

**TWELFTH DAY
 GENESEE COUNTY LEGISLATURE
 OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
 WEDNESDAY, JUNE 28, 2023**

The Genesee County Legislature met in Regular Session on Wednesday, June 28, 2023 at 5:30 PM in the Legislative Chambers of the Old Courthouse.

Legislator Deleo offered to assist with the audit, the prayer and the Pledge to the Flag.

In addition to the regular meeting, Chair Stein called two public hearings:

1. Second Public Hearing for Community Development Block Grant. Madam Chair Stein called the public meeting to open at 5:31 PM
2. A Local Law Introductory C of the Year 2023 With Regard to the Imposition of a Mortgage Recording Tax within the County of Genesee Madam Chair Stein called the public meeting to open at 5:31 PM

Proclamations & Commendations: None

Approval Of Minutes: Motion to approve minutes from June 14, 2023 by Legislator Maha seconded by Legislator Dibble, carried unanimously.

Committee & Special Assignment Reports: None

Communications & Petitions

1. Travel Out-of-State: Kim O’Neill, Department of Social Services – Grant Funded Cost of \$2,467 – Dallas Crimes Against Children Conference in Dallas TX August 6-10th

O’Neill	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	absent		23	23
7. Deleo	2		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

2. Travel Out-of-State: Jason Ivison, Batavia Police Department - Grant Funded Cost of \$2,764.60 – Dallas Crimes Against Children Conference in Dallas TX August 6-10th

Ivison	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	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	2		18	18
9. Maha	1		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

3. Travel Out-of-State: Howard Carlson, Sheriff’s Department – Grant Funded Cost of \$2,467 – Dallas Crimes Against Children Conference in Dallas TX August 6-10th

Carlson	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	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	X		18	18
9. Maha	X		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

4. Travel Out-of-State: MacKenzie Sullivan, Medina Memorial MDT Member - Grant Funded Cost of \$2,467 – Dallas Crimes Against Children Conference in Dallas TX August 6-10th

Sullivan	Y	N	simple	2/3
1. Klotzbach	X		16	16
2. Yunker	2		26	26
3. Dibble	1		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	X		18	18
9. Maha	X		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

5. Travel Out-of-State: Morgan Quinn, JFCAC- Grant Funded Cost of \$2,467 – Dallas Crimes Against Children Conference in Dallas TX August 6-10th

Quinn	Y	N	simple	2/3
1. Klotzbach	1		16	16
2. Yunker	2		26	26
3. Dibble	X		25	25
4. Hawley	X		31	31
5. Stein	X		26	26
6. Torrey	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	X		18	18
9. Maha	X		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

Legislator Comments: Chair Stein spoke of a visit to Genesee County tomorrow, June 29th from Ed Hummel from the Federal Regional Economic Development Agency out of Pennsylvania will be hosted by GFLPC Director. His agenda includes a water plant tour, a northeast dairy park tour, lunch with GCEDC for a STAMP campus tour. The focus is for water and work force directing economic dollars. Senator Chuck Schumer was in town on broadband an announcement will be made shortly.

County Manager Report: County Manager Matt Landers and Highway Superintendent Tim Hens had a meeting with multiple Farmer's, Oatka Milk and Hood regarding the recent water shortage. They discussed concerns about the shortage and how it will negatively impact them economically. Oatka agreed to be available to discuss this economic impact with right government agencies/dignitaries. Also County Manager Landers shared the early voting results which was provided by Commissioner Dick Siebert. There was 17 voters at a cost of \$5,000 which is \$294 a vote. Manager Landers thanked his staff especially his Executive Assistant Vicky Muckle that worked with CDBG on grants for 35 businesses which infused 1.4 million in the community. Everyone that applied received funds however two businesses have not drawn down on their money yet. Manager Landers announced Mark Adams from Central Services was nominated for a Shining Star. Recognition came in by Office for the Aging, this is a great recognition for Mark.

Manager Landers discussed Broadband is treading along “TBD”. Spoke with outside counsel today about broadband contract. Structuring contracts right now by phases. Legislator Clattenburg asked about how the broadband will work for funding and income levels for the community within the City. Still to be determined through phases 1 and 2.

Resolutions

Consent Agenda Items

Ways and Means:

Chair Stein announced tonight’s Legislature meeting will follow a consent agenda. Resolutions 1 through 18 have been approved by the Ways and Means Committee to be placed on the agenda. Legislator Deleo requested to remove Resolution No. 2 Authorizing Genesee County Attorney to Investigate, Engage Counsel, and Commence Any and All Litigation To Enjoin Implementation and Enforcement of the 2023 Modification and Amendment of New York Racing, Pari-Mutuel Wagering and Breed Law §502 from consent to non-consent so that he can abstain from the vote. Chair Stein asked the Clerk of Legislature to move Resolution No. 2 to the Non-Consent Agenda. Committee Chair Clattenburg motioned for adoption for resolutions 1 and 3-18, and requested for a second, Legislator Dibble seconded.

