

TENTH DAY
GENESEE COUNTY LEGISLATURE
OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
WEDNESDAY, JUNE 12, 2024

The Genesee County Legislature met in Regular Session on Wednesday, June 12, 2024 at 5:30 PM in the Legislative Chambers of the Old Courthouse.

Legislator Maha offered to assist with the audit. The prayer was offered by Legislator Hawley followed by the Pledge to the Flag.

Roll Call was taken with 8 ayes, 0 no's and 1 absence (Klotzbach-16). Clerk Casey announced a quorum was established.

Proclamations & Commendations: *Flag Day* Legislator Clattenburg presented with acceptance: William Joyce Veterans Service Agency Director and Vietnam War Veteran and Volunteer for the Veterans - Thomas Cecere. Mr. Joyce spoke on proudly serving the United States of America.

Dairy Month Presented by Legislator Yunker and accepted by the Sutherland family (Stein Farms). Also, Maggie Winspear of Future Farmers of America of Elba. She was the winner of the NYS speech contest and is going to nationals. She handed out ice cream after her speech.

Approval of Minutes: May 22, 2024 were declared approved by Chair Stein.

Committee & Special Assignment Reports: Legislature Clerk Casey pointed out the new addition to the chambers - 10 original portraits that grace the walls of the Legislative Chambers of the past judges that presided in the chambers from 1847 through 1949. The new frames on the historic portraits bring back a touch of class that matches the Old County Courthouse. More information on each judge is provided on the County website.

Communications & Petitions:

Travel Out-of-State: Sherri Bensley-Public Health – PIO Training/Managing Public Information for all Hazards Incidents July 28-Aug 2nd – Paid by CDC Grant. Legislator Maha moved to approve the request, seconded by Legislator Clattenburg with a roll call taken of 8 ayes, 0 no's and 1 absence (Klotzbach-16).

Travel Out-of-State: Katlin Pettine- Public Health-PIO Training/Managing Public Information for all Hazards Incidents July 28-Aug 2nd – Paid by CDC Grant. Legislator Hawley moved to approve the request, seconded by Legislator Dibble with a roll call taken of 8 ayes, 0 no's and 1 absence (Klotzbach-16).

Travel Out-of-State: Diana Fox-OFA-USAgging National Conference – July 7-11, Tampa Florida at a cost of \$2,215. Legislator Yunker moved to approve the request, seconded by Legislator Torrey with a roll call taken of 8 ayes, 0 no's and 1 absence (Klotzbach-16).

Travel Out-of-State: Patrick Reeves/SRO-Sheriff's Office – SRO Chaperone with Pembroke Central School – June 17-19 to Washington, DC at no cost to the county. Legislator Dibble moved to approve the request, seconded by Legislator Maha with a roll call taken of 8 ayes, 0 no's and 1 absence (Klotzbach-16).

Legislator Comments: None.

County Manager Report: County Manager Landers announced a heroic bright spot from the Highway Department – Paul Sharik and Vern Brooks saved a woman's life by performing the Heimlich maneuver as she choked. Mr. Landers expressed appreciation to both men for their quick action.

Resolutions:

Consent Agenda Items - Ways And Means:

Clerk read resolutions 1-20 of the Ways and Means Committee:

1. Set Public Hearing-Genesee Community College/2024-2025 Budget
2. 2024 Budget Transfer-County Clerk
3. Grant Acceptance–Information Technology Department/Department of Homeland Security FY2021 Cyber Security Grant
4. Contract Amendment–Self Funded Health Benefit Plan Consultant/CMS Prescription Drug Data Collection

