

**TENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, May 27, 2020**

The Genesee Legislature met in Regular Session on Wednesday, May 27, 2020 at 5:30PM. Because of the Novel Coronavirus (COVID-19) Pandemic and the State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order suspending the Open Meeting Law, the Genesee County Legislature meeting was held electronically via ZOOM video conference. Privilege of the Floor is available to members of the public in accordance with Legislature Rule No. 22: A person other than a County Legislator may request permission to address the Legislature on any matter to be considered at the session. Legislator Deleo assisted with the audit. Prayer was offered by Legislator Yunker followed by the Pledge to the Flag.

In addition to our regular meeting, Chair Stein opened a public hearing on Fair Housing Practices. No one spoke on the matter; the public hearing remained open until 6:16 PM.

Legislator Deleo proclaimed May 17-23 National EMS week and thanked EMS Coordinator Tim Yaeger for the work done year round to train and prepare EMS practitioners.

Minutes of the May 13, 2020 Legislature Meeting were approved upon motion of Legislator Deleo seconded by Legislator Maha, carried.

Legislator Maha stated that he attended a Cornell Cooperative Extension Board meeting and shared with board members that the Legislature is conducting a review of all outside agency funding. They are financially stable at present and seem to be preparing for cuts from funding sources including the County.

Chair Stein reported on matters covered during today's Finger Lakes Region Control Room conference call: Ontario County Fair has been postponed, tent camping and campgrounds are open as of May 25th, the executive order suspending the Open Meetings Law is expected to be extended for another month and county leaders are asking for consistent messaging for businesses. Genesee County has a 2% infection rate for COVID-19 which demonstrates that residents are doing a good job of maintaining social distancing, sanitizing and wearing masks appropriately.

County Manager Jay Gsell stated he has had conversations with the Genesee County Ag Society President who indicated they are planning some activities and working within the guidelines of NYS protocols. As we plan for Phase 2 of re-opening, all are reminded to complete and file plans and attest to that fact that plans are in place. There is a dashboard of information that is updated daily and available that includes data pertaining to COVID-19. ESD and Finger Lakes Regional Representative Robert Duffy related that the Governor is monitoring all data and will provide the final determination as to when we are given the go-ahead to phase 2. Mr. Gsell reported that the Mexican Consulate General contacted the City and County to discuss resources available to migrant farmworkers. A list of food pantry's will be developed and distributed to farms and their migrant population. A pop-up food pantry is scheduled for June 3rd in Batavia where milk, meat, fruits and vegetables will be distributed to those who come to the distribution site at Northgate Church.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 200 SET PUBLIC HEARING - INCLUSION OF VIABLE
AGRICULTURAL LAND INTO AGRICULTURAL
DISTRICT NO. 4**

Legislator Yunker offered the following resolution:

WHEREAS, The Genesee County Legislature established by Resolution No. 399 of 2003 the annual thirty-day period to consider inclusion of new parcels to existing Agricultural Districts to run from January 26th to February 24th, and

WHEREAS, During the 2020 Annual Enrollment Period one parcel in the Town of Byron (Tax Map Parcel No. 11.-2-42) was requested to be included into Agricultural District No. 4, and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 303-b specifies that the County Legislative Body shall hold a public hearing regarding the proposed requests. Now, therefore, Be it

RESOLVED, That a Public Hearing shall be held on the requests to be included into Agricultural District No. 3 on Wednesday, June 10, 2020 at 5:30 PM at the Old Courthouse, 7 Main Street, Batavia, NY.

Budget Impact: The only direct budget impact is cost of the legal notice.

