

**NINTH DAY**  
**GENESEE COUNTY LEGISLATURE**  
**Batavia, New York**  
**Wednesday, May 13, 2020**

The Genesee Legislature met in Regular Session on Wednesday, May 13, 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 Orders suspending the Open Meeting Law, the Genesee County Legislature meeting was held electronically via ZOOM video conference. Legislator Torrey assisted with the audit. Prayer was be offered by Legislator Maha followed by the Pledge to the Flag.

Legislator Gary Maha presented Sheriff William Sheron and three deputies a proclamation designating May 10-May 16, 2020 National Police Week. All were thanked for their exceptional public service.

Minutes of the April 22, 2020 Legislature meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Young, carried unanimously.

Legislator Clattenburg reported on her attendance at a remote Holland Land Office Museum Board meeting where she advised the board of expected cuts in county funding. Legislator Yunker stated he is working with Soil & Water Conservation District and having conversations that include expected county funding cuts. He also extended his gratitude to Emergency Management personnel for their tireless work.

Chair Stein asked Elections Commissioners Siebert and Longhany for an update on changes with the upcoming election. 38,000 absentee ballot applications were mailed to residents. After the mailing went out the Governor executed a new executive order that the absentee ballot applications are only for the primary. A total of 900 applications have been received to date. Applications must be postmarked by 6/16/2020. Early voting is also available beginning 6/13/2020. Electronic poll books will not be used at the June election. They are working on their plan to protect elections inspectors and coordinators as well as members of the public.

County Manager Jay Gsell shared a U.S. Census update indicating that Genesee County has a 58% response rate. He further stated the Federal Stimulus 4.0 that Congressional leaders are crafting is based on population. NY Pause is still in affect and regions are receiving more guidance from Empire State Development on who can re-open in Phase I. Enforcement of non-compliance is still gray. Locally, the County has over 45 employees furloughed and there is a strategic hiring freeze. Department heads have been asked to limit future expenditures and identify what expenses will be eliminated for the remainder of the 2020 budget. Emergency Management Services expects to receive 10,500 more washable face masks.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 189    AGREEMENT EXTENSION-OFFICE FOR THE  
AGING/AGING IN MASTERY PROGRAM- APPROVAL  
OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present a Service Agreement with the National Council on Aging, Inc. for Genesee County Office for the Aging to deliver Aging in Mastery Program (AMP) sessions; and

**WHEREAS**, The National Council on Aging's (NCOA) Aging in Mastery Program offers interactive classes for adults 55 and older encouraging development of sustainable behaviors that lead to health improvements, stronger economic security, enhanced well-being, and increased

participation in society to help them make the most of their “gift of longevity”; and  
**WHEREAS**, The Population Health Collaborative is the Health Foundation for Western and Central New York grant recipient whereby the Office for the Aging’s previously approved County Budget allows for funding to provide AMP classes; and  
**WHEREAS**, The arrival of COVID-19 required social distancing practices, creating a need to extend the contract beyond the previously approved time frame of May 2020 to be completed by December of 2020, with no change in budget lines, just a time extension and  
**WHEREAS**, the Committee on Human Services did review this request and does recommend approval of this request. Now, Therefore, Be it  
**RESOLVED**, That the Genesee County Legislature does hereby authorize and direct the Chairperson of the Genesee County Legislature to execute the necessary documents to sign an agreement with National Council on Aging, Inc., 251 18<sup>th</sup> Street South, Suite 500, Arlington, VA 22202.

**Budget Impact:** Neutral. Expenses are fully funded with previous County 2020 budget approval. Legislator Clattenburg seconded the resolution which was passed by 326 votes.

**RESOLUTION NO. 190 GRANT AWARD RENEWAL– OFFICE FOR THE AGING/RSVP – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did request acceptance of a three year, annually renewable RSVP (Retired and Senior Volunteer Program) grant award totaling \$47,500 for the period of April 1, 2020 to March 31, 2021 from the Corporation for National and Community Service; and

**WHEREAS**, RSVP is one of the largest volunteer networks in the nation utilizing and placing the skills and talents of people 55 and over in a variety of volunteer activities within the community; and

**WHEREAS**, Genesee County Office for the Aging has hosted RSVP since 1985 with current program priorities in the areas of Aging in place initiatives, veterans’ support, environmental stewardship, reducing food insecurity, emergency preparedness, opioid awareness; and

**WHEREAS**, the Committee on Human Services did review this request and does recommend acceptance of this grant. Now, Therefore, Be it

**RESOLVED**, That the Chairperson of the Genesee County Legislature is authorized to accept this grant award and is authorized to enter into any and all agreements under the grant to contract for goods and services to meet the grant requirements.

