

**ELEVENTH DAY
 GENESEE COUNTY LEGISLATURE
 OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
 WEDNESDAY, JUNE 14, 2023**

The Genesee County Legislature met in Regular Session on Wednesday, June 14, 2023 at 5:30 PM in the Legislative Chambers of the Old Courthouse.

Legislator Dibble offered to assist with the audit. The prayer was offered by Legislator Torrey followed by the Pledge to the Flag.

In addition to our regular meeting, Madam Chair Stein called a public hearing on the 2023-2024 Operational Budget for Genesee Community College with Sponsor’s Share. Motion to open the public hearing at 5:32 P.M. by Chair Stein.

Proclamations & Commendations:

Dairy Month - Presented by Legislator Yunker. Accepted by FAA members Amelia Brewer, Maggie Winspear, Ian and Addison Keberle, Natasha, Daniel and Lockwood Sutherland. Amelia Brewer spoke on behalf of Future Farmers of America (FFA) expressing the importance of agriculture in our community. FAA members handed out ice cream novelties to Legislature and audience. Natasha Sutherland thanked Legislature support and also spoke of the rewards of being a dairy farmer and the importance of agriculture in the community. Chair Stein thanked FAA members and Natasha Sutherland for their hard work and for the ice cream; stating this is the best meeting of the year.

Flag Day – Presented by Legislator Clattenburg. Accepted by County Manager Matt Landers Approval of Minutes for May 24, 2023 motioned by Legislature Hawley, seconded by Legislature Dibble carried unanimously.

Committee & Special Assignment Reports: Legislator Yunker commented about the jail tour on Monday expressing there has been a lot of activity and very busy now. Well within budget. Anticipating fall or winter tours for the public. Sheriff will provide communication of an open house at some point.

Communications & Petitions:

1. Travel Out-of-State: Nicole Pierce/Health Department – National Environmental Health Association 2023 Annual Educational Conference – Grant Funded \$2,610

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

2. Travel Out-of-State: Grace Marzolf/Health Department - National Environmental Health Association 2023 Annual Educational Conference – Grant Funded \$2,610

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

3. Travel Out-of-State: Emily Penrose/Health Department – Dearborn County Fatality Review Board Management and Apply Lessons to New FRB in Genesee and Orleans Counties – Grant Funded \$787

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

Legislator Comments: Chair Stein thanked Future Farmers of America members Maggie Winspear, Amelia Brewer, Ian and Addison Keberle for the ice cream they provided for dairy month.

County Manager Report: Conserving water is a big topic right now and looking into messaging campaign utilizing billboards and social media. Encouraged everyone to conserve every drop of water. Manager Landers spoke of recent legislation that was passed to include even year election terms. Also spoke about a bill being passed around regarding foreclosures which will impact to the County.

Resolutions: Consent Agenda Items

Ways And Means:

Chair Stein announced tonight’s Legislature will follow a consent agenda. Resolutions 1 through 21 was been approved by the Ways and Means Committee Chair to be introduced and moved for their adoption. Legislator Clattenburg motioned for adoption for resolutions 1-21, a requested a second, Legislator Yunker seconded.

1. Intermunicipal Agreement-Treasurer/Oakfield-Alabama Central School District Tax Collection
2. Award Of Contract – Human Resources/Third Party Administration/Dental And Medical Cobra Services
3. Contract Amendment-Human Resources/Third Party Administration Of Self-Funded Health Plan/Independent Health/Nova Healthcare Administrator
4. Grant Acceptance/Establish Capital Project/2023 Budget Amendment – Airport/Airport Pavement Management System
5. Employee Salary Schedule Amendment – Sheriff’s Office/Jail/Extend Community Health Nurse And Registered Professional Nurse Positions
6. Authorization to Establish, Amend, Close/Budget Amendment/Transfer-2023 Capital Projects
7. Award Of Contract – Sheriff’s Office/ Frontier Communications Corp. Next Generation 9-1-1 Equipment, Engineering, And Support Services
8. Setting of the Public Hearing - Local Law Mortgage Tax Renewal
9. Lease Agreement – Friends of Batavia Peace Garden Foundation
10. Setting Second Public Hearing-Community Development Block Grant Funding
11. Capital Projects Establishment/ Budget Amendment – Genesee Community College
12. Capital Project Establishment/ Budget Amendment – County Manager -Countywide Broadband Expansion
13. Appointment - Office For The Aging/ Advisory Council/ Stenger
14. Appointment - Office For The Aging/ Advisory Council/Wilkes
15. Affiliation Agreement – Youth Bureau/Batavia Sports Facility Management LLC
16. Grant Acceptance – Youth Bureau/USTA Grant
17. Grant Acceptance/Budget Amendment – GRASA Summer Common Application Grant

