

FOURTEENTH DAY

GENESEE COUNTY LEGISLATURE

OLD COURT HOUSE – 7 MAIN STREET, BATAVIA, NY

WEDNESDAY, AUGUST 20, 2025

The Genesee County Legislature met in regular session on Wednesday, August 20, 2025 at 5:30 PM in the Legislative Chambers of the Old Courthouse.

Legislator Dibble offered to assist with the audit. Legislator Maha offered to assist with the prayer and the Pledge to the Flag.

In absence of Chair Stein, Vice Chair Clattenburg opened a public hearing for The New York State Office of Community Renewal for Community Development Block Grant Funding. OPENED at 5:30 p.m.

Roll Call was taken to establish a quorum with 8 in attendance: Legislators Klotzbach, Hawley, Dibble, Maha, Torrey, Yunker, Clattenburg and Deleo with 1 absence (Stein).

Proclamations & Commendations: None.

Approval of Minutes: Vice Chair Clattenburg approved the July 23, 2025 meeting minutes.

Committee & Special Assignment Reports: Legislator Maha and Chair Stein attended Inter-County Association of WNY meeting which was held at Kent Farms ATV Park. A 15,000 acres farm, with the economy declining the farm has lost much business. He promoted the farm stating there was 80 different trails, it was family oriented, ability to rent ATV's and there are campsites as well. New York State Legislative Representatives discussed the "Big Beautiful Bill" and effects to New York State for 2026 budget. Expect a change in salary cap for retirees to pass next year for 35 to 50 thousand. In regards to the even election year bill which was accepted by New York State Court of Appeals on September 8, expect a decision to be given in November. NYSAC's position in regards to next years' budget, gave a warning that CHIPS funding is not to be used to purchase equipment.

Legislator Dibble and Chair Stein attended the 2050 Steering Committee meeting, stated a lot of good work is being done. Legislator Dibble asked the committee to get information out early as there was a lot of information given during the meeting. He highly encourages people to read through the information provided.

Communications & Petitions: Travel Out-of-State Request for Lynda Battaglia, Mental Health to travel to Indianapolis, IN for CrisisCon 2025 with a total cost of \$2,169.52. Legislator Torrey motioned to approve the travel request, seconded by Legislator Yunker followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

Legislator Comments: None.

County Manager Report: County Manager Matt Landers stated he completed the 3rd community outreach for the vacant rental program, the feedback has been strong with both the in-person and online outreach. Grant writer G&G received a lot of emails and phone calls from community with interest and he is happy to be bringing forward a resolution as a Rule 19 to support the program and have G&G submit the grant request for 25 million dollars as there is a need for this. He is optimistic that this grant opportunity will transform a lot of properties throughout the county. Traveled to Oakfield to see the solar presentation. There was an excellent turn out from the community in opposition to this solar proposal coming out to Oakfield, Alabama and Batavia. He and Legislator Stein had the opportunity to speak with the project manager, they expressed the county is not anti-solar, we are anti-loss of farm land. He will provide updates as he continues to meet with developers.

Resolutions:

Consent Agenda Items - Ways And Means Committee:

1. Award of Contract–Third Party Administrator Of Self-Funded Pharmacy Benefit Plan/Keenan Pharmacy Purchasing Coalition, Capital Region BOCES And Express Scripts Inc.
2. Budget Amendment–County Attorney/Casualty Liability Insurance Reserve
3. Contract – Self-Insurance/Safety Training
4. Award Of RFP - Self-Insurance/Workers' Compensation Cost Allocation Services
5. Award Of RFP - Self-Insurance/Workers' Compensation Actuarial Services
6. Reappointment/STOP-DWI Advisory Board/Snell
7. Lease Modification And Extension Agreement–Genesee County Career Center/Job Development
8. Permission To Accept Grant Funds/Budget Amendment-OFA/Alzheimer's Association WNY Chapter Exhale Grant
9. 2025 Independent Contracting Agreement-Mental Health/Agri-Business Child Development At Batavia
10. 2025 Memorandum Of Understanding-Mental Health/Genesee Senior Living
11. Contract–Public Health/Preschool Supportive Health Services Program /Related Services
12. Contract Renewal For Security Services–Department Of Social Services/Mental Health/Motor Vehicles
13. Disposition Of Surplus Property–Department Of Public Works/File Cabinet, Bookshelf, Desk, Drafting Table
14. Special Event–Dewitt Recreation Area/ Batavia Rotary Club/Trick Or Trot 5k Cemetery Run/Walk
15. Consultant Agreement–DPW/Sumner Rd Over Elevenmile Creek Bridge (Design)
16. Change Order–DPW/Phase 2 Water Supply/Existing Pump Station Upgrades-Contract 4A
17. Change Order–DPW/Phase 2 Water Supply /Existing Pump Station Upgrades-Contract 4B
18. Donation Acceptance–DPW/Phase 3 Water Source Change Evaluation/Pipe Rigs
19. Award Of Bid–DPW/Sodium Chloride
20. Award Of Bid–DPW/Electric Mowers
21. 2025 Budget Transfer - Road Machinery
22. Budget Amendment–Sheriff/Communications–911 Backup Dispatch Center Relocation
23. 2025 Salary Schedule Amendment–Sheriff/Genesee Justice
24. Management Salary Schedule Amendment/2025 Budget Transfer/Temporary Emergency Management Training Technician–Office of Emergency Management
25. Amendment–Standard Work Day Resolution No. 258-2025/Report Updated Record Of Activity For Coroner Karen Lang–New York State Local Retirement System

