

**TENTH DAY
GENESEE COUNTY LEGISLATURE
OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
WEDNESDAY, MAY 24, 2023**

The Genesee County Legislature met in Regular Session on Wednesday, May 24, 2023 at 5:30 PM in the Legislative Chambers of the Old Courthouse.

There were two amendments made to the agenda: resolution 2 would be removed from the consent agenda to non-consent and Resolution 27 amending the title of the resolution ‘Capital Project DeWitt Improvements Phase IV’.

Legislator Hawley offered to assist with the audit. The prayer will be offered by Legislator Klotzbach followed by the Pledge to the Flag. There are no Proclamations & Commendations.

Motion to approve minutes from May 10, 2023 by Legislator Dibble, seconded by Legislator Deleo, carried.

Committee & Special Assignment Reports: none

Communications & Petitions: Genesee County Republican Committee sent a letter on May 22, 2023 to Chair Stein that recommended Charles Zambito as Western Regional Off-Track Betting Corporation Board of Director due to the recent vacancy of Richard Siebert. The letter was signed by the Secretary (Ms. Jasinski) of the Genesee County Republican Committee.

Legislator Comments: Chair Stein announced that Legislature Clerk Lisa Casey had received a Legislative Clerk Certification in May. Lisa Casey is one of 18 Clerks out of 62 who have completed this certification. In order to keep this certification she will need to continue with courses to keep the certification. Congratulations to Lisa Casey.

County Manager Report: County Manger Matt Landers reported that the Grant program that went into the 2023 Budgets providing grant assistance has been successful. He has been receiving positive feedback from municipalities - feels this is a perfect example of County Government being able to make an investment. 10 out of the 20 municipalities have reached out and submitted applications, which leaves 10 more available. The money has been well spent. The County is on a second State of Emergency Order, which will expire Saturday May 27 with the intention to reissue the order number 3 on Saturday along with 31 other counties and more growing daily. Matt Landers announced that the Shining Star of the Month is Jeanette Diehl from Emergency Management; Tim Yaeger nominated her for going above and beyond especially with all the work that went into the declarations with Covid, 2022 Blizzard and behind the scenes work at highway, emergency management, and the sheriff’s office. She is the backbone at Emergency Management. Chair Stein acknowledged Jeanette in receiving this award.

Resolutions - Consent Agenda Items: Ways and Means

Legislator Clattenburg motioned to remove Resolution Number 2 2023-2024 Operation Budget Genesee Community College/Sponsor’s Share from consent to non-consent agenda. Chair Stein requested Legislature Clerk Lisa Casey to remove Resolution 2 from consent to non-consent agenda. Committee Chair Clattenburg referred 1 and 3 through 21 which have been unanimously approved through Ways and Means Committee and moved for their adoption. Ways and Means Committee Chair Clattenburg motioned for adoption for resolutions 1 and 3 through 21, a request for a second, Legislator Klotzbach seconded. Legislature Clerk Casey read resolutions 1 and 3 through 21 of the Ways and Means Committee:

1. Set Public Hearing - Genesee Community College/2023-2024 Budget
3. Fraud Prevention Policies - Corporate Compliance Program
4. Genesee County Policy-Resolutions and Legislative Documents
5. Distribution of Mortgage Tax-First Payment 2023
6. 2023 Budget Amendment- Asset Acquisition
7. Capital Projects Fund Reallocation Approval – Genesee Community College/HEERF
8. Capital Project Fund Reallocation Approval – Genesee Community College

9. Consultant Agreement/Budget Amendment-Countywide Water Supply Program/Phase 3 Source Supply Change Study
10. Amend Capital Projects/2023 Budget Amendment – State Funded Highway Construction
11. Agreement between Genesee County and Rent.Fun, LLC– County Parks/Self-Service Kayak Rental Kiosk/ Reduce Capital Project Dewitt Improvements Phase IV/ Budget Amendment
12. Contract Award–Highway/Pavement Markings
13. Change Order / Genesee County Jail
14. Appointment to County Planning Board – Joshua Mullen
15. Reappointment to County Planning Board – Candace Hensel
16. Budget Amendment – Sheriff’s Office / Crisis Response Kits
17. Salary Schedule Amendment – Sheriff’s Office / Creation Of Two Part-Time, Temporary Emergency Services Dispatcher
18. Promulgation and Modification of Rules and Regulations-Genesee County Parks
19. Reappointments to Genesee County Agricultural and Farmland Protection Board – Janette Veazey-Post and LuAnne McKenzie
20. Reappointment to Genesee County Water Resource Agency – Steven J. Mountain
21. Appointment to Fish & Wildlife Management Board- John Lawrence