Legislator Dibble seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 201 2020 SALARY SCHEDULE AMENDMENT - JUSTICE FOR CHILDREN ADVOCACY CENTER -APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, A Community Service/Victim Assistant at the Justice for Children Advocacy Center has resigned, resulting in a vacancy as of May 2, 2020; and

WHEREAS, After discussions with the Sheriff and Human Resources Director, it has been determined that deleting this one Community Service/Victim Assistant position and creating a Family Advocate position instead of filling this vacancy with a Community Service/Victim Assistant would be in the best interest of the Justice for Children Advocacy Center and the County; and

WHEREAS, The cost associated (wages and fringe benefits) will be equal, as both the Community Service/Victim Assistant and the Family Advocate positions are 37.5 hour per week, competitive CSEA Grade 9 positions; and

WHEREAS, Implementing this change will result in the Justice for Children Advocacy Center being staffed with one Program Coordinator, one Lead Family Advocate, two Family Advocates, one part-time Financial Management Assistant, and one part-time Clerk/Typist; and

WHEREAS, The Justice for Children Program Coordinator is respectfully requesting an amendment to the 2020 Salary Schedule that will eliminate one 37.5 hour per week, competitive CSEA Grade 9 Community Service/Victim Assistant position and add a 37.5 hour per week, competitive CSEA Grade 9 Family Advocate position. Now, therefore, be it

RESOLVED, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2020 Employee Salary Schedule by eliminating a 37.5 hour per week, competitive CSEA Grade 9 Community Service/Victim Assistant position and adding a 37.5 hour per week, competitive CSEA Grade 9 Family Advocate position.

Budget Impact: Grants from the New York State Office of Victim Service and New York State Office of Children and Family Service fully fund this position.

Legislator Young seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 202

RENEWAL OF BIDS – HIGHWAY FUEL PRODUCTS – APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent had previously advertised for bids and awarded a contract for the delivery of fuel products to the Highway Department, and

WHEREAS, The contractor and the Highway Superintendent mutual agree to renew the terms of the current agreement as allowed for under the original request for bid, and

WHEREAS, The Highway Superintendent does recommend renewing the contract at this time, and

WHEREAS, The Committee on Public Service did review this request and does recommend renewing the contract at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Highway Superintendent is hereby authorized and directed to renew the Highway Fuel Products bid as allowed for under the specifications for each item and as budgeted for within the 2020 County Budget.

Budget Impact: The cost of fuel is a budgeted item within the Road Machinery budget. The cost of fuel has been very stable over the past few years; however, the impact of the coronavirus and PAUSE_NY appears to be lowering the price of fuel. The Road Machinery budget accounts for \$635,000 in unleaded fuel and \$389,000 in diesel fuel expenses for the year.

Legislator Torrey seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 203

**AWARD OF BID – HIGHWAY – SODIUM
CHLORIDE -- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Department did receive bids for Sodium Chloride for the control of snow and ice on county roads and,

WHEREAS, The Highway Superintendent reviewed these bids and does recommend awarding a contract at this time, and

WHEREAS, The Committee on Public Service 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 agreement with American Rock Salt Co., LLC., P.O. Box 190, Mt. Morris, NY 14510 for the delivery of Sodium Chloride as per bid specifications, effective October 1, 2020 through September 30, 2021 at a price of \$51.29 per ton.

Budget Impact Statement: The County Road Fund includes \$115,000 for Sodium Chloride.

Legislator Deleo seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 204 AWARD OF BID – FACILITY MAINTENANCE – FIRE
ALARM CONTROL PANEL 5130 MAIN ST – APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and the Purchasing Officer did research New York State Office of General Services Contracts relating to fire alarm replacements, and

WHEREAS, The Highway Superintendent does recommend awarding the contract to Technical Systems Group (TSG), Inc., for a cost of \$12,673.18, and

WHEREAS, The Committee on Public Service 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 an agreement with TSG Security, Inc., 1799 N. Clinton Avenue, Rochester, NY, 14621 as per the terms of NYSOGS Contract PT64310.

Budget Impact Statement: The 5130 Main Street Fire Alarm Control Panel Capital Project was established April 22, 2020 (Resolution #181) using 1% Sales Tax.

Legislator Clattenburg seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 205 AGREEMENT-HIGHWAY/SHARED SERVICES--
APPROVAL OF**

Legislator Yunker 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, 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 or storing a large inventory of certain 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 City/County/Town/Village 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 June 2022, 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 Supervisors/Mayors/Board Presidents of the municipalities within Genesee County.