18. 2023 Donation Acceptance-Genesee County Veterans Service Agency
19. Grant Acceptance – Health Department/Healthy Neighborhoods Program
20. 2023 Employee Salary Schedule Amendment-Department Of Social Services/Part Time Social Welfare Examiner
21. Lease Agreement–Holland Purchase Historical Society, Inc.

Clerk please call the roll for resolutions 1 - 21

1-21	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	2		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	X		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	200		200	200
Roll Call			200	
Approval			101	134

Human Service Committee under the Consent Agenda:

Chair Stein announced Resolution 22 was approved by the Human Service Committee. Committee Chair Torrey motioned for adoption of resolution 22 and requested a second, Legislator Hawley seconded.

22. Contract Renewal – Health Department/NMS Labs

Clerk please call the roll for resolutions 22

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

Chair Stein asked before closing the public hearing were there any interested parties to be heard? Dr. Sunser, President of Genesee Community College spoke. Dr. Sunser thanked Genesee County for consideration and for attending in person for the Board of Trustees. He thanked Chair Stein for being at Genesee Community College Commencement which shows great support of GCC Campus and Community.

A motion to close the public hearing made by Legislator Yunker, seconded by Legislator Dibble at 6:00 p.m.

Non-Consent Items:

A motion to bring back a table resolution from the Legislature Meeting on May 24th made by Legislator Clattenburg, seconded by Legislator Torrey

Bring back from Table	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	X		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	2		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	200		200	200
Roll Call				200

Approval	101	134
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Legislator Clattenburg offered the Following Resolutions:

23. 2023-2024 Operational Budget-Genesee Community College/Sponsor's Share, seconded by Legislature Torrey

Please take the roll call:

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

24. A Resolution Authorizing Phase 3 Of The Water Supply Project In And For The County Of Genesee, New York, At A Total Maximum Estimated Cost Of \$150,000,000 And Authorizing The Issuance Of Not Exceeding \$150,000,000 Bonds Of Said County To Pay Costs Thereof, seconded by Legislature Maha

Please take the roll call:

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

25. A Local Law Introductory C of the Year 2023 With Regard to the Imposition of a Mortgage Recording Tax Within the County of Genesee, seconded by Legislator Torrey

Please take the roll call:

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

26. County Audit – June 14, 2023 seconded by Legislator Dibble.

Please take the roll call:

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

RESOLUTION NO. 226

CONTRACT AMENDMENT-HUMAN RESOURCES/THIRD PARTY ADMINISTRATION OF SELF-FUNDED HEALTH PLAN/INDEPENDENT HEALTH/NOVA HEALTHCARE ADMINISTRATOR – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution No. 490 in the year of 2022 established an agreement with Independent Health/Nova Healthcare as the Third Party Administrators for Genesee County’s Self-Funded Health Plan, and

WHEREAS, the contract with Independent Health/Nova Healthcare includes medical COBRA administration services, and

WHEREAS, the County Manager and Human Resources Director, in conjunction with the County’s Health Plan Consultants recommend discontinuing medical COBRA administration service thru Independent Health/Nova Healthcare, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to amend the agreement with Independent Health/Nova Healthcare Administrators, 511 Farber Lakes Drive, Buffalo, New York by removing the provision of medical COBRA administration service effective July 31, 2023, and adopting the following amended fee schedule effective August 1, 2023:

	<u>Per Member Per Month</u>
2023 Medical/Vision Administration Fee:	\$43.05
Prescription Drug Coordination with Outside Vendor	<u>2.00</u>
	\$45.05

Budget Impact: Projected annual cost of COBRA Administration with new vendor is \$4,632 and an annualized savings of approximately \$7445.

