

**EIGHTEENTH DAY  
GENESEE COUNTY LEGISLATURE  
Batavia, New York  
Wednesday, October 28, 2020**

The Genesee County Legislature met in Regular Session on Wednesday, October, 28, 2020 at 5:30PM in the Legislative Chambers at the Old Courthouse, 7 Main Street, Batavia, New York. Legislator Stein assisted with the audit. The prayer was offered by Legislator Yunker followed by the Pledge to the Flag.

Legislator Deleo presented a commendation to Pembroke School Superintendent Matthew Calderon recognizing his outstanding work on the Genesee County Complete Count Committee. Planning Director Felipe Ultramari explained the Committee received a grant that enabled them to purchase 6 Chrome books which were used to assist residents with completing their U.S. Census materials. All 6 Chrome books were donated to Pembroke Central School in honor of Mr. Caldron's dedication to the Committee.

Legislator Klotzbach presented a Proclamation for Cybersecurity Month to Information Technology Director Steve Zimmer and Deputy Director Melanie Inda.

Minutes of the October 14, 2020 Legislature meeting were approved upon motion of Legislature Deleo seconded by Legislator Maha, carried unanimously.

Legislature Chair Stein thanked the County for illuminating the Old Courthouse in Pink lighting in honor of Breast Cancer Awareness month. She commented on conducting the audit and that the final revenue distribution to towns and villages is included in this audit.

County Manager Matt Landers stated the county had a meeting with E3 Communications to discuss how their services may fit with county needs. The Police Reform and Reinvention Committee has a meeting tonight were they will hear from the Sheriff on the policies of the department. Legislators are invited to attend as well. The County had a meeting with Assemblyman Hawley and Senator Ranzenhofer's attorney to discuss the county request for local legislation pertaining to the voluntary revenue distributions to towns with villages in their borders. These towns are restricted in which fund the voluntary distributions must be assigned to. Mr. Landers stated the 2021 budget has been filed in the Legislature office and any changes will be in the form of an amendment. The Public Hearing on the budget is scheduled for November 4<sup>th</sup>.

The Clerk proceeded with the resolutions:

**RESOLUTION NO. 383     GRANT ACCEPTANCE - EMERGENCY MANAGEMENT SERVICES –FY2020 EMERGENCY MANAGEMENT PERFORMANCE (EMP) GRANT PROGRAM – APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The Emergency Management Services Coordinator requests authorization to accept grant funding in the amount of \$27,117 from the U.S. Department of Homeland Security and Emergency Services (DHSES), Federal Emergency Management Agency (FEMA) to be administered by New York State Division of Homeland Security and Emergency Services (DHSES) on behalf of FEMA, and

**WHEREAS**, the purpose of the Emergency Management Performance (EMP) Grant is to provide funds in support of efforts to build and sustain a comprehensive, all- hazard emergency preparedness system, and

**WHEREAS**, The Committee on Public Service did review this request and does concur with the Emergency Management Services Coordinator's recommendation. Now therefore be it **RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with New York State Office of Homeland Security and Emergency Services, 1220 Washington Avenue, Albany, NY for the acceptance of FY20 Local Emergency Management Performance Grant (LEMP) in the amount of \$27,117, and to execute any and all other documentation related to this funding.

**Budget Impact Statement:** None. Grant Funds help to offset a part of the 2021/2022 OEM operating expenses. Legislator Klotzbach seconded the resolution which was adopted by 326 votes.

**RESOLUTION NO. 384 ACCEPTANCE OF GRANT FUNDS- PUBLIC DEFENDER/  
NYS OFFICE OF INDIGENT LEGAL SERVICES-  
APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS**, The Public Defender does recommend the acceptance of the contract between Genesee County and the New York State Office of Indigent Legal Services Contract Number: C900018, Distribution Grant # 9, to continue to fund the salary and fringe benefits of one full time Assistant Public Defender and one part-time Assistant Public Defender, part of the salary and fringe benefits of one full-time Paralegal, parity stipends for a full-time Assistant Public Defender and one Legal Clerk-Typist, medical, dental, vision and one-half of retirement benefits for one Legal Clerk-Typist and necessary services and expenses related to our investigator and paralegal.