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

Legislator Maha seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 206 AWARD OF BID/HIGHWAY/CONSULTANT
AGREEMENT --JUDGE RD OVER WHITNEY CREEK-- APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Genesee County has received federal aid to replace the Judge Rd over the Whitney Creek bridge within the Town of Alabama, and

WHEREAS, The County advertised specifications for this work and did receive 3 bids from contractors, and

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

WHEREAS, The Highway Superintendent also reviewed proposals from consultants for construction administration and inspection services related to this project and did make a recommendation to approve a consultant agreement at this time, and

WHEREAS, The Committee on Public Service did review these recommendations and does concur. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a construction contract with Occhino Corp, 2650 Seneca St, West Seneca, NY 14224 in the amount of \$496,526.70.

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a consultant agreement with Lu Engineers, 339 East Ave, Suite 200, Rochester, NY 14604 in an amount not to exceed \$112,000.

Budget Impact Statement: This work is anticipated to start immediately. The total cost for these awards are \$608,526.70 which is covered by a federal and state aid. The capital project established for this project has a balance of \$1,081,570.33 which is 80% federal aid, 15% state aid and 5% local match from 1% sales tax. The low bidder was approximately \$170,000 below the engineer's estimate of probable construction costs.

Legislator Dibble seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 207 AWARD OF BID – HIGHWAY/SLOPE
STABILIZATION- HICKOX RD (CR#5)-APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Genesee County researched bid specifications for the stabilization and repair of a failing roadside slope along Hickox Rd in the Town of Alexander, and

WHEREAS, The Genesee County Highway Superintendent bids and does recommend an award at this time, and

WHEREAS, The Committees on Public Service has reviewed this request and does concur at this time. Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute a contract with GeoStabilization International, 4475 E 7th Ave, Suite 100, Commerce City, CO 80022 as per the Delaware County RFP 31-18 in an amount not to exceed \$95,845.

Budget Impact: The contract is for \$95,485. A capital project has been established for CR#5 and will be funded with \$381,346.14 in 2020 PAVE-NY funds.

Legislator Young seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 208 AWARD OF BID – AIRPORT/T-HANGAR
DEMOLITION/APRON RECONSTRUCTION- APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, Genesee County is expecting a federal aid grant to demolish aging T-Hangars which are an obstruction to navigation at the Genesee County Airport, and

WHEREAS, Genesee County advertised bid specifications for the construction of this project and received several competitive bids, and

WHEREAS, The Genesee County Highway Superintendent and C&S Engineers have reviewed the bids to determine the lowest responsible bidder, and

WHEREAS, The Committee on Public Service has reviewed this request and does concur at this time. Now, therefore, be it

RESOLVED, That the Chairperson of the Genesee County Legislature is hereby authorized to execute a contract with Finger Lakes Envirotech, LLC, 691 Addison Rd, Painted Post, NY 14870 for the demolition of the T-Hangar in accordance to bid specifications in an amount not to exceed \$142,335.08.

RESOLVED, That the award of the contract is contingent upon the successful receipt of a Federal Aviation Administration grant to fund the work.

Budget Impact: The contract is for \$142,335.08. A capital project will be established upon receipt of a grant. It is anticipated that this project will be funded 100% with federal aid under the CARES Act.

Legislator Young seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 209 AMEND CAPITAL PROJECTS/2020 BUDGET
AMENDMENT -- HIGHWAY –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) 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	Exist Balance	Source	Amendment
CR#5	\$2,543.10	PAVE-NY	Add \$381,346 from 2020 PAVE-NY
Highway Chipseal	\$0.00	CHIPS	Add \$740,000 from 2020 CHIPS
Highway Overlay	\$6,414.45	CHIPS	Add \$628,503 from 2020 CHIPS Add \$240,898 from 2020 EWR
Hwy Surface Treatment	\$9,287.18	CHIPS	Add \$300,000 from 2020 CHIPS

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the following CHIPS and PAVE-NY funded capital projects by increasing Highway Capital Project Expense H5112.2080 in the amount of \$2,290,747 and Increase H5112.3501 CHIPS in a like amount.

