

NINTH DAY

GENESEE COUNTY LEGISLATURE

OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY

WEDNESDAY, MAY 25, 2022 AT 5:30 PM

ZOOM WAS AVAILABLE

The Genesee County Legislature met in regular session on Wednesday, May 25, 2022 at 5:30 p.m. in the Legislature Chamber of the Old Court House. Legislator Stein offered to assist with the audit. The prayer will be offered by Legislator Yunker followed by the Pledge to the Flag.

Proclamations/Commendations: Legislator Maha presented a proclamation for Emergency Medical Services of Genesee County. Accepting the proclamation is Mike Heale, Chief of Elba Fire Dept., Sean Downing of Genesee County Emergency Management Services, LeRoy EMS, Mercy Flight and City of Batavia Fire Department.

Minutes: Amend the Minutes – January 26, 2022 (1st Resolution starts with No. 1 as it should have started with No. 8). Amend the minutes, moved by Legislator Clattenburg and seconded by Legislator Torrey. Approve the Minutes for January 26, 2022, moved by Legislator Clattenburg and seconded by Legislator Torrey.

Approval of the May 11, 2022 minutes moved by Legislator Hawley and Seconded by Legislator Deleo.

Committee & Special Assignment Reports: Legislator Maha discussed that Inter-County Association of Western New York met and discussed a concern about the Climate Act. This is an act that potentially will remove natural gas by the year 2024. The Legislature agreed to send comments similar to the GCEDC comments that were read to Legislator at a prior meeting. Legislator Clattenburg mention that GCEDC shared a letter to express what they sent to Climate Action Council.

Communications & Petitions: Legislator Clattenburg discussed Holland Land Office Board Meeting which discussed handicap accessibility. Legislator Torrey and Stein attended the GCC Graduation Ceremony which was well attended. 200 students graduated. Daniel Ireland from UMMC was the guest speaker.

Legislator Comments: Legislator Stein mentioned Joyce Jones in our Treasurer's office is retiring after 30 years.. Legislator Stein welcomed Christy Stoddard to handle the audit process for the Legislators going forward.

County Manager Report: Governor Hochul requested another police review. Sheriff Sheron and Director Lynda Battaglia from Mental Health will lead the review as it is tied to State resources. Also, interviews will be conducted by the Broadband Committee on the RFP respondents.

Madam Chair Stein opened a public hearing, calling all those interested to speak may do so regarding: Agricultural Districts 2022 Annual Enrollment – Agricultural and Farmland Protection Board/Inclusion Request of Parcels to Agricultural District No. 1

Resolutions - Consent Agenda Items:

Ways and Means Committee:

1. Settlement-County Attorney/Estate of James Argento v. Genesee County
2. Renewals for 2022-2023-County Attorney/Insurance
3. Authorize a Municipal Agreement-County Attorney/Energy Improvement Corporation to Implement the Energize New York Benefit Finance Program Pursuant to Local Law No. 2 of 2022
4. Award of Bid-Elections/Printing Supplies
5. Award of Bid-Elections/Cartage of Voting Machines

6. Surplus Equipment-Old Courthouse
7. Budget Transfer-County Manager/Contingency/Employee Recognition Events
8. Distribution of Mortgage Tax-First Payment 2022
9. Appointment-Job Development Bureau/The GLOW Workforce Development Board Membership
10. Agreement Renewal & Budget Amendment-Sheriff/Village of Bergen Additional Law Enforcement Patrols
11. Creation of Positions-Sheriff/Five Additional Seasonal Deputy Sheriff's
12. Declare Surplus-Sheriff/1997 Ford Pick Up Truck
13. Declare Surplus-Sheriff/2008 Ford Escape
14. Grant Acceptance-District Attorney/Aid to Prosecution
15. Contract-Genesee County Public Defender/West Publishing Corporation
16. Amend Capital Projects/2022 Budget Amendment-Highway/State Funded Highway Construction
17. Grant Acceptance-Highway/Countywide Water/Intermunicipal Grant (IMG)
18. Grant Application-Highway/Countywide Water/2022 Northern Borders Regional Commission (NBRC)
19. Budget Amendment/Budget Item Transfer/Close-Highway/Capital Projects
20. Contract Amendment-Highway/Carpi & Clay/Countywide Water
21. Reappointment-Highway Superintendent/Timothy Hens
22. Reappointment-Legislature/GCEDC Board/Peter Zeliff

Roll call for resolution 1-22: Moved by Legislator Clattenburg, Seconded by Legislator Dibble.

