

**EIGHTH DAY
 GENESEE COUNTY LEGISLATURE
 OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
 WEDNESDAY, MAY 11, 2022 AT 5:30 PM
 ZOOM AVAILABLE**

The Genesee County Legislature met in regular session on Wednesday, May 11, 2022 at 5:30 p.m. in the Legislature Chamber of the Old Court House. Legislator Hawley offered to assist with the audit. The prayer will be offered by Legislator Klotzbach followed by the Pledge to the Flag. Proclamations/Commendations: Legislator Maha presented National Police Week – May15-21, 2022 to Genesee County Sheriff’s, City of Batavia Police Department, Village of LeRoy Police Department and Corfu Police Department and the State Police. Legislator Torrey presented Mental Health Awareness Month to Director of Mental Health & Community Services, Lynda Battaglia and team.

Minutes: A request to amend the April 27, 2022 minutes. Moved by Legislator Clattenburg and Seconded by Legislator Yunker to amend the minutes. 1.) include the second motion by Legislator Yunker under the Public Service Committee resolutions. 2.) the County received revenue in the amount of \$1.4 Million from New York State which was the County’s portion of what the State received from the Seneca Nation Casino revenue. (Funds were not received by Seneca Nation) 3.) Removed Legislator Stein and Klotzbach from the roll call 2/3 vote column under rule 19. Approved the April 27th minutes, moved by Legislator Clattenburg and seconded by Legislator Maha, carried unanimously.

Committee & Special Assignment Reports: Legislator Clattenburg – discussed a letter drafted by GCEDC regarding State Policy – Climate Leadership and Community Protection Act’s

Communications & Petitions

Travel Out-Of-State: International Hazmat Conference – Following Participant: Patnode, Lang, Dodson, Heale, Holley- Cost Of \$7,015.00 (Grant Funded)

1-8	Y	N	simple	2/3
1. Klotzbach	2		28	42
2. Yunker			45	55
3. Dibble			43	51
4. Hawley			47	57
5. Stein			43	52
6. Torrey			38	45
7. Deleo			26	38
8. Clattenburg	1		28	40
9. Maha			28	40
TOTALS			326	420
Roll Call				
Approval				

Tyler Connect Conference – Justin Allen Sheriff’s Office - Cost of \$3,135.20

1-8	Y	N	simple	2/3
1. Klotzbach	2		28	42
2. Yunker			45	55
3. Dibble			43	51
4. Hawley			47	57
5. Stein			43	52
6. Torrey			38	45
7. Deleo			26	38
8. Clattenburg	1		28	40
9. Maha			28	40
TOTALS			326	420
Roll Call				
Approval				

Legislator Comments: Legislator Stein received word from Deputy County Clerk, Deborah Igoe informed that Genesee County Dept of Motor Vehicles received First Place for enrolling in new

organ donors in New York State. Madam Chair commended Department of Motor Vehicles and Clerks on the work they have done. Also, Business Education Alliance (BEA) Annual Breakfast was well attended, Jackson Primary teachers did a presentation on the Community Outreach Program. BEA Business of the Year to Bonduelle and Allan Davis Memorial Apple Award winners were GVBOCES instructors Rich Monroe and Jared Radesi. Also mentioned the Hard Hat Camp. Grown from one week camp to five weeks. Schools in neighboring counties have picked this idea up and the County is proud of the fact that it started here in Genesee.

County Manager Report: Mr. Landers discussed the site work for the Jail has commenced. He asked not go to the site unexpectedly. Summer hours discussion. Hours to be 8:00 a.m. to 4:30 p.m. Starting after Memorial Day and ending after Labor Day. The work day remains the same amount of hours but has shifted by 30 minutes earlier.

Resolutions - Consent Agenda Items:

Ways and Means Committee:

1. 2022 Salary Schedule Amendment/Position Reclassification - Sheriff/ Elimination Of One Financial Clerk-Typist Position And Creation Of A Program Manager-Sheriff Position
2. Award of Bids/Consultant Agreement-Highway/South Lyon St Bridge
3. Contract-County Attorney/Thomson Reuter-West/On-Line Legal Research Services
4. Insurance Coverage-Jail Construction/Builder’s Risk Insurance
5. Contract Award-Jail/Construction/Capital Project/Construction
6. Permission To Apply And Accept Grant Funds/Budget Amendment- Office For The Aging/For Rochester Area Community Foundation Muriel H. Marshall Funds
7. Award Of Contract-Office For The Aging/ The ARC Glow/Meal Preparation Services
8. Designation Of Policy Making Positions-Legislature/Ethics And Disclosure Law

Roll call for resolution 1 through 8 – Moved by Legislator Clattenburg, Seconded by Legislator Klotzbach.