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

RESOLUTION NO. 227

GRANT ACCEPTANCE/ESTABLISH CAPITAL PROJECT/2023 BUDGET AMENDMENT – AIRPORT/AIRPORT PAVEMENT MANAGEMENT SYSTEM – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County is anticipating an Airport Improvement Program (AIP) grant from the Federal Aviation Administration for the development of an Airport Pavement Management System for the Genesee County Airport, and

WHEREAS, the County Superintendent of Highways recommends establishing a capital project for the execution of this grant, and

WHEREAS, the Committee 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 Treasurer is hereby authorized and directed to establish a capital project AIP 49-23, Airport Pavement Management System for a total of \$85,000 as per the following: Federal Funds \$76,500; State Funds \$4,250; County Funds \$4,250 (1% Sales Tax), and be it further

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2023 Budget: Increase H.5997 5031 Interfund Revenue \$4,250; Increase H.5997 4592 Federal Aid \$76,500; Increase H.5997 3897 State Aid \$4,250; Increase H.5997 2080.0000 Airport Pavement Management System \$85,000, and be it further

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2023 Budget: Increase A.1000 1110.1 Sales Tax 1% \$4,250 and increase A.9950 9000.0000 Transfer to Capital \$4,250.

Budget Impact: 90% federal aid of \$76,500, 5% state aid of \$4,250 and a local match from the 1% sales tax of \$4,250.

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

**RESOLUTION NO. 228 EMPLOYEE SALARY SCHEDULE AMENDMENT –
SHERIFF’S OFFICE/JAIL / EXTEND COMMUNITY
HEALTH NURSE AND REGISTERED
PROFESSIONAL NURSE POSITIONS – APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Jail’s Community Health Nurse and Registered Professional Nurse positions are scheduled to be eliminated as of June 30, 2023, and

WHEREAS, Genesee County received no responses to its RFP for Jail medical services which were to begin July 1, 2023, and

WHEREAS, the RFP has been sent back out to bid with a return date of May 31, 2023, and a start date estimated to be September 1, 2023, and

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

RESOLVED, that the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2023 Employee Salary Schedule by extending the positions of CSEA Grade 18N Community Health Nurse and CSEA Grade 16N Registered Professional Nurse positions through August 31, 2023, at an estimated cost of \$24,537.

Budget Impact: Funds are available in the 2023 Jail budget to cover the estimated cost of \$24,537.

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

**RESOLUTION NO. 229 AUTHORIZATION TO ESTABLISH, AMEND,
CLOSE/BUDGET AMENDMENT/TRANSFER- 2023
CAPITAL PROJECTS - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Planning Director, County Manager and County Treasurer did prepare a list of Proposed Countywide Capital Projects for fiscal years 2023 through 2027 and a list of capital projects to be funded in 2023 and do recommend establishment of Sheriff – Dispatch Center NG-911 Upgrade at this time, and

WHEREAS, the Sheriff and Director of Emergency Communications have determined that Public Safety- Communications Tower project is completed and recommends it be closed and the available balance be transferred to the Sheriff’s – Dispatch Center NG-911, and

WHEREAS, the Committee on Ways and Means has reviewed these requests and recommends said Capital Projects be established, amended and closed at this time. Now, therefore, be it

RESOLVED, that the Genesee County Treasurer be and hereby is authorized to establish new Capital Project for the year 2023:

<u>PROJECT</u>	<u>FUNDING SOURCE</u>	<u>AMOUNT</u>
Sheriff – Dispatch Center NG-911	1% Sales Tax	\$ 200,000.00
	Transfer from other project	\$ 253,760.79
	SICG 10 Grant	\$ 303,077.02
	Assemblyman Hawley Grant	\$ 100,000.00
	TOTAL	\$ 856,837.81

and Be it further

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

\$ 253,760.79 From Capital Project, Public Safety – Communications Tower
\$ 253,760.79 To Capital Project, Sheriff – Dispatch Center NG-911 Upgrade

and, Be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 Genesee County Budget by Decreasing H.3397.3097 - State Aid – Comm Grant by \$15,522.71 and Decreasing H.3397.2080.0000- Capital Project Expense in a like amount and, Be if further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 Genesee County Budget by Increasing A9950.9 – Transfer to Capital in the amount of \$200,000 offset by an Increase in A.1000.1110.1- 1% Sales Tax in a like amount, and increase appropriation H.3397.2080.0000 Public Safety – Capital Project Expense in the amount of \$603,077.02, offset by an increase in revenue H.3397.5031 – Public Safety Capital Project, Interfund Transfer by \$200,000, increase in H.3397.3097 – State Aid – Comm Grant by \$100,000, and an increase in H.3390.SICG- St. Aid SICG by \$303,077.02. Be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to close the Public Safety Communications Tower project.

Budget Impact: Project funded by 1% Sales Tax and St Aid grant funding.

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

RESOLUTION NO. 230

**AWARD OF CONTRACT – SHERIFF’S OFFICE/
FRONTIER COMMUNICATIONS CORP. NEXT
GENERATION 9-1-1 EQUIPMENT, ENGINEERING,
AND SUPPORT SERVICES – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the current Genesee County Emergency Services Dispatch Center 9-1-1 equipment and software is obsolete, and

WHEREAS, Genesee County Emergency Services Dispatch Center NG-911 Upgrade Capitol Project was established by Resolution #___ in June of 2023, and

WHEREAS, a proposal was solicited from Frontier Communications of America, Inc. as the authorized sales and service provider for the manufacturer of the Genesee County Emergency Services Dispatch Center 9-1-1 system, and

WHEREAS, this project is an upgrade and not a replacement of Genesee County Emergency Services Dispatch Center 9-1-1 system, New York State Division of Homeland Security and Emergency Services has authorized Frontier Communications of America, Inc. as a sole source provider, and

WHEREAS, after careful review by the Sheriff, County Attorney, County Purchasing Director, Information Technology Director, and the Director of Emergency Communications, it is recommended a contract for the Next Generation 9-1-1 equipment, engineering, and support services to upgrade our current 9-1-1 system be awarded to Frontier Communications Corporation at a cost not to exceed \$856,837.81, which includes \$50,000.00 contingency for unforeseen complications, and

WHEREAS, the Ways & Means committee did review this proposal 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 enter into an agreement with Frontier Communications of America, Inc. 401 Merritt 7, Norwalk, CT 06851, for Next Generation 9-1-1 equipment, engineering, and support services to upgrade our current 9-1-1 system at a cost not to exceed \$856,837.81.

Budget Impact: The cost of this project (\$856,837.81) is from Capital Project Genesee County Emergency Services Dispatch Center NG-911 Upgrade.

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

RESOLUTION NO. 231

**SET PUBLIC HEARING – A LOCAL LAW
INTRODUCTORY C OF THE YEAR 2023 WITH
REGARD TO THE IMPOSITION OF A MORTGAGE
RECORDING TAX – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, there is hereby introduced to the Genesee County Legislature a proposed Local Law entitled: “A LOCAL LAW INTRODUCTORY C OF THE YEAR 2023, A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 2020, WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE – ADOPTION OF” and

WHEREAS, subdivision 5 of Section 20 of the Municipal Home Rule Law requires a Public Hearing to be held on such Local Law, and

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

RESOLVED, that public hearing shall be held on the proposed Local Law C of the Year 2023 on June 28, 2023 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York.

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

RESOLUTION NO. 232

**LEASE AGREEMENT – FRIENDS OF BATAVIA
PEACE GARDEN FOUNDATION – APROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Manager did present an agreement with the Friends of Batavia Peace Garden Foundation for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, Batavia, for administrative purposes for the period of May 1, 2023 – November 30, 2023, at a rate of \$50.00 for the term of the contract, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement between the Friends of Batavia Peace Garden Foundation and the County of Genesee for the lease of 682 sq. ft. of space at the Engine House, 3 West Main Street, effective May 1, 2023 through November 30, 2023; at a cost of \$50.00 for the term of the contract.