1-22	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	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	

Public Service Committee:

23. Agreement Renewal-Sheriff/Special/Additional Law Enforcement Services For Six Flags Darien, LLC
24. Agreement Renewal-Sheriff/Special/Additional Law Enforcement Services for Western Regional OTB
25. Amend Resolution No 188-2022 to Correct Language-Sheriff/Wyoming County Prisoner Housing Contract
26. Award of Bid-Highway/Tractor and Attachments

Roll call resolution 23-26: Moved by Legislator Maha and Seconded by Legislator Deleo.

23-26	Y	N	simple	2/3
1. Klotzbach	X		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	2		26	38
8. Clattenburg	X		28	40
9. Maha	1		28	40
TOTALS	326		326	420
Roll Call				
Approval			326	

NON-CONSENT ITEMS

Resolution 27: COUNTY AUDIT – May 25, 2022 – APPROVAL

Legislator Clattenburg moved the resolution, Legislator Klotzbach seconded.

27	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	

Madam Chair Stein asked for any participants to speak on the public hearing before closing the public hearing. **CLOSING OF PUBLIC HEARING at 5:55 P.M.**

Resolution No. 28

Agricultural Districts 2022 Annual Enrollment –
Agricultural and Farmland Protection Board/Inclusion
Request of Parcels to Agricultural District NO. 1

Legislator Yunker moved the following resolution, Legislator Hawley seconded.

28	Y	N	simple	2/3
1. Klotzbach	X		28	42
2. Yunker	1		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	X		28	40
9. Maha	X		28	40
TOTALS	326		326	420
Roll Call				
Approval			326	

RULE 19 (2/3 VOTE) Legislator Torrey moved to suspend The Rules to Add a Timely Resolution Regarding Request of Home Rule – Retroactive Retirement Status For Steven R. Grice /S.7240A & A.8025A/Reflect Updated Actuarial Numbers
Seconded by Legislator Klotzbach, carried unanimously.

Resolution No. 29

Request Home Rule – Retroactive Retirement Status For
Steven R. Grice /S.7240A & A.8025A/Reflect Updated
Actuarial Numbers

Legislator Torrey moved the resolution seconded by Legislator Klotzbach

29	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	1		38	45
7. Deleo	X		26	38
8. Clattenburg	X		28	40
9. Maha	X		28	40
TOTALS			326	420
Roll Call				
Approval				420

RESOLUTION NO. 211

**SETTLEMENT – COUNTY ATTORNEY/ESTATE OF
JAMES ARGENTO V. GENESEE COUNTY ETAL**

Legislator Clattenburg offered the following resolution:

WHEREAS, on October 12, 2014, a lawsuit was commenced as captioned as “Marylou Argento, Individually and as Administratrix of the Estate of James J. Argento, Deceased, Plaintiff against Genesee County Sheriff’s Department, Genesee County and Genesee County Jail, Defendants; and

WHEREAS, the parties have entered into a resolution concluding this litigation; and

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

RESOLVED, that the County of Genesee Legislature does hereby approve of settling the matter, be it

RESOLVED, that the County of Genesee Treasurer is hereby authorized and directed to make a payment, which will be payable as directed by the County Attorney to Plaintiff pursuant to the terms of a General Release in favor of the Defendants, executed by the Plaintiff on March 11, 2022, and be it further

RESOLVED, that the Chair of the County of Genesee Legislature and/or the County of Genesee Attorney are hereby authorized and directed to execute any documents needed to settle the above-named civil action and all claims.

Budget Impact Statement: None

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

**RESOLUTION NO. 212 RENEWALS FOR 2022-2023-COUNTY ATTORNEY/
INSURANCE - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The insurance policies for Pollution Liability, Cyber Liability, Crime, and Airport Liability all expired on May 1, 2022; and

WHEREAS, The Lawley Insurance Agency was able to obtain competitive quotes and was able to bind these four coverages, subject to approval by the County of Genesee Legislature, and

WHEREAS, the premiums for these four policy coverages total \$91,155.33, as follows:

1. Pollution Liability – Berkley Insurance Company - \$8,548.57
2. Cyber Liability – Crum & Forster Specialty Insurance Company - \$74,153.76
3. Crime – Hanover Insurance Company - \$3,560.00
4. Airport Liability – Global Aerospace, Inc./McCredie Agency - \$4,893.00

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

RESOLVED, that the County of Genesee Legislature does hereby approve retroactively from May 1, 2022 until May 1, 2023, insurance policy coverages to be placed with the four insurance companies set forth above for the individual amounts listed for each, totaling \$91,155.33, and be it further

RESOLVED, that the County of Genesee Legislature does hereby authorize and direct execution by the necessary individuals of all applications or other documents necessary to obtain these insurance coverages.

Budget Impact: Cost of the policies are included in the 2022 budgets for the respective departments. Highway for Pollution and Airport and the County Attorney for Crime and Cyber.