1-8	Y	N	simple	2/3
1. Klotzbach	2		28	42
2. Yunker	X		45	55
3. Dibble	X		43	51
4. Hawley	X		47	57
5. Stein	X		43	52
6. Torrey	X		38	45
7. Deleo	X		26	38
8. Clattenburg	1		28	40
9. Maha	X		28	40
TOTALS	326		326	420
Roll Call				
Approval			326	

Human Service Committee:

1. Grant Acceptance-Health Department/Public Health Drinking Water Enhancement Program
2. Grant Acceptance-Health Department/Tobacco Enforcement Program
3. Contract-Mercy Flight, Inc./Air Medical Transfer Service
4. Contract-Genesee County Agricultural Society/Funding towards 2022 Genesee County Fair

Resolution 9-12: Moved by Legislator Torrey and Seconded by Legislator Dibble. Roll Call

9-12	Y	N	simple	2/3
1. Klotzbach	X		28	42
2. Yunker	X		45	55
3. Dibble	2		43	51
4. Hawley	X		47	57
5. Stein	X		43	52
6. Torrey	1		38	45
7. Deleo	X		26	38
8. Clattenburg	X		28	40
9. Maha	X		28	40
TOTALS	326		326	420
Roll Call				
Approval			326	

NON-CONSENT ITEMS

Resolution 13: COUNTY AUDIT – May 11, Moved by 2022 Legislator Clattenburg and seconded by Legislator Hawley. Roll call:

13	Y	N	simple	2/3
1. Klotzbach	X		28	42
2. Yunker	X		45	55
3. Dibble	X		43	51
4. Hawley	2		47	57
5. Stein	X		43	52
6. Torrey	X		38	45
7. Deleo	X		26	38
8. Clattenburg	1		28	40
9. Maha	X		28	40
TOTALS	326		326	420
Roll Call				
Approval			326	

RESOLUTION NO: 198

2022 SALARY SCHEDULE AMENDMENT / POSITION RECLASSIFICATION - SHERIFF/ ELIMINATION OF ONE FINANCIAL CLERK-TYPIST POSITION AND CREATION OF A PROGRAM MANAGER-SHERIFF POSITION - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, after a review of one of the Financial Clerk-Typist positions within the Sheriff’s Office, it was decided that this position required re-evaluation based upon the additional responsibilities that have been assigned to this position, and

WHEREAS, a reclassification review was conducted by the Genesee County Human Resources Department, resulting in a recommendation by the Human Resources Director that Financial Clerk-Typist position be reclassified to a Program Coordinator-Sheriff position, and

WHEREAS, the Committee on Ways and Means did review this recommendation and recommends approval at this time. Now, therefore, Be it

RESOLVED, that the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2022 Genesee County Employees’ Salary Schedule by creating one position of Program Coordinator-Sheriff, CSEA Grade 14; and eliminating one position of Financial Clerk-Typist, CSEA Grade 9, effective retroactive to January 1, 2022.

Budget Impact Statement: The difference in cost associated with this reclassified position (\$5,616) is covered by multiple vacancies that exist and were accounted for in the 2022 budget. Legislator Klotzbach seconded the resolution, which was adopted by 326 votes.

RESOLUTION NO. 199

AWARD OF BIDS/CONSULTANT AGREEMENT – HIGHWAY/SOUTH LYON ST BRIDGE- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County has received federal aid to replace the South Lyon St Bridge

in the City of Batavia, and

WHEREAS, the County advertised the specifications for this work and did receive (4) four bids from contractors, and

WHEREAS, the Genesee County Highway Superintendent did review these bids and make a recommendation for award at this time, and

WHEREAS, the 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 Committee on Ways and Means did review these recommendations 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 construction contract with Union Concrete and Construction Corp, 435 Meyer Rd, West Seneca NY 14224 in the amount of \$2,922,222.00, and be it further

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized to approve a supplemental consultant agreement with Fisher Associates, 180 Charlotte St, Rochester NY 14607 for construction administration and inspection services related to the replacement of the South Lyon St Bridge over Tonawanda Creek in a cost not to exceed \$414,000.

