

NINTH DAY
GENESEE COUNTY LEGISLATURE
OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
WEDNESDAY, MAY 22, 2024

The Genesee County Legislature met in Regular Session on Wednesday, May 22, 2024 at 5:30 PM in the Legislative Chambers of the Old Courthouse.

Legislator Yunker offered to assist with the audit, the prayer and the Pledge to the Flag.

Roll Call was taken with 9 ayes, 0 no's and 0 absences. Clerk Casey announced a quorum was established.

Proclamations & Commendations:

2024 Community Action Month was presented by Legislator Hawley and accepted by Renee Hungerford Executive Director/CEO, Barb Shine Board Chair, Katrina Chaffee Director of Community Services and Jackie Dunham Director of Operations/ COO.

EMS Week - May 19-25, 2024 was Presented by Legislator Maha and accepted by Tim Yaeger Genesee County Emergency Management Coordinator, Stafford Fire Department Randall Henning, Oakfield Fire Department Pete Scheiber, Alexander Fire Department Chief Jim Burkhardt and Jenny McFee, Bethany Fire Department Gail Smith, Darien EMS Caity West and Nicholas Yoder, Mercy EMS Pam McCarthy. Patrick Fine, Madison Magill and Kyle Enzena.

Approval of Minutes: May 8, 2024 were declared approved by Chair Stein.

Committee & Special Assignment Reports: None.

Communications & Petitions:

Travel Out-of-State: Tim Yaeger – 2024 National Homeland Security Conference, Miami, FL – Grant Funded – No Cost to the County. Legislator Hawley moved to approve the request, seconded by Legislator Yunker with a roll call taken of 9 ayes, 0 no's and 0 absences.

Legislator Comments: None.

County Manager Report: County Manager Matt Landers reported the following: submission of the four million dollar grant for broadband. State legislation affirming a new requirement of four full-time employees in the election office. The county received five submissions for grant writing from towns/villages. There was a public open house at the new jail over the weekend, which 250 individuals toured. The county received positive feedback from the public.

Resolutions:

Consent Agenda Items - Ways And Means:

Clerk read resolutions 1-14 of the Ways and Means Committee:

1. Agreement/Budget Transfer/County Manager–Point & Pay
2. Plan Revision–Genesee County Title VI Plan
3. Renewal Of Contract-Elections/ Cartage Of Voting Machines
4. Disposition Of Surplus Property– Elections/File Cabinets
5. Renewal Of Contract-Elections/ Printing Supplies
6. A Request to Authorize Memorandum of Understanding-GCEDC/In Connection with the ACT Work Ready Communities Boot Camp/ACT Work Ready Communities Initiative
7. Budget Transfer-Sheriff's Office/ Communications/Vehicle Lease
8. Purchase Authorization–Emergency Management Services/Asset Acquisition/ Mobile Command Unit
9. Contract–Highway/Shared Services
10. Grant Agreement/Capital Project Amendment/2024 Budget Amendment – Highway/Large Span Culverts
11. Consultant Agreement–Facilities Management/Engine House Renovation
12. Amend Capital Projects/2024 Budget Amendment–State Funded Highway Construction
13. Contract-Public Defender/Thomson Reuters–West Publishing Corporation

14. Creation of Genesee County Administrative Water Review Board
Legislator Clattenburg moved for the adoption of resolutions 1 through 14 of the Ways and Means committee, seconded by Legislator Dibble followed by a roll call of 9 ayes 0 no's and 0 absences for a total vote of 200.

Consent Agenda - Public Service Committee:

Clerk read resolutions 15-16 of the Public Service Committee:

15. Agreement Renewal – Sheriff's Office/ Special/Additional Law Enforcement Services For Six Flags LLC

16. Contract Amendment-Public Defender/ NYS Office Of Indigent Legal Services/Hurrell-Harring

Legislator Maha moved for the adoption of resolutions 15 and 16 of the Public Service committee, seconded by Legislator Klotzbach followed by a roll call of 9 ayes 0 no's and 0 absences for a total vote of 200.

Non-Consent Items:

Clerk please read Resolution 17

17. County Audit – May 22, 2024

Legislator Clattenburg moved for the adoption of resolution 17, seconded by Legislator Yunker followed by a roll call of 9 ayes 0 no's and 0 absences for a total vote of 200.

Unfinished Business:

Adjournment: Chair Stein adjourned the meeting at 5:57 p.m.

