

**SEVENTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
BATAVIA, NEW YORK  
WEDNESDAY, OCTOBER 13, 2021  
ZOOM RECORDING AVAILABLE**

The Genesee County Legislature will meet in Regular Session on Wednesday, October 13, 2021 at 5:30 PM in the Legislative Chambers of the Old Courthouse. Legislator Klotzbach offered to assist with the audit. The prayer will be offered by Legislator Deleo followed by the Pledge to the Flag.

Legislator Klotzbach presented the proclamation for National Cybersecurity Awareness Month accepted by Director of Information Technology, Michael Burns. Legislature Chair Stein presented the proclamation for National Breast Cancer Awareness Month accepted by Lisa Franclemont from Rochester Regional Health/United Memorial Medical Center and Cancer Services Program. Legislator Deleo presented the proclamation for National Fire Prevention Month accepted by Tim Yaeger and Gary Patnode from Emergency Management.

Minutes for September 22, 2021 Legislature meeting were approved upon motion of Legislator Deleo seconded by Legislator Torrey, Carried.

Legislator Maha, Yunker and Chair Stein attended the Water Resource Meeting discussion on costs for water treatment plant which needs 2.5 million dollars in upgrades. Upgrade or wait (new pump station coming out of phase 3). Legislature Chair was at the Soil and Water meeting, met this morning, interest in filling another technician position in this organization, There is incredible young people in this organization, they drop down about a million dollars a year to put resource concerns to bed for us. MEGA going through retirement phase, four people from leadership will be retiring. Strategic plan underway, you will see some information coming through soon. Also a few Legislators attended the Inter-County meeting on Friday. Reminder, this week we have had 300 new cases of Covid. Please be mindful of staying safe. Maintain your six-foot distance and face covering and hand washing.

County Manager Landers met with the City of Batavia regarding upgrade on Water Facility. Hoping to have federal grant programs to assist with the upgrade. City and County working closely together on this. Attorney General James will be touring over at the recovery station (old Bones restaurant). This recovery station is a shining star or best example of a service like this in the State. Courthouse will be lit up green for Operation Green Light. Updating a grant RFP. Looking for outside firm to be aggressive to find a grant writer for the County. Also, working on the budget for 2022.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 384**

**AMEND AND RESTATE – DEFERRED  
COMPENSATION MODEL PLAN -  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The New York State Deferred Compensation Board (the “Board”) pursuant to Section 5 of the New York State Finance Law (“Section 5”) and the Regulations of the New York State Deferred Compensation Board (the “Regulations”), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Genesee County (the “Model Plan”) and offers the Model Plan for adoption by local employers; and

**WHEREAS**, Genesee County , pursuant to Section 5 and the Regulations has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Genesee County; and

**WHEREAS**, Effective December 11, 2020 the Board amended the Model Plan and the Genesee County Deferred Comp Committee met on September 29, 2021 to review the Model Plan and completed Schedules A & B as required for the benefit of Genesee County employees, and

**WHEREAS**, The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

**WHEREAS**, The Committee on Ways & Means did review the amended and restated Model Plan with Schedules A & B and does conclude that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Genesee County by adopting the amended and restated Model Plan. Now therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby amend the Deferred Compensation Plan for Employees of Genesee County effective October 13, 2021 by adopting the amended and restated Model Plan and Schedules A & B effective December 11, 2020 as presented by the Genesee County Deferred Compensation Committee and Be it further

RESOLVED, That the Genesee County Clerk of the Legislature file the amended and restated Model Plan with the New York State Deferred Compensation Board and file with Genesee County’s current Deferred Compensation provider Mission Square.

Budget Impact: None

Legislator Hawley seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 385**

**2021 BUDGET TRANSFER – CLERK TO THE  
LEGISLATURE - APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, the Clerk to the Genesee County Legislature has requested to attend the New York State Association of Clerks of County Legislative Boards Conference, and



**WHEREAS**, The Director of Information Technology does recommend a budget item transfer be completed to properly charge the expenses from Personnel Training to Over-Time Salaries, and

**WHEREAS**, The Ways and Means Committee do concur, now, therefore be it

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to transfer funds from A.1680.4550.0000 personnel training to A.1680.1020 over-time salaries in the amount of \$3,000

Budget Impact: No additional increase to the overall IT budget.

Legislator Deleo seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 388**

**SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. 4, YEAR 2021 –  
APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, Section 3(1) of the Public Officer Law states that no person shall be capable of holding a civil office, which includes Deputy Sheriffs, unless at the time he or she shall be chosen for employment they are a permanent resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, and

**WHEREAS**, the Legislature intends to expand the residency territorial area for a Deputy Sheriff - Seasonals beyond the County of Genesee as set for herein.