Clerk please read resolutions 1 and 3-18 of the Ways and Means Committee:

1. Intergovernmental Agreement For The Provision Of Endpoint Protection And Response Services
2. ~~Authorizing Genesee County Attorney to Investigate Engage Counsel, and Commence Any and All Litigation To Enjoin Implementation and Enforcement of the 2023 Modification and Amendment of New York Racing, Pari Mutuel Wagering and Breeding Law §502~~ (REMOVED from Consent to Non-consent)
3. Agreement Renewal-County Manager/ Professional Consulting Services ARPA
4. Award Of Bid – Highway/Vehicle Telematics Services
5. Amend Capital Project/2023 Budget Amendment – Airport Snow Removal Equipment
6. Award Of Bid – Airport Snow Removal Equipment
7. Consultant Agreement – Facility Management – County Building No. 1 Roof & Old Courthouse Porch Rehabilitation
8. Grant Acceptance/Establish Capital Project/2023 Budget Amendment – Airport/Replace Runway 10/28 PAPI Systems (Design)
9. Establish Capital Project/2023 Budget Amendment – Highway/County Road 50 (Perry Rd)
10. Grant Agreement/Capital Project Amendment/2023 Budget Amendment – Highway/ Large Span Culverts
11. Amend Capital Projects/2023 Budget Amendment/Budget Transfer – State Funded Highway Construction
12. Supplemental Consultant Agreement – South Street Drainage Ditch (Pin: 4bny.42)
13. Establish Capital Project And Approval Of Federal Aid Master Agreement/ Budget Amendment – Richley Rd Over Murder Creek Bridge – Pin 4gn0.06
14. Award Of Bid – Fargo Road Bridge Over Black Creek
15. Consultant Agreement – Airport Pavement Management Study
16. Change Order – Genesee County Jail
17. Standard Work Day and Reporting Resolution For Elected and Appointed Officials-New York State Retirement System

18. Appointment – Genesee County Industrial Development Agency dba Genesee County Economic Center (GCEDC)

Clerk please call the roll for resolutions 1 and 3- 18

1 and 3-18	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	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

Moving onto Public Service Committee under the Consent Agenda:

Resolutions 19-25 have been approved by the Public Service Committee to be placed on the agenda. Committee Chair Maha will refer these resolutions.

Clerk of the Legislature introduced resolutions 19-25 which has been unanimously approved through the Public Service Committee and Committee Chair Maha motioned for adoption of resolutions 19-25 and requested a second, Legislator Klotzbach seconded.

Clerk please read resolutions 19-25 of the Public Services Committee:

19. Renewal Of Bid – Highway/Fuel Products
20. Renewal Of Bid – Highway/Sodium Chloride
21. Resolution In Support – Genesee Transportation Council/Safe Streets And Roads For All Program
22. Grant Acceptance - Emergency Management Services / Fy22 Hazardous Materials Emergency Preparedness (HMEP) Grant
23. Agreement Renewal – Sheriff / Special / Additional Law Enforcement Services For Six Flags Darien, LLC
24. Agreement Renewal – Sheriff / Special / Additional Law Enforcement Services For Western Regional OTB
25. Intermunicipal Agreement Renewal – Sheriff / Monroe County Department Of Public Safety Crime Laboratory

Clerk took the roll call for resolutions 19-25

19-25	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	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	2		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

Close Public Hearing:

Chair Stein moved to close the public hearing for second public hearing for Community Development Block Grant at 5:53 PM

Chair Stein moved to close the public hearing for Local Law Introductory C of the Year 2023 with Regard to the Imposition of a Mortgage Recording Tax within the County of Genesee at 5:53 PM

Non-Consent Items:

Legislator Clattenburg offered the following resolution seconded by Legislator Dibble. Clerk read resolution no. 2:

2. Authorizing Genesee County Attorney to Investigate, Engage Counsel, and Commence Any and All Litigation To Enjoin Implementation and Enforcement of the 2023 Modification and Amendment of New York Racing, Pari-Mutuel Wagering and Breed Law §502

Legislator John Deleo asked to be abstained from the vote due to a conflict.

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	absent		23	23
7. Deleo	abstain		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	160		200	200
Roll Call			160	
Approval			101	134

Legislator Maha offered the following resolution seconded by Legislator Yunker.

26. Award Of Contract – Emergency Management Services / Hazard Mitigation Plan Consultant

26	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	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	X		18	18
9. Maha	1		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

Legislator Clattenburg offered the following resolution seconded by Legislator Hawley.

27. A Local Law Introductory C of the Year 2023 With Regard to the Imposition of a Mortgage Recording Tax Within the County of Genesee

27	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	absent		23	23
7. Deleo	X		17	17
8. Clattenburg	1		18	18
9. Maha	X		18	18
TOTALS	177		200	200
Roll Call			177	
Approval			101	134

Legislator Clattenburg offered the following resolution seconded by Legislator Deleo.

