

**SIXTH DAY**  
**GENESEE COUNTY LEGISLATURE**  
**OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY**  
**WEDNESDAY, MARCH 22, 2023**

The Genesee County Legislature met in Regular Session on Wednesday, March 22, 2023 at 5:30 PM in the Legislative Chambers of the Old Courthouse. Legislator Klotzbach offered to assist with the audit. The prayer will be offered by Legislator Maha followed by the Pledge to the Flag. Chair Stein called for a moment of silence for Emergency Services Dispatcher Andrew K. Merkel of the Genesee County Sheriff's Office who passed away at the age of 38 on Tuesday, March 21, 2023. Emergency Services Dispatcher Merkel served the Genesee County Sheriff's Office since October 1, 2011. In addition to his regular duties as an Emergency Services Dispatcher, he was a Communications Training Officer and a board member of the Genesee County Sheriffs Employee Association. Andy was also a former employee of Mercy EMS from 2009 to 2015 as an EMT, an Oakfield baseball coach and mentor and a longstanding member of the Alabama Fire Department. Outside of serving his community, he spent his time operating Wings Cupped Retriever Services, his dog training company, which specialized in obedience, retriever and gun dog training. He also enjoyed duck hunting and the outdoors. On top of all that, he was a family man and a great friend. He loved spending time with his wife and 3 young children and talking about their escapades. He contributed valuable guidance and tremendous support over many years to anyone who crossed his path.

Proclamations & Commendations: None

Approval Of Minutes for March 8, 2023 – Motioned by Legislator Dibble and seconded by Legislator Hawley, carried.

Committee & Special Assignment Reports: None.

Communications & Petitions: None.

Legislator Comments: None.

County Manager Report: Thanked Legislature for the adoption of the new Dental Plan. Received feedback from unions and they are every appreciative. Mr. Landers has two meetings left with two towns regarding broadband.

Resolutions - Consent Agenda Items - Ways And Means: Legislator Clattenburg referred resolutions 1 through 15 which have been approved by the Ways and Means Committee seconded by Legislator Dibble.

1. Agreement For 36-Month Empire Access EFAX
2. 2023 Budget Amendment - Workforce Block Grant
3. Budget Amendment - System Of Care Grant 2023
4. 2023 Budget Amendment-Job Development Bureau/ARPA Funds
5. Adoption of Genesee County Corporate Compliance Plan
6. Compliance Committee Charter
7. Award of Contract – Health Benefits/ Third party Administrator/Dental
8. Rejection Of Proposals -2022 RFP For Web Development Services
9. Surplus Equipment – West Main Street Tower
10. Consultant Agreement – Genesee County Jail – Commissioning Services
11. National Fuel Easement- Genesee County Jail
12. Establish Capital Project/2023 Budget Amendment – Bridge 11M/Attica Rd
13. Change Order – Facility Management/ Genesee Justice Stonework
14. Acceptance Of DCJS Funding/Budget Transfer -Sheriff-Body Worn Camera Equipment

15. Grant Acceptance – Genesee Justice / NYS Division Of Criminal Justice Services ATI

Grant

1-15	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	X		26	26
3. Dibble	2		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	X		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
<b>TOTALS</b>			<b>200</b>	<b>200</b>
Roll Call			200	
Approval			<b>101</b>	<b>134</b>

Public Service Committee under the Consent Agenda:

Legislator Maha referred resolutions 16-18 which have been approved by the Public Service Committee and seconded by Legislator Klotzbach.

16. Contract – Genesee County Soil and Water Conservation District

17. Award Of Bids – Highway Construction Materials

18. Award of Bid – Highway Garage De-stratification Fans

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

NON-CONSENT ITEMS

Legislator Clattenburg offered the Following Resolution

19. County Audit – March 22, 2023 seconded by Legislator Klotzbach.

Please take the roll call:

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

Unfinished Business: None.

Vice Chair Clattenburg motioned for an executive session...proposed, pending, or current litigation seconded by Legislator Yunker at 5:40 p.m. A motion to close executive session by Legislator Hawley seconded by Legislator Klotzbach at 5:58 p.m.

Adjournment:

Motion to close the meeting by Legislator Deleo and Seconded by Legislator Maha. Time: 5:58 p.m.

**RESOLUTION NO. 100**

**AGREEMENT FOR 36 MONTH EMPIRE ACCESS  
EFAX/ INFORMATION TECHNOLOGY -**







**WHEREAS**, upon review, the selection committee did identify a new list of needs that was not part of the original scope of RFP 2022-114 and wishes to incorporate those needs into a new RFP, and

**WHEREAS**, the selection committee recommends rejecting the proposals that were submitted in response to RFP 2022-114, and

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

**RESOLVED**, that the Genesee County Purchasing Director is hereby authorized and directed to reject all submitted proposals to RPF 2022-114 and issue a new RFP for Web Development Services incorporating the additional needs identified by the selection committee.

Budget Impact: None

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

**RESOLUTION NO. 108                      SURPLUS EQUIPMENT – WEST MAIN ST TOWER–  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, the Genesee County Manager did request the following equipment be declared surplus property, and

**WHEREAS**, the Committees on Public Service and Ways and Means did review this request and do concur with this recommendation at this time. Now, therefore be it

**RESOLVED**, that the Genesee County Legislature does hereby declare the 100 Ft tower on New Jail property as surplus property, and Be it further

**RESOLVED**, that the Genesee County Legislature does donate the tower in an as-is condition to the Town of Alabama for their use

Budget Impact: There is no cost to surplus the tower. The removal of the tower will be completed by the Town of Alabama, and the removal of the base will be completed by the site contractor as a change order to the jail project.

