

**EIGHTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, April 28, 2021**

The Genesee County Legislature met in Regular Session on Wednesday, April 28, 2021 at 5:30 PM in the Legislative Chambers of the Old Courthouse and remotely using ZOOM. Legislator Hawley assisted with the audit. The prayer was offered by Legislator Torrey followed by the Pledge to the Flag.

In addition to our regular meeting Legislature Chair Stein opened a public hearing pertaining to modifications to Agricultural Districts No. 1 and No. 3. During the 2021 Annual Enrollment Period one parcel in the Town of Alexander was requested to be included into Agricultural District No. 1, and one parcel in the Town of LeRoy was requested to be included into Agricultural District No. 3. All interested parties were invited to be heard. No one spoke at the public hearing.

Legislator Clattenburg presented the National Correctional Officer Week Proclamation to Sheriff Sheron, Undersheriff Mazur, Jail Superintendent Bill Zipfel, Correctional Officers Michael Cox, Marissa Jacques and John Garlock. Jail employees were thanked for their dedication and commitment to serving our community especially through the challenging time of the COVID pandemic.

Minutes of the April 14, 2021 Legislature meeting were approved upon motion of Legislator Klotzbach seconded by Legislator Hawley, carried.

Legislature Chair Stein commented that guidance changes and evolves daily and requires County leadership to keep up with requirements and updates. She thanked Emergency Management Services, Health Department and the County Manager's Office for their steadfast leadership. She further expressed how the response to the pandemic through testing and vaccination clinics has brought people together working toward a common goal to benefit the entire community.

County Manager Matt Landers stated that today is the last scheduled 1st dose COVID vaccination clinic at GCC. The operations at the College have been efficient and cooperative. Future first dose clinics will be scheduled at the Health Department and other locations.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 153 GRANT ACCEPTANCE - EMERGENCY
MANAGEMENT SERVICES – FY20 HAZARDOUS
MATERIALS EMERGENCY PREPAREDNESS
(HMEP) GRANT – APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, The Emergency Management Services Coordinator requests authorization to accept the FY20 Hazardous Materials Emergency Preparedness (HMEP) Grant Program award in the amount of \$5,172.00 provided by the U.S. Department of Transportation (DOT) and administered by the New York Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, the HMEP grant program prioritizes efforts that lead to the prevention of serious hazmat transportation related incidents, principally those of high consequences to people and the environment, and

WHEREAS, The Committees on Public Service does concur with the Emergency Management Services Coordinator's recommendation. Now therefore be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Division of Homeland Security and Emergency Services (DHSES), 1220 Washington Avenue, Building 7A, Albany, NY 12242 for the acceptance of FY 2020 Hazardous Materials Emergency Preparedness (HMEP) Grant - (April 1, 2021 through July 31, 2022) and to execute any and all other documentation related to this funding.

Budget Impact Statement No County cost. Grant funds in the amount of \$5,172.00 have been appropriated in the 2021 Emergency Management Services (EMS) budget. (Appropriation Account A.3640.4800.0501 offset by Revenue Account A.3640.4305.1000)

Legislator Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 154 GRANT APPLICATION & ACCEPTANCE –
DISTRICT ATTORNEY/ CRIMINAL JUSTICE
DISCOVERY REFORM GRANT -APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The District Attorney requests approval to apply and accept the Criminal Justice Discovery Reform Grant award in the amount of \$228,720 from the New York State Division of Criminal Justice Services to support local law enforcement agencies with expenses related to the implementation of discovery and bail reforms that took effect January 1, 2020, and

WHEREAS, The Committees on Public Service and Ways & Means do concur with this request and do recommend approval at this time. Now therefore be it

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to accept the Criminal Justice Discovery Reform Grant award, and Be it further

RESOLVED, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute all documents with the New York State Division of Criminal Justice Services necessary to accept and obtain grant funds in the amount of \$228,720 for Criminal Justice Discovery Reform in Genesee County.

Budget Impact Statement: None.

Additional \$228,720 is to reimburse for expenses already accrued in the 2020-2021 budget.

Legislator Torrey seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

At 5:47 PM Chair Stein closed the Public Hearing. There were no comments or speakers.

**RESOLUTION NO. 155 AGRICULTURAL DISTRICTS 2021 ANNUAL
ENROLLMENT – INCLUSION REQUEST OF
PARCELS TO AGRICULTURAL DISTRICT NO.
1 AND NO. 3 – APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, Chapter 523 of the Laws of 2003 did amend NYS Agricultural and Markets Law (AML) Section 303-b which now requires the County Legislature to designate an annual thirty-day time period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district, prior to the County established review period, and

WHEREAS, Genesee County Legislature through resolution No. 399 of 2003 designated the time period from January 26th to February 24th as the annual thirty-day time period within which a land owner may submit a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the County established review period, and