5. Award of RFA/Budget Amendment-Mental Health/LGU OASAS Opioid Abatement Settlement Funds/Genesee County Treatment Court
6. Award of RFA/Budget Amendment-Mental Health/LGU OASAS Opioid Abatement Settlement Funds/Independent Living of the Genesee Region (dba WNY Independent Living, Inc.)
7. Budget Transfer-Mental Health/Competency Restoration Services
8. Contract–Public Health /Preschool Supportive Health Services Program/Sunshine Speech Therapy
9. Contract–Public Health/Preschool Supportive Health Services Program/Hearing and Speech Center of Rochester, Inc.
10. Contract–Public Health/Preschool Supportive Health Services Program/SEIT
11. Disposition of Surplus Property–Public Health/Two-Door Cabinet
12. Grant Acceptance–Public Health/The New York State Septic System Replacement Fund Program Round #4 of Funding Grant Acceptance
13. Inter-Municipal Agreement–Public Health/Wyoming County Public Health Department
14. Contract-Public Health/Staffing Solutions Organization LLC
15. Grant Acceptance – Public Health /Immunization Action Plan
16. Modification of Memorandum Of Understanding – OFA/Alzheimer’s Association
17. Permission To Apply And Accept Grant Funds-OFA/ Rochester Area Community Foundation Muriel H. Marshall Funds
18. 2024 Budget Amendment-OFA/Additional Service Provision
19. Approval Of Standard Work Day And Reporting Resolution For Elected And Appointed Officials-New York State Retirement System
20. Reappointment-Genesee County Industrial Development Agency D/B/A Genesee County Economic Development Center (“GCEDC”)

Legislator Clattenburg moved for the adoption of resolutions 1 through 20 of the Ways and Means committee, seconded by Legislator Hawley followed by a roll call of 8 ayes 0 no’s and 1 absence (Klotzbach-16) for a total vote of 184.

Consent Agenda - Human Services Committee:

Clerk read resolutions 21-25 of the Human Service Committee:

21. Contract Renewal–Public Health/ Finger Lakes Regional Training Center Western Region Health Emergency Preparedness Training Center
22. Contract Renewal–Public Health/Quest Diagnostics Of Pennsylvania, Inc.
23. Renewal Lease Agreement-OFA/Lifespan
24. Insurance Certificate-OFA/2024 Farmers’ Market, Batavia
25. Contract Renewal-OFA/The Arc Glow/ Meal Preparation Services

Legislator Torrey moved for the adoption of resolutions 21 through 25 of the Human Services committee, seconded by Legislator Deleo followed by a roll call of 8 ayes 0 no’s and 1 absence (Klotzbach-16) for a total vote of 184.

Non-Consent Items:

Clerk read Resolution 26

26. Calling on Members of the New York State Senate and Assembly to Reform the State’s Competency Restoration Process and Support the Passage of S.1874 (Brouk)/A.5063 (Gunther)

Legislator Torrey moved for the adoption of resolution 26 seconded by Legislator Dibble followed by a roll call of 8 ayes 0 no’s and 1 absence (Klotzbach-16) for a total vote of 184.

Clerk please read Resolution 27

27. County Audit – June 12, 2024

Legislator Clattenburg moved for the adoption of resolution 27 seconded by Legislator Maha followed by a roll call of 8 ayes 0 no’s and 1 absence (Klotzbach-16) for a total vote of 184.

RULE 19

Legislator Clattenburg moved to suspend the rules of the Genesee County Legislature to add one timely resolution: Award of RFP and Contract Agreement- Information Technology/ Telecommunications Services with Empire Access-36-Month PRI Service - Three Locations, seconded by Legislator Hawley followed by a roll call with 2/3 vote of 8 ayes 0 no's and 1 absence (Klotzbach-16) for a total vote of 184.

Clerk read resolution 28

28. Award Of RFP And Contract Agreement- Information Technology/ Telecommunications Services With Empire Access-36-Month PRI Service - Three Locations

Legislator Clattenburg moved for the adoption of resolution 28 seconded by Legislator Hawley followed by a roll call of 8 ayes 0 no's and 1 absence (Klotzbach-16) for a total vote of 184.

Unfinished Business: Legislator Dibble mentioned that Maggie Winspear has been working on the speech she gave for over four years. She did an excellent job. Chair Stein acknowledged what a great job she has done.

Adjournment: Chair Stein adjourned the meeting at 6:05 PM.

RESOLUTION NO. 226 SET PUBLIC HEARING-GENESEE COMMUNITY COLLEGE/2024-2025 BUDGET-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the President and Trustees of the Genesee Community College have prepared a proposed operating budget for academic year 2024-2025 in the amount of \$37,750,000 with a sponsor share of \$2,836,374 and

WHEREAS, pursuant to law, it is necessary to hold a public hearing on said budget prior to adoption. Now, therefore, be it

RESOLVED, that a public hearing shall be held on the proposed operating budget for Genesee Community College for academic year 2024-2025 at 5:30 PM on Wednesday, June 26, 2024 at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 227 2024 BUDGET TRANSFER – COUNTY CLERK- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the County Clerk's Office is in need of an adjustable desk, and