Clerk Casey called the roll for resolutions 1 and 3 through 21

1 & 3 thru21	Y	N	simple	2/3
1. Klotzbach	2		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Public Service Committee under the Consent Agenda:

Chair Stein announced Resolutions 22-26 have been approved by the Public Service Committee to be placed on the agenda. Committee Chair Maha requested Legislature Clerk Casey to introduce resolutions 22-26 which have been unanimously approved through the Public Service Committee and moved for their adoption. Committee Chair Maha motioned for adoption of resolutions 22-26 and I request a second, Legislator Dibble seconded.

22. Renewal Agreement – Office Of Emergency Management Services – Comprehensive Fire Service Implementation Plan Development Consultant
23. SEQRA Type I Action Classification, Establishing Lead Agency, Determination Of Significance – Planning Department/ Water Supply Project Phase 3
24. Agricultural District No. 1 - Towns Of Alexander, Batavia, Bethany, Darien, Pembroke, And Stafford/Eight Year Review/Continuation And Modification
25. Contract Amendment-Genesee County Public Defender/New York State Office Of Indigent Legal Services/Third Counsel at First Appearance
26. Contract Amendment – Genesee County Public Defender/New York State Office Of Indigent Legal Services/Distribution # 10

Clerk Casey called the roll for resolutions 22-26

22-26	Y	N	simple	2/3

1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	2		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	X		18	18
9. Maha	1		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Non-Consent Items:

Legislator Clattenburg requested to motion for a rule 16 to table Resolution No. 2 “2023-2024 Operation Budget-Genesee Community College Sponsor’s Share” to be returned at the Legislature meeting on June 14, 2023. Seconded by Legislator Klotzbach

Rule 16 (Table)	Y	N	simple	2/3
1. Klotzbach	2		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	X		18	18
9. Maha	1		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Legislator Maha motioned to amend resolution 27 to strike the words in the title “Capital Project DeWitt Improvement Phase IV”, seconded by Legislator Deleo.

Amendment	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	2		17	17
8. Clattenburg	X		18	18
9. Maha	1		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Resolution 27 was amended and Clerk Casey read the amended tile “2023 Budget Amendment/Donation/ DeWitt Park”

27. 2023 Budget Amendment/Donation/Dewitt Park

Please take the roll call:

27	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	2		17	17
8. Clattenburg	X		18	18
9. Maha	1		18	18
TOTALS	151		200	200
Roll Call				
Approval			101	134

Legislator Clattenburg offered the Following Resolution and Legislator Hawley seconded.

28. County Audit – May 24, 2023

27	Y	N	simple	2/3
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1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	2		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Legislator Clattenburg motioned for a rule 19 to suspend the rules of the Genesee County Legislature to add two timely resolutions, the first one: An Appointment of Director-Western Regional Off-Track Betting and second one: A Grant Application – Countywide Water Program – 2023 Northern Border Regional Commission State Economic and Infrastructure Development Program. Seconded by Legislator Hawley.

Rule 19	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	2		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Legislator Clattenburg motioned for the adoption of Resolution 29 Appointment of Director-Western Regional Off-Track Betting seconded by Legislator Hawley

29	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	2		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Legislator Clattenburg motioned for the adoption of Resolution 30 Grant Application – Countywide Water Program – 2023 Northern Border Regional Commission State Economic and Infrastructure Development Program. Seconded by Legislator Deleo.

30	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	absent		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	2		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	151		200	200
Roll Call			151	
Approval			101	134

Unfinished Business: None.

WHEREAS, policy GC-050 Resolutions and Legislative Documents identifies the following policy statement; It is the policy of Genesee County to establish a protocol for Department Heads or their designee to prepare resolutions and provide required supporting back-up documentation for Committee and Legislature consideration.”, and

WHEREAS, the above named policy codifies current unwritten procedure and practice, and

WHEREAS, the Clerk to the Legislature, County Manager and Policy & Procedure Committee did review GC-050 Resolutions and Legislative Documents Policy and recommends adoption, and

WHEREAS, the Ways & Means Committee did review GC-050 Resolutions and Legislative Documents Policy and does recommend approval at this time . Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby approve and adopt GC-050 Resolutions and Legislative Documents Policy.