**WHEREAS**, the Public Service Committee did review the contract and does recommend acceptance at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute Contract Number: C900018, Distribution # 9, with the New York State Office of Indigent Legal Services, A. E. Smith Building, 11<sup>th</sup> Floor, 80 South Swan Street, Albany, New York 12210 for the period of January 1, 2019 through December 31, 2021.

**BUDGET IMPACT STATEMENT:** Total contract revenue for 2020 and 2021 in the amount of \$167,100 is contained within the 2020 adopted budget and the 2021 Department Head Requested Budget in line A.1170.3025 Indigent Legal Services offset by like amounts in expenses.

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

**RESOLUTION NO. 385 ACCEPTANCE OF CONTRACT AMENDMENT # 2  
UNIFIED COURT SYSTEM/GENESEE COUNTY-APPROVAL OF**

Legislature Young offered the following resolution:

**WHEREAS**, The Public Defender does recommend the acceptance of the second (2<sup>nd</sup>) contract amendment between Genesee County and the Unified Court System of the State of New York, Contract Number: C250403, for the six (6) month period of September 30, 2020 to March 31, 2021 to continue to fund the salary and fringe benefits of one (1) Assistant Public Defender in our Family Court division.

**WHEREAS**, the Public Service Committee did review the contract and does recommend acceptance at this time. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute Amendment No. 2 of Contract: Number: C250403, with the New York State Unified Court System, 2500 Pond View, Suite 104, Castleton-on-Hudson, New York 12033.

**BUDGET IMPACT STATEMENT:** Contract revenue for 2020 in the amount of \$59,373 and proposed 2021 Department Head Requested in the amount of \$79,163 are contained within the

2020 adopted budget and the 2021 Department Head Requested Budget in line A.1170.3090 State Aid-Juvenile offset by like amounts in expenses.

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

**RESOLUTION NO. 386 CONTRACT RENEWAL-JUSTICE FOR CHILDREN  
ADVOCACY CENTER/MH CLINICAL THERAPIST -APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The Justice for Children Program Coordinator did request to renew a contractual agreement for a Mental Health Clinical Therapist for the Justice for Children Advocacy Center; and

**WHEREAS**, This contract will allow the JFCAC to continue to meet the mental health needs of children and families impacted by abuse and will allow us to meet our Standards of Accreditation by the National Children's Alliance; 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 and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Brenda McQuillan, PhD, LMSW, with residence at 5283 Oak Orchard Road, Albion, NY to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2020 through September 30, 2021 at a cost of \$38.00 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 the 2020 and 2021 Justice for Children Advocacy Center Budget.

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

**RESOLUTION NO. 387 CONTRACT RENEWAL-JUSTICE FOR CHILDREN  
ADVOCACY CENTER/FORENSIC INTERVIEWER-APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The Coordinator of the Justice for Children Advocacy Center did request to renew 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 Committee 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 Jessica Mitchell with residence at 971 Redman Road, Hamlin, NY for forensic interviewing at the Justice for Children Advocacy Center for the period of October 1, 2020 through September 30, 2021 at a cost of \$43.00 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 the 2020 and 2021 Justice for Children Advocacy Center Budget.

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

**RESOLUTION NO. 388 CONTRACT RENEWAL-JUSTICE FOR CHILDREN  
ADVOCACY CENTER/MH CLINICAL THERAPIST -  
APPROVAL OF**

Legislator Dibble offered the following resolution:

**WHEREAS,** The Justice for Children Program Coordinator did request to renew a contractual agreement for a Mental Health Clinical Therapist for the Justice for Children Advocacy Center; and

**WHEREAS,** This contract will allow the JFCAC to continue to meet the mental health needs of children and families impacted by abuse and will allow us to meet our Standards of Accreditation by the National Children's Alliance; 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 and the Genesee County Sheriff are hereby authorized and directed to enter into a contractual agreement with Julie A. Walsh, LCSW-R, with residence at 43 Sarah Circle, Spencerport, New York 14559, for clinical supervision for the JFCAC Mental Health Clinical Therapists and to provide mental health services to child-victims and their families for the Justice for Children Advocacy Center, 304 East Main Street, Batavia, NY for the period of October 1, 2020 through September 30, 2021 at a cost of \$60.00 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 the 2020 and 2021 Justice for Children Advocacy Center Budget.