Budget Impact Statement: 2020 CHIPS allocation is \$1,668,503; 2020 PAVE-NY allocation is \$381,346 and 2020 EWR allocation is \$240,898. Total 2020 allocation from all state fund sources equals \$2,290,747.

Legislator Torrey seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 210 REAPPOINTMENT - GENESEE COUNTY PLANNING
BOARD - APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The term of office of Tom Schubmehl on the Genesee County Planning Board will expire this year and he has indicated an interest and desire for reappointment, and

WHEREAS, This candidate is in compliance with the training requirements required by New York State for reappointment under Chapter 662 of the Laws of 2006, and

WHEREAS, the Committees on Public Service and Ways and Means do recommend reappointment at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby reappoint Mr. Thomas Schubmehl of Pembroke, NY to serve another term on the Genesee County Planning Board for the period ending on May 31, 2023.

Budget Impact Statement: None

Legislator Deleo seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 211 REAPPOINTMENTS - GENESEE COUNTY
AGRICULTURAL AND FARMLAND PROTECTION
BOARD**

Legislator Yunker 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 LeAnne McKenzie expire June 1, 2020 and both have indicated an interest and desire for reappointment 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, NY to serve a term on the Genesee County Agricultural and Farmland Protection Board for the period ending on June 1, 2023.

Budget Impact Statement: None.

Legislator Torrey seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 212 GRANT ACCEPTANCE/2020 BUDGET ITEM
TRANSFER – AIRPORT (AIP 44-20) –APPROVAL
OF –**

Legislator Young offered the following resolution:

WHEREAS, Genesee County has been offered an Airport Improvement Program (AIP) grant by the Federal Aviation Administration under the authority of the Coronavirus Aid, Relief, and Economic Security (**CARES**) Act, and

WHEREAS, The grant can be used to assist with any expense related to the operation of, or improvement to, the County Airport, and

WHEREAS, The County Highway Superintendent and County Treasurer have reviewed the grant program and recommend that the best course of action is for Genesee County to use the CARES Act assistance to help offset existing debt service on the Terminal and Main Hangar, 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 Chairperson of the Genesee County Legislature is hereby authorized to approve the grant offer as prepared by the Federal Aviation Administration, and Be it further

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following budget item transfers within the 2020 County Budget:

Decrease A1000.1110.1 1% Sales Tax \$69,000

Increase A9710.4592 Federal Aid Transportation \$69,000

Budget Impact: Federal aid of \$69,000 provided by the CARES Act will offset the use of \$69,000 in local 1% sales tax. These funds will be used to cover a portion of the debt related to the construction of the Terminal and Main Hangar at the Genesee County Airport.

Legislator Clattenburg seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 213 AUTHORIZING THE GENESEE COUNTY LEGISLATURE
CHAIR TO SIGN GENESEE COUNTY JOB
DEVELOPMENT BUREAU CONTRACTOR'S
AGREEMENT WITH LIVINGSTON COUNTY ON BEHALF
OF THE GLOW WORKFORCE DEVELOPMENT BOARD
FOR THE WORKFORCE INNOVATION OPPORTUNITY
ACT (WIOA) PROGRAM**

Legislator Torrey offered the following resolution:

WHEREAS, The Genesee County Job Development Bureau has been approved by the GLOW Workforce Development Board as a Contractor to provide WIOA Adult, Dislocated Worker, and Youth Services. The grant is a one-year agreement that may be extended based on performance for (2) two additional one-year periods with a budget of \$243,800.00. And

WHEREAS, The Genesee County Job Development Bureau has entered into contracts with Livingston County on behalf of the GLOW Workforce Development Board in order to receive these funds. Now, therefore Be it

RESOLVED, That the Genesee County Legislature hereby authorizes the Chairman of the Genesee County Legislature to sign said contract with Livingston County on behalf of the GLOW Workforce Development Board in order for the Job Development Bureau to provide WIOA Services.