WHEREAS, available funds can be transferred within the County Clerk budget to accommodate the requested expense, and

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

RESOLVED, the Genesee County Treasurer is hereby authorized and directed to make the following 2024 transfer:

\$619 from A.1410.4660.0202 County Clerk, Contracted Services, Computer

\$619 to A.1410.2010.0020 County Clerk, Desk

Budget Impact: Funds available within the 2024 County Clerk Budget to cover the expense due to expenses in the Contracted Services, Computer account being lower than expected

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 228 GRANT ACCEPTANCE-INFORMATION TECHNOLOGY DEPARTMENT/DEPARTMENT OF HOMELAND SECURITY FY2021 CYBER SECURITY GRANT-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of Information Technology has received notification from the Department of Homeland Security Emergency Services FY2021 Cyber Security Grant Program that Genesee

**SUPPORTIVE HEALTH SERVICES PROGRAM
/SUNSHINE SPEECH THERAPY– APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Public Health Director did present a contract for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Sunshine Speech Therapy, PLLC, having its principal location of business at 6 Main Street, Wyoming, NY 14591, for the provision of Related Services in the Preschool Supportive Health Services Program (PSSHSP), retroactively, for the period of May 1, 2024 through June 30, 2025, per the 2024-2025 PSSHSP rate schedule.

Budget Impact: Revenue and expenses are included in the 2024-2025 A 2960 3-5 Preschool Budget and will be included in the 2024-2025 Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 234

**CONTRACT–PUBLIC HEALTH/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM/
HEARING AND SPEECH CENTER OF ROCHESTER,
INC. – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Public Health Director did present a contract for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with Hearing and Speech Center of Rochester, Inc. d.b.a. Rochester Hearing and Speech, having its principal location of business at 1000 Elmwood Avenue, Rochester, NY 14620, for the provision of Related Services in the Preschool Supportive Health Services Program (PSSHSP), retroactively, for the period of May 1, 2024 through June 30, 2025, per the 2024-2025 PSSHSP rate schedule.

Budget Impact: Revenue and expenses are included in the 2024-2025 A 2960 3-5 Preschool Budget and will be included in the 2024-2025 Budget. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 235

**CONTRACT–PUBLIC HEALTH/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM/ SEIT–
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Public Health Director did present a contract for the provision of services to eligible children in the Preschool Supportive Health Services Program, and

WHEREAS, the Committees on Human Services and Ways and Means did review the request to establish a contract for the provision of Services in the Preschool Supportive Health Services Program (PSSHSP): Special Education Itinerant Teacher Services (SEIT), Classroom Services (CB), and Evaluator Services and do recommend approval at this time. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with the following provider, for the provision of Special Education Itinerant Teacher (SEIT) Services, Classroom Services (CB), and Evaluator Services in the Preschool Supportive Health Services Program (PSSHSP), retroactively, for the period of April 18, 2024 through June 30, 2025, per the 2024-2025 PSSHSP rate schedule.

Byron-Bergen Central School District, 6917 West Bergen Road, Bergen, NY 14416

Budget Impact: Revenue and expenses are included in the 2024 A 2960 3-5 Preschool Budget and will be included in the 2024 and 2025 Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 236 DISPOSITION OF SURPLUS PROPERTY–PUBLIC HEALTH/TWO-DOOR CABINET–APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Public Health Department possesses one (1) gray two door cabinet for employee use, and

WHEREAS, the cabinet in question is no longer needed in this department and no other department has shown interest in its use, and

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

RESOLVED, that the Purchasing Director is hereby authorized to dispose of the one (1) gray two door cabinet, by the method deemed most appropriate by that department.

Budget Impact: Should the cabinet sell at auction, the proceeds would either go to the County's fund or would be attributed as revenue is the Public Health budget under A 4010 1601.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 237 GRANT ACCEPTANCE–PUBLIC HEALTH/THE NEW YORK STATE SEPTIC SYSTEM REPLACEMENT FUND PROGRAM ROUND #4 OF FUNDING GRANT ACCEPTANCE - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has identified the repair and replacement of substandard septic systems as a critical community development need that will improve Genesee County's housing stock and water quality; Genesee County agrees to accept the fourth round of funding (\$0) that will be added to the first round of funding (\$150,000), the second round of funding (\$170,000), and the third round of funding (\$340,000) for a maximum aggregate amount of (\$660,000) from the New York State Septic System Replacement Fund Program, and

WHEREAS, the proposed county-wide program area is hereby defined as having many substandard on-site septic systems, located on the following waterbodies; Tonawanda Creek, Bowen Brook, Bigelow Creek, Leroy reservoir, Tannery Brook, and Oatka Creek, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into an agreement with the New York State Environmental Facilities Corporation, having its principal location of business at 625 Broadway #7, Albany, New York 12207, retroactively, for the period of May 1st, 2024 through March 31st, 2027.