Legislator Clattenburg motioned to approve resolutions 1-25 of the Ways and Means Committee, seconded by Legislator Yunker followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

Consent Agenda Items - Public Service Committee:

26. Joint Service Agreement–DPW/ Rochester Genesee Regional Transportation Authority Legislator Maha motioned to approve resolution 26 of the Public Service Committee, seconded by Legislator Klotzbach followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

Non-Consent Agenda Items:

27. Amending Resolution No. 297 Of The Year 1980 In Relation To Genesee County Sales And Compensating Use Taxes, Increasing The Rate Of Taxes On Sales And Uses Of

**Tangible Personal Property And Of Certain Services, And On Occupancy Of Hotel Rooms
And Amusements Charges, Pursuant To Article 29 Of The Tax Law Of The State Of New
York**

Legislator Clattenburg motioned to approve resolution 27, seconded by Legislator Hawley followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

Vice Chair Clattenburg announced for any interested speakers for the public hearing to come forward, hearing none, Vice Chair Clattenburg closed the public hearing, Authorization to Submit a Grant Application to the New York State Office of Community Renewal for Community Development Block Grant Funding. Public Hearing Closed at 5:46 p.m.

**28. Authorization To Submit A Grant Application To The New York State Office Of
Community Renewal For Community Development Block Grant Funding**

Legislator Clattenburg motioned to approve resolution 28, seconded by Legislator Deleo followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

29. County Audit – August 20, 2025

Legislator Clattenburg motioned to approve resolution 29, seconded by Legislator Dibble followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

RULE 19:

Legislator Yunker motioned to suspend the rules of the Genesee County Legislature to add one timely resolution for Genesee County Industrial Development Agency D/B/A Genesee County Economic Development Center Commercial Project for SmartDESIGN Architecture PLLC seconded by Legislator Klotzbach followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total weighted vote of 174.

**30. Genesee County Industrial Development Agency D/B/A Genesee County Economic
Development Center Commercial Project For SmartDESIGN Architecture PLLC**

Legislator Clattenburg motioned to approve resolution 29, seconded by Legislator Hawley followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

RULE 19:

Legislator Torrey motioned to suspend the rules of the Genesee County Legislature to add one more timely resolution for Authorizing Submission of an Application to the New York State Homes and Community Renewal (HCR) Vacant Rental Program seconded by Legislator Maha followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total weighted vote of 174.

**31. Authorizing Submission Of An Application To The New York State Homes And
Community Renewal (HCR) Vacant Rental Program**

Legislator Torrey motioned to approve resolution 29, seconded by Legislator Maha followed by a roll call of 8 ayes, 0 opposed and 1 absence (Stein-26) for a total vote of 174.

RESOLUTION NO. 332

**AWARD OF CONTRACT-THIRD PARTY
ADMINISTRATOR OF SELF-FUNDED PHARMACY
BENEFIT PLAN/KEENAN PHARMACY
PURCHASING COALITION, CAPITAL REGION
BOCES AND EXPRESS SCRIPTS INC.-APPROVAL
OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Purchasing Director did issue a Request for Proposals, 2025-101 for Third Party Administrator of the County's Self-Funded Pharmacy Benefit Plan, and

WHEREAS, the Genesee County Health Benefits Review committee, in conjunction with the

County's Health Plan Consultants, reviewed and analyzed the proposals for Third Party Administrator of the County's Self-Funded Pharmacy Benefit Plan, and

WHEREAS, the Genesee County Health Benefits Review committee does recommend that Keenan Pharmacy Purchasing Coalition (KPPC) be awarded the contract to provide Third Party Administrator of the County's Self-Funded Pharmacy Benefit Plan, and

WHEREAS, Keenan Pharmacy Purchasing Coalition has partnered with Capital Region BOCES to develop a shared service for prescriptions to maximize the County's pharmacy benefit savings, and

WHEREAS, Keenan Pharmacy Purchasing Coalition partners with Express Scripts Inc. to provide a plan with leverage for large group pricing discounts and rebates, and

WHEREAS, the Committee on Ways and Means 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 Keenan Pharmacy Purchasing Coalition (KPPC), 2355 Crenshaw Blvd, Suite 200, Torrance, CA 90501, Capital Region BOCES, 900 Watervliet Shaker Road, Albany, NY 12205 and Express Scripts Inc., 1 Express Way, St. Louis, MO 63121 for the provision of Pharmacy Benefit Manager services for the County's Self-Funded Health Plan and to execute any and all other documentation related to this contract. Effective January 1, 2026 through December 31, 2026 with a provision of four (4) additional one-year periods.