WHEREAS, During the 2021 Annual Enrollment Period, one parcel in the Town of Alexander (Tax Map Parcel No. 4.-1-53.2) was requested to be included into Agricultural District No. 1 and one parcel in the Town of LeRoy (Tax Map Parcel No. 26.-1-60) was requested to be included into Agricultural District No. 3, and

WHEREAS, The Genesee County Agricultural and Farmland Protection Board at its March 22, 2021 meeting reviewed these request and after applying its test for determining what constitutes viable agricultural farmland, made recommendations that the County Legislature adopt the inclusion of the aforementioned parcels into their corresponding Agricultural Districts, and

WHEREAS, The Clerk of the Genesee County Legislature published the required notices and sent the required mailings and the Genesee County Legislature held a public hearing on the requests for inclusion of these parcels on Wednesday, April 28, 2021, and

WHEREAS, In accordance with the New York State Environmental Quality Review Act of 1975, and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District under review has been determined to have no significant effect on the environment after preparing and evaluating a Short Environmental Assessment Form (EAF), and

WHEREAS, The Committee on Public Service does concur with the recommendations of the Genesee County Agricultural and Farmland Protection Board. Now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby approve the inclusion of parcel 4.-1-53.2 in the Town of Alexander into Ag District No. 1 and of parcel 26.-1-60 in the Town of LeRoy into Ag District No. 3 under the provisions of Section 303-b of NYS Agriculture and Markets Law, authorizes the Chair of the Legislature to sign all necessary SEQR documentation and directs the Director of Planning to submit the necessary documentation to the NYS Commissioner of Agriculture and Markets for review and certification.

Budget Impact: None

Legislator Clattenburg seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 156

AGRICULTURAL DISTRICT NO. 4 - TOWNS OF BYRON, BERGEN, ELBA, STAFFORD AND LEROY- EIGHT-YEAR REVIEW – CONTINUATION AND MODIFICATION – APPROVAL OF

Legislator Hawley offered the following resolution:

WHEREAS, The creation of Agricultural District No. 4 (temporarily known as No. 5) was approved by the Genesee County Legislature by Resolution No. 240 adopted September 24, 1980 and certified by the State of New York on December 26, 1980, and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-A specifies that the County Legislative Body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

WHEREAS, The County Legislative has subsequently modified Agricultural District No. 4 through reviews in 1990, 1998, 2004, and 2013, and

WHEREAS, The District was duly referred to the Agricultural and Farmland Protection Board which produced a report with the recommendation for the approval and modification of the District at its March 22, 2021 meeting, and

WHEREAS, On the 28th day of April 2021, pursuant to public notice, a public hearing was held on the proposed District at the Old Courthouse in Batavia, and

WHEREAS, In accordance with the New York State Environmental Quality Review Act of 1975, and in accordance with adopted review procedures and the criteria set forth in Part 617, the Agricultural District under review has been determined to have no significant effect on the environment after preparing and evaluating a Short Environmental Assessment Form (EAF), and

WHEREAS, The Committee on Public Service does concur with the recommendation of the Agricultural and Farmland Protection Board. Now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby approve of the adoption of the proposal for the continuation and modifications of Agricultural District No. 4 in the Towns of Byron, Bergen, Elba, Stafford and LeRoy as recommended by the Agricultural and Farmland Protection Board for a period of eight years, and be it further

RESOLVED, That the Genesee County Legislature does hereby authorize the Chair of the Legislature to sign all necessary SEQR documentation and directs the Department of Planning to submit certified copies of this resolution, along with all required maps, reports, SEQR documentation and records pertaining to this eight-year Agricultural District review to the Commissioner of the New York State Department of Agriculture and Markets for review and certification.

Budget Impact: None

Legislator Klotzbach seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 157 CONTRACT- PUBLIC DEFENDER/WEST
PUBLISHING CORPORATION-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Public Defender is recommending a one-year contract between the County of Genesee and West Publishing Corporation for the use of its online “CLEAR Proflex” platform, and,

WHEREAS, the Committees on Public Service and Ways & Means do recommend approval at this time, Now therefore Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to approve the contract between the County of Genesee’s Public Defender and West Publishing Corporation, Thomson Reuters – West, 525 Wescott Road, Eagan, MN 55123 for a one-year period at a cost of \$221 per month.

Budget Impact: Funds for this contract in the amount of \$1,989 for the remainder of this year are budgeted in the 2021 Budget under lines A1170.3025 Revenue and A1170.4880.0000 Program Expense.