Legislator Maha seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 214 CONTRACT RENEWAL-ELECTIONS/PRINTING
SUPPLIES-APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, This contract which expired June 30, 2018 provided the option for four (4) additional one (1) year renewals upon mutual agreement between both parties and must in the best interest of Genesee County, and

WHEREAS, The Genesee County Legislature did authorize the renewal of the 2nd one year option at a cost of \$14,205 covering the period of July 1, 2019 thru June 30, 2020, and

WHEREAS, Both Commissioners Richard Siebert and Lorie Longhany are satisfied with services rendered by Phoenix Graphics and the company has agreed to provide the needed supplies for the period of July 1, 2020 thru June 30, 2021 which would be the 3rd one year option, and

WHEREAS, the Ways & Means Committee did review this agreement 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 14606 for the printing supplies for the 2020 Primary and General Election, per bid specifications, effective July 1, 2020 through June 30, 2021 in the amount of \$14,205 prorated by the required number of ballots per election

Budget Impact Statement: Budget neutral as all fees are included in 2020 Board of Elections budget.

Legislator Dibble seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 215 CONTRACT RENEWAL-ELECTIONS/CARTAGE OF VOTING MACHINES-APPROVAL OF

Legislator Young offered the following resolution:

WHEREAS, The existing contract with Clark Moving & Storage, Inc. of 3680 Buffalo Rd., Rochester, NY will terminate May 31, 2020, and

WHEREAS, This contract to move the electronic voting machines and supplies to and from the 24 polling sites used by the Genesee County Board of Elections at a cost of \$138 per polling site (delivery and pickup) did provide the provision to renew said contract for up to three (3) years, and

WHEREAS, Commissioners Lorie Longhany and Richard Siebert are satisfied with the services provided by Clark Moving and Storage Inc. and they have agreed to renew at the original terms for the second optional year. Now, therefore, Be it

WHEREAS, the Ways & Means Committee did review this agreement 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 \$138 per polling site for Primary and General Elections for the period of June 1, 2020 thru May 31, 2021. This fee completely covers both delivery and pickup as one total price.

Budget Impact Statement: Budget neutral as all fees are included in 2020 Board of Elections budget.

Legislator Torrey seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 216 CONTRACT RENEWAL -SOFTWARE SUPPORT SERVICES/NEW WORLD SYSTEMS FINANCE AND HUMAN RESOURCE APPLICATIONS APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, The County Treasurer and the Director of Information Technology did present a contract agreement with New World Systems for software upgrades and support services for the Finance and Human Resource applications and,

WHEREAS The support contract is for a 5-year period but may be cancelled in the event the County Legislature does not appropriate funds to complete payments for subsequent years and,

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

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with New World Systems, 888 West Big Beaver Road, Suite 600, Troy, Michigan 48084 for the provision of customer software support services for a one-year period effective June 1, 2020 through May 31, 2021 at a cost of \$47,786.55

BUDGET IMPACT STATEMENT: The contract cost of \$47,786.55 NWS Annual Maintenance is included in the 2020 Information Technology Budget line A.1680.4600.0000. The contract provides for a maximum 5% increase in the subsequent years of the contract. The 5% increase will be included in future budget proposals.

Legislator Young seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 217

**RESOLUTION AMENDING RESOLUTION NO 297
OF THE YEAR 1980 IN RELATION TO GENESEE
COUNTY SALES AND COMPENSATING USE TAXES,
INCREASING THE RATE OF TAXES ON SALES AND USES OF
TANGIBLE PERSONAL PROPERTY AND OF CERTAIN
SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND
AMUSEMENTS CHARGES, PURSUANT TO ARTICLE 29 OF
THE TAX LAW OF THE STATE OF NEW YORK**

Legislator Clattenburg offered the following resolution:

BE IT RESOLVED by the Genesee County Legislature:

That Resolution No. 297 of the Genesee County Legislature adopted November 26, 1980, as amended by Resolution No. 16 of 1981, adopted January 14, 1981, as amended by Resolution No. 184, adopted June 22, 1994 as amended by Resolution No. 227, adopted July 31, 1995, as amended by Resolution No. 218 adopted July 28, 1997, as amended by Resolution No. 327 adopted August 11, 1999, as amended by Resolution 333 adopted September 12, 2001, as amended by Resolution 211 adopted June 25, 2003 as amended by Resolution 298 adopted September 10, 2003, and as amended by Resolution No. 226 adopted July 12, 2005 and as amended by Resolution No. 309 adopted August 8, 2007, as amended by Resolution No. 270 adopted August 12, 2009, as amended by Resolution No. 311 adopted September 28, 2011, as amended by Resolution No. 337 adopted September 11, 2013, as amended by Resolution No. 353 adopted October 14, 2015, as amended by Resolution No. 313 adopted August 9, 2017, be hereby further amended in its several parts as follows:

Section 1: The first sentence of section two of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 2: Imposition of sales tax.

On and after March 1, 1981, there is hereby imposed and there shall be paid a tax of three percent (3%) upon, and for the period commencing September 1, 1994, and ending **November 30, 2023**, there is hereby imposed and there shall be paid an additional tax of one percent (1%) upon:

Section 2: Subdivision (f) of section three of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent (1%) imposed for the period commencing September 1, 1994 and ending **November 30, 2023**, the provisions of subdivision (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivision (a),

(b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994 any transaction which may not be subject to the additional tax imposed effective on that date.

Section 3: Section four of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 4: Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994 except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontract or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2023**, the tax shall be at the rate of four percent (4%) and on and after **December 1, 2023**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent (4%), and on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed as taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2023**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2023**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for tangible personal property manufactured, processed, or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvements to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase

price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2023**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2023**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2023**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2023**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (f) by its author or other creator shall not be deemed a taxable use by such person.

Section 4: Subdivision (k) of section six of Resolution No. 297 of the year 1980, enacted in November 26, 1980, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes ; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending **November 30, 2023**.

Section 5: Paragraph (B) of subdivision one of section eleven of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending **November 30, 2023**, in respect to the use of property used by the purchaser in this county prior to September 1, 1994.

Section 6: Subdivision (h) of section fourteen of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(h) Notwithstanding any other provision of law to the contrary, net collections attributable to the additional one percent rate of sales and compensating use taxes imposed by sections two and four of this resolution for the period December 1, 2005, through **November 30, 2023**, shall be divided in the same manner and proportion as the net collections attributable to the County's existing three percent rate of such taxes during such period are divided.

Section 7: This resolution shall take effect **December 1, 2020**.

Legislator Young seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 218 SET PUBLIC HEARING – LOCAL LAW
INTRODUCTORY NO. 1 YEAR 2020 – APPROVAL
OF**

Legislator Deleo offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No 1, Year 2020 entitled “A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF THE YEAR 2017, AMENDING LOCAL LAW NO. 3 OF THE YEAR 2015,

AMENDING LOCAL LAW NO. 2 OF THE YEAR 2013, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2011, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2009, AMENDING LOCAL LAW NO. 2 OF THE YEAR 2007, AMENDING LOCAL LAW NO. 6 OF THE YEAR 2004, WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE”, and

WHEREAS, Subdivision 5 of Section 20 of the Municipal Home Rule Law requires a public hearing to be held on such Local Law. Now, therefore, Be it

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No 1, Year 2020, by the Genesee County Legislature on the 10th day of June, 2020 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Maha seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 219 BUDGET TRANSFER – COUNTY ATTORNEY
-APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The County Attorney’s office has experienced unexpected legal expenses due to violations of Health Department quarantine orders related to the COVID-19 pandemic, and

WHEREAS, The County Attorney requests to transfer funds from the personal services line item that is available due to the furlough of a clerical staff member to the COVID-19 expense line in order to cover the expense, and

