

**EIGHTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, April 22, 2020**

The Genesee Legislature met in Regular Session on Wednesday, April 22, 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 electronically via ZOOM video conference instead of a public meeting open for the public to attend in person. Legislator Stein conducted the audit. Prayer was offered by Legislator Clattenburg followed by the Pledge to the Flag.

Public Service Committee Chair Hilchey presented Genesee County Corrections Officers with a proclamation for National Corrections Officer Week May 3-9, 2020. Legislator Hilchey thanked the officers who were present for the exceptional work they do that often goes unnoticed by the public.

Minutes of the April 8, 2020 Legislature meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Maha, carried unanimously.

County Manager Jay Gsell reported that the Genesee County Emergency Services Office received reusable, washable masks and will distribute to county departments, towns, congregate care facilities and others. As of today, Public Health reported 140 positives for COVID-19 in Genesee County. Assistant County Manager Matt Landers is conducting recorded information sessions with county departments and uploading the recordings to the County Website. The sessions are called *Genesee Connects* and are designed to share pertinent information about county services and programs. Mr. Gsell also reported that he was a guest on WBTA Main & Center radio program where they discussed tips on how to best maximize the federal stimulus check. Planning Director Felipe Oltramari will appear on the show to discuss the U.S. Census and the importance of being counted.

Chair Stein noted a third COVID-19 death was reported and she expressed her sadness of the loss of another community member and extended sympathies to family and friends as they grieve their loved one.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 178 CONTRACT RENEWAL/JUSTICE FOR CHILDREN
ADVOCACY CENTER– OFFICE CLEANING SERVICE –
APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, The Justice for Children Advocacy Center has had a contract with H2H Facility Services Inc. for cleaning services at the Batavia, Albion, and Warsaw locations since March 1, 2017, and;

WHEREAS, The Justice for Children Program Coordinator did request a renewal of the contract with H2H Facility Services, Inc., 202 W. Henrietta Rd., Suite 2A, Rochester, NY 14623 for office cleaning service at the Batavia, Albion, and Warsaw sites of the Justice for Children Advocacy Center at a monthly rate of \$505.82., and;

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with H2H Facility Services, Inc., 202 W. Henrietta Rd., Suite

2A, Rochester, NY 14623 for Office Cleaning Service at the Batavia, Albion, and Warsaw sites of the Justice for Children Advocacy Center at a monthly rate of \$505.82.

Budget Impact Statement: Funds for office cleaning services are fully covered by grants from the NYS Office of Children and Family Services and the NYS Office of Victim Services and are already included in the 2020 Justice for Children Advocacy Center Budget.

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

**RESOLUTION NO. 179 RENEWAL OF BID – PAVEMENT
MARKINGS/HIGHWAY – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent had previously advertised for bids and awarded a contract for the application of Pavement Markings, and

WHEREAS, The contractor and the Highway Superintendent mutual agree to renew the terms of the current agreement as allowed for under the original request for bid, and

WHEREAS, The Highway Superintendent does recommend renewing the contract at this time, and

WHEREAS, The Committee on Public Service did review this request and does recommend renewing the contract at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Highway Superintendent is hereby authorized and directed to renew the pavement markings bid with Seneca Pavement Markings as allowed for under the specifications for each item with a not to exceed amount of \$165,000 as budgeted for within the 2020 County Budget.

Budget Impact: The cost of pavement markings are scheduled to rise at a negotiated 5% increase. This is the first increase since 2018.

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

**RESOLUTION NO. 180 REJECTION OF BIDS – HIGHWAY-
ROAD MACHINERY- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent did advertise local bid specifications for a Hydraulic Excavator for use within the Road Machinery Fund, and

WHEREAS, The current fiscal climate at the County requires a limit on capital spending, and

WHEREAS, The Genesee County Highway Superintendent recommends the rejection of this bid, and

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

RESOLVED, That the Genesee County Legislature does hereby reject any and all bids received for the Hydraulic Excavator.

Budget Impact: Approximate reduction in expense in the 2020 Budget of \$75,000

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

AWARD OF BID-HIGHWAY/AIRPORT STORAGE BUILDING-motion to table made by Legislator Hilchey seconded by Legislator Maha, carried unanimously.