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

**RESOLUTION NO. 213 AUTHORIZE A MUNICIPAL AGREEMENT–
COUNTY ATTORNEY/ENERGY
IMPROVEMENT CORPORATION TO
IMPLEMENT THE ENERGIZE NEW YORK
BENEFIT FINANCE PROGRAM PURSUANT TO
LOCAL LAW NO. 2 OF 2022 – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Legislature has enacted Local Law No. 2 of 2022 to establish a sustainable energy loan program (the “Program”) in the County of Genesee (the “County”) and in connection therewith to authorize the Energy Improvement Corporation (“EIC”), a local development corporation organized under § 1411 of the New York Not-For-Profit Corporation Law, to act on behalf of the County to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements for qualified property owners, and

WHEREAS, in order to implement the Local Law, the County will enter into a Municipal Agreement with Energy Improvement Corporation subject to approval of County Attorney, and

WHEREAS, Genesee County is a pass through only in this C-PACE program giving opportunity to landowners wishing to invest in energy efficiency programs, and

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

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized to execute the Municipal Agreement with the Energy Improvement Corporation subject to the approval of the County Attorney.

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

**RESOLUTION NO. 214 AWARD OF BID-ELECTIONS/PRINTING
SUPPLIES-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the agreement entered into July 1, 2016 by the Genesee County Legislature on behalf of the Board of Elections with Phoenix Graphics Inc. of Rochester, NY for printing supplies expires June 30, 2022, and

WHEREAS, a new contract was offered for the period of July 1, 2022 thru June 30, 2024 with the option for three (3) additional one (1) year renewals upon mutual written agreement between both parties and must be in the best interest of Genesee County, and

WHEREAS, both Commissioners Richard Siebert and Lorie Longhany are very pleased with the services rendered by Phoenix Graphics and the company has agreed to provide the needed supplies for the 2022 Primary and General Election for the price of \$16,602, and

WHEREAS, the Committee of 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 and directed to enter into an agreement with Phoenix Graphics Inc., 1525 Emerson St., Rochester, NY for printing supplies for the 2022 Primary and General Elections, per bid specifications effective July 1, 2022 thru June 30, 2024 in the amount of \$16,602 prorated by the required number of ballots per election.

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

**RESOLUTION NO. 215 AWARD OF BID-ELECTIONS/CARTAGE OF
VOTING MACHINES - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the previous contract with Clark Moving & Storage Inc. of 3680 Buffalo Rd., Rochester, NY will terminate May 31, 2022, and

WHEREAS, a new contract was put out for bid covering the two (2) year period June 1, 2022 thru May 31, 2024 with Genesee County reserving the right to renew this contract for up to three (3) years if mutually agreed upon by both parties, and

WHEREAS, only one (1) bid was submitted by Clark Moving & Storage, Inc. for \$190 per poll site, and

WHEREAS, the Committee of 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 and directed to enter into an agreement with Clark Moving & Storage, Inc. of 3680 Buffalo Rd., Rochester, NY 14624 for moving services of \$190 per polling site for Primary and General Elections and this fee completely covers both delivery and pick up as one total price.

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

**RESOLUTION NO. 216 SURPLUS EQUIPMENT – OLD COURTHOUSE
- DECLARATION OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the County Manager’s Office is requesting various items of surplus office furniture at the Old Courthouse that are non-functioning or past useful life be declared surplus property, and

WHEREAS, the Ways and Means Committee did review and does concur with this recommendation. Now, therefore be it

RESOLVED, that the Genesee County Legislature does hereby declare the following items as surplus property to be disposed of through auction and/or junked:

- Typewriter Table
- Desk, Metal– property tag # 00524
- Chair, light tan upholstered desk chair
- Chair, burgundy upholstered desk chair
- Chair, green metal/green upholstered side chair
- Side Chair (3) - brown upholstered Corcraft

Budget Impact: None on County budget unless proceeds are received from an item sold at auction

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

**RESOLUTION NO. 217 BUDGET TRANSFER – COUNTY
MANAGER/CONTINGENCY/EMPLOYEE
RECOGNITION EVENTS -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Legislature is desirous to make workforce retention and recruitment a priority, and

WHEREAS, the County Manager and Human Resources Director have developed a plan to reinstitute the annual employee recognition initiative for milestone years of service, and

WHEREAS, the County Manager is requesting to transfer funds from the Contingency account to the Collective Bargaining budget to cover the 2022 expense, and

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

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to make the following Budget Transfer:

\$15,000.00	From	A.1990.4800.0000	Contingency, Program Expense
\$15,000.00	To	A.1435.4800.0146	Collective Bargaining, Program Exp – Emp Recognition

Budget Impact: Estimated cost of \$15,000 is available in the 2022 Contingency account.