Budget Impact: Revenue to the County of \$50.00 for the term of the contract

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

**RESOLUTION NO. 233 SETTING SECOND PUBLIC HEARING-COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDING – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County received Community Development Block (CDBG) funding from the New York State Office of Community Renewal (Project No. 444CVSB28-21) to implement the Genesee CARES Business Recovery Fund (the “Program”), and

WHEREAS, the Genesee County Legislature is required to hold a public hearing to discuss the implementation of the Program and to provide information about the progress of the ongoing CDBG Program and to receive comments related to the effectiveness of administration of the CDBG Program, and

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

RESOLVED, that a public hearing be held on June 28 2023, at 5:30 p.m. at the Old Court House, 7 Main Street, Batavia, New York, during the Genesee County Legislature, where at all interested parties shall be heard regarding the implementation of the CDBG Program, and be it further

RESOLVED, that the Clerk of the Legislature is directed to prepare a notice of said hearing, to cause the publication of the notice of such hearing in the newspaper which have been officially designated by this Legislature to publish “notices”, and to affix a copy of said notice on the bulletin

board in the Old Courthouse at 7 Main Street, Batavia, New York; both publication and posting to be made at least eight (8) days before the public hearing.

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

**RESOLUTION NO. 234 CAPITAL PROJECTS ESTABLISHMENT/ BUDGET
AMENDMENT – GENESEE COMMUNITY
COLLEGE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee Community College Board of Trustees formally approved the Facilities Master Plan on October 5, 2020, and

WHEREAS, Resolution 483 duly adopted on November 22, 2021 and Resolution 101 duly adopted on March 10, 2022, did commit funding for 50% of said projects cost as the host community, and

WHEREAS, Resolution 201 duly adopted on May 24, 2023, did authorize reallocation of funds due to budget fluctuations in the Technology Parking Lot (Lot T) Replacement and HVAC System proposed projects, and

WHEREAS, Genesee Community College is requesting the establishment of capital projects: Technology Parking Lot (Lot T) Replacement and HVAC System, and

WHEREAS, the Committee on Ways and Means has reviewed these requests and does recommend that said capital projects be established at this time. Now, therefore, be it

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to establish capital projects:

Technology Parking Lot (Lot T) Replacement	\$ 300,000
HVAC System	\$ 500,000

and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 Genesee County Budget by increasing A9950.9 – Transfer to Capital in the amount of \$400,000 offset by an increase in A.1000.1110.1 – 1% Sales Tax in a like amount, and Be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 budget by increasing appropriation H.2497.2080.0000 (Capital Project Expense) by \$800,000 offset by an increase in revenue H.2497.3285 (St. Aid Community College Const.) in the amount of \$400,000 and H.2497.5031(Interfund Transfer) in the amount of \$400,000

Budget Impact: As the host community, Genesee County will be responsible for \$400,000 for said projects

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

**RESOLUTION NO. 235 CAPITAL PROJECT ESTABLISHMENT/ BUDGET
AMENDMENT – COUNTY MANAGER -
COUNTYWIDE BROADBAND EXPANSION –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Coronavirus-19 (COVID-19) pandemic brought to light how critical affordable broadband internet access is to rural communities, and

WHEREAS, Genesee County Legislature is desirous of ensuring that all residential, business, and government constituents have access to affordable, reliable, high-speed internet access, and

WHEREAS, the Genesee County Manager is requesting the establishment of a Countywide Broadband Expansion Capital Project, and

WHEREAS, the Committee on Ways and Means has reviewed these requests and does recommend that said capital projects be established at this time. Now, therefore, be it

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to establish capital projects:

