

**FIFTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, September 8, 2021**

The Genesee County Legislature met in Regular Session on Wednesday, September 8, 2021 at 5:30 PM in the Legislative Chambers of the Old Courthouse. Legislator Klotzbach was absent. Legislator Deleo offered to assist with the audit. The prayer was offered by Legislator Hawley followed by the Pledge to the Flag.

In addition to our regular meeting, Chair Stein opened a public hearing on Local Law Introductory No. 3 Year 2021 pertaining to the extension of the local law imposing a hotel/motel room occupancy tax in the County of Genesee. There were no participants in speaking during the public hearing.

Minutes of the August 25, 2021 Legislature meeting were approved upon motion of Legislator Clattenburg seconded by Legislator Dibble, carried.

Legislature Chair, Stein, commented summer is over, back to regular session. First session of budget commenced, we are back in session (2 meetings a month) and ready to work on the budget. A majority of Legislators are attending the NYSAC Conference September 13-15 thank you for holding the fort at the conference and here.

County Manager Matt Landers have recognized the first three employees of the Employees recognition program that Vicky Muckle initiated and implemented. The selected winners are placed on the Facebook page and given a certificate. Program consists of individuals of County employees that go above and beyond normal duties which the County would like to recognize. There is a pool of nominations for recognition, 15 or so nominations thus far, we randomly selected from the nominations and the first three winners are: Rachel Mienev from Mental Health, Vicki Athoe from Probation and Chelsea Elliott from the Youth Bureau. They were presented with certificates and also listed on the County's intranet. This is a way to say thank you and give back. Matt is encouraging department heads to seek out nominations and send them in. Marianne Clattenburg commented "great idea, congratulations to the people selected". Chair Stein stated, "very good, we'll continue to take new ideas and improve."

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 342     2021 BUDGET AND CONTRACT AMENDMENT -  
COMMUNITY MENTAL HEALTH SERVICES – LIVING  
OPPORTUNITIES OF DEPAUL – APPROVAL OF**

Legislator Hawley offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services does request an amendment to the 2021 Genesee County Mental Health Association and Living Opportunities of DePaul contract and budget, and

**WHEREAS**, These additional funds are the result of an increase of 2021 State funds, for additional housing Now, therefore, Be it

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

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2021 contract and budget between the County of Genesee and, Living Opportunities of DePaul and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 Genesee County Budget by

Increasing A 4312.4660.000 Contracted Other by \$ 28,839.00

AND

Increasing A.4312.3490 State Aid Mental Health by \$ 28,839.00

**Budget Impact Statement:** Increasing the budget by \$28,839.00 offset by an increase in State Aid in the amount of \$28,839.00, for a 2021 total budgeted contracted amount to not exceed, \$73,894.00. (State Aid, 100%)

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

**RESOLUTION NO. 343 2021 BUDGET AND CONTRACT AMENDMENT -  
COMMUNITY MENTAL HEALTH SERVICES –  
RESTORATION SOCIETY –APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services does request an amendment to the 2021 Restoration Society contract and budget, and

**WHEREAS**, These additional funds are the result of an increase of 2021 State funds Now, therefore, Be it

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

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2021 contract and budget between the County of Genesee and Restoration Society, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 Genesee County Budget by

Increasing A 4323.4660.000 Contracted Other by \$ 2,315.00

AND A 4323.3490 State Aid by \$ 2,315.00

**Budget Impact Statement:** Increasing the budget by \$2,315.00 offset by an increase in State Aid in the amount of \$2,315.00, for a 2021 total budgeted contracted amount to not exceed, \$366,931.00. (State Aid, 100%)

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

**RESOLUTION NO. 344 2021 BUDGET AND CONTRACT AMENDMENT -  
COMMUNITY MENTAL HEALTH SERVICES – THE  
MENTAL HEALTH ASSOCIATION OF GENESEE AND  
ORLEANS COUNTIES – APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services does request an amendment to the 2021 contract and budget with The Mental Health Association in Genesee and Orleans Counties, and

**WHEREAS**, These additional funds are the result of an increase of 2021 State funds, Now, therefore, Be it

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

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2021 contract and budget between the County of Genesee and the Mental Health Association in Genesee and Orleans Counties, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 Genesee County Budget by

Increasing A4321.4660.000 Contracted Other by \$ 3,240.00

AND

Increasing A.4321.3490 State Aid Mental Health by \$ 3,240.00

**Budget Impact Statement:** Increasing the budget by \$3,240.00, offset by an increase in State Aid in the amount of \$3,240.00, for a 2021 total budgeted contracted amount to not exceed, \$526,445.00