**RESOLUTION NO. 181 ESTABLISH CAPITAL PROJECTS/BUDGET
AMENDMENT – FACILITIES - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Superintendent of Highways recommends establishing several capital projects that were included in the 2020 Capital Plan, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to establish the following capital projects:

Title	Amount	Amount/Source of Funds
Highway Fire Alarm System	\$97,161	\$97,161 from 1% Sales Tax
5130 Main St Fire Alarm Control Panel	\$15,000	\$15,000 from 1% Sales Tax

and Be it further

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to amend the Genesee County Budget by increasing Appropriation H.1997.2080 Capital Project Expense in the amount of \$112,161, and H.1997.5031 Interfund Transfers in the amount of \$112,161 and Increase Revenue A.1000.1110.1 1% Sales Tax in the amount of \$112,161 and Increase Appropriation A.9950.9 Transfers to Capital in a like amount.

Budget Impact Statement: These two projects were included in the 2020 County Capital Plan. The cost of these two project is \$112,161 funded from 1% Sales Tax. The County will not be moving forward with the following capital projects from the 2020 Capital Plan in an effort to reserve available sales tax: DX Unit Sheriff Admin Rm 405, Fire Training Center HVAC, Courts Facility Chiller, Interpretive Center Moisture Protection and Exterior Siding, and the DeWitt Pavilion 2 Parking Lot. Not moving these projects will preserve \$442,636 in 1% Sales Tax. Legislator Maha seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 182 CLOSE CAPITAL PROJECTS – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Superintendent of Highways recommends closing several capital projects, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to close the following capital projects:

Title	Balance	Source of Funds
All Season Pavilion	\$180,000	1% Sales Tax
Park & Forest Boardwalk	\$55.82	1% Sales Tax

Budget Impact Statement: These two projects will be closed and return \$180,055.82.

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

RESOLUTION NO. 183 HUMAN RESOURCES – COVID-19 PAID SICK LEAVE – POLICY

Legislator Clattenburg offered the following resolution:

WHEREAS, on March 14, 2020 a State of Emergency was declared in Genesee County in response to the COVID-19 outbreak, and

WHEREAS, on March 18, 2020 Governor Cuomo signed into law the New York State COVID-19 Paid Sick Leave Law, guaranteeing job protection and pay for New Yorkers who have been quarantined as a result of coronavirus or COVID-19, and

WHEREAS, on March 18, 2020 President Trump signed into law the Families First Coronavirus Response Act (FFCRA) which created two new emergency paid leave requirements, the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA), that permits certain employees to take up to twelve weeks of expanded family medical leave for specific reasons related to COVID-19, effective April 1, 2020, and

WHEREAS, the Human Resources Director did present the Genesee County COVID-19 Paid Sick Leave Policy which will provided eligible employees with the appropriate paid sick benefits under the New York State COVID-19 Paid Sick Leave Law and the Families First Coronavirus

Response Act. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the Genesee County COVID-19 Paid Sick Leave Policy effective the date the New York State and the Federal government passed each new law.

Budget Impact: No budget impact.

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

**RESOLUTION NO. 184 CONTRACT AMENDMENT & BUDGET AMENDMENT –
HEALTH DEPARTMENT/ EMERGENCY PREPAREDNESS
– APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The New York State Department of Health has awarded the Genesee County Public Health Department \$27,883 in funding for COVID-19 investigations, data management, overtime, quarantine support, and supplies 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 Chair of the Genesee County Legislature is hereby authorized to accept this award for \$27,883 as specified and Be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to Amend the 2020 Health Department budget to reflect an increase of \$25,783 in Appropriations A4010 1020.0000 Over-time Salaries, \$1,750 in Appropriations A4010 8010.0000 Social Security Tax, \$350 in Appropriations A4010 8011.0000 Medicare Tax and to be offset by an increase of \$27,883 in A4010 4401.10 Fed Aid, Bioterrorism.

Budget Implications: Funding will be used to offset costs of COVID-19 response activities, all other COVID-19 costs over \$27,883 will be partially offset by state aid.

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

**RESOLUTION NO. 185 STANDARD WORK DAY AND REPORTING
RESOLUTION FOR ELECTED AND APPOINTED
OFFICIALS-NEW YORK STATE RETIREMENT SYSTEM-
APPROVAL OF**

Legislator Hilchey offered the following resolution:

RESOLVED, That the County of Genesee hereby establishes the following as standard work day for this title and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities.

