

**FIRST DAY
 GENESEE COUNTY LEGISLATURE
 OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY
 WEDNESDAY, JANUARY 11, 2023 AT 5:30 PM**

The Genesee County Legislature met in Regular Session on Wednesday, January 11, 2023 at 5:30 p.m. in the Legislature Chamber of the Old Court House.

In addition to our regular meeting, Legislature Chair Stein opened a public hearing at 5:30 p.m. in regards to a Proposed Local Law B of Year 2023 as introduced as Introductory Local Law E in Year 2022 entitled: In Relation To Providing Additional Duties And Increasing The Salary of The Genesee County Coroner.

Legislature Maha offered to assist with the audit. The prayer was offered by Legislator Yunker followed by the Pledge to the Flag.

Moment of Silence: for Elizabeth Brewer, Assistant County Attorney who passed away tragically and unexpectedly on December 29, 2022.

Proclamations & Commendations None.

Approval of Minutes: December 14, 2022 – Motioned by Legislator Deleo seconded by Legislator Torrey, carried.

Committee & Special Assignment Reports: Legislator Yunker and Stein attended the Water Resource Agency meeting in the morning. There was discussion of Phase II and utility hookup. There have been delays due to the pandemic. ARPA Funds to fill gap for increase in budget. Phase II continue with projects – Still aiming for 2027-City plant shut down. At that point, the water source will come from Lake Ontario. Chair Stein mentioned SEQR Phase II stage with comment period from Planning Department will go out. Steps have been taken for financial piece and proper bonding.

Legislator Yunker attended the Jail meeting. The shell is up and there is heat in the main building. Pod deliveries started today and install will begin on Friday, January 13th. There will be 4-6 Pods delivered next week and will continue each week after. The team is working well together, well on budget, anticipated to finish January 2024 and move-in March 2024.

Communications & Petitions: Clerk of the Legislator Lisa Casey read a resignation letter from Attorney, Mark Boylan from the Water Resources Agency. Chair Stein acknowledged his willingness to help in the future if needed. Legislator Clattenburg asked to send a thank you letter. Chair Stein mentioned Mr. Boylan certainly served the County well without any cost. Grateful for his service.

Second communication: Travel out-of-state: Health Dept. –Emily Penrose/Arlington, VA (\$0.00 Cost)

Travel - Emily	Y	N	simple	2/3
1. Klotzbach	x		16	16
2. Yunker	x		26	26
3. Dibble	x		25	25
4. Hawley	x		31	31
5. Stein	x		26	26
6. Torrey	x		23	23
7. Deleo	x		17	17
8.Clattenburg	x		18	18

9. Maha	x		18	18
TOTALS			200	200
Roll Call			200	
Approval			101	134

Legislator Comments: Chair Stein acknowledged the heroic professionals and brave volunteers that weathered Blizzard Elliott. Chair Stein extended her appreciation to all involved. A thank you letter went out to all towns, villages, highway departments, fire departments, police departments and ambulance services which indicated how grateful the Legislature is to have such tenacious and compassionate professionals and volunteers in our County. Chair Stein also thanked Legislator Clattenburg for donating her Christmas Ham to the volunteers. “Another demonstration of the care in this community”.

County Manager Report: Matt Landers thanked the first responders and more. There were meals prepared from so many people within our community. Everyone worked together. Great community to be part of.

First jail cell (Pod) went by the Old Court House today. Friday will be the first install of the pod.

Resolutions: Consent Agenda Items –Ways and Means Committee resolutions:

Legislator Clattenburg motioned for adoption for resolution 1-6, seconded by Legislator Klotzbach

1. Real Property Tax Corrections and Refunds 2023-Treasurer
2. MOU-Treasurer/Real Property/Orleans County Tax Map Maintenance
3. Endorsement of Capital Project- LeRoy Airport
4. Change Order-Genesee County Jail
5. Grant Acceptance-Health/Opioid Crisis Grant
6. Award of Contract-OFA/RFP 2022-103/WNYICC

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

Human Services Committee - Legislator Torrey motioned for adoption for resolution 7, seconded by Legislator Hawley.

7. Grant Amendment-Health/Covid-19 Grant

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

CLOSED PUBLIC HEARING at 5:45 p.m. to a Proposed Local Law B of Year 2023 as introduced

as Introductory Local Law E in Year 2022 entitled: In Relation To Providing Additional Duties and Increasing The Salary of The Genesee County Coroner.

Non-Consent Items:

8. To Adopt A Local Law B Of Year 2023 As Introduced As Introductory Local Law E Of Year 2022 - Amending Local Law No. One Of The Year 2012, As Further Amended By Local Law No. Five Of The Year 2018 And Incorporating Local Law No. Two Of The Year 2021 In Relation To Providing Additional Duties And Increasing The Salary Of The Genesee County Coroner - Adoption Of

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

Legislator Clattenburg offered the Following Resolution:

9. County Audit – January 11, 2023

Comment: Legislator Maha said it was a very large audit – due to year-end invoices.