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

**RESOLUTION NO. 345 2021 BUDGET AND CONTRACT AMENDMENT -  
COMMUNITY MENTAL HEALTH SERVICES – GENESEE  
COUNCIL ON ALCOHOLISM AND SUBSTANCE ABUSE  
– APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services does request an amendment to the 2021 Genesee County Mental Health Association and Genesee Council on Alcoholism and Substance Abuse (GCASA) contract and budget, and

**WHEREAS**, These additional funds are the result of an increase of 2021 State funds, for Now, therefore, Be it

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

**RESOLVED**, That the Chair of the Genesee County Legislature be and hereby is authorized and directed to execute the necessary documents to amend the 2021 contract and budget between the County of Genesee and, GCASA and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 Genesee County Budget by

Increasing A 4313.4660.000 Contracted Other by \$ 13,255.00

AND

Increasing A.4313.3494 State Aid Mental Health by \$ 13,255.00

**Budget Impact Statement:** Increasing the budget by \$13,255.00 offset by an increase in State Aid in the amount of \$13,255.00, for a 2021 total budgeted contracted amount to not exceed, \$1,976,675. (State Aid \$ 1,935,939, Mandated levy \$35,536.00, DWI monies \$5,200.00)

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

**RESOLUTION NO. 346     2021 BUDGET ITEM TRANSFER - COMMUNITY  
MENTAL HEALTH SERVICES**

Legislator Hawley offered the following resolution:

**WHEREAS**, The Director of the Community Mental Health Services does request a budget item transfer to the 2021 Genesee County Mental Health department budget, and

**WHEREAS**, this transfer of funds, is due to an increase in competency restorations for individuals found unable to assist in their defense at a court hearing, and

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

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to transfer funds within the 2021 Genesee County Budget within the following accounts;

To:	A 4311.4660.000	Contracted Other by	\$ 281,000.00
From:	A.4310.1010.000	Personal Services by	\$ 281,000.00

**Budget Impact Statement:** This transfer of funds is budget flat, we are transferring expenses from one line to another.

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

**RESOLUTION NO. 347     2021 SALARY SCHEDULE AMENDMENT - COMMUNITY  
MENTAL HEALTH SERVICES/REGISTERED  
PROFESSIONAL NURSE -APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The department of Mental Health in Genesee County is in the middle of a staffing shortage. The Continuing Day Treatment (CDT) program has a full-time Registered Professional Nurse that has submitted her resignation for personal reasons; she has indicated she can work part-time hours. The CDT program is in need of nursing coverage. The Director is requesting this full time position be reduced to cover critical nursing hours in this program for continuity of care as they restructure to be able to provide needed services, and

**WHEREAS**, The Director of the Community Mental Health Services did request an amendment to the 2021 Employee Salary Schedule by eliminating one (1) Full-time, Registered Professional Nurse position, CSEA-General, Grade 16-N, and creating one (1) Part-Time Registered Professional Nurse, in CSEA-General, Grade 16-N and

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

**RESOLVED**, That the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2021 Employee Salary Schedule by eliminating one (1) Full-time, Registered Professional Nurse position, CSEA-General, Grade 16-N, and creating one (1) Part-Time, Registered Professional Nurse position, in CSEA-General, Grade 16-N effective September 20, 2021.

**Impact Statement:** For the full year the savings is as follows: \$28,908.5 – Salary;

\$28,758- Insurance (all family rates); \$5,015.67 – SS MDCR Retirement. Total savings: \$62,682

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

**RESOLUTION NO. 348                      CONTRACT RENEWAL – SOCIAL SERVICES -  
APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Commissioner of the Department of Social Services did present a contract renewal for the provision of service to magnetometer scanner equipment, and

**WHEREAS**, The County did purchase magnetometer scanner equipment in 2015 and the current service contract expires on December 31, 2021, and

**WHEREAS**, The Human Service Committee did review this request and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the County of Genesee acting by its Department of Social Services is hereby authorized and directed to execute a contract renewal with Rapiscan Systems Inc., 2805 Columbia Street, Torrance, California, 90503, for the provision of continued equipment coverage to the 620XRW baggage scanner and METOR 6M walk-thru device for the Genesee County Department of Social Services at the rate of \$4,620/\$1,335, respectively, for the period January 1, 2022 through December 31, 2022.

**Budget Impact:** Anticipated expenses of \$5,955 are included in the 2022 A 6010.4410.0000 Social Services budget line. Expenditures related to this contract are eligible for reimbursement up to 100% with State and Federal Aid for Social Services Administration.