Budget Impact: \$60,000 is allocated in the 2024 4010 budget for Septic System Replacement Fund Program reimbursements. No budget amendment is necessary to the 2024 4010 budget. There will be a minor administrative cost for this program on the part of Fiscal and Environmental staff in Public Health, with an estimated annual cost of \$500 to the county. All other costs will be reimbursable through the New York State Septic System Replacement Fund Program.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 238 INTER-MUNICIPAL AGREEMENT–PUBLIC HEALTH/WYOMING COUNTY PUBLIC HEALTH DEPARTMENT–APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Public Health Director did present an inter-municipal agreement with Wyoming County Public Health Department to provide comprehensive elevated blood lead level inspections,

WHEREAS, the Director of the Office for the Aging did present an agreement to modify the Memorandum of Understanding (MOU) with the Alzheimer’s Disease and Related Disorders Association, Inc. d/b/a Alzheimer’s Association, Western New York Chapter (AAWNY) for the period of July 1, 2024 – June 30, 2025 which outlines the relationship of Genesee County Office for the Aging (GCOFA) as the Community Based Organization in Genesee County to work with AAWNY and Erie, Niagara, Wyoming, Cattaraugus, Chautauqua, Orleans, and Allegany County Offices for the Aging to implement the Western New York Alzheimer’s Disease Caregiver Support Initiative (WNYADSI); a eight county, multi-agency, initiative funded by NY State Dept. of Health (NYSDOH) through an Alzheimer’s Disease Caregiver Support Initiative grant awarded to the Alzheimer’s Association of WNY Chapter; and

WHEREAS, the purpose of WNYADCSI is to decrease the burden of Alzheimer’s Disease and other dementias on individuals, caregivers, and families by providing comprehensive and collaborative services to caregivers of persons with dementia in the form of in-home, overnight, and social/medical adult day care respite; education programs for caregivers and professionals; support groups, family and individual dementia consultation services; and technology; and

WHEREAS, AAWNY is the grant recipient and this agreement modification establishes the amount of \$112,000 for the period of July 1, 2024-June 30, 2025, for which GCOFA would receive funding to provide consultation, respite, and safety services; and

WHEREAS, the Committee on Human Services and Ways & Means Committee did review this request and does recommend approval of this agreement modification. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to modify the agreement with Alzheimer’s Disease and Related Disorders Association, Inc. dba Alzheimer’s Association, 225 N. Michigan Ave., Ste 1700, Chicago, Illinois 60601, not to exceed \$112,000 for the period July 1, 2024 – June 30, 2025.

Budget Impact: Expenses are fully funded and are being incorporated into the approved 2024 and proposed 2025 County Budget to support OFA Alzheimer’s Disease Caregiver Support Initiative services. There is no county cost to accept these funds.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 242 PERMISSION TO APPLY AND ACCEPT GRANT FUNDS-OFA/ ROCHESTER AREA COMMUNITY FOUNDATION MURIEL H. MARSHALL FUNDS- APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of the Office for the Aging did request permission to apply for two grant awards: \$88,000 for Centralized Intake, and \$16,225 for Marketing Coordination from the Rochester Area Community Foundation’s Muriel H. Marshall Fund for the Aging each for the period of July 1, 2024- June 30, 2025 and these grants total \$104,225 in Marshall Fund grant revenue; and

WHEREAS, the Committees on Human Services and Ways and Means did review this request and do recommend acceptance of these grants. Now, therefore, be it

RESOLVED, that the Chairperson of the Genesee County Legislature is authorized and directed to sign the Rochester Area Community Foundation grant award letters acknowledging acceptance of these Muriel H. Marshall Fund for the Aging grants by Genesee County; and is authorized to enter into any and all agreements under the grants awarded to contract for goods and services to meet the requirements under each of the grants awarded.