**WHEREAS**, the following proposed Local Law Introductory No. 4, Year 2021, was duly introduced to the Genesee County Legislature in accordance with the Law: **LOCAL LAW INTRODUCTORY NO. 4, YEAR 2021, OF THE COUNTY OF GENESEE, NEW YORK, TO EXPAND THE RESIDENCY TERRITORIAL AREA TO EMPLOY DEPUTY SHERIFF - SEASONALS**

**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. 4, Year 2021, by the Genesee County Legislature on the twenty-seventh day of October, 2021 at 5:30 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York

Legislator Dibble seconded the resolution, which was adopted by 326 votes

**RESOLUTION NO. 389**

**SET PUBLIC HEARING – LOCAL LAW  
INTRODUCTORY NO. 5, YEAR 2021 –  
APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS**, Section 3(1) of the Public Officer Law states that no person shall be capable of holding a civil office, which includes Deputy Sheriffs, unless at the time he or she shall be chosen for employment they are a permanent resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, and

**WHEREAS**, the Legislature intends to expand the permanent residency requirement timeframe for a lateral Police Officer transfer to a Genesee County Deputy Sheriff as set for herein.

**WHEREAS**, the following proposed Local Law Introductory No. 5, Year 2021, was duly introduced to the Genesee County Legislature in accordance with the Law: **LOCAL LAW INTRODUCTORY NO. 5, YEAR 2021 OF THE COUNTY OF GENESEE, NEW YORK, TO EXTEND THE PERMANENT RESIDENCY REQUIREMENT TIMEFRAME TO EMPLOY LATERAL TRANSFERS AS DEPUTY SHERIFFS**

**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. 5, Year 2021, by the Genesee County Legislature on the twenty-seventh day of October, 2021 at 5:35 p.m. at the Old Courthouse, 7 Main Street, Batavia, New York

Legislator Maha seconded the resolution, which was adopted by 326 votes

**RESOLUTION NO. 390**

**AUTHORIZING AND APPROVING A  
SETTLEMENT AGREEMENT TO AN ACTION  
AGAINST CERTAIN OPIOID DISTRIBUTORS –  
APPROVAL OF**

Legislator Hawley 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 distribution defendants, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation, and their multiple subsidiaries (hereinafter “Big 3 Distributors”): based upon claims that the Big 3 Distributors contributed to the opioid epidemic by failing to comply with their obligations under the Federal Controlled Substances Act and the New York Controlled Substance Act, in order to implement adequate measures to prevent diversion of the prescription opioids that they distributed to pharmacies, all of which contributed to a public health crisis in the County of Genesee; and

**WHEREAS**, The Big 3 Distributors offered to settle the claims of the County of Genesee against it by paying the sum of between approximately \$1,055,674 and \$1,864,833 to be paid over eighteen (18) years to be used for restitution, prevention, abatement and enforcement; together with agreeing to implement injunctive relief under a controlled substance monitoring program, and

**WHEREAS**, the County of Genesee has previously approved a settlement agreement and release (“Agreement”); pursuant to a “New York Opioid Settlement Sharing Agreement”, and



**WHEREAS**, The Director of the Community Mental Health Services does request an amendment to the 2021 Genesee County Mental Health and Coordinated Care Services, Inc, and

**WHEREAS**, There has been identified a shortfall in the current budgeted contract amount, and existing projects, and

**WHEREAS**, The Committees on Human Services 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 Department of Mental Health and, CCSI, by an increase of \$5,300.00

Budget Impact Statement: The budget will not be impacted. Funds will be transferred within the 4310 budget line.

Legislator Hawley seconded the resolution which was adopted by 326 votes

**RESOLUTION NO. 393**

**RENEWAL OF CONTRACT FOR SECURITY SERVICES – DEPARTMENT OF SOCIAL SERVICES, MENTAL HEALTH AND DEPARTMENT OF MOTOR VEHICLES – APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, Genesee County Department of Social Service (DSS) and Mental Health (MH) did present a Request for Proposal (RFP) 2019-112 in October 2019 seeking a vendor to provide security services at 5130 East Main Street, Batavia, NY 14020, and

**WHEREAS**, after a thorough review of the proposals and interviews with the eligible applicants DSS and MH selected Securemedy Incorporated, 8507 Oxen Hill Road, #101, Fort Washington, MD 20744 to provide security services at 5130 East Main Street, Batavia, NY 14020 and by amendment in 2021 added security services for the Department of Motor Vehicles (DMV) at 15 Main Street, Batavia, NY 14020, and

**WHEREAS**, DSS, MH, and the DMV having evaluated the services provided by Securemedy Incorporated and being satisfied with their performance desire to continue the contract for the period 01/1/2022 through 12/31/2022 at which time the contract may be renewed for five (5) additional one (1) year periods upon mutual, written consent of both parties and in the best interest of Genesee County, and