Administrative Service Fee: \$1.48 Per Member Per Month

Capital BOCES Consortium Fee: \$1.00 Per Member Per Month

Account Management, Pharmacist Overview, Reconciliation and Shared Services filing: \$1.10 Per Prescription

Pharmacy Clinical Management \$3.25 Per Member Per Month

Budget Impact Statement: Projected cost reduction based on current utilization is approximately 13% with additional reductions negotiated annually. Cost reductions are a result of improved contract wording, enhanced clinical programs, greater discounts and increased rebates.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 333 **BUDGET AMENDMENT-COUNTY ATTORNEY /CASUALTY LIABILITY INSURANCE RESERVE- APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the County Attorney has requested an amendment to the 2025 County Budget due to unforeseen expenditures in the Risk Retention Fund – Liability Expense Legal Services account, and

WHEREAS, there are sufficient funds in the Casualty Liability Insurance Reserve to cover this shortfall, and

WHEREAS, the Committee on Ways and Means did review this recommendation and does concur. Now, therefore be it

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2025 County Budget by adjusting the County Attorney Appropriations and Revenues by the following amounts:

Increase in revenue MS.1000.999 Balancing-Appropriated \$50,000
to be offset by an

Increase in expense MS.1930 4640.0060 – Risk Retention Fund –
Liability Expense Legal Services \$50,000

Budget Impact: There will be a \$20,000 decrease in the Casualty Liability Insurance Reserve. The reserve balance is \$2,405,819.89 as of December 31, 2024. The Casualty Liability Insurance Reserve balance will be \$2,355,819.89 after the \$50,000 decrease.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 334

**CONTRACT-SELF-INSURANCE/SAFETY
TRAINING-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Deputy County Manager did present a contract with 886 Consulting, LLC for the provision of offering training to participants of the Genesee County Mutual Self-Insurance Plan, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the agreement with 886 Consulting, LLC, 48 Meadow Rue Place, Ballston SPA, New York, 12020 for the provision of conducting safety training at a cost not to exceed \$3,000.

Budget Impact: \$3,000 to be included in the S 1710 2026 Self-Insurance budget and apportioned to the participants.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 335

**AWARD OF RFP-SELF-INSURANCE/ WORKERS'
COMPENSATION COST ALLOCATION SERVICES
-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the County did issue RFP 2025-113 for the provision of Workers' Compensation Cost Allocation Services, and

WHEREAS, the proposals received were reviewed by a committee consisting of the Deputy County Manager, the County Treasurer, and the Health & Safety Coordinator and the committee does recommend contracting with Signal Risk Management, and

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

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a three year agreement with Signal Risk Management, 14 Redwood Court, Rensselaer, New York 12144 for the provision of Cost Allocation Services for the period of March 1, 2026 through February 28, 2029 with a option of two additional one-year periods of renewal under the same terms and conditions upon mutual agreement.

Apportionment Services	\$5,000/year
Payroll Auditing Services	\$3,800/year

Budget Impact: Anticipated expense of \$5,000 per year, which will be included in the annual S 1710 Self-Insurance budget and apportioned to the participants.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 336

**AWARD OF RFP-SELF-INSURANCE/ WORKERS'
COMPENSATION ACTUARIAL SERVICES-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the County did issue RFP 2025-114 for the provision of Actuarial Services, and

WHEREAS, the proposals received were reviewed by a committee consisting of the Deputy County Manager, the County Treasurer, and the Health & Safety Coordinator and the committee

does recommend contracting with SGRisk, LLC, and
WHEREAS, the Committee on Ways and Means did review this request and does recommend approval. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a three year agreement with SGRisk, LLC, 1050 Wall Street West, Lyndhurst, New Jersey 07071 for the provision of Actuarial Services for the period of January 1, 2026 through December 31, 2028 with a option of two additional one-year periods of renewal under the same terms and conditions upon mutual agreement.

Certified Actuarial Service	\$6,125/year
Additional Services	\$200/hour

Budget Impact: Anticipated expense of \$6,125 per year, which will be included in the annual S 1710 Self-Insurance budget and apportioned to the participants.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 337 **REAPPOINTMENT/STOP-DWI ADVISORY
BOARD/SNELL-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the term of office for Lacie Snell on the STOP-DWI Advisory Board is set to expire on December 31, 2025, and

WHEREAS, Lacie has expressed a desire to continue to serve as a citizen member and has proven her commitment and availability to the board, and

WHEREAS, the Committee on Ways and Means does recommend the reappointment to continue serving as a citizen member. Now, therefore, be it

RESOLVED, that Lacie Snell of Stafford, New York be reappointed as a citizen member of the Genesee County STOP-DWI Advisory Board to serve another term beginning January 1, 2026 to December 31, 2028.