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

**RESOLUTION NO. 349                      2021 BUDGET AMENDMENT-YOUTH BUREAU – APPROVAL  
OF**

Legislator Hawley offered the following resolution:

**WHEREAS**, The Executive Director of the Genesee County Youth Bureau did request a budget amendment as additional program revenue has been received to support additional programing, and

**WHEREAS**, The Committees of Human Services and Ways and Means has reviewed the request and does recommend approval at this time. Now, therefore be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2021 Genesee County Budget by increasing Revenue Account A.7312.3820 – St Aid, Youth Programs in the amount of \$11,658 to be offset by an increase in Expenditure Account A.7312.4660.0000 Contracted-Other in a like amount.

**Budget Impact:** All increased appropriations accompanied by matching increased revenue. No net county cost.

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

**RESOLUTION NO. 350 GRANT ACCEPTANCE & BUDGET AMENDMENT & SALARY SCHEDULE AMENDMENT – HEALTH DEPARTMENT/LEAD POISON PREVENTION – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Center for Disease Control has awarded the Genesee County Public Health Department \$248,226 in annual funding for childhood lead poisoning prevention and surveillance of blood lead levels grant activities.

**WHEREAS**, The Public Health Director has requested the creation of a full-time PH Educator, full-time Epidemiologist, and full-time Senior Financial Clerk positions to fulfill the grant work plan activities

**WHEREAS**, The Committees on Human Services And Ways and Means did review this Budget Amendment and do recommend approval at this time, Now therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized to accept this award for \$248,226 as specified and Be it further

**RESOLVED**, that the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to Amend the 2021 Genesee County Employee Salary Schedule by creating (1) full-time Public Health Educator position (Management Grade 110), (1) full-time Epidemiologist position (Management Grade 112), and (1) full-time Senior Financial Clerk position (CSEA Grade 10), all positions listed are effective 10/1/2021 – 09/29/2026.

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to Amend the 2021 Health Department budget to reflect an increase of:

\$31,700 in Appropriations A4010 1010.0000 Personal Services

\$2,000 in Appropriations 8010.0000 Social Security Tax

\$1,000 in Appropriations A4010 8011.0000 Medicare Tax

\$9,000 in Appropriations A4010 8030.0000 Medical

\$3,000 in Appropriations A4010 8020.0000 Retirement

\$3,000 in Appropriations A41010 4170.0000 Advertising

and to be offset by an increase of \$60,700 in A4010 4401.20 Fed Aid, LEAD.

Remaining funds (\$187,526) will be allocated in the 2022 budget.

**Budget Implications:** Funding will be used to offset costs of the Childhood lead poisoning prevention and surveillance of blood lead levels grant work plan.

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

**RESOLUTION NO. 351 CONTRACT RENEWAL - HEALTH DEPARTMENT/  
TRANSPORT MANAGEMENT VMC GROUP INC. – APPROVAL OF**

Legislator Hawley offered the following resolution:

**WHEREAS**, The Public Health Director did present an agreement with VMC Group Inc. to provide Transportation Management Services to the Genesee County Health Department, and

**WHEREAS**, The Committee on Human Services did review the contract and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract renewal with VMC Group Inc., 9701 Niagara Falls Blvd, Suite 1A Niagara Falls, NY 14304 to provide services for the period September 1, 2021 through December 31, 2021. An amendment to the contract will allow a month by month agreement and lower the monthly fees to \$4,375.

**Budget Impact Statement:** Expenses are included in the 2021 2960 budget. Cost to the county will be approx. \$17,500.

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

**RESOLUTION NO. 352 COVID-19 AGREEMENT AMENDMENT AND  
ACCEPTANCE OF ADDITIONAL FUNDING /HEALTH DEPARTMENT – APPROVAL  
OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The New York State Department of Health has awarded the Genesee County Public

Health Department \$342,558 in additional funding for COVID-19 contact tracing, overtime and supplies and,

**WHEREAS**, The Committees on Human Services And Ways and Means did review this Grant Acceptance and do recommend approval at this time, Now therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute Amendment #1 and accept the additional funding in the amount of \$342,558.

**Budget Implications:** (\$342,558) will be allocated in the 2022 & 2023 budgets. Funding will be used to offset costs of COVID-19 response activities, all other COVID-19 costs over \$342,558 will be partially (36%) offset by state aid.