RESOLUTION NO. 209

**AGREEMENT/BUDGET TRANSFER/COUNTY
MANAGER-POINT&PAY-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County currently has a subscription to a public-facing online forms software called OpenForms, and

WHEREAS, the County Treasurer's Office and the Public Communications and Web Design Specialist were in search of an online payment processor to integrate with the software, and

WHEREAS, after research and review of available offerings, it was determined that Point&Pay would be the best fit for the County's needs, and

WHEREAS, there is an initial setup fee of \$1,500 which will require a 2024 budget transfer in the County Manager's 2024 budget, and

WHEREAS, the Ways and Means Committee has reviewed the recommendation and does concur at this time. Now, therefore, be it

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to transfer \$1,500 from the A.1990.4800.0000 Contingency - Program Expense to A.1230.4160.0010 – County Manager -Software Licensing, and be it further

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute an agreement with Point&Pay, 110 State Street E, Suite D, Oldsmar, FL, 34677 in the amount of \$1,500 for the setup and implementation of an online payment processor to be integrated with OpenForms

Budget Impact: Funds to cover this expense are available in the contingency account. Balance of regular contingency after this transaction = \$143,000

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 210

**PLAN REVISION-GENESEE COUNTY TITLE VI
PLAN-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Title VI of the 1964 Civil Rights Act provides that no person shall on the grounds of race, color, national origin, or sex be excluded from, participation in, be denied the benefits of, or be

RESOLUTION NO. 215

**BUDGET TRANSFER-SHERIFF'S OFFICE/
COMMUNICATIONS/VEHICLE LEASE-APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the two leased vehicles used by the Sheriff's Communications Department were replaced in 2024 and this has increased the monthly lease amount, and

WHEREAS, adequate funds were not budgeted for the vehicle lease increase, and

WHEREAS, there are funds available in the Communications Personal Services line item due to open positions, and

WHEREAS, the Sheriff is requesting to transfer \$8,405 from the Communications Personal Services line item to the Communications Vehicle Lease line item, and

WHEREAS, the Committees on Public Service 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 is hereby authorized and directed to make the following budget transfer within the Sheriff's Communications 2024 appropriations:

\$8,405 from A3020.1010.0000 (Personal Services)

\$8,405 to A3020.4330.0000 (Vehicle Lease/Rental)

Budget Impact: Transfer of \$8,405 from the Sheriff's Communications Personal Services line item to the Communications Vehicle Lease/Rental line item. There is no budget impact as funds will be transferred within the Communications budget.

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 216

**PURCHASE AUTHORIZATION-EMERGENCY
MANAGEMENT SERVICES/ASSET ACQUISITION/
MOBILE COMMAND UNIT-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Emergency Management Coordinator reviewed purchasing options (GSA Contract and HGAC Contract) for one Mobile Command Unit, and

WHEREAS, HGAC Contract #AM10-23 provides for the piggyback purchase of command unit vehicles, and

WHEREAS, the Emergency Management Coordinator does recommend the approval of purchase from LDV Custom Specialty Vehicles, and

WHEREAS, the Committees of Public Service and Ways and Means does concur with the Emergency Management Coordinator's recommendation. Now, therefore, be it

RESOLVED, the Genesee County Office of Emergency Management Coordinator is hereby authorized and directed to purchase a new mobile command unit from LDV Custom Specialty Vehicles. 180 Industrial Drive, Burlington, WI 53105 in an amount not to exceed \$724,264 per the HGAC Contract #AM10-23 specifications.

Budget Impact: The vehicle will be purchased using Asset Acquisition funds. Budgeted amount for this purchase is \$724,264.

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 217

**CONTRACT-HIGHWAY/SHARED SERVICES -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Superintendent of Highways reported that the Genesee County Highway Department currently shares equipment, materials and services with other Genesee County municipalities and neighboring counties on an informal basis and to be in compliance with New York State Highway Law and General Municipal Law, Genesee County is required to adopt an agreement formalizing this arrangement, and

WHEREAS, the Superintendent of Highways reported that municipalities, including the County of Genesee, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, the Superintendent of Highways reported that it has been determined that the County of Genesee and other municipalities have machinery and equipment which are not used during certain periods and have stored materials and supplies which are not immediately needed, and

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the County of Genesee and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is the intent of the County of Genesee to give the Superintendent of County Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the municipal governing board prior to the making of each individual arrangements, and

WHEREAS, Genesee County authorized such arrangements with other municipalities on February 27, 2006 and the Superintendent of Highways is requesting that such an arrangement be continued through an extension of the original agreement, and

WHEREAS, the Committees on Public Service and Ways and Means has determined that it will be in the best interests of the County of Genesee to continue to be a party to such shared service arrangements, and does concur with this recommendation. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Highway Shared Services Agreement which shall be effective immediately through July 2026, and be it further

RESOLVED, the Legislative Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the municipalities within Genesee County.