Legislator Yunker seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 158 CONTRACTUAL AGREEMENT AMENDMENT-
JUSTICE FOR CHILDREN ADVOCACY CENTER /
MCQUILLAN-APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Due to a protracted vacancy in one of the contractual mental health therapist positions, it has become apparent that the current rate of pay is too low to meet market demand; and

WHEREAS, The Justice for Children Program Coordinator did request to amend an existing contractual agreement with Brenda McQuillan, PhD, LMSW to increase her hourly rate of pay from \$38.00 to \$53.00, effective April 1, 2021; and

WHEREAS, This contract will allow the JFCAC to continue to meet the mental health needs of children and families impacted by abuse and will allow us to meet our Standards of Accreditation by the National Children’s Alliance; and

WHEREAS, The Committee on Public Service did review this request and do recommend approval at this time. Now, therefore, be it

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to amend a contractual agreement with Brenda McQuillan, PhD, LMSW, with residence at 5283 Oak Orchard Road, Albion, NY to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of April 1, 2021 through September 30, 2021 at a cost of \$53.00 per hour.

Budget Impact: Funds for contractual agreements are fully covered by grants from the NYS Office of Children and Family Services and are already included in the 2020 and 2021 Justice for Children Advocacy Center Budget.

Legislator Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 159 GRANT AMENDMENT –
HIGHWAY/COMPANION ANIMAL GRANT –
ANIMAL SHELTER IMPROVEMENTS –
APPROVAL OF**

Legislator Hawley offered the following resolution:

WHEREAS, The Genesee County has received state aid make improvements to the Genesee County Animal Shelter, and

WHEREAS, The Highway Superintendent has awarded a construction contract for these improvements to be completed, and

WHEREAS, The contractor is experiencing delays in the deliveries of manufactured materials required for the performance of work and additional time was needed for the proper curing of concrete before epoxy coated surfaces could be applied without violating warranty terms, and

WHEREAS, The Highway Superintendent recommends extending the grant execution period with the New York State Department of Agriculture and Markets to July 1, 2021 to accommodate this delay, and

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a grant agreement with the NYS Department of Agriculture and

RESOLUTION NO. 162

GIFT ACCEPTANCE-COUNTY PARKS/ CITY OF BATAVIA & ROTARY FOUNDATION -- APPROVAL OF

Legislator Clattenburg Offered the following resolution:

WHEREAS, the City of Batavia Youth Bureau received a grant from the Batavia Rotary Club & The Rotary Foundation to provide assistance to expand outdoor recreation and STEM education, and

WHEREAS, The City of Batavia has agreed to gift all equipment purchased from this grant to the Genesee County Parks, Recreation & Forestry which in turn will maintain and store the program equipment and provide outdoor program opportunities to the City of Batavia Youth Bureau, and

WHEREAS, The Deputy Highway Superintendent has reviewed this request and recommends acceptance of the gift at this time, and

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

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Deputy Highway Superintendent to accept the gift of equipment.

Budget Impact: This gift of equipment is worth \$6,000 that will be used by the Genesee County Parks for public outreach and youth recreation programs through the Interpretive Nature Center.

Legislator Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 163

APPOINTMENT –PARKS, RECREATION AND FORESTRY ADVISORY COMMITTEE - APPROVAL OF

Legislator Klotzbach offered the following resolution:

WHEREAS, The term of office for District #1 representative of the Genesee County Parks, Recreation and Forestry Advisory Committee is vacant and will expire on March 31, 2023, and

WHEREAS, Catherine Seward has expressed an interest and desire to serve this unfulfilled term, and

WHEREAS, The Committees on Public Service and Ways and Means do recommend that the appointment be made at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby appoint the following to serve the Genesee County Parks, Recreation, and Forestry Advisory Committee effective immediately through March 31, 2023:

Catherine Seward Town of Oakfield District #1

Budget Impact: None

Legislator Yunker seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 164

CHANGE ORDERS – PHASE 2 WATER PROJECT – CONTRACTS 2 & 3A – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has commenced work on several projects needed to expand water supply capacity under Phase 2 of the Countywide Water Supply Program, and

WHEREAS, These projects have encountered changes in requirements, which have increased costs required to complete the projects, and
WHEREAS, The County would like to undertake water main installation to help increase supply quickly to meet increasing summer demands, and
WHEREAS, The Genesee County Highway Superintendent has reviewed this change request for need and accuracy of pricing, and
WHEREAS, The Genesee County Highway Superintendent recommends approval of the change orders at this time, and
WHEREAS, The Committees on Public Service and Ways & Means have reviewed this request and do concur at this time. Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to and directed to approve a change order to Contract 2 with Villager Construction, Inc., 425 Old Macedon Center Rd, Fairport, NY 14450 for a maximum amount of \$357,825 for the installation of approximately 1,700 LF of 8” DIP and appurtenances along Bissell Rd in the Town of Bergen, and

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to and directed to approve a change order to Contract 3A with C.P.Ward, Inc., 100 West River Rd, Scottsville, NY 14546 to adjust the substantial completion date of the project by 250 days with no associated cost increase due to COVID-19 related delays and increase the value of the contract by \$61,322.47 for changes to the pressure reducing vault in Mumford, piping modifications within both the Mumford and Churchville pump stations, MWBE contract related issues and a decrease in HVAC costs due to the elimination of ductwork.