County Manager - Countywide Broadband Expansion \$5,000,000

and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 budget by increasing A.1231.4800.0700 – ARPA Contractual Expense in the amount of \$2,000,000 to be offset by an increase in revenue A.1231.4089.3 – Federal Aid ARPA, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 Genesee County Budget by increasing A9950.9 – Transfer to Capital in the amount of \$3,000,000 offset by an increase in A.1000.9999-Balancing- Appropriated - in a like amount with funds coming from A915.9 -Assigned Unappropriated - Broadband, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 budget by increasing appropriation H.1997.2080.0000 (Capital Project Expense) by \$5,000,000 offset by an increase in revenue H.1997.5031(Interfund Transfer) in the amount of \$3,000,000 and an increase in H.1997.2397 – Cp-Other Local Government in the amount of \$2,000,000

Budget Impact: Phase I of Broadband Expansion project expense of \$5,000,000 covered by ARPA funds in the amount of \$2,000,000 and \$3,000,000 from reserve.

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

RESOLUTION NO. 236 **APPOINTMENT - OFFICE FOR THE AGING/
ADVISORY COUNCIL/ STENGER- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Office for the Aging Advisory Council by-laws specify that the Advisory Council shall not exceed eighteen (18) members, including both Community members and Service Provider members and at least 50% of the Council members shall be Community members who are Genesee County residents age 60 and over, and

WHEREAS, an open position currently exists on the Office for the Aging Advisory Council and we offered invitation to a community member residing in the Town of Batavia to fill the Office for the Aging Advisory Council vacancy, based on NYSOFA regulations regarding OFA Advisory Council composition, and

WHEREAS, the Committees on Human Services and Ways and Means do recommend appointment at this time. Now Therefore, Be it

RESOLVED, that the Genesee County Legislature does hereby appoint the following to the Genesee County Office for the Aging Advisory Council to serve a first term effective June 15, 2023 through December 31, 2025.

Community Member:

Cheryl Stenger
4096 South Main Street Rd.
Batavia, NY 14020

Budget Impact: None

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

RESOLUTION NO. 237 **APPOINTMENT - OFFICE FOR THE AGING/
ADVISORY COUNCIL/WILKES- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Office for the Aging Advisory Council by-laws specify that the Advisory Council shall not exceed eighteen (18) members, including both Community members and Service Provider members and at least 50% of the Council members shall be Community members who are Genesee County residents age 60 and over, and

WHEREAS, an open position currently exists on the Office for the Aging Advisory Council and

we offered invitation to a community member residing in the Town of Batavia to fill the Office for the Aging Advisory Council vacancy, based on NYSOFA regulations regarding OFA Advisory Council composition, and

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

RESOLVED, that the Genesee County Legislature does hereby appoint the following to the Genesee County Office for the Aging Advisory Council to serve a first term effective June 15, 2023 through December 31, 2025.

Community Member:

Jo Louise Wilkes
8303 Lewiston Rd.
Batavia, NY 14020

Budget Impact: None

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

RESOLUTION NO. 238 AFFILIATION AGREEMENT BATAVIA SPORTS FACILITY MANAGEMENT LLC– YOUTH BUREAU – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Youth Bureau Executive Director did present an agreement with the Batavia Sports Facility Management LLC at 22 Evans St. Batavia, New York 14420 in recreational cooperation of providing storage and utilization of county owned roller and ice skates, and

WHEREAS, the Genesee County Attorney, did review the affiliation agreement and does recommend approval at this time, and

WHEREAS, the Committees of Human Services and Ways and Means did review the 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 execute an agreement and all necessary documents between the Batavia Sports Facility Management LLC and the County of Genesee for the storage and use of county owned roller and ice skates as an ongoing initiative to provide access to such equipment for Genesee County youth.

Budget Impact: There is no direct financial impact associated with this affiliation agreement.

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

RESOLUTION NO. 239 GRANT ACCEPTANCE – YOUTH BUREAU/USTA GRANT - APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Executive Director of the Genesee County Youth Bureau did receive notice of the award of grant funding in the amount of \$2,500 from USTA, and

WHEREAS, the Executive Director has requested that the County accept this funding which stipulated that this revenue will be utilized to purchase tennis equipment and operate a recreational tennis program, and

WHEREAS, the Committee on Human Services and 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 such documents as are deemed necessary to accept this grant and all funds.

Budget Impact: A \$2,500 increase in revenue and expenses to be funded fully by the above grant.