Budget Impact: None

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 198

**DISTRIBUTION OF MORTGAGE TAX-FIRST
PAYMENT 2023-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Clerk and Treasurer have reported to this Legislature that there is now available for distribution to the several towns and villages and the City of Batavia, mortgage tax money amounting to \$469,976.12, and

WHEREAS, the Committee on Ways & Means did review the mortgage tax money available and recommends distribution of said sum among the several towns, villages, and the City of Batavia, according to the provisions of Section 261 of the tax laws as follows:

City of Batavia	\$	110,175.18
Town of Alabama	\$	8,412.02
Town of Alexander	\$	27,606.46
Town of Batavia	\$	102,188.96
Town of Bergen	\$	12,215.15
Town of Bethany	\$	17,252.44
Town of Byron	\$	12,933.80
Town of Darien	\$	29,548.18
Town of Elba	\$	11,242.94
Town of LeRoy	\$	35,768.49
Town of Oakfield	\$	12,056.45
Town of Pavilion	\$	24,859.10
Town of Pembroke	\$	25,400.70
Town of Stafford	\$	20,007.16
Village of Alexander	\$	2,550.49
Village of Attica	\$	883.54
Village of Bergen	\$	1,655.00
Village of Corfu	\$	1,515.26
Village of Elba	\$	1,401.70
Village of LeRoy	\$	10,398.34
Village of Oakfield	\$	1,904.76
Total	\$	469,976.12

Now, therefore, be it

RESOLVED, that the Genesee County Treasurer be and hereby is authorized and directed to pay the Town Supervisors, Village Treasurers, and the Treasurer of the City of Batavia the amounts aforesaid from the Mortgage Tax refund.

Budget Impact:

2022 1st Payment \$540,499.71
2021 1st Payment \$465,345.03
2020 1st payment \$388,967.72
2019 1st payment \$262,518.89

2018 1st payment \$383,585.91
2017 1st payment \$384,918.90
2016 1st payment \$278,153.64
2015 1st Payment \$292,934.98

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 199

2023 BUDGET AMENDMENT- ASSET ACQUISITION- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, in 2020 the Sheriff’s Office submitted a multi-year asset acquisition request for body cameras, docking stations, and annual licenses for the road patrol that did not get transferred to the 2023 Budget, and

WHEREAS, the County Manager and County Treasurer recommend using 1% sales tax reserve funds to cover the expense to the 2023 Budget, and

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

RESOLVED, the County Treasurer is hereby authorized and directed to amend the 2023 Genesee County Budget by increasing A.1989.2080.1201 Asset Acquisition –Firearms/Holsters/Body Cameras in the amount of \$26,521 offset by an increase in A.1000.1110.1 – Sales & Use Tax 1%. Budget Impact: Increase to the 2023 Asset Acquisition account by \$26,251 offset by use of the 1% sales tax reserve.

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 200

CAPITAL PROJECTS FUND REALLOCATION APPROVAL – GENESEE COMMUNITY COLLEGE/HEERF – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the State University of New York (SUNY) had authorized colleges to submit requests for funding for certain capital projects using Higher Education Emergency Relief Funds (HEERF) as part or all of the local 50% share match, and

WHEREAS, the Genesee County Legislature approved to support four capital projects for Genesee Community College that met the U.S. Department of Education’s definition of allowable expenses under HEERF via Resolution No. 101 dated March 10, 2022, and

WHEREAS, Genesee Community College wishes to reallocate the funding for the following projects:

Current Allocation:

HVAC System	\$1,800,000
Data Room Control Unit	\$ 300,000
Gym Air Handling Unit	\$ 450,000
	<hr/>
	\$2,550,000

New Allocation:

HVAC System	\$2,000,000
Gym Air Handling Unit	\$ 550,000
	<hr/>
	\$2,550,000

These reallocations are based on priority of needs; and

WHEREAS, the New York State Division of Budget requires Sponsor support as part of the approval process and acknowledgement that funding of the projects would be borne half by the State of New York and half by HEERF, and