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

**RESOLUTION NO. 389 CONTRACT RENEWAL-JUSTICE FOR CHILDREN ADVOCACY CENTER/FORENSIC INTERVIEWER - APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS,** The Coordinator of the Justice for Children Advocacy Center did submit for renewal 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 renew a contractual agreement with Kathy Colgan with residence at 16 Country Meadow Drive, Honeoye Falls, NY 14472 for forensic interviewing, peer review, and training for the Justice for Children Advocacy Center/Team for the period of October 1, 2020 through September 30, 2021 at a cost of \$80.00 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 the 2020 and 2021 Justice for Children Advocacy Center Budget.

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

**RESOLUTION NO. 390 RENTAL AGREEMENT RENEWAL- JUSTICE FOR CHILDREN ADVOCACY CENTER/ALBION SATELLITE OFFICE – APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS,** The Genesee County Legislature did approve the acceptance of funding from the New York State Office of Children and Family Services in the amount of \$100,000.00 for the grant year running from 10/1/20 to 9/30/21; and

**WHEREAS,** Included in the acceptance of the 2020-21 NYS Office of Children and Family Services is funding to renew a lease agreement for a satellite office in Albion; and

**WHEREAS,** The office space in Albion is located in the Arnold Gregory Complex at 243 South Main Street, Albion, New York, 14411 and is managed by the DeGeorge Property Group; and

**WHEREAS,** The agreed upon rate per month is \$1016.00, including heat, water, and electric utilities; and

**WHEREAS,** The landlord has offered a discount of \$366.00 if payment for the year is provided at the time of lease renewal; and

**WHEREAS,** The lease with the DeGeorge Acquisition Group, LLC will be for a period of one year, to commence on October 15, 2020; 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 and the Genesee County Sheriff are authorized and directed to enter into a lease agreement, to be paid in full at the beginning of the lease, with DeGeorge Acquisition Group, LLC, 1067 Gateway Drive, Farmington, New York 14425 for the rental of the office located at 243 South Main Street, Suite 156, Albion, New York 14411 effective October 15, 2020 through October 15, 2021.

**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 lease agreement are fully covered by grants from the NYS Office of Children and Family Services and are included in the 2020 and 2021 Justice for Children Advocacy Center budget.

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

**RESOLUTION NO. 391 RENTAL AGREEMENT RENEWAL– JUSTICE FOR CHILDREN ADVOCACY CENTER/WARSAW SATELLITE – APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS,** The Genesee County Legislature did approve the acceptance of funding from the New York State Office of Children and Family Services in the amount of \$100,000.00 for the grant year running from 10/1/20 to 9/30/21; and

**WHEREAS,** Included in the acceptance of the 2020-21 NYS Office of Children and Family Services is funding to renew a lease agreement for a satellite office in Warsaw; and

**WHEREAS,** The office space in Warsaw is located at 31 Duncan Street, Warsaw, New York, 14569 and is managed by Warsaw Redevelopment, LLC; and

**WHEREAS,** The agreed upon rate per month is \$998.19.00, including heat, water, and electric utilities; and

**WHEREAS,** The landlord has offered a discount of \$1,197.82.00 if payment for the year is provided at the time of lease renewal; and

**WHEREAS,** The lease with the Warsaw Redevelopment, LLC will be for a period of one year, to commence on November 1, 2020; 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 and the Genesee County Sheriff are authorized and directed to enter into a lease agreement, to be paid in full at the beginning of the lease, with Warsaw Redevelopment, LLC, 2071 Crittenden Road, Alden, NY 14004 for the rental of the office located at 31 Duncan Street, Warsaw, New York, 14569 effective November 1, 2020 through November 1, 2021.

**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 lease agreement are fully covered by grants from the NYS Office of Children and Family Services and are included in the 2020 and 2021 Justice for Children Advocacy Center budget.