Title	Standard Work Day (hrs/day)	Name	Tier 1	Current Term begin & end	ROA results	ROA not submitted
Legislator	6 hrs	Rochelle Stein	No	1/1/20-12/31/22	23.94	
Legislator	6 hrs	Gregg Torrey	No	1/1/20-12/31/23	22.56	
Legislator	6 hrs	Andrew Young	No	1/1/20-12/31/23	19.72	
Legislator	6 hrs	Christian Yunker	No	1/1/20-12/31/23	4.58	
Co. Clerk	7.5 hrs	Michael Cianfrini	No	1/1/20-12/31/23	22.96	

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

RESOLUTION NO. 186 COUNTY AUDIT –APRIL 22- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Stein, did review the following claims:

General Fund	\$	926,019.70
Sales Tax Distribution		4,650,122.15
Highway		173,192.01

Water Fund	679,566.10
Self Insurance	875.00
DSS Abstracts	71,569.17
Capital Projects	
Highway- Large Span Culverts	1,250.00
Sheriff's-Sheriff's/Jail Public Safety Communications Tower	39,866.48
Payroll – General	
April 10, 2020	1,134,054.04
Medicaid	
April 14, 2020	177,332.00
April 21, 2020	<u>177,332.00</u>
Total Audit	\$ 8,031,178.65

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.

Prior to the vote Chair Stein commented that included in this audit is a revenue distribution to the towns and sales tax distribution to the City. She further stated that she is pleased the County is able to participate in this revenue distribution. She further commented that the County and towns continue conversations regarding revenue shortfalls and issues resulting from the COVID-19 pandemic.

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

Legislator Clattenburg made a motion to suspend the rules (Rule 19) to address two timely resolutions: In response to the COVID-19 pandemic, the Health Department is seeking an agreement with Monroe County for temporary housing for isolation and quarantine and in response to the COVID-19 pandemic and the unprecedented impact on county government the county is seeking an MOA with local unions, approval of a furlough program and authorization for the county manager to carry out furloughs seconded by Legislator Young, carried unanimously.

RESOLUTION NO. 187 AGREEMENT – HEALTH DEPARTMENT/MONROE COUNTY PUBLIC HEALTH DEPARTMENT/ COVID-19 – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Public Health Director did present an agreement with the Monroe County Health Department to provide temporary living quarters at the Clarion Pointe Hotel for both COVID-19 isolation and quarantine of individuals, and

WHEREAS, The Legislature did review this agreement and does recommend approval at this time, and

WHEREAS, Any and all proposed revisions to the agreement by the Monroe County Public Health Department are subject to the approval of the county attorney, Now therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement with the Monroe County Public Health Department at 130 South Plymouth Ave., Rochester, NY 14614, to provide hotel rooms for temporary housing for isolation and quarantine at a rate of \$140/room/night for April and \$144.74/room/night for May from April 1, 2020 until December 31, 2020.

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

Prior to the vote Public Health Director Paul Pettit explained that if this temporary housing is needed an individual will be transported by Health Department personnel or themselves. He also explained that if a Genesee County resident requires housing at the hotel Monroe County Public Health will assume the responsibility of daily check ins and monitoring.

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

RESOLUTION NO. 188

**MOA BETWEEN COUNTY OF GENESEE AND
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC
LOCAL 1000/AFSCME, AFL-CIO, GENESEE
COUNTY UNIT 6950-00 OF LOCAL 819,
FURLOUGH PROGRAM – APPROVAL OF/
AUTHORIZE AND DIRECT THE COUNTY
MANAGER TO CARRY OUT FURLOUGHS FOR
CERTAIN IDENTIFIED COUNTY EMPLOYEES
DURING THE COVID-19 PANDEMIC**

Legislator Clattenburg offered the following resolution:

WHEREAS, The current COVID-19 (coronavirus) outbreak and subsequent effect on the State of New York has resulted in an unprecedented impact to all businesses, and public entities including Genesee County government, and

WHEREAS, The County Manager, Assistant County Manager, and Human Resources Director have consulted with the County’s legal counsel to devise Memorandum of Agreement with CSEA Local#819-General Unit and recommend approval at this time, Therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chairperson to enter into a Memorandum of Agreement with the Civil Service Employees Association, Inc. Local 1000/AFSCME, AFL-CIO, Unit 6950-00 of Local 819 related to the COVID-19 Furlough Program, and Be it Further

RESOLVED, That the Genesee County Legislature hereby authorizes and directs the County Manager to carry out furloughs, as outlined in the Memorandum of Agreement, for certain identified CSEA County employees and management employees under the same terms and conditions as the CSEA Union, effective at the end of the work day on Friday, April 24, 2020, for a period up to July 31, 2020.

Prior to the vote, Legislator Maha commented that memorandum of understanding and memorandum of agreement were both included and if it is a memorandum of agreement that the term be consistent throughout the resolution. County Manager Jay Gsell confirmed this is a memorandum of agreement.

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

At 6:08 PM the meeting adjourned upon motion of Legislator Yunker seconded by Legislator Hilchey, carried unanimously.