28. County Audit – June 28, 2023

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

Unfinished Business

Adjournment

Chair Stein requested adjournment motioned by Legislator Hawley and Seconded by Legislator Klotzbach. Closed at 6:05 PM

RESOLUTION NO. 250

**INTERGOVERNMENTAL AGREEMENT-
INFORMATION TECHNOLOGY/PROVISION OF
ENDPOINT PROTECTION AND RESPONSE
SERVICES - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of Information Technology did present an Intergovernmental Agreement with the New York State Office of Information Technology Services and the New York State Division of Homeland Security and Emergency Services, and

WHEREAS, the County Attorney did review the contract and Ways and Means Committee 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 the New York State Office of Information Technology Services, Empire State Plaza, PO Box 2062, Albany, NY 12220-0062 and the NYS Division of Homeland Security and Emergency Services, 1220 Washington Ave, Bldg 7A, Albany, NY 12226, effective August 1, 2023 through termination by either side at a cost of \$0 annually.

Budget Impact: This service is provided by New York State at zero cost to Genesee County.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 251

**AGREEMENT RENEWAL-COUNTY MANAGER/
PROFESSIONAL CONSULTING SERVICES ARPA-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County issued RFP 2021-107 for the purpose of providing professional consulting services related to the American Rescue Plan Act funding, and

WHEREAS, an RFP Committee comprised of the County Manager, County Treasurer and Compliance Officer received and reviewed proposals and recommended EFPR Group, and

WHEREAS, Resolution 341-2021 awarded the contract to EFPR Group to provide consulting services related to ARPA, and

WHEREAS, the RFP 2021-107 did allow for an option to renew for three additional one-year periods and the County Manager and Compliance Officer recommend the renewal of this contract for September 1, 2023 through August 31, 2024, and

WHEREAS, the Committee on Ways & Means did review this recommendation and does concur.

Now, therefore be it

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to enter into the first of three one-year renewal contracts with EFPR Group, 690 Main Street, Suite 200, Williamsville, NY 14421 to provide professional consulting services related to the American Rescue Plan Act for the period September 1, 2023 through August 31, 2024 at a discounted governmental rate as follows: Partner- \$190.00 per hour, Senior Accountant - \$100.00 per hour, Staff Accountant \$85.00 per hour with a provision of two additional one-year renewals. Budget Impact: Funds are included in the County Manager - ARPA 2023 budget.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 252

**AWARD OF BID – HIGHWAY/VEHICLE
TELEMATICS SERVICES –APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County currently has a contract in place the monitoring of county-owned vehicles and equipment, and

WHEREAS, the Highway Superintendent has received a proposal from Enterprise Fleet Management using Sourcewell Contract #020221-GEO to provide better telematics service at a lower cost, and

WHEREAS, the Highway Superintendent does recommend entering into a contract with Enterprise Fleet Management for Telematics Services at this time, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract agreement with Enterprise Fleet Management, PO Box 800089, Kansas City, MO. 64180-0089 as per bid specifications, effective July 1, 2023 through June 30, 2024 at a price of \$19.25 per vehicle per month.

Budget Impact: The price vehicle price is \$19.25/month. These costs are already budgeted and accounted for by various county departments. The switch the Enterprise Fleet Management Telematics will save approximately \$800 per year on a countywide basis.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 253

**AMEND CAPITAL PROJECT/2023 BUDGET
AMENDMENT – AIRPORT SNOW REMOVAL
EQUIPMENT – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has executed an Aviation Capital Grant as part of New York State's AIR '99 Program for the acquisition of Snow Removal Equipment for use at the Genesee County Airport, and

WHEREAS, a capital project was created for the purchase of this equipment, and

WHEREAS, additional funding is required to allow for this project to move forward, and

WHEREAS, the County Superintendent of Highways recommends amending the capital project for Airport Snow Removal Equipment and the 2023 County Budget, and

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

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend capital project Airport Snow Removal Equipment by increasing County Funds by \$16,342 from 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 A.1000 1110.1 Sales Tax 1%	\$16,342
Increase A.9950 9000.0000 Transfer to Capital	\$16,342

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	\$16,342
Increase H.5997 2080.0000 Airport Snow Removal Equipment	\$16,342

Budget Impact: Original State Grant is \$353,250 with a local match of \$39,250. The addition of \$16,342 in local match would bring the total local share in the project to \$55,592.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent -23) votes.

RESOLUTION NO. 254 AWARD OF BID – AIRPORT SNOW REMOVAL EQUIPMENT – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Highway Superintendent and Purchasing Director did prepare specification and advertise for bids on (2) two detachable snow throwers for use at the Genesee County Airport, and

WHEREAS, the Genesee County Highway Superintendent reviewed bids and recommends purchasing two snow blowers from the lowest responsible bidder, and

WHEREAS, the New York State Department of Transportation concurs with this recommendation, and

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

RESOLVED, that the Genesee County Highway Superintendent is hereby authorized and directed to purchase (2) two detachable snow throwers from Viking Cives, 2917 Judge Rd, Oakfield, NY 14125 in an amount not to exceed \$408,842.