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

**RESOLUTION NO. 392 GRANT AWARD RENEWAL-JUSTICE FOR CHILDREN  
ADVOCACY CENTER NYS OFFICE OF CHILDREN AND  
FAMILY SERVICES**

Legislator Dibble offered the following resolution:

**WHEREAS,** The Justice for Children Program Coordinator has been notified that an existing grant contract from the New York State Office of Children and Family Services will be renewed for the grant year running from October 1, 2020 to September 30, 2021, and

**WHEREAS,** The Justice for Children Program Coordinator has requested that the County accept an award in the amount of \$188,313.00 from the New York State Office of Children and Family Services, and

**WHEREAS,** This award represents a modest increase over the 19-20 award, which was \$163,408.00, and

**WHEREAS,** Funds from this grant will enable to Justice for Children Advocacy Center to meet the growing demand for the services in the Batavia, Warsaw, and Albion offices, and

**WHEREAS,** The Public Service Committee did review this request and does recommend acceptance of the grant funding 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 for acceptance of this grant funding for the period of October 1, 2020 through September 30, 2021 in the amount of \$188,313.00.

**Budget Impact:** The New York State Office of Children and Family Services funds direct victim services at the Justice for Children Advocacy Center, including victim advocacy, mental health treatment, and medical care.

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

**RESOLUTION NO. 393 AMEND CAPITAL PROJECT-HIGHWAY-APPROVAL OF**  
Legislator Young offered the following resolution:

**WHEREAS,** The Genesee County Highway Superintendent did review his construction budgets for the 2020 construction season and due to state 20% payment reductions due to the COVID-19 pandemic, he has requested to amend capital projects to receive full reimbursement for expenses already made from New York State, and

**WHEREAS,** Genesee County Highway Superintendent recommends transferring EWR funds from an overlay project to a county road project, and

**WHEREAS,** The Committees on Public Service and Ways and Means have reviewed this recommendation and do concur at this time. Now, therefore, Be it

**RESOLVED,** That the Genesee County Legislature does hereby direct and authorize the County Treasurer to make the following Capital Project Transfers:

Transfer \$69,000 from Capital Project - Highway Overlay (EWR Funds) to Capital Project – CR #5

**Budget Impact:** Allows for full 80% reimbursement from each state highway funding category.

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

**RESOLUTION NO. 394 REAPPOINTMENT -PARKS, RECREATION AND  
FORESTRY ADVISORY COMMITTEE -  
APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The term of office for District #4 representative of the Genesee County Parks, Recreation and Forestry Advisory Committee expired on March 31, 2020, and

**WHEREAS**, John Gerace has expressed an interest and desire to continue serving another term, and

**WHEREAS**, The Committees on Public Service and Ways and Means do recommend that the appointment be made at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby reappoint the following to serve on the Genesee County Parks, Recreation, and Forestry Advisory Committee effective immediately through March 31, 2023:

John Gerace                                      Town of Batavia                                      District #4

**Budget Impact:** None

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

**RESOLUTION NO. 395                                      JOINT SERVICE AGREEMENT EXTENSION-  
HIGHWAY/ROCHESTER GENESEE REGIONAL  
TRANSPORTATION AUTHORITY**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, Genesee County has an existing joint service agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for use of facilities at the Genesee County Highway Department by the Batavia Bus Service Inc., D/B/A RTS Genesee, and

**WHEREAS**, The County Highway Superintendent recommends extending the existing joint service agreement with RGRTA per terms and conditions of the existing agreement, and

**WHEREAS**, The Genesee County Legislature did review this recommendation and does concur at this time. Now, therefore, Be it

**RESOLVED**, The Genesee County Legislature does hereby extend the existing joint service agreement with the Rochester Genesee Regional Transportation Authority under the same terms and conditions of the existing agreement.

**RESOLVED**, The extension of the joint service agreement shall be from November 1, 2020 through October 31, 2025.

**Budget Impact:** RGRTA pays Genesee County a \$600 per month lease for use of the highway facilities on Cedar Street.

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

**RESOLUTION NO. 396                                      CONTRACT RENEWAL – CENTRAL SERVICES  
AND HIGHWAY DEPARTMENT – GARBAGE AND  
REFUSE REMOVAL -- APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The Genesee County Highway Department and the Genesee County Purchasing Department are currently under contract with Waste Management of New York, and this agreement allows for three, one year extensions, the Genesee County Highway Superintendent and the Genesee County Purchasing Director recommend renewing the contract agreement with Waste Management of New York, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a contract with Waste Management of New York, LLC., 100 Ransier Drive, West Seneca, NY 14224 for the removal of garbage and refuse as per bid specifications, effective January 1, 2021 through December 31, 2021 at a price of \$18,910.08 per year.