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

RESOLUTION NO. 240 GRANT ACCEPTANCE/BUDGET AMENDMENT – GRASA SUMMER COMMON APPLICATION GRANT - APPROVAL OF

Legislator Clattenburg offered the following resolution:

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement with the New York State Department of Health, for the acceptance of the Healthy Neighborhoods Program contract, for the period April 1, 2023 through March 31, 2024, in the amount of \$95,514 and to execute any and all other documentation related to this funding.

Budget Impact: All revenue and expenses associated with this grant are allocated in the 2023 4010 budget. \$0 Cost to the county. Revenue and expenses offset.

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

**RESOLUTION NO. 243 2023 EMPLOYEE SALARY SCHEDULE
AMENDMENT-DEPARTMENT OF SOCIAL
SERVICES/PART TIME SOCIAL WELFARE
EXAMINER- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, a full-time Social Welfare Examiner position at the Department of Social Services is currently vacant due to an internal job promotion, and

WHEREAS, there is an urgent need to have this position filled to assist with Chronic Care cases, the Commissioner of Social Services is requesting an amendment to the 2023 Employee Salary Schedule to continue one (1) temporary, part-time Social Welfare Examiner position to cover the duties of a vacant full time Social Welfare Examiner position until December 31, 2023 or until the full-time position is filled, whichever is sooner, and

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

RESOLVED, that the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2023 Employee Salary Schedule by continuing the temporary, part-time Social Welfare Examiner position, CSEA Grade 12S, effective immediately upon legislative approval.

Budget Impact: The full time Grade 12S Social Welfare Examiner position (200-011) that is currently in the 2023 budget is vacant. We will use the Grade 12S Social Welfare Examiner hire rate of \$20.45/hour for the part-time position. The part-time position will be utilized until December 31, 2023, or until the full-time position is filled. As the current full-time Social Welfare Examiner position is budgeted for 2023 there will be no budget impact for the part-time Social Welfare Examiner position. State and Federal reimbursement ranges between 66-100% as determined by case specific eligibility.

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

**RESOLUTION NO. 244 LEASE AGREEMENT – COUNTY
ATTORNEY/HOLLAND PURCHASE HISTORICAL
SOCIETY, INC. – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County currently has a Landlord/Tenant relationship with the Holland Purchase Historical Society, Inc., and

WHEREAS, the County is the owner of the premises located at 131 West Main Street, Batavia, New York, more commonly known as the Holland Land Office Museum, and

WHEREAS, the County agrees to lease to the Historical Society the premises commonly known as the Holland Land Office Museum located at 131 West Main Street, Batavia, NY. The Historical Society will lease the entire two (2) story Holland Land Office Museum building and its east and west wings, totaling 6,132 sq. ft. and shall have the right to use the west side parking lot in common with other visitors and uses, and

WHEREAS, the term of this Agreement shall be for twenty (20) years, commencing July 1, 2023 and ending June 30, 2043. It is understood between the County and Holland Purchase Historical

through August 31, 2024 in the amount of \$2,786,374 and cause the same to be included in the County Tax levy for the year 2023.

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

RESOLUTION NO. 247

A RESOLUTION AUTHORIZING PHASE 3 OF THE WATER SUPPLY PROJECT IN AND FOR THE COUNTY OF GENESEE, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$150,000,000 AND AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$150,000,000 BONDS OF SAID COUNTY TO PAY COSTS THEREOF

Legislator Clattenburg offered the following resolution:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

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

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Genesee, New York, as follows:

Section 1. Phase 3 of the water supply project is hereby authorized in and for the County of Genesee, New York, including pump stations, water storage tanks upgrades, transmission and distribution mains and incidental improvements and costs in connection therewith.