Budget Impact: The capital project for Airport Snow Removal Equipment has been amended to allow for this purchase.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 255 CONSULTANT AGREEMENT – FACILITY MANAGEMENT – COUNTY BUILDING NO. 1 ROOF & OLD COURTHOUSE PORCH REHABILITATION – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, as a result of recent water damage within County Building No. 1 and the Old Courthouse, the Genesee County Highway Superintendent has selected an engineering firm off the 2023 Genesee County Highway Engineering Term Contract to design a replacement roof system and rehabilitate the existing Old Courthouse porch, and

WHEREAS, Genesee County approved the selection of LaBella Associates, D.P.C. to enter into a three year Term Agreement for architectural and engineering services on an as-needed basis, and

WHEREAS, the Highway Superintendent reviewed the proposal from LaBella Associates, D.P.C. for design services related to this project and did make a recommendation to approve an agreement at this time, and

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

recommendation and do concur. Now, therefore, be it,
RESOLVED, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to establish the following capital project:

Establish Capital Projects: Title

	Total	Revenue Source
Highway – County Rd 50 (Perry Rd) And be it further	\$723,000	1% Sales Tax

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to fund the projects by increasing A.1000.1110.1 1% sales tax in the amount of \$723,000, increasing to A.9950.9000 Transfer to Capital in the amount of \$723,000, increase H.5197.5031 Interfund Transfers in the amount of \$723,000 and increase in H.5197.2080.0000 Capital Project Expense in a like amount.

Budget Impact: Capital project for Perry Rd was accounted for in the 2023 Proposed Capital Budget.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 258

**GRANT AGREEMENT/CAPITAL PROJECT
 AMENDMENT/2023 BUDGET AMENDMENT –
 HIGHWAY/LARGE SPAN CULVERTS --APPROVAL
 OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Soil and Water Conservation District has offered a Grant Agreement with the Genesee County Highway Department to implement Best Management Practices with installation of Large Span Culverts, and

WHEREAS, the Grant Agreement provides \$50,000 to be matched by existing County Funds allocated to the Large Span Culvert Capital Project, and

WHEREAS, Genesee County will be replacing Culvert 8G on Wortendyke Rd in the Town of Batavia to provide the matching funds under this project, and

WHEREAS, the County Highway Superintendent recommends executing the grant agreement, modifying the capital project and making the appropriate budget amendment to allow this to occur, 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 Chair of Genesee County Legislature is hereby authorized to execute the Soil and Water Conservation Landowner/Operator Contract with Genesee County Soil & Water Conservation District in the amount of \$50,000, and be it further

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2023 Budget for Large Span Culverts by increasing H.5197.2797 Other Local Governments in the amount of \$50,000.00 to be offset by an increase in H.5197.2080.0000 Capital Project Expense in a like amount.

Budget Impact: Outside aid of \$50,000 increases the funding for the capital project established for Large Span Culverts.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 259

**AMEND CAPITAL PROJECTS/2023 BUDGET
 AMENDMENT/BUDGET TRANSFER – STATE
 FUNDED HIGHWAY CONSTRUCTION –**

APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts with funding from the State of New York Consolidated Local Street and Highway Improvement Program (CHIPS), Extreme Winter Recovery (EWR), Pave Our Potholes (POP), and PAVE-NY funding, and

WHEREAS, the Superintendent of Highways received more 2023 funding than was anticipated, and

WHEREAS, the Superintendent of Highways recommends amending existing projects, for additional funding received, and

WHEREAS, the Superintendent of Highways recommends transferring funding sources to make it easier to use, and

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

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the following capital projects as required:

Amend Projects:

Title	Source	Amendment	
Highway Chipseal	CHIPS	Add \$7,947.72	
Highway Overlay	POP	Add \$3,184.31	
Hwy Surface Treatment	PAVE-NY	Add \$4,777.03	Hwy Surface Treatment EWR Add \$0.75

Transfer:

Transfer \$391.11 from Highway Overlay to Highway Chipseal

Transfer \$112.95 from Highway Overlay to Highway Surface Treatment. And be it further,

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the County Treasurer to amend the following CHIPS, EWR, POP and PAVE-NY funded capital projects by increasing Highway Capital Project Expense H5112.2080 in the amount of \$15,909.81 and Increase H5112.3501 CHIPS in a like amount.