Budget Impact: None – these are volunteer Board Members.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 338 **LEASE MODIFICATION AND EXTENSION**
AGREEMENT—GENESEE COUNTY CAREER
CENTER/JOB DEVELOPMENT—APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Employment and Training Director of the Genesee County Job Development Bureau and County Manager recommend a five (5) year lease renewal proposal for the continued operation of a Genesee County Career Center at 587 East Main Street, Suite 100 in Batavia, New York, 14020 comprising of 12,988 square feet, and

WHEREAS, the Committee on Ways and Means did review the lease modification and extension agreement and does concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute the necessary documents to enter into a lease modification and extension agreement effective February 1, 2026 through January 31, 2031 with Eastown Plaza Associates LLC, 4221 Transit Road, Williamsville, New York 14221 for the location at 587 East Main Street, Suite 100, Batavia, New York comprising of 12,988 for use by the Genesee County Job Development Bureau and its partner agencies to operate a Genesee County Career Center at a cost of \$130,530.00 per annum for the term of February 1, 2026 through January 31, 2031.

Budget Impact: Rate increase of \$4,530 annually is partially due to the remodeling work that has been requested by the County

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 339

**PERMISSION TO ACCEPT GRANT FUNDS/
BUDGET AMENDMENT-OFA/ALZHEIMER'S
ASSOCIATION WNY CHAPTER EXHALE GRANT-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of the Office for the Aging did request permission to accept a grant award of \$5,000 for the purpose of supporting caregivers in our community from the Alzheimer's Association WNY Chapter Exhale Grant for the period of June 1, 2025-February 28, 2026, and **WHEREAS**, the caregiver support funding will be utilized to provide video cameras to caregivers to monitor their loved one's at risk of falls, injuries, and unpredictable behavior, and

WHEREAS, the Committees on Human Services and Ways and Means did review this request and do recommend acceptance of these grants. Now, therefore, be it

RESOLVED, that the Chairperson of the Genesee County Legislature is authorized and directed to sign any and all documents associated with the Exhale grant, administered by the Alzheimer's Association WNY Chapter, acknowledging acceptance of this grant by Genesee County; and is authorized to enter into any and all agreements under the grants awarded to contract for goods and services to meet the requirements under the grants awarded, and Be it further

services to meet the requirements under the grants awarded, and Be it further
RESOLVED, that the Genesee County Treasure is hereby authorized and directed to amend the 2025 budget in the following manner:

Increase Revenue:

A. 6772 2705 OFA- Gifts and Donations \$3,000

Increased Appropriation:

A. 6772.4700.0000 Program Expense- Specialized Supplies \$3,000

Budget Impact: Expenses incurred by the caregiver support program will be fully offset by the incoming \$3,000 grant funds with no additional expense to the county.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 340 **2025 INDEPENDENT CONTRACTING**
AGREEMENT-MENTAL HEALTH/AGRI-BUSINESS
CHILD DEVELOPMENT AT BATAVIA-APPROVAL
OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of Community Mental Health Services reviewed and approves of the Independent Contracting Agreement with Agri-Business Child Development at Batavia for the purpose of coordinating care for shared clients and facilitating access to mental health and psychiatric services, and

WHEREAS, the Genesee County Attorney, did review the agreement and does recommend approval, and

WHEREAS, the Committees on Human Services and Ways and Means did review the agreement and does concur at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the Chairperson to approve the 2025 Independent Contracting Agreement with Agri-Business Child Development at Batavia, located at 18 Brooklyn Ave., Batavia, NY 14020, effective August 21, 2025 and shall continue in full force and effect or until terminated as set forth in the agreement.

Budget Impact: Flat rate of \$950.00 per month for this service to be paid to Genesee County Mental Health.

Legislator Yunker seconded the resolution which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 341

**2025 MEMORANDUM OF UNDERSTANDING-
MENTAL HEALTH/GENESEE SENIOR LIVING-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director of Community Mental Health Services reviewed and approves of the memorandum of understanding with Genesee Senior Living for the purpose of coordinating care for shared clients and facilitating access to mental health and psychiatric services, and

WHEREAS, the Genesee County Attorney, did review the memorandum of understanding and does recommend approval at this time, and

WHEREAS, the Committees on Human Services and Ways and Means did review the memorandum of understanding and does concur. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the Chairperson to approve the 2025 Memorandum of Understanding with Genesee Senior Living, located at 278 Bank St., Batavia, NY 14020, effective August 21, 2025 and shall continue in full force and effect or until terminated as set forth in the agreement.