**WHEREAS**, this is the third year of the three (3) year contract and Human Services recommends approval currently. Now, Therefore, Be it

**RESOLVED**, that the Chairperson of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to renew the contract with Securemedy, Incorporated, 8507 Oxen Hill Road, #101, Fort Washington, MD 20744 to provide security services for offices occupied by DSS and MH at 5130 East Main Street, Suite #3, Batavia, NY 14020 and at the DMV, 15 Main Street, Batavia, NY 14020 at a cost of \$30.24 per man hour for 01/1/2022-06/30/2022 and \$31.10 per man hour for 07/1/2022-12/31/2022 for the contract period of January 1, 2022 through December 31, 2022. The contracted cost for DSS is \$143,556, for MH is \$138,769, and for the DMV is \$67,790. Total cost of the contract for 2022 will not exceed \$350,115

**Budget Impact Statement:** The projected billing rate for DSS, MH and the DMV are \$30.24 per man hour (01/1/2022-06/30/2022) and \$31.10 per man hour (07/1/2022-12/31/2022).

The DSS portion of the cost for security services for 2022 is \$70,224 for the contract-period of 01/1/2022 to 06/30/2022 and \$73,332 for the contract period 07/1/2022 to 12/31/2022. For 2021 approximately \$39,324 is local share, with the remaining \$104,232 is reimbursed by federal/state aid. The 2022 DSS departmental budget accounts for this expenditure.

The MH department's portion of the cost for security services is \$67,926 for the contract period of 01/1/2022 to 06/30/2021 and \$70,844 for the contract period 07/1/2022 to 12/31/2022. 100% local share. The 2022 MH departmental budget accounts for this expenditure.

The DMV portion of the cost for security services is \$33,161 for the contract period of 01/1/2022 to 06/30/2022 and \$34,629 for the contract period of 07/1/2022 to 12/31/2022.

Legislator Dibble seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 394 APPOINTMENT – GENESEE COUNTY YOUTH BOARD - APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The Committees on Human Service and Ways and Means do recommend the appointment to the Genesee County Youth Board at this time. Now, therefore, be it

**RESOLVED,** That the following individuals are hereby appointed to the Genesee County Youth Board with a term and representation as noted.

**New Appointment**

<u>Representing</u>	<u>Name</u>	<u>Term</u>
Sheriff's Office	Joshua A Brabon	Tenure

Legislator Yunker seconded the resolution, which was adopted by 326 votes.

**RESOLUTION NO. 395 CONTRACT - HEALTH DEPARTMENT/ MOBILE TELEMED LLC – APPROVAL OF**

Legislator Hawley offered the following resolution:

**WHEREAS,** The Public Health Director did present a contract with Mobile TeleMed LLC to establish a school-based telehealth program in conjunction with a COVID-19 test program for symptomatic students in Genesee County schools, and

**WHEREAS,** a Request for Proposals (“RFP”) was issued to elicit bids for the provision of the services detailed above, and Mobile TeleMed LLC was the only bid received.



**WHEREAS**, The Committee on Human Services and Ways and Means 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 with Mobile TeleMed LLC, 40 La Riviere Dr. Suite 140 Buffalo, NY 14202 to provide services for the period September 1, 2021 through July 31, 2022.

**Fee Schedule**

**RFP 2021-108 - Telehealth Equipment & Services**

Indicate your proposed annual fee for the **TELEHEALTH EQUIPMENT** as described in the RFP:

**Base Pricing:**

- Per District
- \$1200.00 per cart/ per month= \$13,200.00 or \$1000.00 per cart/ per month/ per additional school building within a district.
- Training and Implementation = \$500.00 per district

**Base Price Year One: \$13,700.00 per district/ one building**

**Small School Pricing:**

- Per contract dates of 9/1/21 thru 7/31/22.
- Built to offer a fair and equitable approach to smaller student body districts: o \$2.00 per district student per month (Districts will be charged whichever is the smaller lease amount.)
- Example:
- 500 student body district.
- \$2.00 X 500 students X 11 months= \$11,000. \$1000.00 per cart/ per month / per additional school building within a district
- Training and Implementation = \$500.00 per district

**Base Price Year One: \$11,500.00 per district**

- *Minimum "small school" pricing plan:* • 400 student body count o (\$2.00 X 400 students = \$800.00 per month)

Fiscal Implications: Expenses are included in the 2021 and 2022 4010 budget. All expenses are offset by funding from the ELC School Funding, the cost to the county is \$0.