Budget Impact: Increases 2023 CHIPS allocation, 2023 PAVE-NY allocation, 2023 EWR allocation and 2023 POP allocation by \$15,909.81

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

**RESOLUTION NO. 260 SUPPLEMENTAL CONSULTANT AGREEMENT –
SOUTH STREET DRAINAGE DITCH (PIN: 4BNY.42)
- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has been awarded a CULVERT-NY grant to replace the South St Drainage Ditch Culvert in LeRoy (PIN: 4BNY.42), and

WHEREAS, Genesee County has an existing consultant agreement with Lu Engineers for the design of the project, and

WHEREAS, construction inspection and construction administration services are required to complete the project and conform with the rules and regulations of the Federal Highway Administration, and

WHEREAS, the Genesee County Highway Superintendent reviewed this work and does recommend approval at this time, and

WHEREAS, the Committees on Public Service and Ways and Means have reviewed this request and do concur at this time. Now, therefore, be it

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized to approve a supplemental consultant agreement with Lu Engineers, 280 East Broad St, Suite 170, Rochester NY 14604 for construction inspection and administration services related to the replacement of the South St Culvert at a cost not to exceed \$94,100.

Budget Impact: The supplemental agreement is for \$94,100.00. The capital project established for this project has a balance of \$659,720.22, which is 100% State Aid.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

**RESOLUTION NO. 261 ESTABLISH CAPITAL PROJECT AND FEDERAL
AID MASTER AGREEMENT/ BUDGET
AMENDMENT – RICHLEY RD OVER MURDER
CREEK BRIDGE – PIN 4GN0.06 – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, a Project for the Richley Rd over Murder Creek Bridge Replacement, Town of Darien, P.I.N. 4GN0.06 (the “Project”), County of Genesee is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds, 15% State Marchiselli Match, and 5% local match, and

WHEREAS, Genesee County desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the total project, and

WHEREAS, the Committees on Public Service and Ways and Means have reviewed this request and do concur at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby approve all future supplemental agreements to the federal aid master agreement for the Project, and be it further

RESOLVED, that the Genesee County Legislature hereby authorizes the Chairperson to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof, and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Genesee County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to establish a capital project for Richley Rd over Murder Creek Bridge with federal aid in the amount of \$1,206,400, state aid in the amount of \$226,200 and a local match from 1% Sales tax of \$75,400, and be it further

RESOLVED, that the Genesee County Legislature does hereby direct and authorize the Genesee County Treasurer to make the following budget amendment. Increase A.1000 1110.1 1% Sales tax in the amount of \$75,400, increase appropriation A.9950 9000.0000 Transfers to Capital in a like amount. Increase H.5197.4592 Federal Aid in the amount of \$1,206,400. Increase H.5197 3897 State Aid in the amount of \$226,200. Increase H.5197.5031 Interfund Transfers in the amount of \$75,400 and increase H.5197 2080.0000 Highway Capital Project Expense for the Richley Rd over Murder Creek Bridge in the amount of \$1,508,000.

Budget Impact: Total cost of this project is \$1,508,000, funded with 80% federal aid, 15% state aid and a 5% match from local 1% sales tax. Design and right of way acquisition phases will occur in

RESOLUTION NO. 264

**CHANGE ORDER –GENESEE COUNTY JAIL –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The County Manager is authorizing additional work with LeChase Construction, as part of the Genesee County Jail project, and

WHEREAS, the Committees of Public Service and Ways and Means did review this request and do concur with this recommendation at this time. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature does hereby authorize a change order with a cost of \$57,266.00 to LeChase Construction, for costs related to installing high density storage in the intake property room of the Genesee County Jail.

Budget Impact: The total amount of the final change order is \$57,266.00 which will be paid out of the construction contingency for the jail project.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 265

**STANDARD WORK DAY AND REPORTING
RESOLUTION FOR ELECTED AND APPOINTED
OFFICIALS - NEW YORK STATE RETIREMENT
SYSTEM-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

RESOLVED, that the County of Genesee hereby establishes the following as standard workday for this title and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities.

Title	Standard Work Day (hrs/day)	Name	Tier 1	Current Term begin & end	ROA results	ROA Not Sub.
Elections						
Commissioner-D	6 hrs	Lorie Longhany	No	1/1/23-12/31/26	24.52	

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 266

**APPOINTMENT-GENESEE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY D/B/A GENESEE
COUNTY ECONOMIC 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, member Todd Bender’s term is ending June 30, 2023 and Kathleen I. Manne completed an application requesting appointment to a seat on 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 Kathleen I. Manne be appointed at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby appoint Kathleen I. Manne of Corfu, New York to the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center effective July 1, 2023 to June 30, 2029.

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

**RESOLUTION NO. 267 RENEWAL OF BID – HIGHWAY/FUEL PRODUCTS
– APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, Genesee County currently has a contract in place for the delivery of fuel products to the Highway Department, and

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

WHEREAS, the Committee on Public Service did review this request and does recommend awarding a contract at this time. Now, therefore, be it

RESOLVED, that the Genesee County Highway Superintendent is hereby authorized and directed to renew the contract for the delivery of Fuel Products to NOCO Energy Corp, 2440 Sheridan Drive, Tonawanda, NY 14150 as per specifications in Genesee County Bid #2022-08.