Budget Impact: The total cost of the construction and construction inspection phases of this project is \$3,336,222.00, funded with 80% federal aid and a 20% match from local 1% sales tax. Legislator Klotzbach seconded the resolution, which was adopted by 326 votes.

RESOLUTION NO. 200

**CONTRACT – COUNTY ATTORNEY/THOMSON
REUTERS-WEST/ONLINE LEGAL RESEARCH
SERVICES - APPROVAL OF**

Legislator Clattenburg offered the following resolution;

WHEREAS, the County Attorney's Office does pay one centralized bill, which is then billed back to the specific departments, and

WHEREAS, Thomson Reuter-West (Westlaw) has a proposed extension of services to the current agreement that County departments could benefit from at no additional cost in the current year and a decrease in the annual increase if the contract is renewed for an additional ten years, and

WHEREAS, the County Attorney does recommend entering into a new agreement with Thomas Reuter – West (Westlaw), and

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

RESOLVED, that the Chair of the Legislature is hereby authorized and directed to execute a contract with Thomson Reuters - West (Westlaw) for on-line legal research services for a monthly fee of \$3,194.00 for the first 12 month period beginning June 1, 2022 and a 2% annual increase to 2032.

Budget Impact: Expense has been budgeted in the 2022 County Manager budget.

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

RESOLUTION NO. 201

**INSURANCE COVERAGE-JAIL CONSTRUCTION
/BUILDER'S RISK INSURANCE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The County's Insurance Broker, Lawley Insurance, did seek quotes for Builder's Risk Insurance for the County Jail Construction Project, and

WHEREAS, Lawley Insurance and the Genesee County Attorney did review the quotes and recommends coverage with Hanover Insurance Co., and

WHEREAS, The Ways and Means Committee did review this request and recommends approval at this time, Therefore, Be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized and directed to sign all documents related to the Builders Risk Insurance policy coverage with Hannover Insurance Company, P.O. Box 890678, Charlotte, North Carolina, 28289 for the term May 1, 2022 – May 1, 2024 at a cost not to exceed \$ 73,031.

Budget Impact: insurance cost will be covered in the Jail Construction project.

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

**RESOLUTION NO. 202 CONTRACT AWARD-JAIL/CAPITAL PROJECT/
CONSTRUCTION – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County did issue RFP 2022-104 for Special Inspections and Testing Services related to the Genesee County Jail Construction Project, and

WHEREAS, The Pike Company has reviewed the proposals and is recommending that Genesee County award the contract for Special Inspections and Testing Services to CME Associates, Inc., and

WHEREAS, the Ways and Means Committee has reviewed the recommendation and does concur 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 CME Associates, Inc., 491 Elmgrove Road, Suite 600, Rochester, New York 14606, for Special Inspection and Testing Services, unit price contract not to exceed \$195,000.

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

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

**RESOLUTION NO. 203 PERMISSION TO APPLY AND ACCEPT GRANT
FUNDS/BUDGET AMENDMENT-OFFICE FOR THE
AGING/FOR ROCHESTER AREA COMMUNITY
FOUNDATION MURIEL H. MARSHALL FUNDS –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Office for the Aging did request permission to apply for three grant awards: \$88,000 Centralized Intake, \$16,225 Marketing Coordination and \$14,464 Got Groceries? Program from the Rochester Area Community Foundation’s Muriel H. Marshall Fund for the Aging each for the period of July 1, 2022 – June 30, 2023 and these grants total \$118,689 in Marshall Fund grant revenue, and

WHEREAS, a budget amendment is necessary for the additional \$14,464 available to be incorporated with the \$104,225 of these funds are already in the revenue and allocations within the 2022 County Budget, and

WHEREAS, the Committees on Human Services and Ways and Means did review this request and do recommend acceptance of these grants. Now, therefore, be it

RESOLVED, that the Chairperson of the Genesee County Legislature is authorized and directed to sign the Rochester Area Community Foundation grant award letters acknowledging acceptance of these Muriel H. Marshall Fund for the Aging grants by Genesee County; and is authorized to enter into any and all agreements under the grants awarded to contract for goods and services to meet the requirements under each of the grants awarded. Be it further