Budget Impact: The total amount for the change orders is \$419,147.47. The change to Contract #2 brings the total contract amount to \$5,299,990. The change order to Contract #brings the total contract amount to \$1,728,113.47. Funds remain within both the EW105.1 and EW105.2 water fund accounts to cover these change orders.

Legislator Dibble seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 165

**AMEND/CLOSE CAPITAL PROJECT &
BUDGET AMENDMENT – HIGHWAY –
McCLERNON RD BRIDGE – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, The McClernon Road Bridge over the Black Creek was rehabilitated using local funds to make repairs in a timely fashion to aid local farming rather than awaiting replacement under Federal Aid, and

WHEREAS, The Superintendent of Highways has requested to amend and close the McClernon Rd Bridge Project, 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 direct and authorize the County Treasurer to amend the McClernon Rd over Black Creek Bridge Capital Project by reducing federal aid in the amount of \$202,400 and increasing local match from 1% sales tax in the amount of \$20,928.63, and it is further

RESOLVED, That the Genesee County Legislature does hereby direct and authorize the County Treasurer to make the following budget amendment: Increase A.1000.1110.1 1% Sales Tax in the amount of \$20,928.63 to be offset by an increase in appropriation

A.9950.9 Transfers to Capital in a like amount. Decrease H.5197.4592 Federal Aid in the amount of \$202,400, Increase H.5197.5031 Interfund Transfers in the amount of \$20,928.63 and decrease H.5197.2080.0000 Highway Capital Project Expense \$181,471.37, and it is further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to close the capital project for the McClernon Rd over Black Creek Bridge.

Budget Impact: The McClernon Rd Bridge was progressed locally using lower cost and quicker repairs. Federal Aid was returned to the Genesee Transportation Council and was repurposed for the replacement of the Darien-Alexander Townline Rd over Tannery Brook Bridge Replacement project. Total cost of the McClernon Rd Bridge rehabilitation was \$71,528.63 that is funded from 1% sales tax.

Legislator Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 166

**AMEND CAPITAL PROJECTS/2021 BUDGET
AMENDMENT – STATE FUNDED HIGHWAY
CONSTRUCTION – APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, The State of New York has provided Genesee County with Consolidated Local Street and Highway Improvement Program (CHIPS), Extreme Winter Recovery (EWR) and PAVE-NY funding, and

WHEREAS, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts that have been completed with prior year's funding, and

WHEREAS, The Superintendent of Highways recommends amending existing projects, for work planned for this construction season, 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 amend the following capital projects as required:

Amend Projects:

Title	Source	Amendment
Highway Chipseal	CHIPS	Add \$525,000 from 2021 CHIPS
Highway Overlay	CHIPS	Add \$275,281 from 2021 CHIPS Add \$369,997 from 2021 EWR
Hwy Surface Treatment	CHIPS	Add \$570,418 from 2021 PAVE-NY
Highway Recycling	CHIPS	Add \$975,707 from 2021 CHIPS
Road Machinery	CHIPS	Add \$260,000 from 2021 CHIPS

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the following CHIPS, EWR and PAVE-NY funded capital projects by increasing Highway Capital Project Expense H5112.2080 in the amount of \$2,976,403 and Increase H5112.3501 CHIPS in a like amount.

Budget Impact Statement: 2021 CHIPS allocation is \$2,035,988; 2021 PAVE-NY allocation is \$570,418 and 2021 EWR allocation is \$369,997. Total 2021 allocation from all state fund sources equals \$2,976,403, which is an increase of \$685,656 from the prior year.

Legislator Torrey seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 167

**ESTABLISH CAPITAL PROJECTS & 2021
BUDGET AMENDMENT – PARKS AND
FACILITIES– APPROVAL OF**

Legislator Hawley offered the following resolution:

WHEREAS, The Genesee County Legislature did budget for and approve the County’s Capital Budget Plan for 2021, and

WHEREAS, the Genesee County Superintendent of Highways is recommending establishing several capital projects to construct or repair several facilities at the County Parks and County-owned facilities, 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 projects as required:

Establish Capital Projects:

Title	Total	Revenue Source
Facilities - Holland Land Office Museum Exterior Paint	\$15,000	1% Sales Tax
County Park - Interpretive Center Moisture Protection & Siding	\$80,000	1% Sales Tax
County Park - DeWitt Recreation Area Pavilion #2 Parking Lot	\$65,000	1% Sales Tax
County Park - Park and Forest Water System Upgrade	\$65,000	1% Sales Tax

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish capital projects by increasing A.1000.1110.1 1% sales tax in the amount of \$225,000 to be offset by an increase to A9950.9, Transfer to Capital and increase H1997 5031, Interfund Transfer to be offset by an increase in H1997 2080, Capital Project Expense.

Budget Impact Statement: Capital projects were accounted for in the 2021 Proposed Capital Budget. Total capital projects established by this resolution are \$225,000.