Budget Impact: \$104,225 of Marshall H. Marshall Fund grant awards were calculated into the approved 2024 county budget for Centralized Intake and Marketing Coordination. There is no county cost to receive these funds.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 243 2024 BUDGET AMENDMENT-OFA/ADDITIONAL SERVICE PROVISION – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Office for the Aging would like to provide the opportunity for older adults in Genesee County to have a dinner dance this fall, utilizing funds from Gifts and Donation revenue that had been deferred, and

WHEREAS, the Office for the Aging also has funding remaining from American Rescue Plan funds that can be brought into our budget to provide an additional shower modification, provide additional materials and resources for health promotion programming and for caregivers, and

WHEREAS, the Committees on Human Services and Ways and Means did review this request and do recommend approval of this budget amendment. Now, therefore, be it

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2024 budget in the following manner:

Increased Revenue:

A. 6772.2705 Gifts and Donations	\$1,500
A. 6772.4772 Federal Aid	\$32,233

Increased Appropriations:

A. 6772.1010.0000 Personnel	\$13,781
A. 6772.4110.0011 Cost Per Copy	\$500
A. 6772.4130.0000 Paper	\$500
A. 6772.4170.0000 Advertising	\$200
A. 6772.4410.0202 Equipment Maintenance	\$15,500
A. 6772.4550.0000 Training	\$150
A. 6772.4700.0000 Specialized Supplies	\$1,452
A. 6772.4800.0010 Program Expense Food	\$1,650

Budget Impact: There is a 10% county share to receive the \$32,233 ARP funds, which has already been accounted for in the 2024 county budget. There is no county cost to utilize the \$1,500 as it is coming from deferred Gifts and Donations.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 244 APPROVAL OF STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS-NEW YORK STATE RETIREMENT SYSTEM-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the New York State and Local Employees' Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009, and

WHEREAS, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

NOW THEREFORE, BE IT

RESOLVED, that the County of Genesee hereby establishes the following as standard work day for the listed titles and will report the officials to the New York State and Local Retirement System based their records of activities:

Title	Standard Work Day (hrs/day)	Name	Tier 1	Current Term begin & end	ROA results	ROA –Not Submitted
Legislator	6 hrs	Gregg H. Torrey	No	1/1/24-12/31/27	13.10	
Legislator	6 hrs	Brooks Hawley	No	1/1/24-12/31/27	13.08	
Legislator	6 hrs	Christian Yunker	No	1/1/24-12/31/27	12.56	
Clerk	7.5hrs	Michael Cianfrini	No	1/1/24-12/31/27	23.20	

BE IT FURTHER RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law. Be it further,

RESOLVED, certified copies of this resolution shall be forwarded to the Finance Commissioner, the Genesee County Human Resource Director and Treasurer and the New York State Comptroller following 30 days of public posting.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 245

REAPPOINTMENT-GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER (“GCEDC”)- 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, Ms. Chandy Kemp submitted an application 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 on Ways and Means does recommend Ms. Chandy Kemp be reappointed at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby reappoint Ms. Chandy Kemp of LeRoy, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective July 1, 2024 to June 30, 2026.

Budget Impact: None.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 246

CONTRACT RENEWAL–PUBLIC HEALTH/ FINGER LAKES REGIONAL TRAINING CENTER WESTERN REGION HEALTH EMERGENCY PREPAREDNESS TRAINING CENTER–APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, the Public Health Director did present a contract renewal for the provision of Finger Lakes Regional Training Center Western Region Health Emergency Preparedness Training Center, and

WHEREAS, the Committee on Human Services did review the request to renew a contract for the provision of Finger Lakes Regional Training Center Western Region Health Emergency Preparedness Training Center 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 a contract renewal with the Finger Lakes Regional Training Center Western Region Health Emergency Preparedness Training Center, having its principal location of business at, 601 Elmwood Avenue, Box 709, Rochester, NY 14642, for the period of July 1, 2024 through June 30, 2027.

Budget Impact: No County cost.

Legislator Deleo seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 247

CONTRACT RENEWAL–PUBLIC HEALTH/QUEST DIAGNOSTICS OF PENNSYLVANIA, INC– APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, the Public Health Director did present a contract renewal with Quest Diagnostics of Pennsylvania, Inc. to provide laboratory services for the Genesee County Public Health Department, and

WHEREAS, the Committees on Human Services did review this contract renewal and do recommend approval at this time. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to

execute a contract renewal with Quest Diagnostics of Pennsylvania Inc., having its principal location of business at 500 Plaza Drive, Secaucus, NJ 07032, to provide laboratory services commencing on June 14th, 2024.

