

**SEVENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, April 8, 2020**

The Genesee Legislature met in Regular Session on Wednesday, April 8, 2020 at 5:30PM. Because of the Novel Coronavirus (COVID-19) Pandemic and the State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued March 12, 2020 suspending the Open Meeting Law, the Genesee County Legislature meeting was held electronically via ZOOM video conference instead of a public meeting open for the public to attend in person. Legislator Maha assisted with the audit. Prayer was offered by Legislator Deleo followed by the Pledge to the Flag.

Vice Chair Clattenburg presented a National County Government Month Proclamation to County Manger Jay Gsell. The 2020 Theme is "Counties Matter" and during this time of crisis Genesee County Government and its departments is working diligently to ensure residents and citizens are informed and have access to needed services. County Manger Jay Gsell accepted the proclamation and elaborated on the work of the Health Department, Emergency Management Services, Sheriff and others who are working around the clock to ensure appropriate action is taken pertaining to COVID-19 and the health and safety of residents.

Legislator Gordon Dibble presented the Public Safety Telecommunicators' Week proclamation to several dispatchers including Frank Riccobono, John Spencer, Samantha Coniber, John Eddy as well as Sheriff Sheron and Under Sheriff Mazur. All were commended for their work especially now during the trying times of COVID-19.

Minutes of the March 25, 2020 Legislature meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Young, carried unanimously.

Legislator Maha reported that the Office for the Aging Advisory Council met on April 1, 2020 and received an update from director Diana Fox on the impact the COVID-19 Pandemic is having on OFA services. Staff was thanked for their commitment to the provision of services to a vulnerable population especially during these difficult times.

Legislator Clattenburg relayed her appreciation of citizens who are heeding the advice of health officials and staying home and encouraged others to do so. The number of positive COVID-19 test results is rising in our county and families should have a plan to limit exposure such as have one designated person to get groceries and medications.

Chair Stein related that NYSAC is sharing a lot of useful information pertaining to the COVID-19 pandemic and the swiftly changing protocols. Governor Cuomo and Senator Schumer are providing information and briefings to keep citizens informed. Congressman Reed has extended an invitation to Genesee County to be heard since we do not have a representative in Congress.

County Manager Jay Gsell referenced the jobs report from County Job Development Bureau. There is a 2,700 percent increase in the unemployed in NYS. He shared the continued concern with a lack of COVID-19 test kits in our county and that EMS are working out glitches with the system used to get an alert to wireless devices.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 167 RESOLUTION CALLING ON MEMBERS OF THE NYS
SENATE AND ASSEMBLY TO REJECT THE
GOVERNOR'S SFY 2020-2021 EXECUTIVE BUDGET
PROPOSAL TO SHIFT 100% OF THE COST OF 730.20**

**COMPETENCY RESTORATION SERVICES TO THE
COUNTY DIRECTOR OF COMMUNITY MENTAL
HEALTH SERVICES-APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, the Governor’s proposal would require counties to pay 100% of the OMH State Operations costs for certain individuals receiving mental health treatment at State-operated Forensic Psychiatric Centers; and

WHEREAS, historically, counties have paid 50% of the per diem rate set by OMH, which has now reached an unsustainable cost burden on county budgets; and

WHEREAS, the derivation of Section 43.03 of Mental Hygiene Law (MHL), dates back to 1907 and allows the State to offset the costs of operating its Forensic Psychiatric Centers at County expense; and

WHEREAS, This statute no longer reflects the current mental hygiene system or the NYS Unified Court System and needs to be updated to be consistent with other statutes that makes the State responsible for its own costs for the treatment of mentally ill individuals in State-operated Forensic Psychiatric Centers; and

WHEREAS, despite the fact that counties are now paying half of such restoration services, the Executive Budget proposal shifts 100% of these costs to the counties; and

WHEREAS, OMH has also taken the position that the County Mental Health Director’s/Commissioners are not entitled to any information about the treatment they are paying for; and