Legislator Clattenburg seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 168

**ESTABLISH CAPITAL PROJECT & BUDGET
AMENDMENT -- 2021 LOCALLY FUNDED
HIGHWAY CONSTRUCTION**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Legislature did budget for and approve the County’s Capital Budget Plan for 2021, and

WHEREAS, the Genesee County Superintendent of Highways is recommending establishing several capital projects to construct or repair roads, bridge and large span culverts, 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 projects as required:

Establish Capital Projects:

Title	Total	Revenue Source
North Rd (CR40)	\$385,000	Infrastructure Reserves

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the North Road (CR40) Capital Project by increasing A1000 9999, Appropriated Fund Balance, in the amount of \$385,00 offset by Transfer to Capital, A9950.9, Transfer to Capital in a like amount. Increase H5197 5031, Interfund Transfer in the amount of \$385,000, offset by an increase to H5197 2080, Capital Project Expense in a like amount.

Budget Impact Statement: Capital projects were accounted for in the 2021 Proposed Capital Budget. Total capital projects established by this resolution are \$385,000.

Legislator Klotzbach seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 169

**AWARD OF BID/CONSULTANT
AGREEMENT – AIRPORT APRON
RECONSTRUCTION**

Legislator Yunker offered the following resolution:

WHEREAS, Genesee County is expecting a federal aid grant to reconstruct the apron area where the aging T-Hangars were removed in the fall of 2020, and

WHEREAS, Genesee County advertised bid specifications for the construction of this project and received two competitive bids, and

WHEREAS, The Genesee County Highway Superintendent and C&S Engineers have reviewed the bids to determine the lowest responsible bidder, and

WHEREAS, the Genesee County Highway Superintendent also reviewed proposals from consultants for construction administration and inspection services related to this project and did make a recommendation to approve a consultant agreement at this time, 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 is hereby authorized and directed to enter into a construction contract with Thomann Asphalt Paving Corp. 56 Gunnville Rd, Lancaster NY 14086 in the amount of \$1,349,820.00

RESOLVED, That the Genesee County Legislature is hereby authorized and directed to enter into a consultant agreement with C&S Companies 499 Col. Eileen Collins Blvd, Syracuse NY 13212 in the amount of \$163,000.00

RESOLVED, That the award of these contracts is contingent upon the successful receipt of a Federal Aviation Administration grant to fund the work

Budget Impact Statement: The total amount for both contracts is \$1,512,820.00. A capital project will be established upon the receipt of a grant.

Legislator Dibble seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 170

**GRANT ACCEPTANCE & BUDGET
AMENDMENT & ESTABLISH CAPITAL
PROJECT – GENESEE COUNTY PARKS –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Deputy Highway Superintendent did apply for and receive a \$46,493 grant from The Ralph C. Wilson, Jr. Legacy Fund for Design and Access administered by the Community Foundation for Greater Buffalo, and

WHEREAS, the Genesee County Superintendent of Highways is recommending acceptance of this grant and establishing a capital project for use of these funds, 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 Chairperson of the Legislature to accept the \$46,493 grant from The Ralph C. Wilson, Jr. Legacy Fund for Design and Access administered by the Community Foundation for Greater Buffalo, and

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish a Capital Project for the DeWitt Recreation Area Waterfront Enhancement Project – Design & Engineering – Phase I with grant money of \$46,493 and with \$26,507 from the Building and Equipment Reserve Fund for a project total of \$73,000.

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the Capital Project for the DeWitt Recreation Area Waterfront Enhancement Project – Design & Engineering – Phase I by increasing A1000 9999 Appropriated Fund Balance \$26,507 to be offset by an increase in 9950.9 Transfer to Capital. Increase H1997 2705 Gifts and Donations in an amount of \$46,493 and increase H1997 5031, Interfund Transfer in the amount of \$26,507 to be offset by an increase in H1997 2080, Capital Project Expense of \$73,000.

Budget Impact Statement: Total project cost is \$73,000 with \$46,493 coming from The Ralph C. Wilson, Jr. grant and \$26,507 coming from the Building and Equipment Reserve Fund.

Legislator Yunker seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 171

**ESTABLISH CAPITAL PROJECT/BUDGET
AMENDMENT/AWARD OF BID –
HIGHWAY/LARGE FORMAT PRINTER –
APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County received quotes from vendors for the lease of large format printer/copier/scanners, and

WHEREAS, The Genesee County Treasurer prefers to purchase this equipment in order to avoid interest/lease holding charges, and

WHEREAS, The County Superintendent of Highways recommends the establishment of a capital project from which to fund this activity, and

WHEREAS, The Committees on Public Service and Ways and Means did review this request and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the County Treasurer is hereby authorized and directed to establish a capital project for Large Format Printer – Highway in the amount of \$24,786, be it further

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following amendments to the County Budget: Increase A.1000.9999 1% Sales Tax in the amount of \$24,786 and Increase Transfers to Capital A9950.9 in a like amount. Increase capital projects by Increasing Interfund Transfers H5197.5031 in the amount of \$24,786 and by Increasing Large Format Printer Capital Project Expense H.5197.2080 in a like amount, and be it further

RESOLVED, That the Superintendent of Highways is hereby authorized and directed to purchase a KIP 660 2-Roll MFP Color Print System from Toshiba Business Solutions, Inc., 180 Kenneth Drive, Suite 200, Rochester, NY 14623 under the terms of the Omnia Region 4 cooperative pricing which includes software, accessories, start-up toner, installation and training for a price not to exceed \$24,786.