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

**RESOLUTION NO. 218 DISTRIBUTION OF MORTGAGE TAX-FIRST
PAYMENT 2022-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 \$540,499.71, 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	\$107,774.35
Towns Of	Alabama	\$ 16,103.87
	Alexander	\$17,063.93
	Batavia	\$94,454.57
	Bergen	\$22,427.64
	Bethany	\$17,254.70
	Byron	\$22,591.60
	Darien	\$26,358.00
	Elba	\$15,082.17
	LeRoy	\$65,230.79
	Oakfield	\$16,851.57
	Pavilion	\$22,071.82
	Pembroke	\$46,272.84
	Stafford	\$19,184.52
Villages Of	Alexander	\$1,735.49
	Attica	\$ 604.53
	Bergen	\$3,122.14
	Elba	\$ 1,878.05
	LeRoy	\$19,027.37
	Oakfield	\$ 2,634.79
	Corfu	\$ 2,774.97
Total		\$540,499.71

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: 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 Dibble seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 219

**APPOINTMENTS TO THE GLOW
WORKFORCE DEVELOPMENT BOARD
MEMBERSHIP**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Chief Elected Officials of Genesee, Livingston, Orleans, and Wyoming Counties (GLOW) petitioned the Governor of the State of New York to designate the four County area as a Workforce Innovation and Opportunity Area under the Workforce Innovation and Opportunity Act of 2014, and

WHEREAS, The Federal Workforce Innovation and Opportunity Act of 2014 mandates that each local Workforce Innovation and Opportunity Area create a Workforce Development Board to administer and oversee the local Workforce Innovation and Opportunity System, and

WHEREAS, The Chief Elected officials are charged with the responsibility of soliciting and appointing members to this Workforce Development Board, and
WHEREAS, the Committee of Ways and Means did review this request and does recommend approval at this time. Now, therefore, be it

RESOLVED, That the Genesee County Legislature does hereby approve the following appointment to the GLOW Workforce Development Board:

Daniel Ireland, President of Rochester Regional Health/ United Memorial Medical Center (UMMC) as a representative on the GLOW Workforce Development Board. He would represent Private Sector Business, Healthcare Services for a term of membership of 5/17/22 - 5/17/24.

RESOLVED, That the GLOW Workforce Development Board will be in effect until such time that the Workforce Innovation and Opportunity Act of 2014 is repealed.

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

RESOLUTION NO. 220 **AGREEMENT RENEWAL & BUDGET
AMENDMENT – SHERIFF / VILLAGE OF
BERGEN ADDITIONAL LAW ENFORCEMENT
PATROLS - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Village of Bergen’s contract for additional law enforcement patrols for the Village will expire May 31, 2022, and it has requested to renew its agreement beginning June 1, 2022, through May 31, 2023, for a total budget not to exceed \$15,000 and

WHEREAS, the Sheriff does recommend entering into a renewal agreement, and the Committees on Public Service and Ways & Means do concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the renewal agreement by and between the Village of Bergen and the Genesee County Sheriff’s Office for a period of June 1, 2022, through May 31, 2023, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2022 budget by increasing Sheriff’s account A3110.1020.0900 (Overtime - Bergen Patrols) in the amount of \$15,000 to be offset by an increase in revenue account A3110.2804.1 (Shared Services-Additional Police Services) in a like amount.

Budget Impact: Appropriation of \$15,000 offset by revenue billed back to entities for additional law enforcement services in a like amount.

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

RESOLUTION NO. 221 **CREATION OF POSITIONS–SHERIFF
/FIVE ADDITIONAL SEASONAL
DEPUTY SHERIFF’S - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Sheriff’s Office will, once again, be providing increased additional law enforcement services to Six Flags Darien Lake and its Performing Arts Center for the 2022 operating/concert season, and

WHEREAS, in order to better provide these increased additional law enforcement services for 2022 and beyond, the Sheriff is requesting the creation of five (5) additional seasonal Deputy Sheriff positions, beginning May 15 through September 30 of each year, for a total of 25 seasonal Deputy Sheriffs, and

WHEREAS, the Committees on Public Service and Ways & Means did review this request and do approval at this time. Now, therefore, be it

RESOLVED, that the Genesee County Treasurer and Human Resources Director are authorized and directed to amend the 2022 Employee Salary Schedule by creating five (5) additional seasonal Deputy Sheriff positions in DSA Grade 12.

Budget Impact: Costs associated with seasonal Deputy Sheriffs will be offset by revenue.