Budget Impact: None. Sharing municipal services is a cooperative effort to save money.

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 218

**GRANT AGREEMENT/CAPITAL PROJECT
AMENDMENT/2024 BUDGET AMENDMENT –
HIGHWAY/LARGE SPAN CULVERTS – APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Soil and Water Conservation District has offered a grant agreement with the Genesee County Highway Department to implement Best Management Practices with installation of Large Span Culverts, and

WHEREAS, the grant agreement provides \$51,460.75 to be matched by existing County Funds allocated to the Large Span Culvert Capital Project, and

WHEREAS, Genesee County will be replacing Culvert 1213 on Paul Road in the Town of Bethany to provide the matching funds under this project, and

WHEREAS, the County Highway Superintendent recommends executing the grant agreement, modifying the capital project and making the appropriate budget amendment to allow this to occur, 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 Chair of the Genesee County Legislature is hereby authorized to execute the Soil and Water Conservation Landowner/Operator Contract with Genesee County Soil and Water Conservation District in the amount of \$51,460.75, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2024 Budget for Large Span Culverts by increasing H.5197.2797 Other Local Governments in the amount of \$51,460.75 to be offset by an increase in H.5197.2080.0000 Capital Project Expense in a like amount.

Budget Impact: Outside aid of \$51,460.75 increases the funding for the capital project established for Large Span Culverts.

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

**RESOLUTION NO. 219 CONSULTANT AGREEMENT–FACILITIES
MANAGEMENT/ENGINE HOUSE RENOVATION -
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County issued RFP#2024-110 for Construction Management services for the Engine House Renovation Project

WHEREAS, the County Manager, Deputy County Manager, Highway Superintendent, Deputy Highway Superintendent and Assistant County Engineer reviewed the proposals and selected a firm, and

WHEREAS, the Committees of Public Service and Ways and Means did review this request and do concur with this recommendation at this time. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized to execute a contract with Pike Construction Services, 1 Circle Street, Rochester NY 14607 in an amount not to exceed \$200,500 for construction manager services as outlined in RFP#2024-110 for the Engine House Renovation Project.

Budget Impact: The construction manager fees will be paid out of the Engine House renovation Project which has an available balance of \$729,322.55

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

**RESOLUTION NO. 220 AMEND CAPITAL PROJECTS/2024 BUDGET
AMENDMENT–STATE FUNDED HIGHWAY
CONSTRUCTION–APPROVAL OF**

Legislator Clattenburg 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), Pave Our Potholes (POP), 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 \$150,000 from 2024 CHIPS
Highway Overlay	POP	Add \$385,093 from 2024 POP
Hwy Surface Treatment	PAVE-NY	Add \$577,640 from 2024 PAVE-NY
	EWR	Add \$369,977 from 2024 EWR
	CHIPS	Add \$300,555 from 2024 CHIPS
Highway Recycling	CHIPS	Add \$1,521,778 from 2024 CHIPS

Road Machinery CHIPS Add \$306,745 from 2024 CHIPS

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the following CHIPS, EWR, POP and PAVE-NY funded capital projects by increasing Highway Capital Project Expense H5112.2080 in the amount of \$3,611,788 and Increase H5112.3501 CHIPS in a like amount.

Budget Impact: 2024 CHIPS allocation is \$2,279,078; 2024 PAVE-NY allocation is \$577,640, 2024 EWR allocation is \$369,997 and 2024 POP allocation is \$385,093. CHIPS/PAVE-NY & POP increased 0.37% over 2023 funding and EWR remained at 2023 level.

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

**RESOLUTION NO. 221 CONTRACT-PUBLIC DEFENDER/THOMSON
REUTERS–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 Thomson Reuters - West Publishing Corporation for the use of its online “CLEAR Proflex” platform, and

WHEREAS, the Committees of Public Service and Ways and 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 Genesee County Public Defender and Thomson Reuters – West Publishing Corporation, 610 Opperman Drive, Eagan, MN 55123 for a one-year period at a cost of \$275.77 per month.

Budget Impact: Funds for this contract in the amount of \$1,930.39 for the remainder of this year are budgeted in the 2024 Budget under lines A1170.3025 Revenue and A1170.4880.0000 Program Expense.

