

**FOURTEENTH DAY
GENESEE COUNTY LEGISLATURE
Batavia, New York
Wednesday, August 25, 2021**

The Genesee County Legislature met in Regular Session on Wednesday, August 25, 2021 at 3:00 PM in the Legislative Chambers of the Old Courthouse. Legislator Torrey assisted with the audit. The prayer was offered by Legislator Stein followed by the Pledge to the Flag.

In addition to our regular meeting, Chair Stein opened a public hearing for the purpose of hearing public comments on community development needs, and to discuss the possible submission of an application to the Community Development Block Grant (CDBG) COVID-19 response (CDBG-CV) and to consider citizen comments regarding the County's proposal to submit a CDBG application to the NYS Office of Community Renewal to provide funds to support small businesses in response to COVID-19. All interested persons were invited to be heard.

Minutes of the July 28, 2021 Legislature Meeting were approved upon motion of Legislator Maha seconded by Legislator Deleo, carried.

Legislature Chair Stein stated the COVID test clinic and vaccination clinic volunteer luncheon was held today at GCC Arena where Senator Rath and Public Health Director Paul Pettit thanked those in attendance for their dedication to community health. Approximately 200 were in attendance.

County Manager Matt Landers commented that Governor Kathy Hochul was sworn into office yesterday and she is the only New York State governor with local government experience. New York State retirement rates for 2022 were released yesterday and the rate increase is less than anticipated. This information will be forwarded to department employees who are working on their budgets.

Legislator Maha commented on how impressed he was with data shared by Public Health Director Paul Pettit during the Volunteer Appreciation Luncheon. Thousands were tested and vaccination in both Genesee and Orleans Counties.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 319 2021 SALARY SCHEDULE AMENDMENT-
DISTRICT ATTORNEY-APPROVAL OF**

Legislator Yunker offered the following resolution:

WHEREAS, The District Attorney currently has one of five Assistant District Attorneys on Family Leave which is expected to last until January 2022 and another of the Assistant District Attorneys has given notice that he is leaving the position on August 27, 2021 due in part to his inability to keep up with the workload, and

WHEREAS, It has been increasingly difficult to find qualified candidates for Assistant District Attorney and particularly those who live in the county. There exists a current Genesee County resident who has completed law school and is awaiting the results of the State Bar Examination, said individual having indicated her desire to become an Assistant District Attorney upon passing the bar, and

WHEREAS, A new position of a Criminal Law Associate for the District Attorney's Office will allow this individual to perform many of the duties of an Assistant District Attorney, while under the direct supervision of a licensed attorney, and

WHEREAS, The District Attorney has requested the creation of a Full-Time Temporary Criminal Law Associate position to help alleviate the backlog of work facing the District Attorney's Office, and

WHEREAS, The Committees on Public Service and 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 Resource Director are thereby authorized and directed to amend the 2021 Genesee County Management Salary Schedule by creating one Full-Time Temporary Criminal Law Associate Grade 114 position effective August 30, 2021 through February 28, 2022.

Budget Impact Statement: None. The proposed position will temporarily replace an ADA position thereby saving the County personnel cost.

Legislator Torrey seconded the resolution which was adopted by 255 votes, Dibble (43), Clattenburg (28) absent.

**RESOLUTION NO. 320 CONTRACTUAL AGREEMENT -
JUSTICE FOR CHILDREN ADVOCACY CENTER/
FORENSIC INTERVIEWER -APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, The Coordinator of the Justice for Children Advocacy Center did request to enter a contractual agreement for a forensic interviewer for the Justice for Children Advocacy Center; and

WHEREAS, This contract will allow the JFCAC to continue to conduct high-quality; evidence-based forensic interviews of children impacted by abuse and will allow us to meet our Standards of Accreditation by the National Children's Alliance; and

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

RESOLVED, That the Chair of the Genesee County Legislature and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Richard Schauf with residence in Batavia, NY for forensic interviewing at the Justice for Children Advocacy Center for the period of September 1, 2021 through August 31, 2022 at a cost of \$40.00 per hour.

Budget Impact: Funds for contractual agreements are fully covered by grants from the NYS Office of Children and Family Services and are already included in 2021 Justice for Children Advocacy Center Budget.

Legislator Deleo seconded the resolution which was adopted by 255 votes, Dibble (43), Clattenburg (28) absent.