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

RESOLUTION NO. 222 **DECLARE SURPLUS – SHERIFF/1997 FORD
PICK UP TRUCK – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Sheriff’s Office has taken ownership of a 1997 Ford Pick Up Truck (Vehicle Identification Number 2FTDX18W0VCA43670), pursuant to a court order dated September 3, 2015, as a result of a joint investigation between the Sheriff’s Office and the New York State Department of Taxation and Finance, and

WHEREAS, the Genesee County Sheriff did request this 1997 Ford Pick Up Truck be declared surplus property, and

WHEREAS, the Committees on Public Service and Ways & Means did review this request and do recommend this vehicle be declared surplus property at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby declare the 1997 Ford Pick Up Truck (Vehicle Identification Number 2FTDX18W0VCA43670) surplus property to be disposed of through auction or scrap processing, and be it further,

RESOLVED, that the proceeds from the auction or scrap processing of this vehicle be appropriated to Sheriff’s Revenue Account A3110.2626 (Forfeiture of Crime Proceeds).

Budget Impact: Revenue from the auction or scrap processing of this vehicle to be appropriated to Sheriff’s Revenue Account A3110.2626 (Forfeiture of Crime Proceeds)

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

RESOLUTION NO. 223 **DECLARE SURPLUS–SHERIFF/2008 FORD
ESCAPE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Sheriff’s Office has taken ownership of a 2008 Ford Escape (Vehicle Identification Number 1FMCU94138KD84327), pursuant to a court order as the result of a drug case forfeiture, and

WHEREAS, the Genesee County Sheriff did request this 2008 Ford Escape be declared surplus property, and

WHEREAS, the Committees on Public Service and Ways & Means did review this request and do recommend this vehicle be declared surplus property at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby declare the 2008 Ford Escape (Vehicle Identification Number 1FMCU94138KD84327) surplus property to be disposed of through auction or scrap, and be it further,

RESOLVED, that the proceeds from the sale or scrap processing of this vehicle be appropriated to Sheriff’s Revenue Account A3110.2626 (Forfeiture of Crime Proceeds).

Budget Impact: Revenue from the sale or scrap processing of this vehicle to be appropriated to Sheriff’s revenue account A3110.2626 (Forfeiture of Crime Proceeds)

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

RESOLUTION NO. 224 **GRANT ACCEPTANCE-DISTRICT ATTORNEY/
AID TO PROSECUTION - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the District Attorney has been notified of the award of grant funding from the New York State Division of Criminal Justice Services for prosecution services aid in the amount of \$30,200.00 for the term of April 1, 2022 – March 31, 2023, and

WHEREAS, the Committee of Public Service and Ways and Means does recommend acceptance of these funds 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 Division of Criminal Justice Services for the acceptance of grant funds in the amount of \$30,200.00 for Aid to Prosecution in Genesee County. Be it further,

RESOLVED, that funds for said grant have been appropriated in the 2022 Genesee County Budget and will be incorporated into the 2023 Genesee County Budget.

Budget Impact: None - funds have been appropriated.

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

**RESOLUTION NO. 225 CONTRACT- GENESEE COUNTY PUBLIC
DEFENDER/WEST PUBLISHING CORPORATION,
THOMSON REUTERS-WEST - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

WHEREAS, the Committees of Public Service and Ways & Means do recommend approval at this time. 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 West Publishing Corporation, Thomson Reuters – West, 525 Wescott Road, Eagan, MN 55123 for a one-year period at a cost of \$236.45per month.

Budget Impact: Funds for this contract in the amount of \$1,892 for the remainder of this year are budgeted in the 2022 Budget under lines A1170.3025 Revenue and A1170.4880.0000 Program Expense.

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

**RESOLUTION NO. 226 AMEND CAPITAL PROJECTS/2022 BUDGET
AMENDMENT–HIGHWAY/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 \$585,851 from 2022 CHIPS	
Highway Overlay	CHIPS	Add \$275,281from 2022 CHIPS	
	EWR	Add \$369,997 from 2022 EWR	
Hwy Surface Treatment	PAVE-NY	Add \$570,744 from 2022 PAVE-NY	
	POP	Add \$380,496 from 2022 POP	

Highway Recycling CHIPS Add \$975,707 from 2022 CHIPS
Road Machinery CHIPS Add \$200,000 from 2022 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 \$3,358,076 and Increase H5112.3501 CHIPS in a like amount.

Budget Impact: 2022 CHIPS allocation is \$2,036,939; 2022 PAVE-NY allocation is \$570,744, 2022 EWR allocation is \$369,997 and 2022 POP allocation is \$380,496. Total 2022 allocation from all state fund sources equals \$2,976,403, which is an increase of \$381,673 from the prior year.