**Budget Impact:** None. This is the second year award of three year grant. This grant award of \$47,500 was already included in the 2020 County Budget.

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

**RESOLUTION NO. 191 CONTRACT AMENDMENT-OFFICE FOR THE AGING/ARC MEAL SERVICE- APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, Genesee County and ARC of Genesee Orleans entered into an Agreement for the period July 1, 2019 through June 30, 2020, wherein the County contracted with the ARC of Genesee Orleans for the provision of meal service preparation for the Office for the Aging, and

**WHEREAS**, Additional need for meal service preparation has arisen as a direct result of the COVID-19 pandemic, and

**WHEREAS**, The parties wish to increase the not to exceed amount of this agreement for the remainder of the term, under the same terms and conditions as the original agreement which are: \$6.73 per meal for regular home delivered meals; \$6.67 per meal for congregate meals; \$5.25 for

2<sup>nd</sup> meal (cold or sandwich meal); and \$6.73 for frozen home delivered meals; with a total contract not to exceed \$263,927.00 (originally \$223,927.00) for the period July 1, 2019 through June 30, 2020, and

**WHEREAS**, The County of Genesee may use Federal funding for a portion of this contract necessitating the addition of applicable contract clauses, and

**WHEREAS**, the committees on Human Services and Ways & Means do concur, now Therefore Be it

**RESOLVED**, the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to amend the existing agreement with ARC of Genesee Orleans to allow for a maximum contract total of not to exceed \$263,927.00.

**Budget Impact Statement:** Neutral. Funding to offset his increase in spending comes from the existing 2020 budget sources such as C1, C2, WIN, and EISEP, which due to the MDD (Major Disaster Declaration) allows for OAA (Older Americas Act) money to be used without restriction in order to allow for expanding meal services and additionally increase in spending is able to be supplemented by FFCRA Families First Coronavirus Response Act and CARES (Coronavirus Aid, and Relief Economic Security Act of \$40,180.

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

**RESOLUTION NO. 192 CONTRACT RENEWAL– OFFICE FOR THE AGING/  
CONSUMER DIRECTED IN-HOME SERVICES –  
APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present a renewal of contract established through RFP 2018-103 with Willcare, Inc., c/o parent company, LHC Group, Inc. 901 Hugh Wallis Rd South Lafayette, LA 70508 to serve as Fiscal Intermediary for Consumer Directed In-home Services operated by Genesee County Office for the Aging; and

**WHEREAS**, Homecare services are in great demand with the rising number of frail and/or chronically ill elders in our county needing in-home and community support services with homecare agencies unable to fill homecare cases due to lack of in-home workers; and

**WHEREAS**, Under Consumer Directed In-home Services, control is shifted to the consumer (or eligible consumer representative) for budgeting, care planning, decision making, arranging for services and staffing; and

**WHEREAS**, This is the second renewal of five (5) total contract renewals with potential for three (3) additional one (1) year renewals for provision of Fiscal Intermediary services with regard to Consumer Directed In-home Services and the Committees on Human Services and Ways and Means does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chairman of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to award the contract to Willcare, Inc. to serve as Fiscal Intermediary for Genesee County Office for the Aging Consumer Directed In-home Services under Expanded In-home Services for the Elderly, Title III E, and other in-home services funds at a cost of \$20.51/hour for CDIS-Basic Worker and \$23.11/hour for CDIS-Enhanced Worker, not to exceed \$25,792 for the period of June 1, 2020-May 31, 2021.

**Budget Impact:** Neutral. All in-home services are already incorporated into our 2019 County budget. No additional County funds will be required. Rate is \$20.51 for CDIS-Basic Worker and \$23.11/hour for CDIS-Enhanced Worker. A total of \$25,792 is designated for CDIS for the period of 6/1/2020-5/31/2021.

Legislator Yunker seconded the resolution which was passed by 326 votes.