**RESOLUTION NO. 321 CONTRACT AMENDMENT- JUSTICE FOR
CHILDREN ADVOCACY CENTER/CLEANING
SERVICES – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, Included in the acceptance of the 2020-21 NYS Office of Children and Family Services and NYS Office of Victim Services grants are the funds necessary to contract with a cleaning service to supplement County-provided cleaning at the Batavia office and provide all cleaning services at the Albion and Warsaw offices; and

WHEREAS, The Justice for Children Program Coordinator has made a request amend an existing contract with H2H Facility Services to include deep cleaning, window washing, and carpet shampooing; and

WHEREAS, The agreed upon rate per hour is \$18.00; and

WHEREAS, This modification to the existing contract will be in effect from September 1, 2021 through March 1, 2022; and

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

RESOLVED, That the Chair of the Genesee County Legislature is authorized and directed to modify the existing contract with H2H Facility Services, located at 2024 West Henrietta Road, Suite 2a, Rochester, NY 14623 effective September 1, 2021 through March 1, 2022.

Budget Impact: Appropriations to the Justice for Children Advocacy Center budget are offset by revenue from the NYS Office of Children and Family Services. Funds for this contract addendum are fully covered by grants from the NYS Office of Children and Family Services and NYS Office of Victim Services and are included in the 2021 Justice for Children Advocacy Center budget.

Legislator Klotzbach seconded the resolution which was adopted by 255 votes, Dibble (43), Clattenburg (28) absent.

RESOLUTION NO. 322 SALARY SCHEDULE AMENDMENT - SHERIFF'S OFFICE/JAIL / ELIMINATE PART-TIME COMMUNITY HEALTH NURSE & CREATE PART-TIME REGISTERED PROFESSIONAL NURSE – APPROVAL OF

Legislator Deleo offered the following resolution:

WHEREAS, there is a part-time Community Health Nurse vacancy that exists at the Genesee County Jail, and

WHEREAS, an extensive search to fill this position has been unsuccessful, and

WHEREAS, after discussions with the Sheriff, Jail Superintendent, and Human Resources Director, it has been determined that eliminating this CSEA Grade 18N part-time Community Health Nurse position and creating a CSEA Grade 16N part-time Registered Professional Nurse position would be in the best interest of the Genesee County Jail and its incarcerated individuals, and

WHEREAS, the Committees on Public Service and Ways & 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 2021 Employee Salary Schedule by eliminating the position of CSEA Grade 18N part-time Community Health Nurse and creating a CSEA Grade 16N part-time Registered Professional Nurse position effective August 26, 2021.

Budget Impact: None. Funds for this position are currently in the Jail 2021 budget.

Legislator Yunker seconded the resolution which was adopted by 255 votes, Dibble (43), Clattenburg (28) absent.

**RESOLUTION NO. 323 RESOLUTION AMENDMENT NO. 206 YEAR 1984 -
SHERIFF'S OFFICE/ RESTRICTIONS FOR USE OF GENESEE COUNTY FIRING
RANGE— APPROVAL OF**

Legislator Dibble offered the following resolution:

WHEREAS, a capital project was established in 2012 to provide for the construction of a new firing range at the Fire Training Center on State Street Road, and

WHEREAS, we are nearing the completion of the new range, and

WHEREAS, we are requesting an amendment to current *Resolution 206 – Restrictions for Use of Genesee County Firing Range*, passed on September 12, 1984, to include:

-remove restriction C (the range will be utilized year round, on a very limited basis during the summer months)

-remove restriction G (a rough-sawed fence is no longer necessary due to the increased height of the new 30-foot berms)

-revise restriction F to remove the following verbiage “high-powered rifles or”

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

RESOLVED, the Chair of the Genesee County Legislature is authorized and directed to amend *Resolution 206 – Restrictions for Use of Genesee County Firing Range* as outlined above. All other restrictions as per Resolution 206 will remain in effect.

Budget Impact: None.

Legislator Hawley seconded the resolution which was adopted by 255 votes, Dibble (43), Clattenburg (28) absent.

Legislator Dibble joined the meeting.

RESOLUTION NO. 324

**GRANT ACCEPTANCE/ESTABLISH CAPITAL
PROJECT AIRPORT – APRON
RECONSTRUCTION/2021 BUDGET
AMENDMENT– AIRPORT APPROVAL OF –**

Legislator Yunker offered the following resolution:

WHEREAS, Genesee County is anticipating an Airport Improvement Program (AIP) grant from the Federal Aviation Administration for the reconstruction of existing apron and associated lighting at the Genesee County Airport, and

WHEREAS, The County Superintendent of Highways expects this grant agreement to require a rapid approval and turnaround to the FAA and does recommend accepting the grant to plan for the apron reconstruction, and

WHEREAS, The County Superintendent of Highways recommends establishing a capital project contingent upon receipt and execution this grant, 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 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 44-21, Apron Reconstruction (Construction) for a total of \$1,517,320 as per the following:

Federal Funds	\$1,365,587
State Funds	\$75,867
County Funds	\$75,866 (1% Sales Tax)