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

**RESOLUTION NO. 227 GRANT ACCEPTANCE–HIGHWAY/COUNTYWIDE
WATER PROGRAM/INTERMUNICIPAL GRANT –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County submitted and was successful in applying for an Intermunicipal Grant (IMG) through the NYS Environmental Facilities Corporation (EFC); and

WHEREAS, the IMG can be used to development water infrastructure; and

WHEREAS, the County intends to complete its Phase 2 Water Supply Improvement by adding four additional pump stations; and

WHEREAS, the estimated cost of these improvements are projected to exceed budgeted amounts by approximately \$1.2 million due to pandemic related inflation and supply chain disruptions; and

WHEREAS, the County intends to use the IMG award of \$1.213 million to complete the pump station work, and

WHEREAS, the Committees on Public Service and Ways and Means did review this recommendation and do concur. Now, therefore, be it,

RESOLVED, the Chair of the Genesee County Legislature is an authorized representative for the project able to execute the IMG acceptance; and upon award of funding, execute all IMG grant documents that bind the County relative to and as required for this application and award. Be it further

RESOLVED, the County Legislature does hereby authorize and obligate local matching funds of the minimum 60% of the total grant funding awarded in the form of in-kind services or cash contribution. Be it further

Budget Impact: The total award under the IMG program is \$1.213 million. The estimated cost of the remaining four pump stations is approximately \$3.2 million and is included in the Phase 2 MCWA bonding.

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

**RESOLUTION NO. 228 GRANT APPLICATION–HIGHWAY/COUNTYWIDE
WATER PROGRAM/2022 NORTHERN BORDER
REGIONAL COMMISSION STATE ECONOMIC
AND INFRASTRUCTURE DEVELOPMENT
PROGRAM – SUPPORT AND APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County supports the submission of a 2022 State Economic & Infrastructure Development (SEID) grant to construct a new 1 million gallon water storage tank on North Rd in the Town of Le Roy; and

WHEREAS, the Northern Border Regional Commission (NBRC) provides a competitive reimbursement grant program to assist with the construction of this water infrastructure project.

Now, therefore, be it

Budget Impact: The original consultant agreement was for \$60,000, which was the amount, remaining in the 2021 Water Fund for professional services when approved. The annual contract runs through July 31, 2022 and the authorized amount allowed by the resolution needs to be increased by \$24,000 to allow for the remainder of the contract term to be properly funded.

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

**RESOLUTION NO. 231 REAPPOINTMENT-HIGHWAY
SUPERINTENDENT/TIMOTHY HENS
– APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the term of office of Timothy Hens, Highway Superintendent will expire on May 25, 2022, and

WHEREAS, Mr. Hens has demonstrated commitment to safe, reliable, professional and cost effective planning and maintenance of County resources, facilities and infrastructure, and

WHEREAS, the Chairman of the Legislature, Chair of Public Service Committee and all Legislators received a request from Mr. Hens for reappointment to a sixth term as Highway Superintendent, and

WHEREAS, the Committees of Public Service and Ways and Means do recommend reappointment at this time. Now, therefore, be

RESOLVED, that Mr. Timothy Hens is hereby reappointed as Genesee County Highway Superintendent, effective May 25, 2022 through May 25, 2026.

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

**RESOLUTION NO. 232 APPOINTMENT-GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A GENESEE
COUNTY ECONOMIC DEVELOPMENT CENTER
("GCEDC")/PETER ZELIFF - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Industrial Development Agency (GCIDA) was created by an Act of the Legislature of the State of New York on May 8, 1970 by Chapter 565 of the laws of 1970 and set forth in section 895-e of the General Municipal Law of the State of New York, and

WHEREAS, The GCIDA was created by Resolution No. 177 of the Genesee County Legislature on September 23, 1970 to consist of 5 members "who shall serve at the pleasure of the Genesee County Legislature", and

WHEREAS, the membership of the GCIDA was increased by Resolution No. 225 of the Genesee County Legislature on September 19, 1979 from 5 to 7 members with "said term of office expiring at the pleasure of the Genesee County Legislature.", and

WHEREAS, Peter Zeliff has submitted a written request to the Genesee County Legislature Chairman requesting reappointment to remain in the seat for the seven member board of the Genesee County Industrial Development Agency, d/b/a the Genesee County Economic Development Center ("GCEDC"), and

WHEREAS, the Committee of Ways and Means does recommend Mr. Peter Zeliff be reappointed effective July 1, 2022 through June 30, 2028 at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby reappoint Mr. Peter Zeliff of Batavia, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective July 1, 2022 to June 30, 2028.