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

**RESOLUTION NO. 109                      CONSULTANT AGREEMENT – GENESEE  
COUNTY JAIL – COMMISSIONING SERVICES -  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County did issue RFP 2023-105 for Commissioning Services related to the Genesee County Jail Construction Project, and

**WHEREAS**, the Pike Companies, Genesee County, and SMRT has reviewed the proposals and is recommending that Genesee County award the contract for Commissioning Services to CJ Brown Energy & Engineering, P.C, and

**WHEREAS**, the Committees on Public Service and Ways and Means did review this request and do concur with this recommendation at this time. Now, therefore be it

**RESOLVED**, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to award the contract and execute all documents related to the contract to CJ Brown Energy & Engineering, P.C, 4245 Union Rd, Ste. 204 Buffalo NY 14225, for Commissioning Services, at a unit price not to exceed \$69,102.00.

Budget Impact: Funds to cover the expense were covered in the Jail Construction Capital Project

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

**RESOLUTION NO. 110                      NATIONAL FUEL EASEMENT- GENESEE  
COUNTY JAIL - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County has requested an underground gas service for the new County Jail at 3839 West Main St Rd, and

**WHEREAS**, National Fuel has requested a utility easement from Genesee County in order to provide the underground service and a transformer, and

**WHEREAS**, the County Manager and the County Attorney have reviewed this easement request and do recommend its approval at this time, and

**WHEREAS**, the Committees on Public Service and Ways and Means did review this request and do concur with this recommendation at this time. Now, therefore be it

**RESOLVED**, that the Genesee County Legislature does hereby authorize and direct the Chairperson of the Legislature to execute the easement agreement with National Fuel for the purpose of providing gas service to the County Jail.

Budget Impact: There is no cost for the easement.

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

**RESOLUTION NO. 111                      ESTABLISH CAPITAL PROJECT/2023 BUDGET  
AMENDMENT – BRIDGE 11M/ATTICA RD –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, the Genesee County Superintendent of Highways is recommending establishing a capital project to reconstruct Bridge 11M on Attica Rd in the Town of Alexander, and

**WHEREAS**, the Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore be it

**RESOLVED**, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following capital project:

**Establish Capital Project:**

<b>Title</b>	<b>Total</b>	<b>Revenue Source</b>
Bridge 11M/Attica Rd	\$1,058,663.06	B/E Reserve - Roads & Bridges A878

**RESOLVED**, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to fund the project with an increase in A1000 9999 Balancing Appropriated in the amount of \$1,058,663.06 to be offset by an increase in A9950 9000-0000 Transfer to Capital Fund with funds to be taken from Building & Equipment Reserve – Roads & Bridges in the amount of \$1,058,663.06 and an increase to H5197 5031 Highway Capital Projects and Interfund Transfer in the amount of \$1,058,663.06 to be offset by an increase in H5197 2080-0000 Highway Capital Projects Bridge 11M/Attica Rd expense in the amount of \$1,058,663.06.

Budget Impact Statement: Roads and Bridges reserve was established to progress road and bridge capital needs throughout the county. This obligation would use all remaining funds in this account.

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

**RESOLUTION NO. 112                      CHANGE ORDER – FACILITY MANAGEMENT/  
GENESEE JUSTICE STONWORK -- APPROVAL  
OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County has continued work on the restoration of the Genesee Justice Facility located at 14 West Main Street in the City of Batavia, and

**WHEREAS**, Genesee County desires to make further improvements to the Genesee Justice Facility to address deficiencies in the gutters, cap stones and storm window panels, and

**WHEREAS**, Genesee County is eligible to receive a credit for the bullet proof glass, replacement of one lawn light fixture, and four (4) storm window panels not required, and

**WHEREAS**, the Genesee County Highway Superintendent has reviewed these change requests for need and accuracy of pricing, and







**WHEREAS**, Genesee County established a capital project for the installation of destratification fans within the fleet maintenance garage, and

**WHEREAS**, the Genesee County Highway Superintendent researched cooperative bid specifications via BuyBoard contract #631-20 for the purchase and installation of such fans, and

**WHEREAS**, the Highway Superintendent did review this bid and does recommend an award at this time, and

**WHEREAS**, the Committees on Public Service did review this request and does recommend an award at this time. Now, therefore be it

**RESOLVED**, that the Genesee County Highway Superintendent is hereby authorized and directed to award a bid to Delta T LLC, dba Big Ass Fans, 2348 Innovation Dr., Lexington KY, 40511, in an amount not to exceed \$29,395.63.

Budget Impact: This award is made through the Highway Garage Destratification Fans capital project that is funded at \$60,000.

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

**RESOLUTION NO. 118 COUNTY AUDIT–MARCH 22, 2023–APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

General Fund	\$	1,715,039.41
Highway		114,028.93
Water Fund		208,265.56
Self Insurance		1,148.82
DSS Abstracts		395,097.66
<b>Capital Projects</b>		
Sheriff/Jail – Jail Construction		3,521,029.83
Facilities Management – Engine House Renovations		133.60
Facilities Management – Genesee Justice Stonework		52,250.00
Facilities Management – County wide HVAC Controls Upgrade		54,614.00
Facilities Management – HLOM Restoration Study		7,798.32
Highway – S Lyons Street Over Tonawanda Creek		3,000.00
Highway – Large Span Culverts		4,155.00
County Park – Water System Upgrade		115.35
GCC – Arts Center Connector Replacement		109.90
<b>Payroll – General</b>		
March 10, 2023		1,335,937.36
<b>Medicaid</b>		
March 14, 2023		152,875.00
March 21, 2023		<u>152,875.00</u>
<b>Total Audit</b>	\$	<u>7,718,473.74</u>

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 200 votes.