**Budget Impact Statement:** The Central Services Fund includes \$14,500 for the removal of garbage and refuse from certain County Facilities and both the Road Machinery Fund (DM5130) and Airport (A5610) fund trash removal separately.

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

**RESOLUTION NO. 397                    CONTRACT RENEWAL – FACILITIES  
MANAGEMENT/ELEVATOR MAINTENANCE –  
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, The County of Genesee does contract with Thyssenkrupp Elevator Corp. for the maintenance and repair of elevators located in various county facilities, and

**WHEREAS**, Said contract does provide for three additional one year renewal options, and

**WHEREAS**, The Highway Superintendent does recommend the contract be renewed and the Committees on Public Service and Ways and Means do concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into the second year of three one-year renewals with Thyssenkrupp Elevator Corp., 2745 Broadway #25, Buffalo, NY 14227 for the maintenance and repair of elevators located at various county facilities for the period of January 1, 2021 through December 31, 2021 at a cost not to exceed \$19,680.

**Budget Impact Statement:** Facilities Management budgets for this contract in its operating budget.

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

**RESOLUTION NO. 398                    INTERMUNICIPAL AGREEMENT –  
HIGHWAY/TOWN OF BETHANY SNOW AND ICE  
CONTROL AND MOWING - APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County Highway Superintendent and the Genesee County Attorney have prepared an Intermunicipal Agreement for the control of snow and ice and mowing on county highways, and

**WHEREAS**, The Genesee County Highway Superintendent has presented this agreement to the several Town Highway Superintendents within Genesee County, and

**WHEREAS**, The Intermunicipal Agreement has been approved by the Town of Bethany who desires to provide such services to the County under the terms of the Agreement, and

**WHEREAS**, The Genesee County Highway Superintendent recommends approving this agreement as it is in the best interest of the taxpayers of the County, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Intermunicipal Agreement for Snow & Ice Control and Mowing with the Town of Bethany as approved by their Town Board.

**Budget Impact Statement:** The cost per mile for the 2021 snow and ice season is \$6,521 and the cost per mile for mowing is \$474. This represents a 1.1% increase in the rate for snow and ice over the 2020 season and a 2% increase in the cost for mowing. The total annual payment to the Town of Bethany for these services is \$141,961.85 for snow and ice control and \$10,328.46 for roadside mowing.

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

**RESOLUTION NO. 399                    ESTABLISH CAPITAL PROJECT AND APPROVAL  
OF FEDERAL AID MASTER AGREEMENT/ BUDGET AMENDMENT – DARIEN-  
ALEXANDER TOWNLINE RD OVER TUNNERY CREEK – PIN 4GN0.05 –  
APPROVAL OF**





**RESOLVED**, that the County of Genesee endorses the project identified above at the LeRoy Airport for the purpose of making the project eligible for State funding; and be it further, **RESOLVED**, that a certified copy of the Resolution be forwarded to the President of LeRoy Aviation Services, Inc. to be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this project; and be it further, **RESOLVED**, that this Resolution shall take effect immediately.

**Budget Impact Statement:** There is no budget impact to Genesee County.

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

**RESOLUTION NO. 401                      CONSULTANT AGREEMENT – DARIEN-  
ALEXANDER TOWNLINE RD OVER TUNNERY  
CREEK REPACEMENT –APPROVAL OF**

Legislator Torrey offered the following resolution:

**WHEREAS**, The Genesee County has received federal aid for the replacement of the Darien-Alexander Townline Rd over Tunnery Creek in the Towns of Darien and Alexander, and

**WHEREAS**, This bridge project has been found by the Genesee County Legislature not to be subject to SEQR, as it is a Type II (4) Action, and

**WHEREAS**, The County requested letters of interest from consultant firms on the Local Design Services Agreement list as approved by NYSDOT and NYSCHSA and received proposals from 12 firms, and

**WHEREAS**, The Genesee County Highway Superintendent and the Assistant County Engineer did review and rate these proposals and did make a recommendation on selecting the best qualified firm for the project, and

**WHEREAS**, The Genesee County Highway Superintendent did review a fee proposal and negotiate a price according to the Procedures for Locally Administered Federal Aid Projects, and

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

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to enter into a consultant agreement with Barton & Loguidice, 11 Centre Park #203, Rochester, NY 14614 in an amount not to exceed \$157,000.