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

**RESOLUTION NO. 233 AGREEMENT RENEWAL– SHERIFF/
SPECIAL/ADDITIONAL LAW ENFORCEMENT**

**SERVICES FOR SIX FLAGS DARIEN, LLC –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the County of Genesee entered into an agreement with Six Flags Darien, LLC (“Darien Lake”) pursuant to Resolution 205 that was adopted on May 26, 2021, whereby the Sheriff’s Office would provide additional law enforcement services at Darien Lake and its Performing Arts Center for the 2021 operating/concert season, and

WHEREAS, the Sheriff’s Office invoiced Darien Lake for the police services provided, and Darien Lake reimbursed the County, and

WHEREAS, the current agreement expires May 31, 2022, and Darien Lake has indicated a desire to renew the law enforcement services agreement with the County of Genesee for an additional one-year term (June 1, 2022 through May 31, 2023), and

WHEREAS, the renewal agreement is based on the same terms and conditions from 2021, with the exception of an increase in rates per the Sheriff’s Employees’ Association (SEA) and Deputy Sheriffs’ Association (DSA) *Labor Agreements*, and a decrease in the retirement rate, and

WHEREAS, after careful review by the Genesee County Attorney, the Sheriff does recommend renewing this agreement for the term stated above, and

WHEREAS, the Committee on Public 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 and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for an additional one-year term (June 1, 2022 through May 31, 2023) for special/additional law enforcement services at Darien Lake for its 2022 operating and Performing Arts Center concert season.

Budget Impact: Funds have been allocated in the 2022 budget and will be offset by revenue billed back to entities for additional law enforcement services.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 234

**AGREEMENT RENEWAL – SHERIFF /
SPECIAL/ADDITIONAL LAW ENFORCEMENT
SERVICES FOR WESTERN REGIONAL OTB –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the County of Genesee entered into an agreement with Western Regional OTB pursuant to Resolution 206 that was adopted on May 26, 2021, whereby the Sheriff’s Office would provide additional law enforcement services at Batavia Downs Gaming for its 2021 summer concert season, and

WHEREAS, this agreement expires May 31, 2022, and

WHEREAS, Western Regional OTB is entering into its 2022 summer concert season and has indicated a desire to renew its agreement with the County of Genesee for an additional one-year term (June 1, 2022 through May 31, 2023) based on the same terms and conditions from 2021, with the exception of an increase in rates per the Deputy Sheriff’s Association (DSA) and Sheriff’s Employees’ Association (SEA) *Labor Agreements* and a decrease in the retirement rates, and

WHEREAS, after discussions between the Sheriff, Chief Deputy of Road Patrol, Western Regional OTB representatives, and approval by the County Attorney, the Sheriff does recommend renewing this agreement for the term stated above, and

WHEREAS, the Committee of Public 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 and the Genesee County Sheriff are hereby authorized and directed to execute the renewal Agreement for a one-year term (June

1, 2022 through May 31, 2023) for special/additional law enforcement services at Batavia Downs Gaming, 8315 Park Road, Batavia, New York 14020, for its 2022 summer concert season.
Budget Impact: Funds have been budgeted in the 2022 budget and will be offset by revenue billed back to entities for additional law enforcement services.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 235 AMEND RESOLUTION NO. 188-2022 TO CORRECT
LANGUAGE-SHERIFF/WYOMING COUNTY
PRISONER HOUSING CONTRACT—APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the Genesee County Legislature duly adopted Resolution No. 100, on March 23, 2011, to enter into a contract with Wyoming County for the housing of Genesee County prisoners at the Wyoming County Jail, and

WHEREAS, the Genesee County Legislature additionally adopted Resolution No.41 on January 25, 2012, to enter into a renewal contract with Wyoming County for the housing of Genesee County prisoners at the Wyoming County Jail, with the term of the contract automatically renewing on a year-to-year basis, and

WHEREAS, since 2012, all the signatory parties' names have changed, and

WHEREAS, the Committee of Public 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 sign the revised contract with Wyoming County for the continuance of housing of Genesee County prisoners at the Wyoming County Jail.

Budget Impact: None.

Legislator Deleo seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 236 AWARD OF BID—HIGHWAY/TRACTOR AND
ATTACHMENTS – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the Sourcewell Cooperative Purchasing Contract #040319-KBA allows for the piggyback purchasing of tractors and attachments within the State of New York, and

WHEREAS, the Genesee County Highway Superintendent recommends purchasing a tractor and several mowing and cutting attachments through this contract, and

WHEREAS, the Committees on Public Service and Ways and Means did review this request and do recommend this purchase to be authorized at this time. Now, therefore, be it

RESOLVED, that the Genesee County Highway Superintendent is hereby authorized and directed to purchase a 2022 Kubota KUM6-111HDC Tractor, Boom Mower, Saw Head, Grass Flail and accessories at a cost of \$203,562.55 from Bentley Brothers, 13936 Route 31 West, Albion, NY 14411 to be paid from the Road Machinery Capital Project.

Budget Impact: Road Machinery Capital Project has an available balance of \$374,455.19 available for this purchase.