WHEREAS, the Committee on Ways and Means did review this request and do recommend the reallocation of funding of the projects as described above to the Legislature. Now, therefore, be it

WHEREAS, the Genesee County Highway Superintendent and the Genesee County Deputy Highway Superintendent have reviewed a proposal from Rent.Fun LLC to put a self-service kayak rental kiosk at the DeWitt Recreation Area, and

WHEREAS, kayaking is an activity that has been identified in the 2021 Comprehensive Recreation Plan as a need to be made available to the community, and

WHEREAS, the Genesee County Highway Superintendent and the Genesee County Deputy Highway Superintendent recommend the approval of the proposal, 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 Genesee County Chairperson is hereby authorized and directed to enter into an agreement with Rent.Fun, LLC located at 201 S. Division Street, Suite 400, Ann Arbor, MI 48104 for a period of 5 years, at a total cost of \$16,000 for the installation and activation of smart lockers, fully equipped with kayaks/lifejackets and locker signage. Be it further

RESOLVED, that the Genesee County Treasurer is authorized and directed to reduce Capital Project DeWitt Improvements Phase IV by reducing H.1997.2080.0000 – Capital Project Expense by \$10,000 off set by an increase in H.9907.9 – Transfer to General Fund by a like amount, be it further

RESOLVED, that the Genesee County Treasurer is authorized and directed to make the following budget amendment. Increasing A.7110.4660.0000 – Contracted – Other by \$10,000 offset by an increase in A.1000.5031 – Interfund Transfer by \$10,000

Budget Impact: \$10,000 will be reallocated from the Capital Project DeWitt Improvements Phase IV into the Parks Operating budget to cover expense. \$6,000 of this cost is being offset by a donation from ACORNS.

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 205

CONTRACT AWARD – HIGHWAY – PAVEMENT MARKINGS -- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Highway Superintendent and the Purchasing Department did receive bids for the painting of pavement markings on county roads and airport, and,

WHEREAS, the Genesee County Highway Superintendent has reviewed the bids and the qualifications of bidders and does recommend awarding contracts at this time, and

WHEREAS, the Committees of Public Service and Ways and Means 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 enter into a contract with Seneca Pavement Markings, Inc., 3526 Watkins Rd, Horseheads, NY 14845 for the application of pavement markings as bid under Item Groups A and B, as per specifications, effective June 1, 2023 through May 31, 2024 in an amount not to exceed budgeted amounts, and be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Accent Stripe, Inc., 3275 North Benzing Rd, Orchard Park, NY 14127 for the application of epoxy pavement markings as bid under Item Groups C as per specifications, effective June 1, 2023 through May 31, 2024 in an amount not to exceed budgeted amounts, and be it further

RESOLVED, that the Genesee County Legislature does hereby reject the bids received from O&H Striping, Inc., 11217 River Rd, Corning, NY 14830 based on due diligence performed by the County Superintendent of Highways that indicated this vendor as a non-responsible bidder in several other counties and towns across the state.

Budget Impact: The County Road Fund includes \$211,370 for highway pavement markings and the Airport budget includes \$18,000 for pavement maintenance which will be used towards the application of pavement markings.

WHEREAS, the kits will be provided to School Resource Officers from the Genesee County Sheriff's Office, Batavia Police Department and the LeRoy Police Department, 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 Genesee County Treasurer is hereby authorized and directed to make the following 2023 Budget Amendment: Increase A.3110.2735 – Sheriff - Opioid Settlement Funds by \$7,764 offset by an increase in A.3110.4800.0600 – Sheriff – Program Expense - Opioid Settlement in a like amount. Funds coming from A.688.1 – Other Liabilities-Opioid Settlement. Budget Impact: Total cost for 25 kits is \$7,764.00 and is fully funded by the Opioid Settlement. Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 210

SALARY SCHEDULE AMENDMENT – SHERIFF'S OFFICE / CREATION OF TWO (2) PART-TIME, TEMPORARY EMERGENCY SERVICES DISPATCHER – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Emergency Services Dispatch Center currently has four (4) full-time Emergency Services Dispatcher vacancies which have created a dramatic increase in overtime and very limited allowance to grant leave time for current full-time Dispatchers, and

WHEREAS, there are only two (2) part-time Emergency Services Dispatchers to aid in filling these vacant shifts and leave time requests, and

WHEREAS, after discussions between the Sheriff, Director of Emergency Communications, and the County Manager, it has been determined that adding an additional part-time, temporary Emergency Services Dispatcher position until the full-time vacancies are filled would be beneficial, 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 Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2023 Employee Salary Schedule by creating two (2) part-time, temporary Emergency Services Dispatcher, in SEA Grade 10 in Employee Salary Schedule effective May 27, 2023, through December 31, 2023.