Chair Stein: Legislator Maha seconded

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

Adjournment: Legislator Dibble moved to close the meeting seconded by Legislator Yunker at 5:49 p.m.

RESOLUTION NO. 1

REAL PROPERTY TAX CORRECTIONS AND REFUNDS 2023 – TREASURER – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the New York State Real Property Tax Law §554 and §556, provide an administrative correction of errors process to assist the property owner in obtaining real property tax corrections and refunds caused by certain clerical errors, unlawful entries, and errors in essential fact, and

WHEREAS, the tax levying body can delegate, by resolution on an annual basis, the authority to perform the duties of the tax levying body in regard to Real Property Tax Law §554 and Real Property Tax Law §556, and

RESOLVED, that the County of Genesee endorses the project identified above at LeRoy Airport for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials, The New York State Commissioner of Transportation, and to the President of LeRoy Aviation Services, Inc.; and be it further.

RESOLVED, that this resolution shall take effect immediately.

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

Legislator Klotzbach seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 4 **CHANGE ORDER –GENESEEE COUNTY JAIL--
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

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

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

RESOLVED, That the Chair of the Genesee County Legislature does hereby authorize a time and material change order with a cost not to exceed \$80,000.00 for LeChase Construction, for costs related to additional insulation installation and protective flashing around the base of all Pod areas for the new Genesee County Jail.

Budget Impact: The total amount of the final change order will be determined in the field, with documented time and receipts for materials. The cost of the change order will not exceed \$80,000.00

Legislator Klotzbach seconded the resolution which was adopted by 200 votes.

RESOLUTION NO. 5 **GRANT ACCEPTANCE – HEALTH
DEPARTMENT /OPIOID CRISIS GRANT –
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Public Health Director has received notification from the New York State Department of Health that the Genesee County Public Health Department has been awarded \$72,000 in funding to address the opioid crisis in their communities, and

WHEREAS, the Public Health Director has requested that the County accept this funding which stipulates that this funding will be used to address the opioid crisis in Genesee County, and

WHEREAS, the committees of Human Services and Ways and Means did review this award and does recommend approval at this time, Now therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the Agreement with the New York State Department of Health for the acceptance of the Opioid Crisis Funding contract for the period September 1, 2022 through August 31, 2023 in the amount of \$72,000, and to execute any and all other documentation related to this funding.

Budget Impact: \$0 cost to the county, Revenue and expenses, in the amount of \$72,000 have been allocated in the 2023 4010 Health Dept. Budget.

Legislator Klotzbach seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 6 **AWARD OF CONTRACT–OFA/RFP 2022-103/
WNYICC– APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, The Director of the Office for the Aging did present an award of contract to Western New York Integrated Care Collaborative, Inc. (WNYICC) resulting from RFP 2022-113 for the provision of Dietitian Services for the Older Americans Act, NYS Office for the Aging, and other contractual Nutrition Programs operated by Genesee County Office for the Aging, and

WHEREAS, this contract is to take effect February 1, 2023 and may then renewed for FOUR (4) additional one (1) year periods upon mutual, written consent of both parties and in the best interest of Genesee County under the federally funded Title IIIC1, Title IIIC2, Nutrition Services Incentive Program and New York State Wellness in Nutrition, and other nutrition funds, and

WHEREAS, New York State Office for the Aging and Older Americans Act grants funds and provides requirements for the provision of the Genesee County Nutrition Programs for 16 hours per week to provide monitoring of food service contractor, congregate meal sites and all home delivered meal routes, menu planning and analysis, nutrition education, nutrition counseling, assessments and care planning as well as reports and technical assistance and meeting compliance requirements, and

WHEREAS, the Committee on Human Services and Ways and Means did review this request and does recommend approval at this time. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary document to award a contract with WNYICC, 742 Delaware Avenue Buffalo, NY 14209 at a cost of \$40 per hour not to exceed \$33,280 for the period of February 1, 2023-January 30, 2024.

Budget Impact: The contract is not to exceed \$33,280 annually, and is provided for in the approved 2023 Office for the Aging budget and is funded through Federal Title III C-1, Title III C-2, with the county paying an additional 10% of required matching funds on federal nutrition program Title III C grants WIN, NSIP grant funds.

Legislator Klotzbach seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 7 GRANT AMENDMENT /HEALTH DEPARTMENT /COVID-19 GRANT – APPROVAL OF

Legislator Torrey offered the following resolution:

WHEREAS, the New York State Department of Health has extended the Genesee County Public Health Department \$1,601,284 COVID-19 Enhanced Detection grant until 12/31/2023 and,

WHEREAS, the Committee of Human Services did review this Grant Amendment 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 an amendment to the agreement with the NYS Dept of Health as specified.