**Budget Impact Statement:** This consultant agreement funds the preliminary engineering and final design work needed to progress the project under the federal aid program. The cost of the consultant agreement is \$157,000 and the design work and right of way acquisition is anticipated to take 12-18 months. Construction is scheduled for the spring of 2022. The capital project has a budget of \$1,076,213.

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

**RESOLUTION NO. 402                      REAPPOINTMENT - SOIL & WATER  
CONSERVATION DISTRICT DIRECTOR-PHELPS-  
APPROVAL OF**

Legislator Yunker offered the following resolution:

**WHEREAS**, The Soil & Water Conservation District was established according to State Law known as the Soil Conservation Districts Law (1940) on October 16, 1944 and the first Directors were appointed by Resolution No. 63-1945, and

**WHEREAS**, The Board of Directors sets policy and guides District employees with types of conservation problems in the county, and

**WHEREAS**, a \$40 stipend per meeting will be paid to members excepting Legislature Liaisons, the stipend is in lieu of mileage reimbursement, and

**WHEREAS**, The Committees on Public Service and Ways & Means do recommend Dennis Phelps be re-appointed as a Director. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby re-appoint Dennis Phelps of Alabama, New York to the Genesee County Soil & Water Conservation District Directors though December 31, 2023.

**Budget Impact Statement:** none.

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

**RESOLUTION NO. 403 AUTHORIZE THE LEGISLATURE CHAIR TO SIGN ENGAGEMENT LETTER**

Legislator Young offered the following resolution:

**WHEREAS**, serious disputes have arisen with Randsco Pipeline, Inc. regarding its work installing water main under the I-90 Thruway as part of the Phase 2 Water Supply Project: and

**WHEREAS**, these disputes are likely to result in litigation involving the County of Genesee; and

**WHEREAS**, at the suggestion of the Legislature Chair, the County Attorney has contacted and vetted a law firm with particular expertise regarding construction contracts that was recommended by the engineers on the project, Clark Patterson Lee, namely, Hodgson Russ, located in Buffalo, NY; and

**WHEREAS**, this law firm has submitted a proposed engagement letter to provide legal advice at the rate of \$305 per hour, which has been recommended by the County Attorney; and

**WHEREAS**, this engagement letter has been approved by the Public Service and Ways and Means Committees; Now, therefore, Be it

**RESOLVED**, that an engagement letter with the Hodgson Russ law firm to provide legal advice concerning disputes with Randsco Pipeline, Inc. at the rate of up to \$305 per hour is hereby approved, and the Chair of the Legislature is hereby authorized and directed to sign this engagement letter on behalf of the County of Genesee.

**Budget Impact Statement:** Legal costs will be covered in the Water Fund through a budget transfer from wholesale water purchases that came in under budget.

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

**RESOLUTION NO. 404 REVISED – GENESEE COUNTY TITLE VI PLAN – APPROVAL OF**

Legislator Young offered the following resolution:

**WHEREAS**, The Assistant County Manager did present revisions and updates to the Genesee County Title VI Plan, and

**WHEREAS**, The Committee on Ways and Means did review the Genesee County Title VI Plan and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the Genesee County Title VI Plan, Be it further

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute any and all documentation related to this plan.

**Budget Impact:** None

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

**RESOLUTION NO. 405 REVISED – GENESEE COUNTY HEALTH & SAFETY MANUAL – APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, Genesee County considers the safety of employees and the public to be paramount, and

**WHEREAS**, The Assistant County Manager, with the assistance of the of the County's safety consultants, did present revisions and updates to the Genesee County Health & Safety Manual,

and

**WHEREAS**, The Genesee County Safety Committee has reviewed the revisions and does recommend approval at this time, and

**WHEREAS**, The Committee on Ways and Means did review the Genesee County Health & Safety Manual and does recommend approval at this time. Now, therefore, Be it

**RESOLVED**, That the Genesee County Legislature does hereby approve the Genesee County Health & Safety Manual.

**Budget Impact:** None

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

**RESOLUTION NO. 406 BUDGET FOR 2021 - SETTING PUBLIC HEARING**

Legislator Young offered the following resolution:

**WHEREAS**, The Tentative Budget for 2021 is being prepared by the Genesee County Budget Director and will be duly filed with the Clerk of the County Legislature, and

**WHEREAS**, The Committee on Ways and Means does recommend setting a public hearing for the 2021 Budget. Now, therefore, Be it

**RESOLVED**, That a Public Hearing on the 2021 Genesee County Budget will be held on Wednesday, November 4, 2020 at 6:00 p.m. at the Old County Courthouse, 7 Main Street, in the City of Batavia, New York.