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2021 Budget:

Increase H.5997 5031 Interfund Revenue	\$78,866
--	----------

Increase H.5997 4592 Federal Aid	\$1,365,587
Increase H.5997 3897 State Aid	\$75,867
Increase H.5997 2080.0000 Apron Reconstruction	\$1,517,320

RESOLVED, That the Genesee County Legislature does hereby authorize and direct the Genesee County Treasurer to make the following amendments to the 2021 Budget:

Increase A.1000 1110.1 Sales Tax 1%	\$78,866
Increase A.9950 9000.0000 Transfer to Capital	\$78,866

Budget Impact: 90% federal aid of \$1,365,587, 5% state aid of \$75,867 and a local match from the 1% sales tax of \$75,866.

Legislator Torrey seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 325

**INTERMUNICIPAL AGREEMENT –
COUNTYWIDE WATER PHASE 2 – TOWN
OF PAVILION**

Legislator Torrey offered the following resolution:

WHEREAS, Genesee County desires to advance certain portions of water improvements being made by the Town of Pavilion which benefits the County and are described in the Master Plan and Engineering Report for Phase 2 of the Countywide Water Project, and **WHEREAS**, the Genesee County Highway Superintendent and the County Attorney have prepared an agreement that provides a reimbursement to the Town of Pavilion under terms acceptable to the County and recommend its 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 Genesee County Legislature does hereby authorize the Chairperson of the Genesee County Legislature to approve the Intermunicipal Agreement between Genesee County and the Town of Pavilion related to the installation of a Disinfectant Byproduct (DBP) removal system within the water storage tower being constructed by the Town.

Budget Impact Statement: Per the agreement, the County Water Fund will reimburse the Town of Pavilion up to \$50,000 for installing the DBP removal system within the water storage tower that benefits the countywide system. Reimbursements will be made within 45 days after the Town of Pavilion completes the installation of the system and it is certified complete by their Engineer.

Legislator Deleo seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 326

**AWARD OF BID – HIGHWAY/FACILITIES
MANAGEMENT/CENTRAL SERVICES– WORK
CLOTHING – APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, The Genesee County Highway Superintendent and Purchasing Director did receive bids for work clothing and do recommend awarding the bid to Cintas Corporation, and

WHEREAS, The Public Service Committee did review this recommendation and does concur. Now, therefore, Be it,

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into an agreement with Cintas Corporation, 5740 Genesee Street, Lancaster, NY 14086 for the work clothing as per bid specifications, effective September 1, 2021 through August 31, 2022, with the renewal option of five (5), one year additional periods.

Budget Impact Statement: Work clothing is budgeted item within the County Road and Road Machinery Funds, Facilities Management Operating Budget and Central Services Operating Budget
Legislator Klotzbach seconded the resolution, which was adopted by which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 327 AIRPORT AIP CAPITAL PROJECTS – CLOSE - APPROVAL OF

Legislator Dibble offered the following resolution:
WHEREAS, The Genesee County Highway Superintendent did review established capital projects at the Genesee County Airport and does recommend closing one 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 Treasurer is hereby authorized and directed to close the following capital project:

AIP #40-17 – Airport – Taxiway C Reconstruction (Design)

Budget Impact Statement: Proper allocation of state and federal aid allow the County to reduce its overall committed local share and therefore reduce the amount of funds obligated to capital projects. All Federal and State payments have been received and there is a zero balance.

Legislator Maha seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 328 AMEND 2021 CAPITAL PROJECT – HIGHWAY – APPROVAL OF

Legislator Yunker offered the following resolution:

WHEREAS, The State of New York has provided Genesee County with Consolidated Local Street and Highway Improvement Program (CHIPS) , NYS-EWR and PAVE-NY funding, and

WHEREAS, the Genesee County Superintendent of Highways has established capital projects for the repair and replacement of highways, bridges and culverts, and that amount differs from the letter received by NYS, and

WHEREAS, The Superintendent of Highways recommends adjusting these existing projects, 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 make the following changes to the PAVE-NY funded capital projects by decreasing Highway Capital Project Expense H5112.2080 in the amount of \$1,200.72 and Decrease H5112.3501 CHIPS in a like amount.