Budget Impact: The project is funded with additional 1% sales tax in the amount of the award.

Legislator Torrey seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 172 CONTRACT/BUDGET AMENDMENT –
COMPREHENSIVE FIRE SERVICE
IMPLEMENTATION PLAN – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County issued RFP 2021-103 for Comprehensive Fire Service Implementation Plan, and

WHEREAS, One proposal was received from Municipal Resources, Inc. of 66 Main Street, Suite B, Plymouth, NH 03264 and

WHEREAS, The Genesee County Fire Service Task Force and the County Manager are recommending this contract to be awarded to Municipal Resources, Inc., and

WHEREAS, The Public Service Committee did review the proposal and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer be hereby authorized and directed to amend the 2021 Budget by increasing A.3640.4660.0066 – Emergency Management Services – Cont. Svc-Consultant Svcs. By \$101,675, offset by an increase in revenue A.1000.1110.1- Sales & Use Tax-Co 1% in a like amount, and Be it Further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Municipal Resources, Inc. of 66 Main Street, Suite B, Plymouth, NH 03264, at a cost not to exceed \$101,675.

Budget Impact: The Genesee County Treasurer is recommending using available 1% Sales Tax

Legislator Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 173 SET PUBLIC HEARING – LOCAL LAW
INTRODUCTORY NO. 1, YEAR 2021 – APPROVAL
OF**

Legislator Yunker offered the following resolution:

WHEREAS, Pursuant to Environmental Conservation Law, Sec. 11-0935, (hereinafter ECL 11-0935), the County of Genesee (hereinafter “County”) elects to participate in the temporary NYS program to allow for young hunters, ages twelve (12) and thirteen (13), to hunt deer with a crossbow, rifle, shotgun, or muzzle loaded firearm through December 31, 2023.

WHEREAS, there is hereby introduced to the Genesee County Legislature a proposed **LOCAL LAW INTRODUCTORY NO. 1, YEAR 2021 OF THE COUNTY OF GENESEE, NY, TO ALLOW 12 AND 13 YEAR OLD LICENSED HUNTERS TO HUNT DEER WITH A FIREARM OR CROSSBOW DURING HUNTING SEASON WITH THE SUPERVISION OF A LICENSED ADULT**

WHEREAS, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

RESOLVED, that a public hearing shall be held on proposed Local Law Introductory No.1, Year 2021 by the Genesee County Legislature on the twelfth day of May, 2021 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York and via Zoom Videoconference.

Prior to the vote, Mr. Glen Adams, of the Genesee Sportsman's Federation stated they had support from their members and thanked the Legislature for acting swiftly to bring the matter of allowing 12 & 13 year olds to hunt under the supervision of a licensed adult. Legislator Yunker thanked Mr. Adams and Mr. Ciociola for attending the meeting tonight and commented that he supports the measure. Ways & Means Chair Clattenburg commented the Ways & Means Committee supports the measure and looks forward to the public hearing for comments on the matter.

Legislator Klotzbach seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 174 SUB-LEASE AGREEMENT – GLOW
WORKFORCE DEVELOPMENT BOARD**

Legislator Torrey offered the following resolutions:

WHEREAS, Genesee County has a space lease agreement with Eastown Plaza Associates LLC, located at East Main and Clinton Streets (Eastown Plaza) Batavia, New York for use by the Genesee County Job Development Bureau and its partner agencies to operate a One Stop Career Center through January 31, 2026, and

WHEREAS, The Employment & Training Director of the Genesee County Job Development Bureau recommends entering into a Sub-Lease Agreement with one of our partner agencies, the GLOW Workforce Development Board as follows:

\$11,383.08 annually, proportionate share of 8.3% of the total square feet

WHEREAS, The Ways and Means Committee did review this agreement, and does recommend authorization to sign at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Chair to execute the necessary documents to implement this Sub-Lease Agreement between the County of Genesee and the GLOW Workforce Development Board, for the period February 1, 2021 through January 31, 2026.