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

**RESOLUTION NO. 353 AUTHORIZING AND APPROVING A SETTLEMENT  
AGREEMENT TO AN ACTION RELATING TO THE  
OPIOID CRISIS**

Legislator Torrey offered the following resolution:

**WHEREAS**, there is pending a matter on behalf of the County of Genesee, regarding the opioid addiction crisis, in which the County of Genesee is a named plaintiff in the action (the “Action”); and

**WHEREAS**, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

**WHEREAS**, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (“J & J”) based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in the County of Genesee; and

**WHEREAS**, J & J has offered to settle the claims of the County of Genesee against it by paying the sum of between approximately \$177,000 and \$413,000 over ten (10) years to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

**WHEREAS**, the County of Genesee has approved a settlement agreement and release (“Agreement”); and

**WHEREAS**, it is in the best interest of the County of Genesee to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation;

**WHEREAS**, the County of Genesee has retained the law firm of Napoli Shkolnik PLLC, 360 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10017, to prosecute Opioid related claims against J&J and other defendants, and this firm has recommended the proposed settlement and.

**WHEREAS**, the County Attorney has reviewed all of the settlement documents and also recommends the same, now there for be it

**RESOLVED**, that the County of Genesee Legislature does hereby approve the proposed settlement with the J&J defendants as set forth in documents provided by the Napoli Shkolnik law firm, and does hereby authorize and direct the Chair of the Legislature and the County Attorney to execute the “New York Opioid Sharing Agreement” and a “New York Subdivision Election and Release Form”: together with such other documents as may be necessary and appropriate to effectuate the settlement with J&J.

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

**RESOLUTION NO. 354      GRANT AWARD – BOARD OF  
ELECTIONS/TECHNOLOGY INNOVATION AND  
ELECTION RESOURCE (TIER) GRANT AND EARLY  
VOTING EXPANSION GRANT - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Genesee County Board of Election Commissioners did receive notification of the award of grant funding from the New York State Board of Elections Technology Innovation and Election Resource (TIER) Grant Program to assist counties with the capital purchase of software, technology upgrades, equipment and broadband service in the amount of \$58,999.06, and

**WHEREAS**, The Genesee County Board of Election Commissioners did receive notification of the award of grant funding from the New York State Board of Elections Early Voting Expansion Grant Program to reimburse counties for local dollars spent for early voting expansion in the amount of \$18,156.45, and



**WHEREAS**, The Genesee County Board of Election Commissioners have requested that the County accept the New York State Board of Elections Technology Innovation and Election Resource (TIER) Grant and the Early Voting Expansion Grant. Now, therefore, be it **RESOLVED**, That the Genesee County Legislature does hereby accept the New York State Board of Elections Technology Innovation and Election Resource (TIER) funding in the amount of \$58,999.06 and the Early Voting Expansion Grant Program funding in the amount of \$18,156.45, and Be it further

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute any and all documents necessary for the acceptance of the New York State Board of Elections Technology Innovation and Election Resource (TIER) Grant Program contract for the period of April 7, 2021 through January 27, 2023, in the amount of \$58,999.06 and Early Voting Expansion Grant contract for the period of April 7, 2021 through January 28, 2022, in the amount of \$18,156.45

**Budget Impact:** The expenses for the Early Voting Expansion Grant have already been incorporated into the Board of Elections 2021 budget. The expenses for the Technology and Innovation and Election Resource (TIER) grant will be included in the Board of Elections 2022 budget.

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

#### **RESOLUTION NO. 355     2022 BUDGET AND APPORTIONMENT - GENSEE COUNTY SELF-INSURANCE – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, The Budget and Apportionment of Expenses for the fiscal year 2022 for the Genesee County Self-Insurance Plan has been prepared and submitted for approval, and

**WHEREAS**, The Committee on Ways and Means did review said budget and apportionment and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Budget and Apportionment of the Genesee County Self-Insurance Plan, as submitted, is hereby adopted for the year 2022, and Be it further

**RESOLVED**, That a certified copy of the budget and resolution be forwarded to all participants of the Genesee County Self-Insurance Plan.

**Budget Impact Statement:** All expenses are apportioned to plan participants.

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

#### **RESOLUTION NO. 356     ADOPTION OF 2022 STOP-DWI PLAN – APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS**, The Genesee County STOP-DWI Coordinator did present a plan for 2022 for continuance of efforts to reduce the number of drinking and drug impaired drivers in our community through education, enforcement and rehabilitation, and

**WHEREAS**, The Genesee County STOP-DWI Advisory Board did review and vote to approve the recommended 2022 STOP-DWI Plan at their August meeting, and

**WHEREAS**, The Committee on Ways and Means did review the 2022 STOP-DWI Plan and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the 2022 STOP-DWI Plan, as presented, in the amount of \$160,910, and Be it further

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute all necessary documents related to the 2022 Genesee County STOP-DWI Plan.