<u>Capital Project</u>	<u>Amount/Action</u>	<u>Source</u>
CR#5	Decrease \$1,200.72	PAVE-NY

Budget Impact Statement: Decrease of \$1,200.72 in PAVE-NY revenue

Legislator Dibble seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 329 AUTHORIZATION TO AMEND THE CONSTELLATION ENERGY PROGRAM AGREEMENT FOR ELECTRICITY AND RENEWABLE ENERGY CREDITS

Legislator Torrey offered the following resolution:

WHEREAS, on February 09, 2018, the Genesee County Legislature approved Resolution No. 2018-281, to issue an Invitation to Bid on behalf of the Municipal Electric and Gas Alliance for the supply of electricity and renewable energy credits for municipal and other customers located in National Grid, Central Hudson Gas and Electric, New York State Electric and Gas, and Rochester Gas and Electric utility territories, and an Invitation to Bid on behalf of the Municipal Electric and Gas Alliance for the supply of natural gas for municipal and other customers located National Grid, Central Hudson Gas and Electric, New York State Electric and Gas, Rochester Gas and Electric, National Fuel and Consolidated Edison utility territories, all in accordance with provisions of New York State Law, and

WHEREAS, All political subdivisions and districts within the State of New York were authorized by the same resolution to participate in the contracts awarded as a result of this procurement, and

WHEREAS, Program Agreements with Constellation Energy Services for electricity supplies, and with Direct Energy Business for natural gas supplies were executed and implemented beginning September 09, 2018, and with Direct Energy on September 04, 2020 for gas supplies behind Central Hudson Gas and Electric

WHEREAS, the Genesee County Legislature approved Resolution No. 2020-506 approving the extension of the existing Program Agreements with Constellation Energy Services and Direct Energy in cooperation with MEGA, as appropriate to provide for a three-year extension of such Agreements so that they terminate October 31, 2026.

WHEREAS, due to regulatory requirements applicable to the NYS electricity market Constellation Energy wishes to clarify Section 2.2 of the Program Agreement, by deleting it in its entirety and replace with the following:

“2.2 SUPPLIER agrees to enter into individual agreements, which shall be in a form substantially similar to the SUPPLIER’s Electricity Supply Agreement (as applicable and each of which may be referred to as a “Power Sale Agreement” herein), attached hereto and incorporated herein by this reference to Exhibit B, with each ALLIANCE participant that elects to purchase SERVICES from SUPPLIER; provided, however, nothing herein shall prevent SUPPLIER, on a prospective basis only, from changing the terms and conditions included in its Power Sale Agreement, other than the Fixed Adder price, with notice to ALLIANCE. The Parties agree that additional contractual documentation will be required for renewable energy credit purchases/sales. SUPPLIER may require participants to complete a credit application prior to entering into Power Sale Agreements. Variable price proposals shall allow participants to choose between Option 1 (Fixed Adder, inclusive of SUPPLIER’s margin, MEGA’s Royalty Fee, Ancillary Services, New York’s Clean Energy Standard (“CES”) and Losses) and Option 2 (Fixed Adder inclusive of Supplier’s Margin, MEGA’s Royalty Fee, Ancillary Services, CES, Losses, and premium for 100% RECs). The price of Option 1 and Option 2 Fixed Adder will remain constant through the term of this Agreement, pursuant to SUPPLIER’s low bid of September 7, 2018, provided however, SUPPLIER is permitted to: (i) include in the Fixed Adder and fix at prevailing market rates any costs and charges for CES; and (ii) increase the proposed Fixed Adders to allow additional margin, not to exceed \$.003 per kWh, for SUPPLIER when establishing fixed pricing or a fixed component of a combination product with a participant. In addition, during the Extension Term, for purposes of fixed price or a fixed component of a combination product and holdover margin SUPPLIER is permitted to increase the proposed Fixed Adders to allow additional margin, not to exceed \$.003 per kWh, for SUPPLIER. ALLIANCE and COUNTY agree and acknowledge that individual Fixed Adders apply under both

Option 1 and Option 2 for purposes of a contracting participant with multiple accounts that may be behind multiple utilities and have various rate classes, voltage levels, and zones. In both Option 1 and Option 2, the cost of capacity and transmission (including TOTS) CES, New York Public Policy Transmission (“PPT”) (as defined below) and New York Offshore Wind Renewable Energy Credits (“NY OREC”) (as defined below) retail cost components shall be passed through at cost, without mark-up, or fixed at prevailing market rates. All SUPPLIER offers shall, upon written request, provide participants the option of adding renewable energy credits to their purchase for 100% of usage, at prices determined based on market conditions at the time an ALLIANCE participant executes the applicable Power Sale Agreement. Green-e certified renewable energy certificates shall only be offered to non-residential participants. For clarification purposes, CES Tier 2 program costs and CES Tier 4 program costs, PPT costs, and NY OREC costs are excluded from SUPPLIER’s price. New York Clean Energy Standard has the meaning described in the “Order Adopting Modifications to the Clean Energy Standard” in case 15-E-0302 dated Oct 15, 2020 and New York Public Policy Transmission costs shall be as described in the NYISO Board of Director’s “Approval of AC Transmission Public Policy Transmission Planning Report and Selection of Public Policy Transmission Projects” decision dated April 8, 2019, as may be amended from time to time. NY OREC costs means any costs related to the purchase of offshore renewable energy credits (“ORECs”) from eligible offshore wind generating facilities to comply with the New York Offshore Wind Standard as described in the “Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement” in DPS Case 18-E-0071, and “Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard.” in DPS Case 15-E-0302, as may be amended from time to time. ALLIANCE and COUNTY each agree and acknowledge such costs shall be deemed a change in tariff or law as that term is defined in the Power Sale Agreement and will result in a change in the price to reflect the cost impact of such regulations/orders.”