Budget Impact: Cost associated with this temporary, part-time position will be covered from May 27, 2023, through December 31, 2023, from funds available as a result of the four (4) vacant, full-time Emergency Services Dispatcher positions.

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 211

PROMULGATION AND MODIFICATION OF RULES AND REGULATIONS-GENESEE COUNTY PARKS – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Local Law Number 7, Year 2002 – Genesee County Department of Parks, Recreation and Forestry Rules and Regulations was adopted by the Genesee County Legislature by Resolution 454 for the safety of all park visitors, orderly operation of the parks and to protect parkland and facilities, and

WHEREAS, pursuant to Section XVII of Local Law 7, Year 2002, the Deputy Highway Superintendent, formerly known as the Parks Supervisor, is authorized to request approval from the Genesee County Legislature to promulgate, modify and distribute additional rules and regulations for Genesee County Parks, and

WHEREAS, the Genesee County Legislature, pursuant to Resolution 197 of 2015, adopted further rules regarding Deer Management Hunting Rules and Regulations as an appendix and also to amend the Fishing Rules and Regulations, and

WHEREAS, the Deputy Highway Superintendent does request authorization to rescind the Deer Management Hunting Rules and Regulations as an appendix, and

WHEREAS, in response to the positive impact the Ellicott Trail has on the citizens of Genesee County, the Deputy Highway Superintendent does request approval to further promulgate and modify the existing rules to allow dogs at DeWitt Recreation Area immediately, and

WHEREAS, the Committee on Public Service and Ways and Means does concur with these requests. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does approve the request and further modification of Parks Rules and Regulations to rescind the Deer Management Hunting Rules and Regulations at the Genesee County Park and authorizes the immediate allowance of dogs at Dewitt Recreation Area.

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes

RESOLUTION NO. 212

**REAPPOINTMENTS - GENESEE COUNTY
AGRICULTURAL AND FARMLAND PROTECTION
BOARD**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Legislature established the Agricultural and Farmland Protection Board on January 13, 1993 in accordance with Section 302 of New York State Agriculture and Markets Law; and

WHEREAS, the Law requires the Board’s membership to be comprised of:

- Four farmers
- One representative of agri-business
- One representative of an organization dedicated to farmland preservation
- The chairperson of the county soil and water conservation district’s board of directors
- A member of the county legislative body
- A county cooperative extension agent
- The county planning director
- The county director of real property tax services, and

WHEREAS, the terms of office of Janette Veazey-Post and LuAnne McKenzie expire May 31, 2023 and both have indicated an interest and desire for reappointment for another term and the Committees on Public Service and Ways & Means do recommend he be reappointed at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby reappoint Janette Veazey-Post of Oakfield, NY and LuAnne McKenzie of Pavilion, New York to serve a four year term on the Genesee County Agricultural and Farmland Protection Board for the period starting June 1, 2023 ending on May 31, 2027

Budget Impact: None.

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 213

**REAPPOINTMENT - GENESEE COUNTY WATER
RESOURCES AGENCY –APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the term of office of Steven J. Mountain on the Genesee County Water Resources Agency expired December 31, 2022 and he has indicated an interest and desire for reappointment, and

**DETERMINATION OF SIGNIFICANCE –
PLANNING DEPT/ WATER SUPPLY PROJECT
PHASE 3 – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the Genesee County Legislature is considering the financing and construction of improvements for Phase 3 of the Genesee County Water Supply Project, involving an increase of 7.6 million gallons per day in water supplied to Genesee County from the Monroe County Water Authority’s Shoromont Water Treatment Plant through multiple sub-projects including construction of new pump stations, water storage tanks, transmission and distribution mains, together with improvements incidental thereto (the “project”) with the goal of removing the existing City of Batavia Water Treatment Plant from service; and