Legislator Clattenburg seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 175 2021 BUDGET TRANSFER/MANAGEMENT
SALARY SCHEDULE AMENDMENT-HUMAN
RESOURCES/DEPUTY DIRECTOR**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Human Resources Director has requested assistance with performing a wide variety of personnel administration duties of a highly technical nature such as position classification, compensation studies, recruitment, community outreach and training, and

WHEREAS, the Genesee County Human Resources Director has requested the creation of a full-time, Deputy Human Resources Director, Grade 117, and

WHEREAS, funding for this position was budgeted in the 2021 contingency account, and

WHEREAS, The Committee on Ways and Means did review this request and does recommend changes be implemented at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following 2021 budget transfers:

\$51,146	From	A.1990.4800.0000	Contingency, Program Expense
\$35,000	To	A.1430.1010.0000	Human Resources, Personal Services
2,170		A.1430.8010.0000	Human Resources, Social Security
508		A.1430.8011.0000	Human Resources, Medicare Tax
13,066		A.1430.8030.0000	Human Resources, Medical
330		A.1430.8040.0000	Human Resources, Dental
72		A.1430.8070.0000	Human Resources, Vision

and, Be it Further

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2021 Genesee County Management Salary Schedule by creating one full-time Deputy Human Resources Director, Grade 117, effective July 1, 2021.

Budget Impact Statement: \$50,000 was budgeted in the 2021 contingency account specifically for this position. The remainder of the funds will come from the general contingency allocation. General contingency amount after this transaction = \$51,305.

Legislator Torrey seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 176 2021 SALARY SCHEDULE AMENDMENT-
INFORMATION TECHNOLOGY/TEMPORARY INFORMATION
TECHNOLOGY DIRECTOR – APPROVAL OF**

Legislator Klotzbach offered the following resolution:

WHEREAS, The current Information Technology Director is retiring as of May 7, 2021, and

WHEREAS, The County Manager is requesting an amendment to the 2021 Management Salary Schedule to create one (1) Temporary, Part-time Information Technology Director position to allow the incumbent to assist with the transition of a new Information Technology Director, 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 2021 Management Employee Salary Schedule by creating one (1) Temporary Part-time Information Technology Director at a rate of \$51.69 per hour, effective May 10, 2021 through August 10, 2021.

Budget Impact: Funding for this transition plan was budgeted in the 2021 Information Technology budget.

Legislator Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

**RESOLUTION NO. 177 GENESEE COUNTY WATER SUPPLY PROJECT
PHASE 2 – REAFFIRMATION OF NEGATIVE DECLARATION
DETERMINATION PURSUANT TO SEQRA – APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, the County of Genesee (“the County”) proposed the construction of a new pump station building of approximately 1,000 square-feet, including pumps, interior piping, valves, instruments, chemical feed equipment, electrical related equipment, a backup generator, and miscellaneous site work. The pump station is expected to be constructed in the vicinity along NYS Route 33 and just west of the intersection of

Sanford Road North. In addition, approximately 500 linear feet of existing water main will be replaced along the discharge side of the pump station. (“original Proposed Action”);

WHEREAS, the County had updated and revised the original Proposed Action to include the following: Also, an installation of approximately 1,700 linear-feet of 8-inch Ductile Iron Pipe (DIP) and High-Density Polyethylene (HDPE) water main, valves, hydrants and appurtenances along Bissell Road and crossing North Lake Road (NYS Rte 19). (“revision one Proposed Action”); and

WHEREAS, the County has engaged the services of CPL as the County’s consulting engineers to prepare a revised Full Environmental Assessment Form (“EAF”) pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and the Regulations of the Commissioner of the Department of Environmental Conservation at 6 NYCRR Part 617, and an attachment to the EAF describes the Action in detail and addresses the potential environmental impacts, if any, of the Proposed Action; and

WHEREAS, the County Legislature by resolution No. 280 of the year 1998, adopted September 9, 1998 declared itself as Lead Agency for the original Proposed Action, classified as a Type I Action and following a Coordinated Review process pursuant to SEQRA, and maintains that role for the revised project and Proposed Action as outlined above.

NOW, THEREFORE, BE IT RESOLVED that the County Legislature, after a review of the revised EAF for the Proposed Action, hereby reaffirms the Negative Declaration determination of significance made on August 9, 2018, resolution No. 276 of the year 2018, based on the following findings with respect to the Proposed Action:

1. The proposed the construction of a new pump station building of approximately 1,000 SQUARE-FEET, including pumps, interior piping, valves, instruments, chemical feed equipment, electrical related equipment, a backup generator, and miscellaneous site work. The pump station is expected to be constructed in the vicinity along NYS Route 33 and just west of the intersection of Sanford Road North. In addition, approximately 500 linear feet of existing water main will be replaced along the discharge side of the pump station. Also, an installation of approximately 1,700 linear-feet of 8-inch DIP and HDPE water main, valves, hydrants and appurtenances along Bissell Road and crossing North Lake Road (NYS Rte 19). The Action is a Type I Action pursuant to SEQRA.
2. The County Legislature maintains their status as Lead Agency for the Proposed Action and the Coordinated Review that was utilized for the process remains valid for the Proposed Action; no other Involved Agencies objected to the County Legislature assuming Lead Agency.
3. Approval of the Proposed Action will enhance the County’s water distribution system and allow the County to ensure that appropriate water supplies are delivered to all County residents and others who use the County’s water system.
4. The Proposed Action will have an effect on existing wetlands within the project site. Mitigation will occur to offset any work done within the existing 100-foot State wetland buffer.
5. The Proposed action will occur within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area.