Budget Impact: All expenses associated with this contract will be paid for by Article Six State aid funds. No county cost.

Legislator Deleo seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 248

**RENEWAL LEASE AGREEMENT-OFA/
LIFESPAN- APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, the Director of the Office for the Aging did request approval of a lease agreement renewal with Lifespan of Greater Rochester, Inc., 1900 Clinton Avenue S., Rochester, N.Y. 14618 for the period of July 1, 2024 – June 30, 2025 for rental of one 80 square foot office space to house a Lifespan employee working in the Muriel H. Marshall Fund for the Aging in Genesee funded Financial Management Program for an annual rent of \$1,367 and

WHEREAS, the Rochester Area Community Foundation has renewed the grant with Lifespan of Greater Rochester, Inc. to provide financial management services; and the program coordinates with other Marshall Fund grantee services as well as Genesee County Office for the Aging programs and services; and to facilitate such coordination it is mutually beneficial to be housed in the Office for the Aging which has available office space available, and

WHEREAS, the Committee on Human Services did review this request and does recommend approval of this lease agreement. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to renew a lease agreement with Lifespan of Greater Rochester, Inc., 1900 Clinton Avenue S., Rochester, N.Y. 14618 for the period of July 1, 2024 – June 30, 2025 for a yearly cost of \$1,367, paid in quarterly installments of \$341.75 per quarter.

Budget Impact: Rental income is included as a revenue in the approved 2024 County Budget.

Legislator Deleo seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 249

**INSURANCE CERTIFICATE-OFA/ 2024 FARMERS'
MARKET, BATAVIA - APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, the Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars and naming the Genesee Country Farmers' Market, the Batavia Improvement District, the City of Batavia, as additional insured, and

WHEREAS, the Office for the Aging desires to staff a table on services for older adults and to distribute NY State Department of Agriculture and Markets Farmers' Market Coupons at the Genesee Country Farmers' Market, held at enter Jackson and School Street, Batavia, NY, between July 1, 2024- September 30, 2024, and

WHEREAS, the Committee on Human Services does recommend approval at this time. Now, therefore, be it

RESOLVED, that the Genesee County Attorney is hereby authorized and directed to execute the necessary documents to name the following as additional insured for from the hours of 8:00am-5:00pm for the dates include July 1, 2024-September 30, 2024:

1. Genesee Country Farmers Market
Batavia, NY 14020
PO Box 88
Oakfield, NY 14125
2. Batavia Improvement District (BID)
200 East Main Street
Batavia, NY 14020
3. City of Batavia

WHEREAS, unfortunately, there are also numerous situations where defendants have been kept in restoration for periods of three, six, or even 10 years, and

WHEREAS, these lengthy confinements have been declared to be unconstitutional by the U.S. Supreme Court as shown in the case of Jackson v. Indiana (1972), which provides that states may not indefinitely confine criminal defendants solely on the basis of incompetence to stand trial, and

WHEREAS, the Office of Mental Health (OMH) has diverged from agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration, and

WHEREAS, the SFY 2020-21 budget required counties to pay 100 percent of the OMH State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers, and

WHEREAS, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the Mental Hygiene Law, and

WHEREAS, the county cost of these services is over \$1,300 per day and current statute does not require a timeline be established for when a defendant is unable to be restored; and

WHEREAS, the county cost of restoration for one defendant can be upwards of \$400,000 per year; and

WHEREAS, in New York State, counties, through the county tax levy, already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness, and the requirement to assume 100% of 730.20 competency restoration costs has taken away millions of dollars from critical behavioral health programming in the community; and

WHEREAS, given the advances in the behavioral health and the modernization of the criminal justice system, it is time for the State to reform the statutory authority governing competency restoration to ensure that only individuals who are appropriate subjects of 730 court orders are sent for restoration in accordance with the current state of these two systems; and

WHEREAS, the Legislature has introduced S.1874 (Brouk)/A.5063 (Gunther), which seeks to address the reforms necessary to update the archaic requirements of current statute, many which have been deemed unconstitutional and includes a critical requirement to reinvest any savings derived by the counties back into the local mental hygiene systems of care. Now, therefore, be it