WHEREAS, These expenses are directly related to the COVID-19 pandemic and are expected to be fully reimbursed by FEMA funding, and

WHEREAS, The Ways and Means Committee has reviewed 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 2020 budget transfers:

\$2,838.00 from A.1420.1010.0000 County Attorney, Personal Services

\$2,838.00 to A.1420.4480.0000 County Attorney, COVID-19 Expenses

Budget Impact: Expenses are expected to be 100% reimbursed by FEMA as they are directly related to the COVID-19 pandemic
Legislator Dibble seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 220 AGREEMENT RENEWAL –CENTRAL SERVICES/
HIGHWAY & FACILITIES MANAGEMENT WORK
CLOTHING – APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, the Director of Purchasing did present a contract renewal with Cintas Corporation for the provision of work clothing for the third and final additional one-year period,

WHEREAS, the Committee on Ways and Means did review the contract 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 a renewal agreement with Cintas Corporation, 5740 Genesee Street, Lancaster, NY 14086 for the work clothing as per bid specifications, effective September 1, 2020 through August 31, 2021.

Budget Impact: Central Services and the Highway budget for this contract in their operating budget based on the current number of employees. The contract allows for additions and deletions based on current employee status.

Legislator Torrey seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

**RESOLUTION NO. 221 DISTRIBUTION OF MORTGAGE TAX-FIRST
PAYMENT 2020-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 \$388,967.72, 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	\$103,929.86
Towns Of	Alabama	\$ 7,911.34
	Alexander	15,902.45
	Batavia	46,467.74
	Bergen	14,956.42
	Bethany	7,929.85
	Byron	18,118.73
	Darien	31,923.49
	Elba	9,388.03
	LeRoy	33,675.72
	Oakfield	13,118.74
	Pavilion	16,232.73
	Pembroke	31,468.05
	Stafford	18,986.41
Villages Of	Alexander	1,649.66
	Attica	565.80
	Bergen	1,998.11
	Elba	1,154.38
	LeRoy	9,670.41
	Oakfield	2,021.87
	Corfu	1,897.93
Total		\$388,967.72

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 Statement:	2019 1 st payment \$262,518.89
	2018 1 st payment \$383,585.91
	2017 1 st payment \$384,918.90
	2016 1 st payment \$278,153.64
	2015 1 st Payment \$292,934.98
	2014 1 ST Payment \$244,843.58
	2013 1 st Payment \$303,549.03

Legislator Maha seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

RESOLUTION NO. 222 COUNTY AUDIT –MAY 27- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Deleo, did review the following claims:

General Fund	\$	837,561.96
Highway		774,463.23
Self Insurance		375.00
DSS Abstracts		32,338.63
Capital Projects		
Highway- Road Machinery		178,682.00
Highway-Upton Road Bridge Over Bowen Creek		34,500.00
Highway-Sharrick Road Bridge Over Murder Creek		11,774.42
Highway-Tower Hill Road Bridge Over Spring Creek		15,329.04
Highway-Meadeville Road Bridge Over Canal Creek		20,173.88
Highway-Large Span Culverts		1,350.10
Airport-Reconstruct Taxiway "C"		1,387.16
Airport-Apron Design Reconstruction & Obstruction Removal		11,674.11
Airport-T-Hangar Reconstruction		12,475.00
Park-DeWitt Park Improvements Phase IV		1,490.16
Sheriff's/Jail-Jail Construction		16,981.05
Sheriff's/Jail- Sheriff's Public Safety Communications Tower		142.00
Payroll – General		
May 22, 2020		1,547,834.76
Medicaid		
May 19 2020		177,332.00
May 26, 2020		<u>177,332.00</u>
Total Audit	\$	3,853,196.50

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 Deleo seconded the resolution which was adopted by 298 votes, District #1 vacant (28).

At 6:15 PM Chair Stein asked again if anyone wanted to speak at the Public Hearing on Fair Housing Practices. There were no speakers and the public hearing was closed.

The meeting adjourned at 6:16 PM upon motion of Legislator Yunker seconded by Legislator Torrey, carried.