WHEREAS, to aid the Genesee County Legislature in determining whether such Project and financing and other actions of the Genesee County Legislature in connection therewith (the “action”) might have a significant effect on the environment, the Genesee County Legislature caused to be prepared an environmental assessment form for each sub-project or similar information (“EAFs”), a copy of each which it attached hereto; and

WHEREAS, the Genesee County Legislature duly reviewed the EAFs and related documents with respect to the above-referenced project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”); and

WHEREAS, the Genesee County Legislature determined that the project was a “Type I Action” pursuant to SEQRA; and

WHEREAS, the Genesee County Legislature determined that the project involved one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Genesee County Legislature duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) and indicated its willingness to be designated Lead Agency status; and

WHEREAS, all of the involved agencies have consented to the Genesee County Legislature’s request to be designated Lead Agency status; and

WHEREAS, the Committee on Public Service does concur with the above determinations. Now, therefore, be it

RESOLVED, that the Genesee County Legislature declares itself to be lead agency for the project for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection therewith and otherwise complying with the procedural and substantive requirements of SEQRA, Be it Further

RESOLVED, by the Genesee County Legislature as follows:

1. Based upon the review by the Genesee County Legislature of the EAFs and other necessary criteria, the Genesee County Legislature hereby finds and determines that the proposed action is a “Type I Action” under SEQRA and will result in no significant impacts and therefore, such action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. Reasons supporting this determination are attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.

2. The Genesee County Legislature does hereby authorize the Chair of the Legislature to sign all necessary documentation and a copy of this resolution shall be placed on file in the office of the Genesee County Legislature, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

Budget Impact: There are no immediate budget impacts from this specific action on SEQRA, but the estimated total cost of planned water infrastructure improvements in Phase 3 of the Countywide Water project are estimated at \$153 million.

Legislator Dibble seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 217

**AGRICULTURAL DISTRICT NO. 1 - TOWNS OF
ALEXANDER, BATAVIA, BETHANY, DARIEN,
PEMBROKE, AND STAFFORD/EIGHT YEAR
REVIEW/CONTINUATION AND MODIFICATION –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the creation of Agricultural District No. 1 was approved by the Genesee County Legislature by Resolution No. 219 adopted November 25, 1974, and certified by the State of New York on April 25, 1975, 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. 1 through reviews in 1991, 2002, 2007, and 2015, 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 14, 2023 meeting, and

WHEREAS, on the 26th day of April 2023, 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. 1 in the Towns of Alexander, Batavia, Bethany, Darien, Pembroke, and Stafford as recommended by the Agricultural and Farmland Protection Board for a period of eight years. 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 Dibble seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 218

**CONTRACT AMENDMENT – GENESEE COUNTY
PUBLIC DEFENDER/NEW YORK STATE OFFICE
OF INDIGENT LEGAL SERVICES/THIRD
COUNSEL AT FIRST APPEARANCE – 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: CAFA318, Third Counsel at First Appearance, providing for a 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 the Contract Amendment for Contract No.," 3rd CAFA, Third Counsel at First Appearance, 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 2023 in the amount of \$159,315 is contained within the 2023 adopted budget in its a.1170.3025 Indigent Legal Services offset by like amounts in expenses.

Legislator Dibble seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 219

**CONTRACT AMENDMENT – GENESEE COUNTY
PUBLIC DEFENDER/NEW YORK STATE OFFICE
OF INDIGENT LEGAL SERVICES/ DISTRIBUTION
10 – 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), Contact Number: C100018, Distribution# 10, providing for a 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.: C100018, Distribution # 10, 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 2023 in the amount of \$59,568 is contained within the 2023 adopted budget in its a.1170.3025 Indigent Legal Services offset by like amounts in expenses.

Legislator Dibble seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 220

**2023 BUDGET AMENDMENT/DONATION/DEWITT
PARK - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Highway Superintendent does request an amendment to the 2023 Genesee County Budget to allow the acceptance of donation from the Association for Conservation of Outdoor Recreation and Natural Spaces (ACORNS), a non-profit group which supports programming and activities at Genesee County Parks, and

WHEREAS, the budget increase will allow Highway Superintendent to use the funding towards the purchase of a kayak rental kiosk at DeWitt Park, and

WHEREAS, the Committees on Public Service and Ways and Means 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 Chairperson of the Legislature to accept the \$6,000 donation from the ACORNS to be used towards the purchase of a kayak rental kiosk, and

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 Genesee County budget by increasing A.7110.4660.0000 – Contracted – Other by \$6,000 offset by an increase in A.7110.2705 – Gifts & Donations in a like amount.