RESOLVED, the Legislature hereby recommends the Chairman of the Genesee County Legislature approve the clarification of Program Agreements with Constellation Energy Services in cooperation with MEGA, as proposed in this Resolution.

SEQR Action: Type II

Budget Implications: This resolution will positively impact the budget by allowing us to continue using the rates provided by the existing contract.

Legislator Yunker seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

**RESOLUTION NO. 330 CONTRACT EXTENSION FOR PREPARATION OF
TAX BILLS – APPLIED BUSINESS SYSTEMS, INC.
– APPROVAL OF**

Legislator Maha offered the following resolution:

WHEREAS, Genesee County does contract for the preparation of tax bill laser printing and inserting into window envelopes, and

WHEREAS, Genesee County and Applied Business Systems, Inc., entered into a one year contract dated August 7, 2019 with the option to extend the contract up to four additional one year periods with mutual consent of both parties, and

WHEREAS, Applied Business Systems, Inc., has consented to extending the contract for an additional one year period with the only price increase being a \$0.006 increase per sheet for the tax bill paper stock, and

WHEREAS, The Director of Real Property does recommend approval for exercising the one year contract extension, and

WHEREAS, The Committee on Ways and Means did review this contract and does concur, Now, therefore, Be it

RESOLVED, That Genesee County does hereby agree to a one year contract extension with Applied Business Systems, Inc., 26 Harvester Avenue, Batavia, New York 14020, for the processing of tax bills for the period September 1, 2021 through August 31, 2022, in accordance with the contract dated August 7, 2019.

Budget Impact Statement: Approximate yearly expense of \$14,500 which is charged back to the various municipalities.

Legislator Hawley seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

**RESOLUTION NO. 331 2021 GENESEE COUNTY CHARGEBACKS TO
TOWNS AND CITY OF BATAVIA – TREASURER /
REAL PROPERTY – APPROVAL OF**

Legislator Deleo offered the following resolution:

WHEREAS, The Director of Real Property Tax Services has submitted a list of chargebacks to the several Towns and City of Batavia for assessment rolls, tax rolls, tax bills, supplies, and assessment update services that were provided in the previous fiscal year, and

WHEREAS, The Committee on Ways and Means does recommend apportionment of this expense, Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize the following amounts to be billed to the several Towns and City of Batavia:

2021 Chargebacks Applied to 2022 Town / City Budgets

TOWN	PARCELS	ASSESSMENT ROLLS/BILLS	NYSORPTS LICENSE FEE	TOTAL
Alabama	1,130	\$3,390.00	\$1,000.00	\$4,390.00
Alexander	1,459	\$4,377.00	\$1,000.00	\$5,377.00
Batavia(T)	3,121	\$9,363.00	\$631.05	\$9,994.05
Bergen	1,668	\$5,004.00	\$1,000.00	\$6,004.00
Bethany	1,019	\$3,057.00	\$427.10	\$3,484.10
Byron	1,359	\$4,077.00	\$1,000.00	\$5,077.00
Darien	1,844	\$5,532.00	\$772.90	\$6,304.90
Elba	1,502	\$4,506.00	\$1,000.00	\$5,506.00
LeRoy	3,483	\$10,449.00	\$1,045.32	\$11,494.32
Oakfield	1,522	\$4,566.00	\$1,000.00	\$5,566.00
Pavilion	1,515	\$4,545.00	\$454.68	\$4,999.68
Pembroke	2,485	\$7,455.00	\$1,200.00	\$8,655.00
Stafford	1,576	\$4,728.00	\$1,000.00	\$5,728.00
Batavia(C)	5,534	\$16,602.00	\$1,118.95	\$17,720.95
TOTALS	29,217	\$87,651.00	\$12,650.00	\$100,301.00

and, Be it further

RESOLVED, That the amounts to be paid to the County Treasurer are credited to Revenue A.1325 2226 Sales / Supplies to Other Governments, in the current budget year.

Budget Impact Statement: Licensing fee revenue of \$12,650.00 is paid to the NYSORPTS for software licensing. Assessment services and roll / bill revenue of \$87,651.00 covers salary and all other expenses incurred in providing these services to the municipalities. The 2020 chargebacks totaled \$98,427.00.