RESOLVED, to amend the 2022 budget with the below budget amendment

Increase: A.6772 1972.2	OFA-Rochester Area Community Foundation	\$14,464
To be offset by an increase in the accounts below		
A. 6772 1010.0000	Personnel	\$11,674
A. 6772 8030.0001	Medical Buyback	\$2,500
A. 6772 8040.0001	Dental Buyback	\$100
A. 6772 4140.0000	Postage	\$110
A. 6772 4110.0000	Office Supplies	\$60
A. 6772 4130.0000	Paper	\$10
A. 6772 4290.0400	Phone	\$10

Budget Impact: \$104,225 of Marshall Fund grant awards were calculated into the 2022 county budget for Centralized Intake and Marketing Coordination, prior to the availability to apply for additional funds of \$14,464 for Got Groceries? Program. Any unspent funds will be carried into the 2023 budget. There is no additional county cost.

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

RESOLUTION NO. 204 AWARD OF CONTRACT-OFFICE FOR THE AGING/ THE ARC GLOW/MEAL PREPARATION SERVICES- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present an award of contract to The ARC GLOW resulting from RFP 2022-102 for the provision of Meal Preparation Services for Office for the Aging for the congregate and home delivered meal programs administered by the Office for the Aging, and

WHEREAS, this contract is to take effect July 1, 2022 and may then renewed for FOUR (4) additional one (1) year periods upon mutual, written consent of both parties and in the best interest of Genesee County under the federally funded Title IIIC1, Title IIIC2, Nutrition Services Incentive Program and New York State Wellness in Nutrition, Unmet needs, WNYICC, Medicaid Managed Long Term Care programs, and

WHEREAS, the Committees on Human Services and Ways and Means did review this request and does recommend approval of this contract at this time. Now, therefore, be it

RESOLVED, the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to award a contract with The Arc GLOW, 18 Main Street, Mount Morris, at a cost of \$7.94 per meal for regular home delivered meals; \$7.87 per meal for congregate meals; \$6.19 for 2nd meal (cold or sandwich meal); and \$7.97 for frozen home delivered meals; with a total contract not to exceed \$310,909 for the period of July 1, 2022-June 30, 2023.

Budget Impact: The contract will not exceed \$310,909 already in the approved 2022 County budget. Federal Title III C-1, Title III C-2, with the county paying an additional 10% of required matching funds on federal nutrition program Title III C grants WIN, NSIP grant funds, WNYICC, State Medicaid Managed Long Term Care revenue funds pay for the cost of this contract. Contributions are also received from participants of the program and Genesee Senior Foundation.

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

RESOLUTION NO. 205 DESIGNATION OF POLICY-MAKING POSITIONS- LEGISLATURE/ETHICS AND DISCLOSURE LAW - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Local Law No. 4 Year 2021 repealed and declared null & void local law no. 4, 1990 and the two amendments (1991 & 1992) did create the Genesee County Ethics and Disclosure Law, which requires Legislature to receive a list of employees holding policy making positions on an annual basis, and

WHEREAS, the resolution 78 of 2022 provided Legislature with a list of Genesee County Boards and Assistant County Manager, First Assistant District Attorney and Assistant Public Defender who are

required to file an annual statement financial disclosure also required to complete is the on or before May 31 of each year, and

WHEREAS, the County Attorney concurred to add the President, VP of Finance & Operations/CFO, Provost/Executive VP for Academic Affairs and VP for Student & Enrollment Services of Genesee Community College shall file an annual statement financial disclosure, and

WHEREAS, the Committee on Ways and Means did review the list of positions as policy making positions and does recommend approval at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby designate the following employees and the President, VP of Finance & Operations/CFO, Provost/Executive VP for Academic Affairs and VP for Student & Enrollment Services of Genesee Community College to complete and file an annual statement of financial disclosure on or before May 31, 2022.