**RESOLUTION NO. 193 CONTRACT AMENDMENT/BUDGET AMENDMENT –  
HEALTH DEPARTMENT/ EARLY INTERVENTION  
ADMIN. GRANT/APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The New York State Department of Health has awarded the Genesee County Public Health Department \$4,726 in additional funding for 2019-2020 EI Admin activities. \$1,077 of these funds will be allocated to overtime and fringe, and \$3,649 of the funds will be used to pay for salaries and fringe already included in the 4059 2020 budget 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 \$4,726 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 \$1,000 in Appropriations A4059 1020.0000 Over-Time Salaries, \$62 in Appropriations A4059 8010.0000 Social Security Tax, \$15 in Appropriations A4059 8011.0000 Medicare Tax and to be offset by an increase of \$1,077 in A4059 4451 Fed Aid – Early Int. Admin.

**Budget Implications:** Funding will be used to offset \$1,077 in EI Admin OT and fringe costs. \$3,649 will be used for salaries and fringe already included in the 4059 2020 budget.

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

**RESOLUTION NO. 194      AWARD OF INTERNET LEASE AGREEMENTS TO  
WINDSTREAM COMMUNICATIONS-APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Ways and Means Committee did review this request for internet circuits and SD-WAN technology provided by Windstream Communications at County Bldg-II and 165 Park Rd and recommend the approval of, Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a 36-month lease agreement with Windstream Communications 245 East Main Street, Rochester NY 14604 for internet circuits and SD-WAN Technology at County Building-II and 165 Park Rd at a cost of \$2675 / month.

**BUDGET IMPACT STATEMENT:**

Account A.1680.4290.0600 Internet & Bandwidth has the funding available to support this request. This was expected at some point in 2020 so the contingency amount in this account covers the 2020 increase. The 2021 Budget will include the additional \$5,372 to support the upgraded circuits at both locations.

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

**RESOLUTION NO. 195      INDEMNIFICATION AGREEMENT – GENESEE  
COUNTY/NORFOLK SOUTHERN RAILROAD –  
APPROVAL OF**

Legislator Hilchey offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent has awarded a sheet piling contract to LC Whitford Co. for repairs to the abutment at Dry Bridge Rd over the Norfolk Southern Railroad in the Town of Alexander, and

**WHEREAS**, Norfolk Southern Railroad requested that the County enter into an indemnification agreement for any possible issues arising in the railroad right-of-way during the project, and

**WHEREAS**, The County Attorney and NYMIR have reviewed the agreement and agree that the County's exposure is minimal, and

**WHEREAS**, The indemnification agreement is needed in order to move forward with needed repairs, and

**WHEREAS**, The Highway Superintendent does recommend approving the agreement at this time, and

**WHEREAS**, The Committee on Ways & Means did review this request and does recommend approving the agreement at this time. Now, therefore, Be it

**RESOLVED**, That the Chairperson of the Legislature is hereby authorized to execute the indemnification agreement between Genesee County and the Norfolk Southern Railroad.

**Budget Impact:** There is no cost to the agreement. Repairs to the Dry Bridge Rd over NSX Railroad will be funded from the Large Span Culvert project.

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

Legislator Dibble offered a motion to table the resolution to *rescind resolution 402-2018 and 316-2019 Authorization for Distribution Payments to Enumerated Genesee County Towns and Villages* indicating that a delay will allow for time to acquire more information and formulate a replacement resolution seconded by Legislator Yunker, the motion was not passed, 154 in favor, Legislators Hilchey (28), Young (47), Stein (43), Deleo (26), Clattenburg (28) NO.

**RESOLUTION NO. 196      RESCIND RESOLUTION 402-2018 AND 316-2019-  
AUTHORIZATION FOR DISTRIBUTION PAYMENTS TO  
ENUMERATED GENESEE COUNTY TOWNS AND  
VILLAGES**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County Legislature passed resolutions 402 in the year 2018 and 316 in the year 2019 whereby the County would voluntarily distribute annual payments in quarterly amounts to certain Towns and Villages located in Genesee County, and

**WHEREAS**, The County has made the first quarterly payment of 2020 to certain towns and villages, and

**WHEREAS**, on January 30, 2020 the World Health Organization designated the novel coronavirus, COVID-19 outbreak a public health emergency of international concern and on March 7, 2020 New York Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York followed by several executive orders including the now in effect PAUSE, aimed at limiting the spread of COVID-19, and