Budget Impact: The cost of fuel is a budgeted item within the Road Machinery budget. The cost of fuel has been very volatile over the last several months. The current 2023 Budget includes expenses of \$940,000 for unleaded and \$560,000 for Diesel. These budget numbers were calculated at a base rate of approximately \$3.55 for unleaded and diesel as September 2022. The current bid price based on the June 7, 2023 rack was \$2.57 for Diesel and \$2.71 for unleaded.

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

**RESOLUTION NO. 268 RENEWAL OF BID – HIGHWAY/SODIUM
CHLORIDE – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS Genesee County currently has a contract in place for the delivery of sodium chloride to the Highway Department, and

WHEREAS, the Highway Superintendent does recommend renewing the current 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 renew the 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, 2023 through September 30, 2024 at a price of \$58.81 per ton.

Budget Impact: The bid price of \$58.81 will remain from 2022.

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

**RESOLUTION NO. 269 RESOLUTION IN SUPPORT – GENESEE
TRANSPORTATION COUNCIL/SAFE STREETS
AND ROADS FOR ALL PROGRAM - APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, Genesee County is a member county of the Genesee Transportation Council, and

WHEREAS, the Genesee Transportation Council is seeking an application to apply for a planning

and demonstration grant through the Safe Streets and Roads for all program, through the New York State Secretary of Transportation, and

WHEREAS, this grant will provide funding to prepare a regional safety plan and create a template for a Local Road Safety Plan that can be used by supporting counties to reduce vehicle crashes and improve safety, and

WHEREAS, the Superintendent of Highways is supporting this application, and

WHEREAS, the Public Service Committee has reviewed this recommendation and does concur at this time. Now, therefore, be it

RESOLVED, the Genesee County Legislature hereby supports the Genesee Transportation Council in seeking the planning and demonstration grant through the Safe Streets and Roads for all program, through the New York State Secretary of Transportation, and be it further

RESOLVED, that Genesee County commits to its partner share of the local match required by the grant should the Genesee Transportation Council be successful in its application.

Budget Impact: The resolution supports the application by the Genesee Transportation Council. Should the grant application be successful, the County would be projected to commit \$8,000 over a four year period of time, or approximately \$2,000 per year.

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 270

**GRANT ACCEPTANCE – EMERGENCY
MANAGEMENT SERVICES / FY22 HAZARDOUS
MATERIALS EMERGENCY PREPAREDNESS
(HMEP) GRANT – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the Emergency Management Services Coordinator requests authorization to accept the FY22 Hazardous Materials Emergency Preparedness (HMEP) Grant Program award in the amount of \$16,000.00 provided by the U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the New York Division of Homeland Security and Emergency Services (DHSES), and

WHEREAS, this allocation, awarded to the Western Region HazMat Consortium (Genesee, Monroe, Livingston, Orleans and Wyoming counties) is to be administered by Genesee County and requires a local match of \$4,000 to be met through in-kind services, and

WHEREAS, the HMEP grant program prioritizes efforts that lead to the prevention of serious hazmat transportation related incidents, principally those of high consequences to people and the environment, and

WHEREAS, the Committee on Public Service does concur with the Emergency Management Services Coordinator's recommendation. Now therefore be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Division of Homeland Security and Emergency Services (DHSES), 1220 Washington Avenue, Building 7A, Albany, NY 12242 for the acceptance of FY 2022 Hazardous Materials Emergency Preparedness (HMEP) Grant - (June 1, 2023 through December 31, 2024) and to execute any and all other documentation related to this funding.

Budget Impact: No County cost. Grant funds in the amount of \$16,000.00 will be appropriated in the 2024 Emergency Management Services (EMS) budget. (Appropriation Account A.3640.4800.0503 offset by Revenue Account. A.3640.4305.1000).

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 271

**AGREEMENT RENEWAL – SHERIFF/ SPECIAL /
ADDITIONAL LAW ENFORCEMENT SERVICES
FOR SIX FLAGS DARIEN, LLC – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the County of Genesee entered into an agreement with Six Flags Darien, LLC (“Darien Lake”) pursuant to Resolution 233 that was adopted on May 25, 2022, whereby the Sheriff’s Office would provide additional law enforcement services at Darien Lake and its Performing Arts Center for the 2022 operating/concert season, and

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

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

WHEREAS, the renewal agreement is based on the same terms and conditions from 2022, with the exception of a change in rates per the Sheriff’s Employees’ Association (SEA) and Deputy Sheriffs’ Association (DSA) Labor Agreements, and

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

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

RESOLVED, that the Chair of the Genesee County Legislature and the Genesee County Sheriff are authorized and directed to execute the renewal agreement for an additional one-year term (June 1, 2023 through May 31, 2024) for special/additional law enforcement services at Darien Lake for its 2023 operating and Performing Arts Center concert season.