6. The Proposed Action will continue to not have a significant negative impact on air or water quality, traffic or noise levels or erosion or drainage conditions, and if there is any impact, it will be limited and temporary in connection with construction activities.
7. There will be traffic impacts during construction activities from the Proposed Action.
8. There is no evidence that the Proposed Action will pose a threat to any threatened or endangered species of plants or animals or the habitats of such species or have any adverse effect on migratory fish or wildlife species.
9. The Proposed Action does not appear to impair the character of any historical area or aesthetic resource or negatively impact the character of the neighborhood.
10. No change in energy use will occur other than normal increases associated with any proposed construction and renovation work as a result of the Proposed Action.
11. The Proposed Action will not create any hazard to human health but will improve the delivery of treated water to County residents and others who use the County's water system.
12. The use of the land will not be substantially changed by the Proposed Action.
13. The Proposed Action will not result in demand for other actions that exhibits the impacts addressed by the Regulations.
14. There will be no changes to multiple elements of the environment that cumulatively would result in substantial adverse impacts.
15. There are no projects which have been approved by the County Legislature or which are seeking approval from the County Legislature which, when taken together with the Proposed Action, would cause a significant effect on the environment. In fact, approval of the Action would increase the overall efficiency of the County's water distribution system.
16. All of the criteria contained in 6 NYCRR Part 617 have been addressed to the satisfaction of the County Legislature.

The County Legislature, as the Lead Agency, further directs the Director of Planning to notify the Involved Agencies of the Proposed Action, the revised EAF, and the reaffirmation of the Negative Declaration to and circulate a Notice of Determination as may be required by the Regulations.

Budget Impact: The Bissell Rd water main extension will be progressed as a change order to the Chestnut Ridge Water Main project through Villager Construction. The change order is estimated at \$357,825 and will be paid out of the EW105.2 Phase 2 Water Project.

Legislator Dibble seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 178

**FULL TIME SEASONAL SALARY
SCHEDULE AND PART-TIME AIRPORT
FUEL ATTENDANT SALARY SCHEDULE –
ADOPTION OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent has had difficulty in filling the positions of seasonal groundskeeper and flagperson as well as part-time airport attendants, and

WHEREAS, The salaries for these positions have not been adjusted since 2015, and

WHEREAS, The Genesee County Manager did present and recommend the adoption of a salary schedule amendment for full time seasonal personnel and part-time salary schedule for airport fuel attendants, and

WHEREAS, The Committee on Ways and Means did review this request and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Full Time Seasonal Salary Schedule and Part-Time Airport Fuel Attendant Salary Schedule for Genesee County Employees be amended as follows:

	STEP 1	STEP 2	STEP 3
Part-Time Airport Fuel Attendant	\$15.34	\$16.41	\$17.46
Groundskeeper	\$17.12	\$17.76	\$18.45
Flagperson	\$17.12	\$17.76	\$18.45

RESOLVED, That the amended salary schedule amendment will be placed into effect May 3, 2021.

Budget Impact: The County Road Fund, Parks and Airport Budgets have funds available based on vacancies year to date, lower usage of overtime and actual employment duration less than the programmed 6 months for seasonal positions.

Legislator Yunker seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

RESOLUTION NO. 179 COUNTY AUDIT –APRIL 28- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Hawley, did review the following claims:

General Fund	\$	786,347.70
Highway		250,315.42
Self Insurance		812.50
Sales Tax-City		1,633,645.39
Voluntary Distribution		833,335.00
Water Fund		21,356.54
DSS Abstracts		96,097.92

Capital Projects

Highway-Sharrick Road Bridge Over Murder Creek		5,018.86
Highway-Darien-Alexander Tnl Road Bridge/Tunnery Creek		10,948.59
Highway-tower hill Road Bridge Over Spring Creek		3,986.48
Highway-Meadeville Road Bridge Over Canal Creek		4,530.83
County Manager- Building Security Upgrade-Phase II		25,044.12
Airport-Airport T-Hangar Construction (AIR99)		43,840.38
Facilities Management-Animal Shelter Improvements		41,791.52

Payroll – General

April 23, 2021		1,725,927.50
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Medicaid

April 20, 2021		132,890.00
April 27, 2021		132,890.00

Total Audit \$ 5,748,778.75

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 Hawley seconded the resolution which was adopted by 270 votes, Maha (28) and Deleo (28) absent.

At 6:03 pm the meeting adjourned upon motion of Legislator Yunker seconded by Legislator Dibble, carried.