**Budget Impact:** Revenue and expenses, in the amount of 160,910, shall be appropriated in the 2022 Dept. 3315 STOP-DWI budget proposal. All STOP-DWI activities are funded 100% from fine collections.

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

**RESOLUTION NO. 357      APPOINTMENT – HEALTH INSURANCE  
PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)  
PRIVACY OFFICER – APPOINTMENT OF**

Legislator Maha offered the following resolution:

**WHEREAS**, It is necessary for Genesee County to appoint a Privacy Officer to effectuate the County's compliance with provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and

**WHEREAS**, The County has designated the Genesee County Compliance Officer position to act as the Genesee County Privacy Officer, and

**WHEREAS**, The Committee on Ways and Means does recommend this appointment be made at this time. Now, therefore, Be it

**RESOLVED**, That Pamela LaGrou, Genesee County Compliance Officer be and hereby is appointed as Genesee County Privacy Officer effective September 8, 2021.

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

**RESOLUTION NO. 358                      SPECIAL EVENT – KIWANIS CLUB OF BATAVIA  
CHICKEN BARBEQUE FUNDRAISER – GENESEE  
COUNTY PARKS – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, A Special events application was received from the Kiwanis Club of Batavia to hold a Drive Thru Chicken Barbeque Fundraiser at DeWitt Park, Pavilion 2, and

**WHEREAS**, The Committee on Ways and Means did review this request and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby grant permission to the Kiwanis Club of Batavia to use DeWitt Park, Pavilion 2 for a Drive Thru Chicken Barbeque fundraiser on Saturday, September 25, 2021, as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

**BUDGET IMPACT:** None

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

**RESOLUTION NO. 359**

**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. 2, 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 – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, There has been introduced to the Genesee County Legislature a proposed Local Law Introductory No. 3, Year 2021 entitled “**A LOCAL LAW TO AMEND LOCAL LAW NUMBER 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.**” Now, therefore **BE IT ENACTED** by the Genesee County Legislature as follows:

**Section 1.** Section 702 of the 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. 2, Year 2013, Local Law No. 2, Year 2016, and Local Law No. 2, Year 2019, is hereby amended to read as follows:

702. Effective Date: This Local Law shall take effect on October 1, 2021 and expire on December 31, 2021, except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately, and

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

**WHEREAS**, The Clerk of the Genesee County Legislature did cause to be published in *The Daily News* the Official Newspaper of the County of Genesee, the Notice of Public Hearing on Local Law Introductory Number 3, Year 2021 and

**WHEREAS**, The Public Hearing was held at 5:30 pm on the 25th day of August 2021 in Batavia, New York, at which time all interested persons who wished to speak were heard. Now, therefore, Be it

**RESOLVED**, That “**A LOCAL LAW TO AMEND LOCAL LAW NUMBER 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.**” to be known as Local Law Number 5 of the Year 2021 for the County of Genesee is hereby adopted.

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

**RESOLUTION NO. 360 COUNTY AUDIT –SEPTEMBER 8- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Legislator Deleo, did review the following claims:

General Fund	\$	422,378.80
Highway		149,200.85
Water Fund		29,550.00
DSS Abstracts		86,794.44
<b>Capital Projects</b>		
Highway-Large Span Culverts		8,233.24
Highway-Highway Chip Seal		11,070.82
Highway-Highway Overlay		59,522.26
Highway-Darien Alexander Tnl Road Bridge/Tunnery Creek		6,052.92
Highway-North Road (CR40)		12,994.50
Highway-Upton Road Bridge Over Bowen Creek		275,084.71
Highway-Highway Surface Treatment		2,408.00
County Park-DeWitt Improvements Phase IV		2,571.50
County Park Area “D” Shelter Improvements		622.56
<b>Payroll – General</b>		
August 27, 2021		1,754,583.35
<b>Medicaid</b>		
August 31, 2021		165,091.00
September 7, 2021		<u>165,091.00</u>
<b>Total Audit</b>	\$	3,151,249.95

Now, therefore, Be it

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

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

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

At 5:47 PM the Public Hearing on Local Law Introductory No. 3 Year 2021 pertaining to the extension of the local law imposing a hotel/motel room occupancy tax in the County of Genesee was closed. At 5:49 p.m. the meeting was adjourned upon motion of Legislator Yunker seconded by Legislator Hawley, carried.