**WHEREAS**, the COVID-19 pandemic and subsequent effect on New York State and Genesee County has resulted in unprecedented impacts to county revenue that per the State financial plan will likely impact local government budgets into 2024, and

**WHEREAS**, Genesee County has taken calculated measures to reduce expenditures by eliminating multiple capital projects and asset acquisitions, instituting a strategic hiring freeze, furloughing many County employees and conducting a complete review with measured cuts to funding contracts and agreements with outside agencies, and

**WHEREAS**, without further aid from the federal or state government, Genesee County must further mitigate the financial shortfall within the current budget as well as future budgets by eliminating voluntary revenue distribution to Towns and Villages, Now therefore Be it,

**RESOLVED**, that the Genesee County Legislature hereby rescinds Resolution 402-2018 and 316-2019, and the same are hereby declared null and void, and Be it further

**RESOLVED**, that after the first quarter 2020 revenue distribution payments, the Genesee County Treasurer is hereby authorized and directed to discontinue all future voluntary revenue distribution payments to Towns and Villages until further notice.

Prior to the vote Legislator Clattenburg stated that the purpose of the resolution is to remove the authorization from the Treasurer to distribute the revenue distribution payments at the 2018 level. Legislator Maha stated he would not support the resolution due to concerns with some of

the language and he thinks there is time to further analyze the numbers. Legislator Torrey commented that he had similar reservations and agreed the measure does not need to be passed now. Legislator Yunker stated he would not support the resolution and would like to see a replacement resolution offered giving Towns and Villages some clarity on what revenue distribution they can count on. Chairperson Stein commented that town and village leaders have participated in weekly conference calls where it has been communicated that there is intent to ensure they will not be left behind.

Legislator Young seconded the resolution which was passed by 172 votes, Yunker (45), Dibble (43), Torrey (38), Maha (28) No.

**RESOLUTION NO. 197 COUNTY AUDIT –MAY 13- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

General Fund	\$ 2,008,719.17
Highway	797,339.54
Water Fund	498,474.99
Self Insurance	57,385.57
DSS Abstracts	505,571.75
<b>Capital Projects</b>	
Highway- Road Machinery	116,706.66
Highway-Pratt Road Bridge Over Tonawanda Creek	88,887.77
Highway-Sharrick Road Bridge Over Murder Creek	15,259.60
Highway-Tower Hill Road Bridge Over Spring Creek	10,224.38
Highway-Meadeville Road Bridge Over Canal Creek	7,916.10
Airport-Reconstruct Taxiway “C”	92,423.92
Airport-Apron Design Reconstruction & Obstruction Removal	6,474.43
Park-DeWitt Park Improvements Phase IV	2,118.67
Sheriff’s/Jail-Jail Construction	77,660.00
Sheriff’s/Jail- Sheriff’s Public Safety Communications Tower	890.00
<b>Payroll – General</b>	
April 24, 2020	1,622,627.03
May 8, 2020	1,063,391.59
<b>Medicaid</b>	
April 28, 2020	177,332.00
May 5, 2020	177,332.00
May 12, 2020	<u>177,332.00</u>
<b>Total Audit</b>	<b>\$ 7,504,067.17</b>

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 Torrey seconded the resolution which was passed by 326 votes.

Legislator Clattenburg made a motion to suspend the rules to address two timely resolutions. She explained that Congress is considering another stimulus bill and this resolution urges the New York Delegation to provide all counties direct unrestricted federal aid based on county population and the Board of Elections was notified of NYS HAVA CARES Act program funding

and this resolution authorizes the County to accept the funds seconded by Legislator Young, carried unanimously.