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

RESOLUTION NO. 237 AUDIT FOR MAY 25, 2022 – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Stein, did review the following claims:

General Fund	\$	1,070,543.03
Highway		176,133.92
Self Insurance		185.00
Water Fund		273,311.89
DSS Abstracts		242,633.23

Capital Projects

Facilities Management-Countywide HVAC Upgrade	2,625.00
Sheriff/Jail – Jail Construction	152,861.00
Sheriff/Jail – Jail Construction	20,637.14
Office For the Aging – OFA Property Improvements	5,355.35

Payroll – General

May 20, 2022	1,796,754.95
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Medicaid

May 7, 2022	146,087.00
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May 24, 2022	<u>146,087.00</u>
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Total Audit	\$ 4,033,214.51
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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 Klotzbach seconded the resolution which was adopted by 326 votes.

RESOLUTION NO. 238

AGRICULTURAL DISTRICTS 2022 ANNUAL ENROLLMENT– AGRICULTURAL AND FARMLAND PROTECTION BOARD /INCLUSION REQUEST OF PARCELS TO AGRICULTURAL DISTRICT NO. 1 – APPROVAL OF

Legislator Yunker offered the following resolution:

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

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

WHEREAS, During the 2022 Annual Enrollment Period, one parcel in the Town of Darien (Tax Map Parcel No. 14.-1-51) was requested to be included into Agricultural District No. 1, and

WHEREAS, The Genesee County Agricultural and Farmland Protection Board at its March 21, 2022 meeting reviewed these request and after applying its test for determining what constitutes viable agricultural farmland, made recommendations that the County Legislature adopt the inclusion of the aforementioned parcels into their corresponding Agricultural Districts, and

WHEREAS, The Clerk of the Genesee County Legislature published the required notices and sent the required mailings and the Genesee County Legislature held a public hearing on the requests for inclusion of these parcels on Wednesday, May 25, 2022, and

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

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

RESOLVED, That the Genesee County Legislature does hereby approve the inclusion of parcel 14.-1-51 in the Town of Darien into Ag District No. 1 under the provisions of Section 303-b of NYS Agriculture and Markets Law, authorizes the Chair of the Legislature to sign all necessary SEQR documentation and directs

the Director of Planning to submit the necessary documentation to the NYS Commissioner of Agriculture and Markets for review and certification.

Budget Impact: None

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

**RESOLUTION NO. 239 REQUEST HOME RULE – RETROACTIVE
RETIREMENT STATUS FOR STEVEN R. GRICE
/S.7240A & A.8025A REFLECT UPDATED
ACTUARIAL NUMBERS - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Steven R. Grice became Deputy County Clerk, an appointed full-time position under Michael Cianfrini on February 16, 2016, and

WHEREAS, Mr. Grice had started working as a County employee June 22, 1981 but was not offered the opportunity to join the NYS Public Employee Retirement System which would have established his status as a Tier III retirement system employee, and

WHEREAS, the New York State Comptroller, sole trustee of the New York State Retirement System has ruled favorably on Mr. Grice’s petition to be granted Tier III retroactive status to his initial 1981 employment date, and

WHEREAS, the Genesee County Legislature did pass Resolution No. 81-2022 authorizing a one-time contribution of approximately \$12,900 to satisfy Mr. Grice’s status as a “current” Tier III contributor for immediate past service, and

WHEREAS, the Senate Bill S7240 and Assembly Bill A8025 required an amendment to reflect updated actuarial numbers. The new Senate Bill number is S7240A and Assembly Bill number is A8025A, and

WHEREAS, the new amount owed as a one-time contribution of approximately \$18,600. This estimate is based on the assumption that payment will be made on February 1, 2023, and

WHEREAS, it is anticipated that there will be an increase of approximately \$3,900 in the annual contributions of the County of Genesee for the fiscal year ending March 31, 2023. In future years, this cost will vary as the billing rates and salary of Steven R. Grice change. Now therefore, be it

RESOLVED, that the Genesee County Legislature hereby requests the New York State Legislature to support and pass Senate Bill No. S.7240A and Assembly Bill No. A.8025A which is the legislation necessary to grant Tier III retroactive status to Steven Grice to his initial 1981 employment date. Be it further

RESOLVED, the Genesee County Legislature hereby authorizes execution and submission of the Home Rule form as required by the Home Rule Request. Be it further

RESOLVED, that a copy of this resolution for Home Rule Request be sent to Senate Home Rule Counsel, Assembly Home Rule Counsel, Governor Kathy Hochul, Senator Edward Rath III, and Assemblyman Stephen Hawley.

Budget Impact Statement: A charge of approximate \$18,600 will be charged to the retirement benefits line of the County Clerk.

Legislator Hawley seconded the resolution which was adopted with two-thirds vote of 420 votes.

Legislator Deleo moved to adjourn the meeting seconded by Legislator Maha at 5:58 p.m.