Budget Impact: Funds have been allocated in the 2023 adopted budget and will be offset by revenue billed back to entities for additional law enforcement services.

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 272

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

Legislator Maha offered the following resolution:

WHEREAS, the County of Genesee entered into an agreement with Western Regional OTB pursuant to Resolution 234 that was adopted on May 25, 2022, whereby the Sheriff’s Office would provide additional law enforcement services at Batavia Downs Gaming for its 2022 summer concert season, and

WHEREAS, this agreement expired May 31, 2023, and

WHEREAS, Western Regional OTB is entering into its 2023 summer concert season and has indicated a desire to renew its agreement with the County of Genesee for an additional one-year term (June 16, 2023 through May 31, 2024) based on the same terms and conditions from 2022, with the exception of a change in rates per the Deputy Sheriff’s Association (DSA) and Sheriff’s Employees’ Association (SEA) Labor Agreements, and

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

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

RESOLVED, that the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to execute the renewal Agreement for a one-year term (June 16,

2023 through May 31, 2024) for special/additional law enforcement services at Batavia Downs Gaming, 8315 Park Road, Batavia, New York 14020, for its 2023 summer concert season.

Budget Impact: Funds have been budgeted in the 2023 adopted budget and will be offset by revenue billed back to entities for additional law enforcement services.

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 273

**INTERMUNICIPAL AGREEMENT RENEWAL –
SHERIFF / MONROE COUNTY DEPARTMENT OF
PUBLIC SAFETY CRIME LABORATORY –
APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, the current agreement for forensic laboratory services with Monroe County expired December 31, 2022; and

WHEREAS, the Sheriff did present an agreement renewal, approved by the County Attorney, for the time period of January 1, 2023, through December 31, 2023, at a cost of \$154,395 and

WHEREAS, it is recommended the County Legislature approve this agreement for this time period and cost, and

WHEREAS, the Committee on Public Service 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 authorized and directed to execute the agreement between the County of Genesee and the County of Monroe for forensic laboratory services for the period of January 1, 2023, through December 31, 2023, at a cost of \$154,395.

Budget Impact: Appropriation of \$154,395 was included in the 2023 adopted budget for this contracted service.

Legislator Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 274

**AUTHORIZING GENESEE COUNTY ATTORNEY
TO INVESTIGATE, ENGAGE COUNSEL, AND
COMMENCE ANY AND ALL LITIGATION TO
ENJOIN IMPLEMENTATION AND
ENFORCEMENT OF THE 2023 MODIFICATION
AND AMENDMENT OF NEW YORK RACING,
PARI-MUTUEL WAGERING AND BREEDING LAW
§ 502**

Legislator Clattenburg offered the following resolution:

WHEREAS, Chapter 346 of the Laws of 1973 enacted to create regional off-track betting corporations, the Genesee County Legislature passed legislation, authorizing Genesee County to participate in the Western Regional Off-Track Betting Corporation (“WROTB”), and

WHEREAS, Resolution 172 of the Year 1973 states, “it is deemed advisable by the Genesee County Legislature that it is in the best interest of the people of Genesee County for our County to participate and become a member of the Western Regional Off-Track Betting Corporation”, and

WHEREAS, such 1973 legislation of the Genesee County Legislature specifically provided that it was subject to permissive referendum and shall become effective in accordance with Section 24 of the Municipal Home Rule Law of the State of New York, and

WHEREAS, on May 2, 2023 as a part of the New York State Budget, changes were effected through the 2023-2024 Budget process and amendments to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, where control of WROTB was taken from the founding counties and given to Erie County, Monroe County, City of Buffalo and the City of Rochester through weighted voting by

all of the WROTB members, and

WHEREAS, Article IX, Section 2(b)(2) of the Constitution (the "Home Rule Law") restricts the State legislature's ability to act in relation to the "property, affairs or government" of any local government, the Municipal Home Rule Clause (NY Const, art IX, § 2 [b] [2]) allows the Genesee County Legislature to:

(2) Shall have the power to act in relation to the property, affairs or government of any local government only by general law, or by special law only (a) on request of two-thirds of the total membership of its legislative body or on request of its chief executive officer concurred in by a majority of such membership, or (b), except in the case of the city of New York, on certificate of necessity from the governor reciting facts which in the judgment of the governor constitute an emergency requiring enactment of such law and, in such latter case, with the concurrence of two-thirds of the members elected to each house of the legislature.

and,

WHEREAS, it is unknown whether Governor's message of necessity comported with the New York State Constitution, in particular, article III, § 14. That provision requires that bills be "printed and upon the desks of the members" of the Legislature at least three (3) calendar legislative days before final passage (N.Y. Const., art. III, § 14); although, this mandate may be circumvented if the Governor "certifie[s] ... the facts which in his or her opinion necessitate an immediate vote" on the bill (N.Y. Const., art. III, § 14). It is unknown whether any facts are stated by the Governor in a certificate of necessity that form the basis in her opinion that necessitated an immediate vote, and