Legislator Dibble seconded the resolution, which was adopted by 200 votes.

**RESOLUTION NO. 222 CREATION OF GENESEE COUNTY
ADMINISTRATIVE WATER REVIEW BOARD-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Legislature has taken formal steps to plan for future water improvements. Such steps include creation of the Water Supply Task Force (resolution No. 181 Year 1997), creation of the Water Resources Agency (resolution No. 495 Year 1998), WRA Water Supply Emergency Subcommittee to review County policies and create a water emergency or water shortage response plan (resolution No. 191 Year 2019 Water Emergency Plan adoption), and

WHEREAS, the Genesee County Smart Growth Plan, first adopted in 2001, is reviewed every three years, and requires the County to restrict hook-ups to the water system and is intended to encourage the revitalization of villages and hamlet areas and protect valuable agricultural resources, and

WHEREAS, water supply and demand charts are updated regularly and based on a review of planned water districts and additional supply amounts when Phase 2 is completed, and

WHEREAS, requests for new water connections or increased capacity are received however there is no formal process or criteria for review and approval, and

WHEREAS, the Water Resources Agency is supportive of and recommends creation of the Genesee County Administrative Water Review Board. Now, therefore, be it

RESOLVED, the Genesee County Legislature concurs and does create the Genesee County Administrative Water Review Board with the powers and duties as hereinafter set forth, and be it further

RESOLVED, the Genesee County Administrative Water Review Board shall consist of the following

RESOLVED, that the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for an additional one-year term (June 1, 2024 through May 31, 2025) for special/additional law enforcement services at Six Flags Darien, LLC (Darien Lake) located at 9993 Allegheny Road, Darien Center, NY 14040 for its 2024 operating and Performing Arts Center concert season.

Budget Impact: Funds have been allocated in the 2024 budget and will be offset by revenue billed back to entities for additional law enforcement services.

Legislator Klotzbach seconded the resolution, which was adopted by 200 votes.

**RESOLUTION NO. 224 CONTRACT AMENDMENT-PUBLIC DEFENDER/
NYS OFFICE OF INDIGENT LEGAL SERVICES/
HURRELL-HARRING-APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the Public Defender does recommend the acceptance of the amended contract between Genesee County and the New York State Office of Indigent Legal Services (ILS), Contract Number: CSTWIDEHH18, Statewide Expansion of Hurrell-Harring, providing for one-year extension of the contract, and

WHEREAS, the Committee of Public Service 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 Contract Amendment for Contract No.: CSTWIDEHH18, Statewide Expansion of Hurrell-Harring, between Genesee County Public Defender and the New York State Office of Indigent Legal Services, located at the A. E. Smith Building, 11th Floor, 80 South Swan Street, Albany, New York 12210.

Budget Impact: Public Defender contract revenue for 2024 in the amount of \$1,317,125 is contained within the 2024 adopted budget in line A.1170.3025 Indigent Legal Services offset by like amounts in expenses.

Legislator Klotzbach seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 225 COUNTY AUDIT–MAY 22, 2024 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Yunker, did review the following claims:

2024 General Fund	1,273,987.08
2024 Highway	73,965.23
2024 Self Insurance	2,187.50
2024 Water Fund	292,452.00
DSS Abstracts	519,521.53
Capital Projects	
Sheriff/Jail – Jail Construction	2,273,595.11
Facilities Management – Animal Shelter Upgrades	3,049.58
Facilities Management – Engine House Renovations	2,038.10
Highway – Large Span Culverts	3,544.76
Highway – County Road 50 (Perry Road)	44,688.40
Highway – Fisher Road over Orchard Creek	7,943.66
Highway – South Street Culvert over Drainage Ditch	712.21
Highway – Richley Road over Murder Creek	3,427.14
Highway – Rose Road over Bowen Creek	18,841.62
Highway – Dry Bridge Road over Drainage Ditch	41,940.99
Payroll – General	
May 17, 2024	2,104,992.24

Medicaid

May 14, 2024

181,406.00

May 21, 2024

181,406.00

Total Audit

\$ 7,029,699.15

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 Yunker seconded the resolution, which was adopted by 200 votes.

CERTIFICATION OF THE CLERK

STATE OF NEW YORK, County of Genesee, ss:

I, Lisa K. Casey hereby certify that the foregoing is a true report of the Genesee County Legislature on Wednesday, May 22, 2024, at 5:30 P.M., typographical errors excepted.

Lisa K. Casey