Budget Impact: increase to 2023 budget expense in amount of \$6,000. Cost to County \$0

Legislator Klotzbach seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 221**COUNTY AUDIT—MAY 24, 2023—APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Hawley did review the following claims:

General Fund	\$	1,110,673.61
Highway		172,004.36
Self Insurance		17,907.66
Water Fund		296,040.04
DSS Abstracts		408,612.21

Capital Projects

Sheriff/Jail – Jail Construction	3,804,935.22
Facilities Management – Genesee Justice Stonework	33,991.95
County Park – Water System Upgrade	78.60
Highway – S. Lyons St. Bridge	30,720.86
Highway – Garage De-Stratification Fans	16,850.00
Highway – Large Span Culverts	23,557.15
GCC – Turf Field Replacement	319.26
GCC – Arts Center Connector Replacement	1,345.34
GCC – Cooling Tower Replacement	22,852.08

Payroll – General

May 19, 2023	1,915,631.04
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Medicaid

May 16, 2023	152,875.00
May 23, 2023	<u>152,875.00</u>

Total Audit	\$ 8,161,269.38
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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 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 222**APPOINTMENT OF DIRECTOR-WESTERN REGIONAL OFF-TRACK BETTING—APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution No 202, duly adopted on September 26, 1973, empowered Genesee County to participate in and become a member of the Western Regional Off-Track Betting Corporation, and

WHEREAS, the resignation of Richard E. Siebert as Board of Director for Western Regional Off-Track Betting Corporation for the County of Genesee serving continuously until May 2, 2023, and

WHEREAS, the Genesee County Republican Committee recommended for consideration Charles N. Zambito to fill the vacancy and serve his initial four year. Now, therefore, be it

RESOLVED, that the Genesee County Legislature hereby appoints Charles N. Zambito to serve his initial four year term effective May 24, 2023 through May 23, 2027 as the Board of Director to the Western Regional Off-Track Betting Corporation representing the County of Genesee, and provided further, that this act shall expire and be deemed repealed four years after such effective date.

Legislator Hawley seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

RESOLUTION NO. 223**GRANT APPLICATION – COUNTYWIDE WATER PROGRAM – 2023 NORTHERN BORDER REGIONAL COMMISSION STATE ECONOMIC**

**AND INFRASTRUCTURE DEVELOPMENT
PROGRAM – SUPPORT AND AUTHORIZATION OF**

Legislator Maha offered the following resolution:

WHEREAS, Genesee County supports the submission of a 2023 State Economic & Infrastructure Development (SEID) grant to construct approximately 10,000 linear feet of a 36-inch ductile iron pipe transmission main on Prole Road in the Town of Stafford; and

WHEREAS, the Northern Border Regional Commission (NBRC) provides a competitive Catalyst Program to assist with the construction of this water infrastructure project. Now, therefore, be it **RESOLVED**, the County Legislature hereby identifies Rochelle Stein, Legislative Chair, as the authorized representative for the project able to execute the NBRC SEID application; and upon award of funding, execute all NBRC investment documents that bind the County relative to and as required for this application and award; and be it further

RESOLVED, the County Legislature does hereby authorize and obligate local matching funds of the minimum 20% of the total grant funding awarded in the form of in-kind services or cash contribution; and be it further

RESOLVED, that Genesee County recognizes and fully supports the submission of the 2023 Catalyst Program application to construct the Prole Road Water Transmission Main in the Town of Stafford.

Budget Impact: The total maximum award permitted under the 2023 Catalyst program is \$1 million. The estimated cost of the Prole Road Water Transmission Main Project is \$10.3 million and will be funded from the water fund and or future MCWA borrowing.

Legislator Deleo seconded the resolution, which was adopted by 151 (Torrey Absent – 23, Yunker Absent - 26) votes.

Motion to close the meeting by Legislator Klotzbach, Seconded by Legislator Dibble at 6:25 P.M