Section 2. The plan for the financing of the aforesaid purpose shall be by the issuance of \$150,000,000 bonds of said County, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds shall be reduced to the extent of grants and other funding sources.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Genesee, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Treasurer, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to

expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Legislator Maha seconded the resolution, which was adopted by 200 votes under the two-thirds majority, weighted voting plan of the Genesee County Legislature.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES:	9
NAYS:	0
ABSENT:	0
EXCUSED:	0

RESOLUTION NO. 248

A LOCAL LAW INTRODUCTORY C OF THE YEAR 2023, A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 2020, WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE – ADOPTION OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the following resolution was duly introduced to Genesee County Legislature in accordance with the Law: LOCAL LAW INTRODUCTORY NO. C, YEAR 2023, and AMENDING LOCAL LAW 1 OF THE YEAR 2020 WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE

Be it enacted, by the Legislature of the County of Genesee, State of New York as follows:

Section 1. Section 1 of Local Law 1 of the Year 2020 is hereby amended to read as follows:

Section 1. Imposition of Tax

- (a) Pursuant to Chapter 579 of the Laws of 2004, Local Law No. 1 of the year 2020 is hereby amended to end on **October 31, 2023** in accordance with Tax Law § 253-K, Recording Tax imposed by the County of Genesee.
- (b) Pursuant to Chapter 579 of the **Laws of 2004 for the period beginning November 1, 2023 and ending November 1, 2025**, there is hereby imposed, in the County of Genesee, a tax of \$0.25 for each \$100.00, and each remaining major fraction thereof of principal debt of obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage or real property situated within the County of Genesee and recorded on or after November 1, 2023 and a tax of \$0.25 on such Mortgage if the principal debt or obligation which is or by an contingency may be secured by such mortgage is less than \$100.00.

Section 2. Effective Date

This local law shall take effect on **August 1, 2023** provided a certified copy thereof is mailed by registered or certified mail to the New York State Commissioner of Taxation and Finance at least 30 days prior to such date. Certified copies of this local law shall also be filed with the Genesee County Clerk, the Secretary of State and the State Comptroller within five days after the date it is

duly enacted. And,

WHEREAS, The Clerk of the Genesee County Legislature will post a certified notice of Public Hearing on said proposed Local Law on the bulletin board in the Old Courthouse, and

WHEREAS, The Clerk of the Genesee County Legislature will publish in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Local Law Introductory C of the Year 2023, and

WHEREAS, a public hearing will be held at 5:30 on June 28, 2023 in the Legislature Chambers of the Old Courthouse, Batavia, New York, at which time all interested persons will be heard. Now therefore be it

RESOLVED, that “A LOCAL LAW INTRODUCTORY LAW C OF THE YEAR 2023, A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 2020, WITH REGARD TO THE IMPOSITION OF A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF GENESEE as introduced on June 14, 2023 for the adoption to take place on Wednesday, June 28, 2023.

Legislator Torrey seconded the resolution, which was adopted by 200 votes under the two-thirds majority, weighted voting plan of the Genesee County Legislature.

RESOLUTION NO. 249 COUNTY AUDIT–JUNE 14, 2023–APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Dibble, did review the following claims:

General Fund	\$	1,305,001.05
Mortgage Tax – 1 st Payment of 2023		469,976.12
Highway		177,979.43
Self Insurance		1,412.59
Water Fund		979,663.28
DSS Abstracts		431,515.43
Capital Projects		
Sheriff/Jail – Jail Construction		409.58
County Park – Area D Shelter Improvements		2,960.50
County Park – Reconstruct Area B Parking		3,466.18
Facilities Management – Engine House Renovations		115,008.02
Facilities Management – Energy Performance Contract		211,416.00
Highway – S. Lyons St. Bridge		416,839.68
Highway – South St. Culvert		9,511.75
Highway – Large Span Culverts		17,725.20
Highway – Recycling		213,913.73
Sheriff – Dispatch Center Console Furniture		6,960.28
Sheriff – Automated Secure Alarm Protocol		9,600.58
OFA – Property Improvements		16,064.40
Payroll – General		
June 2, 2023		1,352,622.44
Medicaid		
May 30, 2023		152,875.00
June 6, 2023		152,875.00
June 13, 2023		<u>152,875.00</u>
Total Audit	\$	6,200,671.24

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

Chair Stein Moved to close the meeting motioned by Legislator Maha and Seconded by Legislator Deleo. Adjourned: TIME: 6:07 p.m.