Budget Impact: Revenue and expenses have been allocated in the 2023 4010 Health Dept. Budget.

Legislator Hawley seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 8 TO ADOPT A LOCAL LAW B OF YEAR 2023 AS INTRODUCED AS INTRODUCTORY LOCAL LAW E OF YEAR 2022 - AMENDING LOCAL LAW NO. ONE OF THE YEAR 2012, AS FURTHER AMENDED BY LOCAL LAW NO. FIVE OF THE YEAR 2018 AND INCORPORATING LOCAL LAW NO. TWO OF THE YEAR 2021 IN RELATION TO PROVIDING ADDITIONAL DUTIES AND INCREASING THE SALARY OF THE GENESEE COUNTY CORONER - ADOPTION OF

Legislator Torrey offered the following resolution:

LOCAL LAW INTRODUCTORY E OF THE YEAR 2022

COUNTY OF GENESEE, NEW YORK

A LOCAL LAW AMENDING LOCAL LAW NO. ONE OF THE YEAR 2012, AS FURTHER AMENDED BY LOCAL LAW NO. FIVE OF THE YEAR 2018 AND INCORPORATING LOCAL LAW NO. TWO OF THE YEAR 2021 IN RELATION TO PROVIDING ADDITIONAL DUTIES AND INCREASING THE SALARY OF THE GENESEE COUNTY CORONER

Section 1. The compensation for a Genesee County Coroner shall be based upon an annual salary of \$2,000.00 for the year 2023. Beginning January 1, 2024 the annual salary will be stated in the annual Local Law in relation to the salaries of county officers of the County of Genesee, Elected or Appointed for a Fixed Term. Additional compensation: \$100.00 fee per case, \$50.00 per phone case, \$150 per case for observed holiday cases, \$200 per round trip transport of a deceased individual(s) to the Medical Examiner’s office.

Section 2. This local law is subject to referendum on petition pursuant to the provisions of Section 24 of the Municipal Home Rule Law.

Section 3. This local law shall take effect upon proper filing with the Office of the Secretary of State, and, **WHEREAS**, this Local Law fully incorporates Local Law No. 2 of 2021, and **WHEREAS**, the Clerk of the Genesee County Legislature will post a certified notice of the Public Hearing on said proposed Local Law on the bulletin boards in the Old Courthouse, and **WHEREAS**, the Clerk of the Genesee County Legislature will publish in the Batavia Daily News, the official newspaper of the County of Genesee, the notice of Public Hearing on Proposed Local Law E, Year 2022, and

WHEREAS, a Public Hearing will be held at 5:30 p.m. on the 11th day of January 2023 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 AMENDING LOCAL LAW NO. ONE OF THE YEAR 2012, AS FURTHER AMENDED BY LOCAL LAW NO. FIVE OF THE YEAR 2018 AND INCORPORATING LOCAL LAW NO. TWO OF THE YEAR 2021 IN RELATION TO PROVIDING ADDITIONAL DUTIES AND INCREASING THE SALARY OF THE GENESEE COUNTY CORONER**” to be known as Local Law Number 2, Year 2023, for the County of Genesee as introduced on 14th day of December, 2022 and adopted on the 11th day of January, Year 2023.

Legislator Hawley seconded the resolution, which was adopted by 200 votes.

RESOLUTION NO. 9 COUNTY AUDIT – JANUARY 11, 2023

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Maha, did review the following claims:

2022 General Fund	\$	1,251,977.28
2023 General Fund		362,021.55
2022 Highway		121,812.96
2023 Highway		673.47
2022 Water Fund		167,012.23
2022 Self Insurance		644.37
2023 Self Insurance		55,739.25
DSS Abstracts		255,409.28
2022 Capital Projects		
Sheriff/Jail – Jail Construction		2,741,719.18
Highway – S Lyons Street Bridge		95,765.28
Highway – Large Span Culverts		3,668.00
Highway – Highway Overlay		110,687.27
Highway – Chip Seal		20,540.75
County Park – Pavilion A/B Roof and Fireplace		406.99
Airport – Apron Reconstruction Construction		125,879.34
Facilities Management – Genesee Justice Stone Work		105,316.55
Facilities Management – Countywide HVAC Controls Upgrade		47,326.00
Payroll – General		
December 16, 2022		1,839,410.24

December 30, 2022	1,330,954.72
Medicaid	
December 20, 2022	152,875.00
December 27, 2022	152,875.00
January 3, 2023	152,875.00
January 10, 2023	<u>152,875.00</u>
Total Audit	\$ 9,248,464.71

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 Maha seconded the resolution, which was adopted by 200 votes.