Budget Impact: There is no financial impact associated with this memorandum of understanding.
No budgetary Impact.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 342

**CONTRACT-PUBLIC HEALTH/PRESCHOOL
SUPPORTIVE HEALTH SERVICES PROGRAM
/RELATED SERVICES-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Public Health Director did present a contract for the provision of related services to eligible children in the Preschool Supportive Health Services Program, and

WHEREAS, the Committees on Human Service and Ways & Means did review this request to enter into a two year contract for the provision of Related Services in the Preschool Supportive Health Services Program (PSSHSP) and do recommend approval. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized and directed to execute a contract with the following agency, for the provision of Related Services in the Preschool Supportive Health Services Program (PSSHSP) retroactively for the period of July 1, 2025 through June 30, 2027 per the 2025-2027 PSSHSP rate schedule.

Double Talk, LLC dba Double Talk Bilingual Speech Therapy Services, 240 Redtail Road, Suite 12A, Orchard Park, NY 14127

Budget Impact: Revenue and expenses are included in the 2025 A 2960 3-5 Preschool Budget and will be included in the 2026 and 2027 Budgets. These services qualify for NYS reimbursement at the rate of 59.5% less any Medicaid payment on Medicaid eligible children.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 343

**CONTRACT RENEWAL FOR SECURITY
SERVICES-DEPARTMENT OF SOCIAL SERVICES/
MENTAL HEALTH/MOTOR VEHICLES-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Resolution No. 36 adopted February 8, 2023, did authorize a contract for the provision of security services for the Genesee County Departments of Social Services (DSS), Mental Health (MH), and Motor Vehicles (DMV), and

WHEREAS, pursuant to the Request for Proposal (RFP) 2023-101 four additional one-year contract period(s) may be entered upon mutual written agreement between parties, and
WHEREAS, it is the desire of the Genesee County Commissioner of Social Services, the Director of Mental Health, the Genesee County Clerk and Armor Security and Protection, Inc. to renew said contract for the period of one additional year, and

WHEREAS, Security services will be provided for each department at \$50.71 per man hour under the current rates with the same terms and conditions, and

WHEREAS, the Human Service and Ways and Means Committees having reviewed the RFP recommendation and do concur at this time. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby authorize and direct the Chairperson to enter into an agreement with Armor Security and Protection, Inc., 100 Chestnut Street, Suite 1607, Rochester, NY 14604 to provide security services for offices occupied or owned by Genesee County for the period September 1, 2025, through August 31, 2026, at the rate of \$50.71 per man hour.

Budget Impact: The DSS portion of the cost for security services for the contract renewal period is \$243,916. Approximately \$60,979 is local share, with the remaining \$182,937 reimbursed by federal/state aid. The hourly billing rate change at renewal will result in an increase of \$26,231 from the original budgeted amount for 2025.

The MH portion of the cost for security services for the contract renewal period is \$131,846. All \$131,846 is local share. The hourly billing rate will change at renewal and will result in an increase of \$14,724 from the original budgeted amount for 2025.

The DMV portion of the cost for security services for the contract renewal period is \$112,071. All \$112,071 is local share. The hourly billing rate will change at renewal and will result in an increase of \$12,516 from the original budgeted amount for 2025.

Any increase based on new prevailing wages released in July 2026 may affect the remaining four months of 2026.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 344

**DISPOSITION OF SURPLUS PROPERTY–
DPW/FILE CABINET, BOOKSHELF, DESK,
DRAFTING TABLE-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Department of Public Works does possess one (1) file cabinet, one (1) bookshelf, one (1) desk and one (1) drafting table for employee personnel use, and

WHEREAS, the equipment is no longer needed and no other department have shown interest in their use and should be declared as surplus, and

WHEREAS, the Committees on Public Service and Ways and Means have reviewed this recommendation and do concur. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby declare the file cabinet, bookshelf, desk and drafting table as surplus, and be it further

RESOLVED, that the Purchasing Director is hereby authorized to dispose of the one (1) file cabinet, one (1) bookshelf, one (1) desk and one (1) drafting table by the method deemed most appropriate by that department.

Budget Impact: Should the property sell at auction, the proceeds would go to the county's general revenue in A.1000.2650 Sale of Scrap.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 345

SPECIAL EVENT–DEWITT RECREATION AREA/

**BATAVIA ROTARY CLUB/TRICK OR TROT 5K
CEMETERY RUN/WALK-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, a Special Event application was received from the Batavia Rotary Club to use the DeWitt Recreation Area to host the Trick or Trot 5K Cemetery Run/Walk on October 25, 2025, and

WHEREAS, the Genesee County Commissioner of Public Works did review and recommend approval of this event, and

WHEREAS, the Committees on Public Service and Ways and Means do concur with this request. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby grant permission to the Batavia Rotary Club to use the DeWitt Recreation Area to host the Trick or Trot 5K Cemetery Run/Walk on October 25, 2025, as per the Special Events Policy and Procedures for Community Events for the Parks and Recreation Areas.