WHEREAS, other payors for medical services are clearly entitled both under HIPAA and the MHL to receive information about the services for which payment is sought; and

WHEREAS, OMH also indicates counties should be responsible for any medical or hospitalization costs incurred for individuals mandated to competency restoration which, depending on the medical or surgical treatment required could be hundreds of thousands of dollars and have devastating impacts on county budgets; and

WHEREAS, in NYS the counties through county tax levy, already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness and assuming 100% in 730.20 competency restoration costs will take away millions of dollars for critical behavioral health programming in the community;

WHEREAS, Counties are requesting members of the NYS Senate and Assembly reject the Governor’s proposal to shift 100% of the cost of 730.20 competency restoration services to the County Mental Health Director’s/Commissioners in the SFY 2020-21 Enacted State Budget; and

NOW, THEREFORE BE IT RESOLVED: that the Genesee County Legislature calls on the Governor and the Office of Mental Health to strongly reconsider the enactment of this proposal which will cripple county budgets and have a devastating impact on the counties’ ability to pay for behavioral health programs that are critical for serving the State’s most vulnerable populations.

Budget Impact: For Genesee County, looking back at 2018 and 2019, the county paid **50%** of the cost associated with this:

2018:	OMH - \$64,144.21 (at 100% this would be \$128,288.42)
	OPWDD - \$22,947.30 (\$45,894.60)
2019:	OMH - \$78,640.73 (\$157,281.46)
	OPWDD - \$75,726.09 (\$151,452.18)
2020:	Budgeted amount for 2020 is \$60,000

Legislator Torrey seconded the resolution which passed by 326 votes.

RESOLUTION NO. 168 AWARD OF CONTRACT -OFFICE FOR THE AGING/STAIR & WHEELCHAIR LIFT PROGRAM – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present an award of 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, this initial contract is effective March 12, 2020-March 11, 2022 with renewal options for two additional one year periods. 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 20,000 for the period of March 12, 2020-March 11, 2021.

Budget Impact: Neutral. Funds have come from Unmet Needs and EISEP Supplemental Awards and are incorporated into the 2020 county budget in the Homecare and Maintenance/Equipment lines. No additional County funds will be required.

Legislator Deleo seconded the resolution which passed by 326 votes.

RESOLUTION NO. 169 AWARD OF CONTRACT- OFFICE FOR THE AGING/ TUB & SHOWER MODIFICAITON PROGRAM – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present an award of 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, this initial contract is effective March 12, 2020-March 11, 2022 with renewal options for two additional one year periods. 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 \$20,000 for the period of March 12, 2020-March 11, 2021.

Budget Impact: Neutral. Funds have come from Unmet Needs and EISEP Supplemental Awards and are incorporated into the 2020 county budget in the Homecare and Maintenance/Equipment lines. No additional County funds will be required.

Legislator Clattenburg seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 170 2020 YOUTH BUREAU RESOURCE ALLOCATION PLAN
– APPROVAL OF**

Legislator Deleo offered the following resolution:

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

WHEREAS, The Genesee County Youth Board, Youth Bureau and Department of Social Services are desirous of continuing county comprehensive youth services planning efforts during 2020 which includes the allocation of resources to municipalities and community based agencies to the extent said funding is provided by NYS and with no expectation of direct Genesee County appropriation, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize the Chair to execute such documents as are deemed necessary to effect the 2020 Genesee County Youth Bureau Resource Allocation Plan and the Child and Family Services Plan with the New York State Office of Children and Family Services and be it further

RESOLVED, all payments to programs/agencies are subject to availability of state aid with no expectation of direct Genesee County appropriation.

Budget Impact Statement - Resource allocation to contract programs is included in the 2020 department budget. Allocations are completely offset by revenue. All payments to programs/agencies are subject to availability of state aid.