**Budget Impact Statement:** None

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

**RESOLUTION NO. 407 2020 BUDGET AMENDMENT/GRANT  
ACCEPTANCE – BOARD OF ELECTIONS –  
APPROVAL OF**

Legislator Maha offered the following resolution:

**WHEREAS**, Genesee County applied for and has been awarded a grant in the amount of \$27,810 from the Center for Tech and Civic Live (CTCL) for the purpose of planning and operationalizing safe and secure election administration in Genesee County, and

**WHEREAS**, The Election Commissioners request a budget amendment in order to utilize the grant funds, and

**WHEREAS**, The Ways and Means Committee do concur. Now, therefore, Be it

**RESOLVED**, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents for the acceptance of this grant funding for the period of June 15, 2020 through December 31, 2020, in the amount of \$27,810, and Be it further

**RESOLVED**, That the Genesee County Treasurer is hereby authorized and directed to amend the 2020 Budget by increasing A1450.4110.0000 – General Office Supplies by \$27,810 offset by an increase in A1450.2705 – Gifts and Donations in a like amount

**Budget Impact:** Increase in expenses of \$27,810 to be offset fully by grant revenue

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

**RESOLUTION NO. 408 COUNTY AUDIT –OCTOBER 28- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

General Fund	\$	837,824.78
Highway		52,367.61
Water Fund		540,168.40
Sales Tax		1,843,645.75
Voluntary Distribution		6,000,000.00
DSS Abstracts		463,746.45

**Capital Projects**

Highway- Highway Upton Road Bridge Over Bowen Creek	1,200.00
Sheriff/Jail-Public Safety Communications Tower	142,500.00
Airport-Airport T-Hangar Construction (AIR-99)	102,636.94

**Payroll – General**

October 23, 2020	1,640,209.00
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**Medicaid**

October 20 2020	153,807.00
October 27, 2020	<u>153,807.00</u>

**Total Audit** \$ 11,931,912.93

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.

**Rule 19**

Legislator Clattenburg made a motion to suspend the rules of the Legislature to add a resolution authorizing the Legislature Chair to execute a timely change directive as it pertains to Genesee County Phase 2 Water Supply project seconded by Legislator Young, carried unanimously.

**RESOLUTION NO. 409 RESOLUTION TO APPROVE WORK CHANGE DIRECTIVE NO. 1 FOR THE PHASE 2 WATER SUPPLY AGREEMENT**

Legislator Clattenburg offered the following resolution:

**WHEREAS**, the County of Genesee has hired the law firm of Hodgson Russ LLP, Edward Kowalewski, Jr, Esq., of counsel, with regard to providing legal advice concerning contractual issues involving the Phase 2 Water Supply Project, and

**WHEREAS**, Attorney Kowalewski has drafted a Work Change Directive No.1, that directs the contractor on the Valance Road water main portion of this project, namely, Randsco Pipeline Inc., to promptly complete the work as specified in the Work Change Directive No. 1 by the completion dates set forth therein, and

**WHEREAS**, this Work Change Directive No. 1, has been reviewed and approved by the County Highway Superintendent, the County Attorney, ; as well as the CPL engineering firm representing the County regarding this project. Now therefore be it

**RESOLVED**, that the proposed Work Change Directive No. 1, to be issued to Randsco Pipeline Inc., concerning the Valance Road water main portion of the Phase 2 Water Supply project, is hereby approved and the Chair of the Legislature is hereby authorized and directed to execute this Work Change Directive No. 1 on behalf of the County of Genesee.

**Budget Impact Statement:** None

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

At 6:01 pm the meeting adjourned upon motion of Legislator Deleo seconded by Legislator Clattenburg, carried unanimously.