Budget Impact: None.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 346

**CONSULTANT AGREEMENT-DPW/SUMNER RD
OVER ELEVENMILE CREEK BRIDGE (DESIGN)-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has received a red flag this summer on Sumner Rd over Elevenmile Creek Bridge in the Town of Darien,

WHEREAS, a superstructure replacement of the bridge is warranted and the Genesee County Commissioner of Public Works reached out to one of the engineering firms on the 2023 engineering term agreement, and

WHEREAS, the Genesee County Commissioner of Public Works reviewed the proposal from the consultant for design services related to this project and did make a recommendation to approve a consultant agreement at this time, and

WHEREAS, the Committees on Public Service and Ways and Means have reviewed this request and do concur. Now, therefore, be it

RESOLVED, that the Chairperson of the Genesee County Legislature is hereby authorized to approve a consultant agreement with LaBella Associates, 300 State Street, Rochester NY 14614 for engineering design services related to the superstructure replacement of the Sumner Rd Bridge in a cost not to exceed \$46,000.00.

Budget Impact: The design agreement is for \$46,000.00. These funds will be taken from the large span culverts capital project.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 347

**CHANGE ORDER-DPW/PHASE 2 WATER
SUPPLY/EXISTING PUMP STATION UPGRADES-
CONTRACT 4A-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County's Phase 2 Contract 4A – Existing Pump Station Upgrades construction remains in progress, and

WHEREAS, CP Ward is requesting a change order as a result of the extension of the time on the project, and

WHEREAS, these costs include increases in labor rates and supervision across 2025 and 2026,

bonding, temporary bypass pumping, and the price escalation of the new and rehabilitated pumps to be installed at all four pump stations, and

WHEREAS, the newly agreed substantial completion date shall be set to June 1, 2026, and

WHEREAS, the County Commissioner of Public Works has reviewed this change order for need and accuracy of pricing, and

WHEREAS, the Committees on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature does hereby authorize this change order in the amount of \$256,562.20 for CP Ward, Inc., 100 West River Road, PO Box 900, Scottsville, NY 14546 for the price increases associated with project's labor rates, bonding, temporary bypass pumping, and new pump purchases.

Budget Impact: The total amount for the change order is \$256,562.20. The change to CP Ward's contract brings the total contract amount to \$4,422,562.20. This contract is paid through the County Water Fund under Phase 2 Contracted Services and there are sufficient funds budgeted to cover this additional expense.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 348

**CHANGE ORDER-DPW/PHASE 2 WATER SUPPLY
/EXISTING PUMP STATION UPGRADES-
CONTRACT 4B-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County's Phase 2 Contract 4B – Existing Pump Station Upgrades construction remains in progress, and

WHEREAS, Concord Electric Corporation is requesting a change order as a result of the extension of the time on the project as well as additional work performed, and

WHEREAS, these costs include increases in labor rates and project management across 2025 and 2026, mobilization/demobilization, generator relocations, Riga PS louver modification, and a new spill containment tank at the Riga PS, and

WHEREAS, the newly agreed substantial completion date shall be set to June 1st, 2026, and

WHEREAS, the County Commissioner of Public Works has reviewed this change order for need and accuracy of pricing, and

WHEREAS, the Committees on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature does hereby authorize this change order in the amount of \$92,220.00 for Concord Electric Corporation, 305 Pinewood Drive, Suite 4, Rochester, NY 14606 for the price increases associated with project's labor rates, additional project management, generator relocation at the Scottsville PS, Riga PS louver modification, and a spill containment tank purchase for the Riga PS.

Budget Impact: The total amount for the change order is \$92,222.00. The change to Concord Electric's contract brings the total contract amount to \$2,277,222.00. This contract is paid through the County Water Fund under Phase 2 Contracted Services and there are sufficient funds budgeted to cover this additional expense.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 349

**DONATION ACCEPTANCE-DPW/PHASE 3 WATER
SOURCE CHANGE EVALUATION/PIPE RIGS-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Arcadis has completed the water sampling period of Genesee County's Water Source Change Evaluation Study and provided a Water Quality Sampling Memo outlining the next steps required in the study, and

WHEREAS, additional corrosion control analysis will be required in the form of a desktop and a harvested lead pipe rig study to witness the changes in scaling and lead solubility as water quality changes, and

WHEREAS, unclaimed corrosion skids at a contractor's facility located in Pontiac, Michigan were offered as a donation to the County of Genesee to assist with future demonstration studies, and

WHEREAS, the County Commissioner of Public Works has reviewed this request and recommend acceptance of the donation and request at this time, and

WHEREAS, the Committees on Public Service and Ways and Means have reviewed this request and does concur with the recommendation. Now, therefore, be it

RESOLVED, that the Chair of the Genesee County Legislature does hereby authorize the acceptance of four (4) corrosion pipe rigs from Lee Industrial Contracting, located at 631 Cesar E Chavez Ave, Pontiac, MI 48342 to be implemented into Genesee County's next phase of the Water Source Change Evaluation.