Legislator Maha seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 171 MEMORANDUM OF AGREEMENT– HEALTH
DEPARTMENT/NYS DOH AIDS INSTITUTE BUREAU OF
HIV/STD FIELD SERVICES - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, Currently a Disease Intervention Specialist (DIS) employed by the Bureau of HIV/STD Field Services conducts field work within Genesee County, and;

WHEREAS, This agreement will enable the DIS to intermittently perform disease intervention duties while physically stationed at the Genesee County Health Department, and;

WHEREAS, The Director of Public Health did present a memorandum of agreement for a designated room at the Genesee County Health Department for this purpose, and the Committee

on Human Services does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a Memorandum of Agreement with NYS DOH AIDS Institute Bureau of HIV/STD Field Services, Western New York Regional Office, Buffalo, NY for the term February 1, 2020 and continuing through February 28, 2022.

Budget Impact Statement: There are no expenses related to this resolution.

Legislator Hilchey seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 172 CONTRACT – HEALTH DEPARTMENT/POST-
EXPOSURE RABIES TREATMENT SERVICES –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, New York State Public Health Law does specify the responsibility of Genesee County to ensure post-exposure rabies treatment, and;

WHEREAS, Genesee County is desirous of obtaining the services of WellNow Urgent Care to provide this treatment, and;

WHEREAS, The Director of Public Health did present a contract for said services and the Committee on Human Services does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with WellNow Urgent Care, 4189 Veteran’s Memorial Drive, Batavia, NY 14020 for the term April 1, 2020 and continuing through December 31, 2020 at the following rates:

Day 0 Treatment: \$125

Initial Office Visit including Administration of HRIG and Diploid Cell Vaccine
(Rabies Vaccine)

Day 3, 7 or 14 Treatment \$30

Administration of Diploid Cell Vaccine (Rabies Vaccine)

Budget Impact Statement: Expenses related to this contract are eligible for full reimbursement under Article 6 - State Aid Funding for General Public Health Works.

Legislator Yunker seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 173 CONTRACT – HEALTH DEPARTMENT/ACM GLOBAL
LABORATORY – APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Public Health Director did present an agreement with ACM Global Laboratory to provide laboratory services for the Genesee County Health Department, 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 a contract with ACM Global Laboratory at 160 Elmgrove Park, Rochester, NY 14624, to provide laboratory services for the period March 18, 2020 through March 17, 2021

Budget Implications: Expenses will be offset with the \$67,490 in COVID-19 funding, which is included in the 2020 4010 amended budget.

Legislator Dibble seconded the resolution which passed by 326 votes.

**RESOLUTION NO. 174 FUNDING AGREEMENT -GENESEE COUNTY CHAMBER
OF COMMERCE AGREEMENT/BUSINESS EDUCATION
ALLIANCE - APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The 1989 “Genesee 2000” strategic planning process resulted in the formation of the Business Education Alliance as an adjunct of the Genesee County Chamber of Commerce, and

WHEREAS, The Business Education Alliance provides services and programs that promote the formation of partnerships among businesses and schools for the continuous improvement of education and employment readiness within Genesee County, and

WHEREAS, The County is desirous of supporting such a program, and

WHEREAS, The Committee on Human Services did review the agreement and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute an agreement by and between the County of Genesee and the Genesee County Chamber of Commerce, 8276 Park Road, Batavia, NY for the Business Education Alliance program during the contract term of January 1, 2020 through December 31, 2020 in the amount of \$3,107.00.

Budget Impact Statement: \$3,107 appropriation in the 2020 budget
 \$3,107 appropriation in the 2019 budget
 \$3,107 appropriation in the 2018 budget
 10% reduction in funding; \$3,107 appropriated in 2017
 \$3,452 appropriation in the 2016 budget
 \$3,452 appropriation in the 2015 budget
 \$3,452 appropriation in the 2014 budget
 \$3,452 appropriation in the 2013 budget
 5% reduction in funding; \$3,452 appropriated in 2012 budget
 15% reduction in funding; \$3,634 appropriated in 2011 budget; first funded in 2000.
 5% reduction in funding; \$4,275 appropriated in 2010 budget; first funded in 2000.
 2005 – 2009 funding = \$4,500/year
 2000 – 2004 funding = \$5,000/year

Legislator Torrey seconded the resolution which passed by 326 votes.