RESOLVED, CPL § 730.10 shall be modified to make clear that restoration is not mental health treatment, so the judiciary is better informed that a 730 order does not treat underlying mental health conditions, and Be it further

RESOLVED, CPL § 730.20 shall be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tell the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment, and Be it further

RESOLVED, OMH will consistently follow their agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration, and Be it further

RESOLVED, CPL § 730.20 shall adjust the fee for reimbursing psychiatric examiners and CPL § 730.50 shall limit the time defendants are ordered for restoration services, and Be it further

RESOLVED, MHL § 9.33 shall allow individuals to be transferred to Article 9 facilities if it is determined that a defendant is unable to be restored and MHL § 43.03 shall require Local Governmental Units (counties) to reinvest savings from these reforms into community mental health services, and be if further

RESOLVED, Genesee County calls on the State to support all provisions outlined in S.1874 (Brouk)/A.5063 (Gunther). Be it Further

RESOLVED, that the Clerk of the Legislature will send certified copies electronically of this resolution to Governor Kathy Hochul, New York State Senate Majority Leader, Andrea Stewart-Cousins and Senate Minority Leader Robert Ort, New York State Assembly Majority Speaker Carl Heastie, New York State Assembly Majority Leader Crystal Peoples-Stokes, Minority Leader William Barclay, Senator George Borrello, Assemblyman Stephen Hawley, NYSAC and members of ICAWNY.

Legislator Dibble seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RESOLUTION NO. 252

COUNTY AUDIT—JUNE 12, 2024 - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Maha did review the following claims:

2024 General Fund	\$	1,485,868.06
2024 Highway		123,019.67
2024 Self Insurance		1,979.48
2024 Water Fund		1,126,486.61
DSS Abstracts		207,264.36

Capital Projects

Sheriff/Jail – Jail Construction		53,721.71
Airport – Replace Runway PAPI System		6,750.00
Airport – Airport Pavement Management System		29,000.00
Airport – Runway, Lighting, and Signage Replacement		3,000.00
County Manager – Building Security Upgrades		31,441.88
Facilities Management – Animal Shelter Upgrades		11,250.00
Facilities Management – Engine House Renovations		58.20
Facilities Management – Holland Land Office Restoration Study		5,000.00
Highway – Large Span Culverts		261,417.78
Highway – County Road 50 (Perry Road)		11,451.84
Highway – Highway Recycling		1,173.57

Payroll – General

May 31, 2024		1,510,700.97
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Medicaid

May 28, 2024		181,406.00
June 4, 2024		181,406.00
June 11, 2024		181,406.00

Total Audit	\$	5,413,802.13
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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 Maha seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.

RULE 19

RESOLUTION NO. 253

**AWARD OF RFP AND CONTRACT AGREEMENT-
INFORMATION TECHNOLOGY/
TELECOMMUNICATIONS SERVICES WITH EMPIRE
ACCESS-36-MONTH PRI SERVICE - THREE
LOCATIONS - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the County issued RFP 2024-108 for the provision of Telecommunications Services, and

WHEREAS, the proposals received were reviewed by a committee consisting of Director of Information Technology, IT Operation Analyst II and IT Operation Analyst I, and

WHEREAS, the Director of Information Technology is recommending Genesee County award RFP 2024-108 - Telecommunication Services to Empire Access to provide PRI service to Genesee County, and

WHEREAS, the Director of Information Technology did present a 36-month agreement with Empire Access to provide PRI (Primary Rate Interface) service to 3837 W Main Street, 5130 E Main Street, and 15 Main Street, Batavia, NY, which will replace the previous service provider Windstream, and

WHEREAS, the County Attorney and Genesee County Legislature reviewed the request and does

recommend approval at this time. Now, therefore, be it

RESOLVED, the Chair of the Genesee County Legislature authorizes the Director of Information Technology to approve the award of RFP 2024-108 Telecommunication Services. Be it further

RESOLVED, the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with Empire Access, 34 Main Street, Prattsburgh, New York 14873 for a 36-month phone service agreement effective August 1, 2024 through July 31, 2027 at a base cost of \$1,270 a month, plus overages after the 60,000 included minutes.

Budget Impact: \$1,270 plus overages monthly charge from A.1680 4290.0400 NY Phone-Basic Svc. County IT will be less than the current Windstream monthly invoice so the difference in overall cost will be much less.

Legislator Hawley seconded the resolution, which was adopted by 184 (Klotzbach-16 absent) votes.