Budget Impact: Offsetting future costs related the recommended pipe rig study by Arcadis. Approximate value of the donated rigs is \$40,000

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 350 **AWARD OF BID-DPW/SODIUM CHLORIDE-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Commissioner of Public Works and Purchasing Officer did advertise local specifications developed for sodium chloride for snow and ice removal, and

WHEREAS, Genesee County received four bids and these bids were reviewed by the Commissioner of Public Works, and

WHEREAS, the Commissioner of Public Works recommends awarding a bid at this time, and **WHEREAS**, the Committee on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby award bids for the purchase of sodium chloride for use in snow and ice removal to American Rock Salt Company LLC, PO Box 190, Mt. Morris, NY 14510 at a price of \$62.69 FOB and \$55.00 picked up at the Hampton Corners mine.

Budget Impact: The purchase of road salt is a budgeted item within the County Road Fund. This bid can be used by all municipalities within Genesee County. The current price of sodium chloride is \$62.85. The new bid price is a slight decrease from last year's price.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 351 **AWARD OF BID-DPW/ELECTRIC MOWERS—
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Commissioner of Public Works and Purchasing Officer did advertise local specifications developed for electric mowers, and

WHEREAS, Genesee County received one bid, and this bid was reviewed by the Commissioner of Public Works, and

WHEREAS, the Commissioner of Public Works recommends awarding a bid at this time, and

WHEREAS, the Committee on Public Service and Ways and Means did review this recommendation and does concur. Now, therefore, be it

RESOLVED, that the Genesee County Legislature does hereby award a bid for the purchase of two electric mowers and accessories to Mucher & Clark LLC dba Cedar St Sales and Rentals, located at 111 Cedar Street, Batavia NY 14020, for \$44,203.04.

Budget Impact: The purchase of the electric mowers and accessories is covered in the 2025 Highway Equipment budget DM 5130.3030.0020. Resolution 2025-34 awarded NYSERDA grant funds to pay for the mowers. The bid came in \$14,297 under the budgeted amount.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 352 **2025 BUDGET TRANSFER - ROAD MACHINERY-
APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, the Genesee County Commissioner of Public Works does request an budget transfer to the 2025 Genesee County Budget to purchase a 2018 Hyundai HL970XT Wheel Loader instead of returning the equipment to the vendor at an additional expense with the need to rent another loader for the winter months, 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 authorize and direct the County Treasurer to make the following budget transfer to the 2025 County Budget:

Increase DM5130.2030.0020	Highway Equipment	\$ 89,000.00
Decrease DM5130.4310.1001	Gas - Unleaded	\$ 44,500.00
Decrease DM5130.4310.1002	Gas – Diesel	\$ 44,500.00

Budget Impact: None as funds available in other budget lines. Cost savings of the monthly lease charge and rental of another loader during the winter season is approximately \$71,500.00 annually. Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 353 **BUDGET AMENDMENT—SHERIFF/
COMMUNICATIONS—911 BACKUP DISPATCH
CENTER RELOCATION—APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee County has established a new 911 backup Dispatch Center at the new jail facility, and

WHEREAS, it is necessary to relocate communications equipment in the current 911 backup Dispatch Center to the new 911 backup Dispatch Center, and

WHEREAS, there are unanticipated costs associated with relocating such equipment, and

WHEREAS, there is currently \$371,441.72 available in the A 915.13 Assigned Unappropriated E911 Wireless account, and

WHEREAS, after careful review by the Sheriff, County Manager, County Treasurer, and the Director of Emergency Communications, it is recommended to utilize \$100,000.00 of these funds

to offset the costs associated with the equipment relocation, 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

do recommend approval at this time. Now, therefore, be it
RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2025 budget by increasing the Sheriff's Communications appropriation account A 3020 2080 0911

2023 budget by increasing the Sheriff's Communications appropriation account A.3020 2080.0911 (E911 Equipment) by \$100,000.00, with an offset from A.3020 9999 Balancing Appropriated utilizing funds from A 915.13 Assigned Unappropriated E911 Wireless.

Budget Impact: The cost of this project (\$100,000.00) is to be funded from the E911 Wireless Assigned Unappropriated reserve which has a current balance of \$371,441.72.

Legislator Yunker seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 354 **2025 SALARY SCHEDULE AMENDMENT-SHERIFF
/GENESEE JUSTICE-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Genesee Justice received a 2025-2026 STRIVE (Statewide Targeted Reductions in Intimate Partner Violence) Grant from the NYS Division of Criminal Justice Services in the amount of \$58,279 to be used to support the Comprehensive Victim Assistance Program, and

amount of \$58,275 to be used to support the Comprehensive Victim Assistance Program, and
WHEREAS, the Genesee Justice Program Coordinator did evaluate the staffing needs of the department and is requesting adjustment in personnel by creating a Community/Victim Services Counselor position to enhance the service level and efficiency of program staff, and

WHEREAS, the Genesee County Sheriff and the County Manager have reviewed this request and do recommend approval, and

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

RESOLVED, that the Genesee County Treasurer and Human Resources Director are hereby authorized and directed to amend the 2025 Genesee County Employees Salary Schedule by creating one full-time, 37.5 hours/week Community/Victim Services Counselor, CSEA-General Grade 13, position effective August 21, 2025.