Legislator Torrey seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 332 RELEVY OF UNPAID SCHOOL AND VILLAGE TAXES – TREASURER – AUTHORIZATION FOR

Legislator Torrey offered the following resolution:

WHEREAS, The Real Property Tax Law requires that, by November 15, 2021, all rural Genesee County School Districts return their respective unpaid 2021-2022 school taxes to the County Treasurer for inclusion in the following year's town and county levy, and

WHEREAS, The Legislature entered into an agreement with the various villages within the county that upon notification to the county by the villages, within the time period as defined in the agreement, the unpaid village taxes will be relieved as part of the town and county levy. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby authorize all unpaid school taxes and unpaid village taxes be relieved against the various towns in the County of Genesee immediately upon receipt by the County Treasurer's Office.

Budget Impact Statement: None

Legislator Deleo seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 333 2021 SALARY SCHEDULE AMENDMENT - INFORMATION TECHNOLOGY DEPARTMENT RESTRUCTURING

Legislator Klotzbach offered the following resolution:

WHEREAS, the Director of Information Technology did request an organizational restructuring of the department and the elimination of one Systems Analyst I, Grade 110 and one Deputy Director of Information Technology, Grade 117 positions, and

WHEREAS, The Committee on Ways and Means did review this request and do recommend changes be implemented 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 2021 Genesee County Management Salary Schedule by eliminating one position of Systems Analyst I, Grade 110, and one position of Deputy Director of Information Technology, Grade 117, effective September 10, 2021.

BUDGET IMPACT STATEMENT: The elimination of these two positions will remove \$136,459 in salary from the Information Technology department budget.

Legislator Maha seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 334 SET PUBLIC HEARING – LOCAL LAW INTRODUCTORY NO. 3, YEAR 2021 - OCCUPANCY TAX EXTENSION-APPROVAL OF

Legislator Klotzbach offered the following resolution:

WHEREAS, There is hereby introduced to the Genesee County Legislature a proposed Local Law Introductory No. 3, Year 2021 "A LOCAL LAW TO AMEND LOCAL LAW NO. 2, YEAR 1995, AS AMENDED BY LOCAL LAW NO. 4, YEAR 1998, LOCAL LAW NO. 6, YEAR 2001, LOCAL LAW NO. 4, YEAR 2004, LOCAL LAW NO. 2, YEAR 2007, LOCAL LAW NO. 1, YEAR 2010, LOCAL LAW NO. 3, YEAR 2013, LOCAL LAW NO. 2, YEAR 2016, AND LOCAL LAW NO. 2, YEAR 2019, IMPOSING A HOTEL/MOTEL ROOM OCCUPANCY TAX IN THE

COUNTY OF GENESEE, WITH REGARD TO THE EXPIRATION THEREOF.”

and

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

RESOLVED, That a public hearing shall be held on proposed Local Law Introductory No. 3, Year 2021 by the Genesee County Legislature on the 8th day of September, 2021 at 5:30 pm at the Old Courthouse, 7 Main Street, Batavia, New York.

Legislator Yunker seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

Motion by Legislator Maha to amend the following resolution to add “which includes authorization to allocate ten (10) million dollars of the annual net collections of all sales tax received by the County to be divided among the Genesee County Towns and Villages as set forth therein.” To the last sentence seconded by Legislator Torrey, carried.

**RESOLUTION NO. 335 MODIFIED AMENDED AND RESTATED SALES
TAX AGREEMENT BETWEEN THE COUNTY OF
GENESEE AND CITY OF BATAVIA - APPROVAL
OF**

Legislator Maha offered the following resolution:

WHEREAS, the County of Genesee and the City of Batavia entered into a “Amended and Restated Sales Tax Allocation Agreement between the County of Genesee and the City of Batavia” (hereinafter “Amended and Restated Agreement), dated October 29, 2019, and

WHEREAS, the County of Genesee desires to modify this Amended and Restated Agreement to add provisions to allow sales tax allocations to the towns and villages located outside of the City Batavia, and

WHEREAS, the terms and conditions pertaining to the City of Batavia will remain the same, and thereby, the City of Batavia has no objections to the proposed modifications, and

WHEREAS, the parties hereto wish to enter into a new Modified Agreement pursuant to subdivision (c) of Section 1262 of the Tax Law of the State of New York, for a term that shall end on December 31, 2059, which is the date which the current Amended and Restated Agreement terminates. Now, therefore, Be it

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute on behalf of the County a proposed “Modified Amended and Restated Sales Tax Allocation Agreement Between the County of Genesee and the City of Batavia”, for a term ending on December 31, 2059, which includes authorization to allocate ten (10) million dollars of the annual net collections of all sales tax received by the County to be divided among the Genesee County Towns and Villages as set forth therein.