County Manager	Human Resource Director
Coroner (4 positions)	Human Resource Director Deputy
County Attorney	IT Director
County Attorney-Deputy	Legislators (9 positions)
County Clerk	Legislature Clerk
County Clerk-Deputy	Mental Health Director
County Clerk-Deputy	Specialist (Day Treatment)
County Historian	Specialist (Outpatient Clinic)
Compliance Officer	Mental Health-Administrative Officer
Deputy Commissioner of Elections (R)	Mental Health-Clinical Services Director
Deputy Commissioner of Elections (D)	OFA Services Administrator
Deputy Real Property Services	OFA Director
District Attorney	Planning Director Deputy
DSS Commissioner	Planning-Director
DSS-Director Financial Services	Probation Director
DSS-Director Fiscal Ops & Child Support	Public Defender
Elections Commissioner (R)	Purchasing Director
Elections Commissioner (D)	Real Property/Deputy Treasurer
Emergency Management Services Coordinator - Deputy	Sheriff
Emergency Management Services-Coordinator	Social Services-Director
Job Development Employee & Training Director II	Treasurer
Job Development Employment and Training Manager	Undersheriff
Health Director	Veteran Services-Director
Health Director Deputy	Youth Director
Health –Environmental Director	
Highway Superintendent	
Highway Superintendent-Deputy (2)	

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

RESOLUTION NO. 206 GRANT ACCEPTANCE – HEALTH DEPARTMENT/PUBLIC HEALTH DRINKING WATER ENHANCEMENT PROGRAM – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, the Genesee County Public Health Director has received notification from the New York State Department of Health that Genesee County’s Drinking Water Enhancement Program contract has been awarded in the amount of \$85,922, and

WHEREAS, the Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support local Drinking Water Enhancement activities, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Drinking Water Enhancement Program contract for the period April 1, 2022 through March 31, 2023, in the amount of \$85,922 and to execute any and all other documentation related to this

funding.

Budget Implications: \$85,922 is included in the 2022 Dept. 4010 Health Department Budget.
Legislator Dibble seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 207 GRANT ACCEPTANCE-HEALTH
DEPARTMENT/TOBACCO ENFORCEMENT
PROGRAM - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, the Genesee County Public Health Director has received notification from the New York State Department of Health Bureau of Community Environmental Health and Food Protection that Genesee County's Tobacco Enforcement contract will be awarded in the total amount of \$32,360, and

WHEREAS, the Public Health Director has requested that the County accept this funding which stipulates that this revenue will be used to support the program goals of the Tobacco Enforcement Program, and

WHEREAS, the Committee on Human Service did review this request and does recommend approval at this time. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Tobacco Enforcement contract for the period April 1, 2022 through March 31, 2023 in the amount of \$32,360, and to execute any and all other documentation related to this funding.

Fiscal Implications: Revenue and expenses, in the amount of \$32,360, has been appropriated in the 2022 Dept. 4010 – Health Department Program budget.

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

**RESOLUTION NO. 208 CONTRACT-MERCY FLIGHT, INC./AIR MEDICAL
TRANSFER SERVICE - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Mercy Flight, Inc., is a community based, not-for-profit corporation offering regional air medical services, and

WHEREAS, Funds were incorporated into the 2022 Genesee County Budget in the amount of \$12,825 to support the continued provision of air medical transfer service on behalf of Genesee County and a one-time payment of \$22,750 for the purchase of portable radios, and

WHEREAS, The Genesee County Manager did present a contract outlining the terms and conditions of this funding and the Committee on Human Services 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 between the County of Genesee and Mercy Flight, Inc., 100 Amherst Villa Road, Buffalo, NY for the provision of air medical transfer service in Genesee County for the period January 1, 2022 through December 31, 2022 for a contribution from Genesee County in the amount of \$35,575.

Budget Impact Statement:

2022 annual funding = \$12,825 regular funding - \$22,750 portable radios
2021 annual funding = \$12,825
2020 annual funding = \$12,825
2019 annual funding = \$12,825
2018 annual funding = \$12,825
2017 annual funding = \$12,825
2016 annual funding = \$14,250
2015 annual funding = \$14,250
2014 annual funding = \$14,250

Co Park – Waterfront Enhancement	14,780.50
Co Park – Water System Upgrade	88.58
Co Park – Park & Forest Water Upgrade	971.21
Highway – Darien-Alexander Tnl Rd Bridge	6,760.33
Payroll – General	
May 6, 2022	1,225,403.49
Medicaid	
May 3, 2022	146,087.00
May 10, 2022	<u>146,087.00</u>
Total Audit	\$ 3,125,693.69

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 326 votes.

Legislator Clattenburg moved to adjourn the meeting seconded by Legislator Torrey at 5:47 p.m.