WHEREAS, the New York State Court of Appeals recognized in *Matter of Moran v. La Guardia*, 270 N.Y. 450, 452 that "To repeal or modify a statute requires a legislative act of equal dignity and import." Nothing less than a Home Rule Message from a majority of the founding counties will suffice, i.e. "the doctrine of Legislative Equivalency". The doctrine of legislative equivalency has uniformly been applied with respect to the modification and or amendment of prior legislation, and,

WHEREAS, none of the founding counties, especially Genesee County, the home County of WROTB, enacted Home Rule Messages requesting that N.Y. Rac. Pari-Mut. Wag. & Breeding Law

§ 502, be modified and/or amended, and never authorized a relinquishment of control of WROTB to Erie County, Monroe County, City of Buffalo, and City of Rochester, and

WHEREAS, Batavia Downs is located in the Town and City of Batavia in a residential area and this is an important quality of life issue for the host County of Genesee to not be negatively impacted by any change to the Board of Directors make up, and

WHEREAS, the Ways & Means Committee has reviewed request and approves such recommendation. Now therefore be it

RESOLVED, that the Genesee County Attorney is hereby authorized to commence all necessary litigation to enjoin implementation and enforcement of the 2023 modification and or amendment to N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 502, passed on May 2, 2023 and name the following as potential Defendants in such legal action, The State of New York, The Governor of the State of New York, The Assembly of the State of New York, and The Senate of the State of New York, and any other party deemed necessary to bring full relief to the residents of Genesee County.

Legislator Dibble seconded the resolution, which was adopted by 160 (Deleo Abstained – 17, Torrey Absent - 23) votes.

RESOLUTION NO. 275

**AWARD OF CONTRACT – EMERGENCY
MANAGEMENT SERVICES / HAZARD
MITIGATION PLAN CONSULTANT – APPROVAL
OF**

Legislator Maha offered the following resolution:

WHEREAS, Resolution #67, dated February 23, 2023, did authorize acceptance of the Hazard Mitigation Grant Program (HMGP) award, project number 4480, to updated the County’s Hazard Mitigation Plan, and

WHEREAS, the Genesee County Office of Emergency Management Coordinator, in lieu of an RFP, piggybacked off of another county’s contract with Tetra Tech, Inc. to request assistance with updates to the County’s Multi-Hazard Mitigation Plan, and

WHEREAS, the Genesee County Office of Emergency Management Coordinator has reviewed the submitted proposal and is now recommending that Genesee County enter into an agreement with Tetra Tech, Inc. to serve as consultant for updating the County’s Multi-Hazard Mitigation Plan at a cost not to exceed \$135,000, and

WHEREAS, the Committees on Public Service and Ways and Means does concur with the Emergency Management Services Coordinator's recommendation. Now therefore be it

RESOLVED, that the Chair of the County Legislature is hereby authorized to enter into an agreement with Tetra Tech, Inc. of 2000 Linglestown Road, Suite 203, Harrisburg, PA 17110 for development of an updated Multi-Hazard Mitigation Plan

Budget Impact: The Hazard Mitigation Grant award in the amount of \$150,000 (\$135,000 for plan development; \$15,000 - required County match to be met in in-kind services). The amount of \$135,000 has been appropriated in the 2023 Emergency Management Services (EMS) budget. (Appropriations Account A.3640.4660.000 offset by Revenue Account A.3640.4305)

Legislator Dibble seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 276

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 has posted 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 has published 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 to be known as Local Law Number 3 of Year 2023, for the County of Genesee as introduced on June 14, 2023 and adopted on Wednesday, June 28, 2023.

Legislature Klotzbach seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

RESOLUTION NO. 277 COUNTY AUDIT–JUNE 28, 2023–APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Deleo did review the following claims:

General Fund	\$	1,074,599.75
Highway		56,005.77
Self Insurance		1,125.00
Water Fund		69,624.29
DSS Abstracts		165,297.15
Capital Projects		
Sheriff/Jail – Jail Construction		2,966,836.36
Facilities Management – Engine House Renovations		3,540.00
Facilities Management – Courts Facility Boiler		39,000.00
Facilities Management – Genesee Justice Stone Work		7,212.88
GCC – Turf Field Replacement		15,000.00
Highway – Surface Treatment		613,021.07
Highway – Large Span Culverts		392.50
Highway – Recycling		59,193.12
Sheriff – Dispatch Center Console Furniture		4,737.13
Payroll – General		
June 16, 2023		1,906,092.38
Medicaid		
June 20, 2023		152,875.00
June 27, 2023		<u>152,875.00</u>
Total Audit	\$	<u>7,287,427.40</u>

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.

Legislature Deleo seconded the resolution, which was adopted by 177 (Torrey Absent – 23) votes.

Chair Stein Moved to close the meeting motioned by Legislator Hawley and Seconded by Legislator Klotzbach.

TIME:6:05 PM