Legislator Torrey seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

**RESOLUTION NO. 336 CONTRACT AMENDMENT – CENTRAL
SERVICES/ UNIFIED COURT SYSTEM – APPROVAL OF**

Legislator Deleo offered the following resolution

WHEREAS, 2018 Resolution No. 483 authorized Genesee County to enter into an agreement with the New York State Unified Court System for the Court Facilities Incentive Aid Program for the period of April 1, 2018 through March 31, 2023, and **WHEREAS**, This Aid Program allows for the State reimbursement for Genesee County expenses associated with the cleaning and minor repairs of the courts facilities, and **WHEREAS**, The New York State Unified Court System has presented the Genesee County Manager with a revised Appendix B Court Cleaning and Minor Repairs Proposed Budget Form for the period of April 1, 2021 through March 31, 2022, Now therefore, Be it

RESOLVED, That the Genesee County Legislature Chairperson is hereby authorized and directed to execute the Contract Amendment letter which amends the County's agreement with the New York State Unified court System for expense reimbursement to include Appendix B, Unified Court System Cleaning and Minor Repairs Proposed Budget Form, for the period April 1, 2021 through March 31, 2022.

Budget Impact: Proposed maximum State reimbursement of \$191,683 has been budgeted as revenue in the Central Services, Information Technologies and Facilities Management operating budget.

Legislator Hawley seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

Upon hearing no comments or statements pertaining to the Public Hearing on a CDBG grant application Chair Stein closed the Public Hearing at 3:19 PM.

RESOLUTION NO. 337 AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT FUNDING – APPROVAL OF

Legislator Maha offered the following resolution:

WHEREAS, The Community Development Block Grant (CDBG) program is administered by the New York State Office of Community Renewal (OCR), and has made available to local governments approximately \$60 million under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help communities throughout the state to safely reopen and restart their local economies in the wake of COVID-19; and **WHEREAS**, Genesee County has identified certain small business and economic development related needs within the community directly relating to the COVID-19 pandemic (the "Project"); and

WHEREAS, The Genesee Gateway Local Development Corporation (the "GGLDC") intends to assist businesses impacted by COVID-19; and

WHEREAS, Genesee County is eligible to apply for up to \$1 million in funding from the New York State Office of Community Renewal CARES Act funds to finance the Project costs; and

WHEREAS, The GGLDC is facilitating of the Project and has requested that the City provide the OCR CARES Act funding to the GGLDC as a grant for the purpose of making grants to eligible small businesses and microenterprises; and

WHEREAS, The Project will result in substantial benefit to Genesee County in forms of safer businesses, new investment, and new or restored employment positions; and

WHEREAS, The County has held a public hearing to obtain citizens' views regarding the CDBG CARES Act program as administered by OCR and the proposed Project; now therefore be it

RESOLVED, That the Chairman of the Legislature is hereby authorized to submit a grant application of up to \$1 million on behalf of Genesee County to the OCR to support the Project; and be it further

RESOLVED, That the Chairman of the Legislature is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the GGLDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, That the Chair of the Legislature is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Legislator Dibble seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

Motion by Legislator Maha to amend the following resolution to add “Town of Darien” to the last sentence seconded by Legislator Torrey, carried.

RESOLUTION NO. 338 AUTHORIZATION TO SIGN - AMENDED AND RESTATED WATER AGREEMENTS-3 LOCAL MUNICIPALITIES-APPROVAL OF

Legislator Dibble offered the following resolution:

WHEREAS, On October 4, 2017, the Genesee County Legislature held a public informational meeting to discuss and review preliminary plans, including cost estimates and calculations, to construct three future phases of improvements to the county-wide water system, and

WHEREAS, At this meeting, a proposed template for Amended and Restated Water Supply Agreements was also presented, and

WHEREAS, The purpose of the template was to make revisions to all of the existing water supply agreements that the County has with 17 of the towns and villages located in Genesee County outside the City of Batavia, and

WHEREAS, The central issue for the changes to the existing agreements was to allow the County to have authority to raise the current surcharge of \$0.60 per thousand gallons of water consumed in order to finance the proposed improvements to be paid by the present and future water consumers, and

WHEREAS, The County Legislature and administrators received numerous questions, comments and proposed revisions to the original template in writing and with meetings held with local officials resulting in numerous revisions to the template to incorporate most of the recommendations received, and

WHEREAS, the County Legislature approved and adopted a Water Master Plan as required in the proposed Amended and Restated Water Supply Agreements, and