RESOLUTION NO. 175 2020 BUDGET AMENDMENT – STOP DWI – APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, In 2019, the Genesee County STOP-DWI program was asked by the city of Batavia Police Department to fund the purchase of MARijuana Driving Experience (MARED) – Campaign Kit and accessories totaling \$3,778.18, and

WHEREAS, the MARDE Campaign Kit is utilized for community outreach initiatives, educating youth about the dangers of driving impaired. The Kit is stored and secured by the City Police Department, but available for use by the Sheriff’s Office, Genesee County Youth Bureau or any other local municipal agency or department that requests it, and

WHEREAS, the STOP-DWI Advisory Board met and unanimously voted to approve of this mid-year expenditure, and

WHEREAS, the Governor’s Traffic Safety Committee previously approved of this budget amendment and purchase, and

WHEREAS, Resolution 231 duly adopted July 13, 2019 authorized a 2019 budget amendment to cover the expense. The reimbursement paperwork was not received until 2020 from the City of Batavia thereby precipitating the need for a 2020 budget amendment, 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 Treasurer is hereby authorized and directed to amend the 2020 budget by Increasing A.3315.4660.0478 (Education Programs) \$3,779 to be offset by an Increase in revenue account A.3315.9999 (Balancing) in a like amount.

Budget Impact: Increase in expense funded by STOP-DWI reserve.

Legislator Young seconded the resolution which passed by 326 votes.

RESOLUTION NO. 176 LEASE – LEGAL AID OF ROCHESTER AGREEMENT – APPROVAL OF

Legislator Hilchey offered the following resolution:

WHEREAS, The Genesee County Manager did present an agreement with Legal Aid of Rochester for the lease of space at County Building #2, 3837 West Main Street, Batavia, for administrative purposes for the period of April 1, 2020 – March 31, 2021, at a rate of \$2,224.80 annually, and

WHEREAS, The Committee on Ways and Means did review said agreement and recommends 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 between Legal Aid of Rochester and the County of Genesee for the lease of space at County Building #2, 3837 West Main Street, effective April 1, 2020 through March 31, 2021; at a cost of \$2,224.80 per year.

Budget Impact: Additional revenue of \$2,224.80 annually

Legislator Deleo seconded the resolution which passed by 326 votes.

RESOLUTION NO. 177 COUNTY AUDIT –APRIL 8- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Maha, did review the following claims:

General Fund	\$	2,664,021.60
Highway		112,742.42
Water Fund		117,701.20
Self Insurance		34,878.25
DSS Abstracts		461,915.32
Capital Projects		
Highway- Pratt Road Bridge Over Tonawanda Creek		33,843.03
Highway-Highway Recycling		2,661.00
Highway-Sharrick Road Bridge Over Murder Creek		18,366.63
Highway-Tower Hill Road Bridge Over Spring Creek		18,498.57
Highway-Meadville Road Bridge Over Canal Creek		18,547.00
Park-DeWitt Park Improvements, Phase IV		1,273.13
Airport-Airport Taxiway “C” Reconstruction		1,547.93
Airport-Airport Apron Reconstruction & Obst Removal		5,707.84
Payroll – General		
March 27, 2020		1,631,523.69
Medicaid		
March 31, 2020		177,332.00
April 7, 2020		<u>177,332.00</u>
Total Audit	\$	5,477,891.61

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 Maha seconded the resolution which passed by 326 votes.

At 6:06 PM the meeting adjourned upon motion of Legislator Hilchey seconded by Legislator Yunker, carried unanimously.