Legislator Klotzbach seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 396**

**INSURANCE CERTIFICATE ISSUANCE AND  
TO AUTHORIZE BUILDING USE  
AGREEMENT WITH OUR LADY OF MERCY  
PARISH- APPROVAL OF**

Legislator Deleo offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did request a proof of insurance indicating general liability insurance in the amount of at least one million dollars, and naming Our Lady of Mercy Parish, 44 Lake Street, LeRoy, NY 14482 as additional insured, for the purpose of conducting the Genesee County Office for the Aging Health Insurance Vendor Fair on Tuesday, November 16, 2021; and

**WHEREAS**, The Office for the Aging desires to distribute information on health insurance options and senior services to residents in the Towns of LeRoy/Stafford and surrounding area; and

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

**RESOLVED**, That the Genesee County Attorney is hereby authorized and directed to execute the necessary document to name Our Lady of Mercy Parish, 44 Lake Street, LeRoy, NY 14482 as additional insured on Thursday, November 16, 2021 from the hours of 8:30 AM – 5:00 PM in the amount of at least one million dollars; now therefore, be it further

**RESOLVED**, That the Chair of the Legislature is authorized to sign the Building Use Agreement With Our Lady of Mercy Parish for Tuesday, November 16, 2021.

Budget Impact: None

Legislator Dibble seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 397                      RENEWAL OF CONTRACT – RFP-2019-106  
OFA/COMMUNITY CARE OF WESTERN NEW  
YORK/HOMECARE & HOSPICE -APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The Director of the Office for the Aging did present an renewal of contract established through RFP 2019-106 with Community Care of Western New York, Inc. dba Home Care & Hospice, which took effect January 1, 2019, renewable for four (4) one-year (1) periods for the provision of in-home health care needs to older adults for the NYS Expanded In-home Services for the Elderly Program, the New York State Elder Caregiver Support Respite Care Program, and the New York State Department of Health Western New York Alzheimer’s Caregiver Collaborative Grant; and

**WHEREAS**, This is the second renewal of four (4) total contract renewals with potential for two (2) additional one (1) year renewals upon mutual, written consent of both parties and in the best interest of Genesee County and the Committees on Human Services 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 necessary documents to award a contract with Community Care of Western New York, Inc. dba Home Care & Hospice, 1225 W. State Street, Olean, NY 14760 for the provision of in-home health care at the rate of \$28.00 per hour for Housekeeping/Chore (PC Level 1); \$28.90 per hour for Personal Care/Homecare (PC Level 2); and \$95.00 per visit for Nursing Supervision, not to exceed \$144,136 for the period January 1, 2022 – December 31, 2022.

**Budget Impact:** None. Total contract for 2022 not to exceed \$144,136 and is included in the 2022 county budget. Funding for Homecare comes through Unmet Needs, Title III, WNY ADCSI, and EISEP.

Legislator Maha seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 398                      COUNTY AUDIT –OCTOBER 13- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

General Fund	\$	808,202.63
Highway		132,327.43
Water Fund		172,562.02
Worker's Comp		54,419.16
DSS Abstracts		388,743.67
<b>Capital Projects</b>		
Highway-Large Span Culverts		8,057.48
Highway-Highway Overlay		275,670.86
Highway-Hundredmark Road Bridge over Drainage Ditch		164,820.76
Highway-Sharrick Road Bridge over Murder Creek		96,058.26
Highway – Tower Hill Road Bridge over Spring Creek		19,953.06
Highway - Meadville Road Bridge over Canal Creek		89,021.89
Highway – South Lyon Street Bridge over Tonawanda Creek		6,295.02
Highway-Judge Road Bridge over Whitney Creek		16,366.44
Highway-Darien-Alexander Tnl Road Bridge over Tunnery Creek		7,405.65
Highway-CR#40 North Road		146,113.05
Highway-Recycling		29,922.36
County Park-Comprehensive Recreation Plan		2,530.00
County Park Area "D" Shelter Improvements		781.56
County Park-DeWitt Rec Area Waterfront Enhancement		973.00
County Park-DeWitt Improvements		663.46
Sheriff/Jail – Firing Range Upgrades		500.00
Sheriff/Jail – Public Safety Communications Tower		495,854.45
County Manager-County Manager Security Upgrade Phase II		1,004.99
Airport-Apron Reconstruction (Construction)		1,500.00
Facilities Management-Genesee Justice Stone Work		1,328.18
Office for Aging-OFA Property Improvements		2,517.63
GCC-GCC Backup Power Improvements		23,650.00
<b>Payroll – General</b>		
September 24, 2021		1,788,760.16
October 8, 2021		1,180,435.75
<b>Medicaid</b>		
September 28, 2021		165,091.00
October 5, 2021		165,091.00
<b>October 12, 2021</b>		<u>165,091.00</u>
<b>Total Audit</b>	\$	6,411,711.92

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 326 votes.

At 5:59 pm the meeting adjourned upon motion of Legislator Klotzbach seconded by Legislator Hawley, carried unanimously.