WHEREAS, the following Town and Village Councils adopted resolutions to approve their respective Amended and Restated Water Agreements. Now, therefore, Be it

RESOLVED, That the Amended and Restated Water Supply Agreements for the following town and village are hereby respectively approved, and the Chair of the Genesee County Legislature is authorized and directed to execute each of these documents on behalf of the County of Genesee with the following:

1. Town of Pembroke
2. Village of Corfu

3. Town of Darien

Legislator Torrey seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

RESOLUTION NO. 339 COUNTY AUDIT –AUGUST 25- APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, Legislator Torrey, did review the following claims:

General Fund	\$	1,224,164.84
Highway		229,097.74
Self Insurance		45,213.46
Water Fund		1,005,288.21
DSS Abstracts		563,113.81
Capital Projects		
Highway-Large Span Culverts		54,050.83
Highway-S Lyons Street Bridge Over Tonawanda Creek		85,797.11
Highway-Highway Chipseal		2,202.55
Highway-Tower Hill Road Bridge Over Spring Creek		128,107.51
Highway-Highway Recycling		149,828.66
Highway-Meadville Road Bridge Over Canal Creek		24,580.55
Highway-Sharrick Road Bridge Over Murder Creek		5,000.00
Highway-North Road (CR\$)		225,892.45
Highway-Upton Road Bridge Over Bowen Creek		163,945.91
Highway-Highway Surface Treatment		530,692.12
Highway-Judge Road Bridge Over Whitney Creek		59,061.99
Airport-Airport Perimeter Fence Relocation		108.66
Facilities Management-Animal Shelter Improvements		900.00
County Park-Comprehensive Recreation Plan		3,990.00
County Park Area “D” Shelter Improvements		7,685.16
County Manager-County Manager Security Upgrades-Phase II		1,401.60
Sheriff’s/Jail-Firing Range Upgrades		600.00
Payroll – General		
July 30, 2021		1,195,336.40
August 13, 2021		1,212,956.61
Medicaid		
August 3, 2021		165,091.00
August 10, 2021		165,091.00
August 17, 2021		165,091.00
August 24, 2021		<u>165,091.00</u>
Total Audit	\$	7,579,380.17

Now, therefore, Be it

RESOLVED, That the Genesee County Legislature has audited and does approve the claims as listed above, and Be it further

RESOLVED, That the Genesee County Treasurer be and hereby is authorized and directed to make payments as listed above.

Legislator Klotzbach seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

Rule 19

Legislator Maha made a motion to suspend the rules of the Genesee County Legislature to add two timely resolutions; to appoint a new legislature clerk and authorization for consulting services for the American Rescue Plan Act funds and reporting seconded by Legislator Torrey, carried.

RESOLUTION NO. 340 APPOINTMENT-CLERK TO THE LEGISLATURE- APPROVAL OF

Legislator Torrey offered the following resolution:

RESOLVED, That Lisa Casey of Batavia, New York be and hereby is appointed as Clerk to the Legislature, Grade 111 effective September 7, 2021.

Legislator Maha seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

County Manager Matt Landers explained that this contract will be paid for out of ARPA funds and serves as an insurance policy to ensure we are accurate with our revenue loss calculation and required reports are completed accurately and timely.

RESOLUTION NO. 341 AWARD OF CONTRACT – PROFESSIONAL CONSULTING SERVICES RELATED TO THE AMERICAN RESCUE PLAN ACT – APPROVAL OF

Legislator Torrey 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 three proposals and is recommending EFPR Group, Williamsville, New York, and

WHEREAS, The Legislature has reviewed this recommendation and does concur. Now, therefore, Be it

RESOLVED, That the Genesee County Treasurer is hereby authorized and directed to make the following budget amendment to fund this expense from the ARPA funds to increase Appropriation A.1231.4800.0700-ARPA Contractual Expenses in the amount of \$ 10,000 and increase Revenue A.1231.4089.3 Federal Aid in a like amount coming from deferred revenue.

RESOLVED. That the Chair of the Genesee County Legislature is hereby authorized and directed to execute an agreement with EFPR Group, CPAs, PLLC, 6390 Main Street, Suite 200, Williamsville, New York 14221, for consulting services related to the American Rescue Plan Act funding, at a discounted governmental rates as follows: Partner -\$190/hr., Director - \$140/hr., Senior accountant - \$100/hr., Staff accountant \$85/hr., effective August 24, 2021 through August 31, 2023, with the option of three, one-year renewals.

Budget Impact: Grant funds will be used to cover this expense

Legislator Maha seconded the resolution which was adopted by 298 votes, Clattenburg (28) absent.

The meeting adjourned at 3:29 PM upon motion of Legislator Yunker seconded by Legislator Deleo.