committees on Human Services and Ways and Means did review this Budget Amendment 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 Health Department budget to reflect an increase of:

\$5,793 in Appropriations A4010 4560.0000 Personnel Travel

\$5,207 in Appropriations A4010 4700.0000 Specialized Supplies

to be offset by an increase of \$11,000 in A4010 4401 Fed Aid-Public Health.

Budget Implications: No county cost.

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

**RESOLUTION NO. 123                      BUDGET AMENDMENT – HEALTH DEPARTMENT – PERFORMANCE INCENTIVE ACCEPTANCE APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, The Public Health Department participated in the 2021 Local Health Department Performance Incentive Program and completed the Chlamydia and Gonorrhea reporting requirements during the performance period (November 1,2020 – September 30,2021), and

**WHEREAS**, The New York State Department of Health has awarded the Genesee County Public Health Department \$20,000 to use this funding to support costs associated with Article 6 eligible services and,

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized to accept this award for \$20,000 as specified in the Local Health Department Incentive Program description, Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2022 Health Department budget to reflect an increase of:

\$7,000 in Appropriations A4010 4700.1150 Biologicals

\$13,000 in Appropriations A4010 4800.0000 Program Expense

to be offset by an increase of \$20,000 in A4010 3401 State Aid, Public Health.

Budget Impact: \$0 cost to the county, funds will be used to support costs associated with any Article 6 State Aid eligible activity or supplies.

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

**RESOLUTION NO. 124                      APPOINTMENT – GENESEE COUNTY YOUTH BOARD - APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, the Committees on Human Service and Ways and Means do recommend the appointment to the Genesee County Youth Board at this time. Now, therefore, be it **RESOLVED**, that the following individuals are hereby appointed to the Genesee County Youth Board with a term and representation as noted.

**New Appointment**

<u>Representing</u>	<u>Name</u>	<u>Term</u>
Youth member	Shawn Calmes	Three Year

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

Madam Chair Stein gave one last opportunity to speak during the public hearing which was opened at 5:30 p.m. There were no interested participants that spoke during the public hearing. The public hearing closed at 6:06 pm.

**RESOLUTION NO. 125                      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 – APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The County of Genesee (hereinafter “County”) elects to participate in the Energize NY Open C-PACE Financing Program (hereinafter “C-PACE”) in an Agreement with the Energy Improvement Corporation (hereinafter “EIC”), and

**WHEREAS**, EIC has established the Program as a sustainable energy financing program pursuant to Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”) through which the member municipalities, including the Participating Municipality, may levy charges against Qualified Properties within the Participating Municipality for the purpose of promoting, facilitating and financing clean energy improvements to Qualified Properties, thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government, and

**WHEREAS**, the Following Proposed Local Law Introductory No. A, Year 2022 was duly introduced to the Genesee County Legislature in accordance with the Law: **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**

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

- §1. This local law shall be known as** the “Energize NY Open C-PACE Financing Program” and shall read as follows:
- §2. Legislative findings, intent and purpose, authority.**
  - A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by the Enabling Act.



- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**§3. Definitions.**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 9, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 9 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 4, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 7, paragraph A of this local law.

**Financing Charges** – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

**Municipality** – the County of Genesee, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a

Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 9, paragraph C.

**State** – the State of New York.

**§4. Establishment of an Energize NY Open C-PACE Financing Program.**

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§5. Procedures for eligibility.**

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 6 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 7 of this local law.

**§6. Application criteria.**

- Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§7. Energize NY Finance Agreement.**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§8. Terms and conditions of repayment.**

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

**§9. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded

by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

**§10. Verification and report.**

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§11. Separability.**

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

**§12.** This local law shall take effect upon filing with the Secretary of State.

**WHEREAS,** The Clerk of the Genesee County Legislature did post a certified notice of Public Hearing on said proposed Local Law on the bulletin board in the Genesee County Old Courthouse, and

**WHEREAS,** The Clerk of the Genesee County Legislature did cause to be published in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory Number A, Year 2022, and

**WHEREAS,** a Public Hearing was held at 5:30 on March 9, 2022 in the Legislature Chambers of the Old Courthouse and via Zoom, Batavia, New York, at which time all interested persons who wished to speak were heard, Now, therefore Be it

**RESOLVED, that “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”** be known as Local Law No. 2, Year 2022, for the County of Genesee as introduced February 23, 2022, be and hereby is adopted.

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

**RESOLUTION NO. 126 COUNTY AUDIT –MARCH 9- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

General Fund	\$	774,325.16
Highway		123,109.49
Self Insurance		38,491.25
Water Fund		9,000.00
DSS Abstracts		333,736.02

**Capital Projects**

Highway-Darien-Alexander Road Bridge over Tunnery Creek	409.90
Highway-Large Span Culverts	8,626.40
Highway-Road Machinery	83,497.36
Highway-S. Lyon Street Bridge over Tonawanda Creek	4,310.09
Airport-Airport Apron Reconstruction/Construction	2,079.97
Facilities Management-Genesee Justice Stone Work	5,116.00
Sheriff’s-Public Safety Communication Tower	143,867.91
Sheriff/Jail-Jail Construction	9,537.50

**Payroll – General**

February 25, 2022	1,774,515.40
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**Medicaid**

March 1, 2022	146,087.00
March 8, 2022	<u>146,087.00</u>
<b>Total Audit</b>	\$ 3,602,796.45

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 Klotzbach seconded the resolution which was adopted by 326 votes.

Legislator Yunker called to suspend the rules under rule 19 to add an important resolution, seconded by Legislator Maha, carried unanimously with 326 votes.

**RESOLUTION NO. 127                      2022-2023 RULES FOR GENESEE COUNTY LEGISLATURE-  
ADOPTION OF**

Legislator Yunker offered the following resolution:

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

**RESOLVED**, that the Rules for the Legislature be and hereby are approved as the Rules which will govern the Genesee County Legislature for its operation for the term 2022-2023.

**Budget Impact Statement:** None

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

Congratulations to Legislator Klotzbach for his family business which will be honored at the Chamber of Commerce Banquet on Saturday, March 12<sup>th</sup>. Also, Birthday wishes to Legislator Hawley.

At 6:10 pm the meeting adjourned upon motion of Legislator Deleo seconded by Legislator Clattenburg, carried unanimously.