**RESOLUTION NO. 198      CALLING ON THE CONGRESSIONAL DELEGATION TO  
PROVIDE COUNTIES WITH DIRECT FEDERAL AID TO  
SUPPORT COUNTIES COVID-19 RESPONSE AND  
REOPENING ECONOMIC ACTIVITY EFFORTS**

Legislator Maha offered the following resolution:

**WHEREAS**, the COVID-19 pandemic has impacted every aspect of our society, government and the economy, unlike any other event in the past 50 years; and

**WHEREAS**, the New York State Association of Counties (NYSAC) has released an economic impact report detailing revenue loss projections for counties across the state; and

**WHEREAS**, New York State will be disproportionately hard hit compared to other parts of the country; and

**WHEREAS**, under a mild recession, counties outside of New York City can expect to lose \$1.52 billion in local revenue and state aid and under a more severe recession, counties outside of New York City can expect to lose \$3.55 billion in local revenue and state aid; and

**WHEREAS**, counties face an unprecedented quadruple threat of

- Declining local revenues, especially sales tax, but also hotel occupancy taxes, mortgage recording taxes, gaming revenues, among other revenues;
- Higher spending necessary to respond to the health emergency;
- The loss of state reimbursement;
- The potential of significant losses for small businesses on our main streets that could threaten jobs and the property tax base over the short to mid-term; and

**WHEREAS**, without further federal assistance, the fiscal outlook for counties could become catastrophic; and

**WHEREAS**, counties are the primary governmental unit responsible for delivering services to New Yorkers during this pandemic. Some of these services include:

- Maintaining public facilities including hospitals, clinics, nursing homes;
- Administering and providing for Medicaid on behalf of the state;
- Disease surveillance, monitoring, testing, and providing education to the public on how to practice social distancing and proper hygiene;
- Providing and coordinating the acquisition of PPE and other equipment;
- Providing mortuary services;
- Providing mental health educational resources to the public;
- Ensuring access to counseling and substance abuse services;
- Staffing and managing emergency operations center that organize disaster response;
- Maintaining and staffing 9-1-1 systems that respond to urgent calls for help;
- Providing families in need with services like child care, cash assistance, emergency housing, responding to domestic violence situations, child and adult protective services, SNAP, HEAP, and foster care;
- Assisting small businesses with bridge loans and working capital;
- Employment training for those who are unemployed;
- Ensuring vulnerable seniors continue to receive essential services;
- Coordinating meals on wheels, medical supplies and prescriptions.

**NOW, THEREFORE, BE IT RESOLVED**, the Genesee County Legislature calls upon the Congressional Delegation and Senators Schumer and Gillibrand to provide all counties direct unrestricted federal aid; and

**BE IT FURTHER RESOLVED**, this aid should be distributed based on county population; and

**BE IT FURTHER RESOLVED**, federal stimulus legislation must also grant counties who received funding under the Coronavirus Relief Fund as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) the ability to use these funds to supplant projected revenue loss; and

**BE IT FURTHER RESOLVED**, the Clerk to the Genesee County Legislature shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Congressional Delegation, Senator Charles Schumer, Senator Kirsten Gillibrand, NYSAC and all others deemed necessary and proper.

Legislator Clattenburg seconded the resolution which was passed by 326 votes.

**RESOLUTION NO. 199**

**GRANT AWARD/BUDGET AMENDMENT-  
BOARD OF ELECTIONS/NYS HAVA CARES ACT  
GRANT PROGRAM – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Board of Election Commissioners did receive notification of the award of grant funding from New York State Board of Elections, NYS HAVA CARES Act program to implement measures necessary for responsible, safe, and fair elections during the COVID-19 pandemic, for a contract term beginning March 28, 2020 through December 31, 2020, in the amount of \$74,261, and

**WHEREAS**, The Genesee County Board of Election Commissioners have requested that the County accept the New York State Board of Elections, NYS HAVA CARES Act funding. Now, therefore, be it

**RESOLVED**, That the Genesee County Legislature does hereby accept the New York State Board of Elections, NYS HAVA CARES Act program funding in the amount of \$74,261, and Be it further

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute any and all documents necessary for the acceptance of the New York State Board of Elections, NYS HAVA CARES Act Grant Program contract for the period March 28, 2020 through December 31, 2020, in the amount of \$74,261, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2020 Genesee County Budget by increasing A.1450.3089.7 –St. Aid - Elections in the amount of \$74,261 to be offset by an increase in A.1450.4480.0000- COVID-19 Expenses, in a like amount.

**Budget Impact:** Grant revenue will cover COVID-19 expenses up to \$74,261

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

At 6:33 PM the meeting adjourned upon motion of Legislator Torrey seconded by Legislator Yunker, carried unanimously.