Budget Impact: This position will be funded by the NYS Division of Criminal Justice Services STRIVE Grant as well as the Office of Victim Services VOCA Grant. Anticipated expenses are included in the 2025 A3151 Genesee Justice budget with funds to be carried over into the 2026 budget.

Legislator Yunker seconded the resolution which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 355 **MANAGEMENT SALARY SCHEDULE**
AMENDMENT/2025 BUDGET TRANSFER-OEM
/TEMPORARY EMERGENCY MANAGEMENT
TRAINING TECHNICIAN – APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the Director, Office of Emergency Management has requested adding the temporary, part-time Emergency Management Training Technician due to an employee's extended leave of absence, and

WHEREAS, the Director, Office of Emergency Management is requesting an amendment to the 2025 Management Salary Schedule and 2025 Budget to create one (1) temporary, part-time (up to 19 ½ hours per week) Emergency Management Training Technician to have sufficient staff coverage during the extended leave of absences, 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 Human Resources Director and Genesee County Treasurer are hereby authorized and directed to amend the 2025 Management Salary Schedule by creating one (1) part-time (up to 19 ½ hours per week), temporary, Emergency Management Training Technician, Grade 108, effective August 21, 2025 through December 31, 2025, and Be it further.

RESOLVED, that the Genesee County Treasurer is hereby authorized and directed to amend the 2025 Genesee County Budget by transferring funds as follows:

From:

A.1990.4800.0000	Contingency	\$11,955.00
To:		
A.3640.1010.0000	Personal Services by	\$11,104.00
A.3640.8010.0000	Social Security Tax by	\$689.00
A.3640.8011.0000	Medicare Tax by	\$162.00

Budget Impact: The total cost of the new temporary, part-time position in 2025 is \$11,955. Funds are available in the Contingency account to cover the additional expense. Balance of regular contingency after this transaction is \$180,181.

Legislator Yunker seconded the resolution which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 356 **AMENDMENT- STANDARD WORK DAY**
RESOLUTION NO. 258-2025/REPORT UPDATED
RECORD OF ACTIVITY FOR CORONER KAREN
LANG- NEW YORK STATE LOCAL RETIREMENT
SYSTEM-APPROVAL OF

Legislator Clattenburg offered the following resolution:

WHEREAS, the New York State and Local Employees' Retirement System adopted 2 NYCRR §315.4, a regulation on retirement reporting for elected and appointed officials which became effective August 12, 2009, and

WHEREAS, the regulation requires an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed, and

WHEREAS, Coroner Karen Lang provided a recertification of record of activities of 5.95 under resolution number 258-2025 in June 2025 which requires an update to her record of activities due to expiration of recertification, and

WHEREAS, the Ways and Means Committee did review this request to submit to NYSLRS and recommends approval to update the record of activities and standard work day results. Now, therefore, be it

RESOLVED, that the County of Genesee hereby submits a change for Coroner, Karen Lang who reports 2.30 work days a month with a current term of January 1, 2025 through December 31, 2028. This will be reported to the New York State and Local Retirement System based on her records of activities.

Title	Standard Work Day (hrs/day)	Name	Tier 1	Current Term begin & end	ROA results	ROA -Not Submitted
Coroner	6.0 hrs	Karen Lang	No	1/1/25-12/31/28	2.30	

BE IT FURTHER RESOLVED, elected and appointed officials who are not members of the State Retirement System are not subject to the provisions of this law. Be it further,

RESOLVED, certified copies of this resolution shall be forwarded to the Finance Commissioner, the Genesee County Human Resource Director and Treasurer and the New York State Comptroller following 30 days of public posting.

Legislator Yunker seconded the resolution which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 357 **JOINT SERVICE AGREEMENT-DPW/**
ROCHESTER GENESEE REGIONAL
TRANSPORTATION AUTHORITY-EXTENSION OF

Legislator Maha 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 Department of Public Works by the Batavia Bus Service Inc., D/B/A RTS Genesee, and

WHEREAS, the County Commissioner of Public Works recommends extending the existing joint service agreement with RGRTA per the terms and conditions of the existing agreement, and **WHEREAS**, the Committee of Public Service 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, located at 1372 East Main Street, Rochester, NY 14609 under the same terms and conditions of the existing agreement. **RESOLVED**, the extension of the joint service agreement shall be from November 1, 2025 through October 31, 2027.

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

Legislator Klotzbach seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 358

**AMENDING RESOLUTION NO. 297 OF THE YEAR 1980
IN RELATION TO GENESEE COUNTY SALES AND
COMPENSATING USE TAXES, INCREASING THE
RATE OF TAXES ON SALES AND USES OF TANGIBLE
PERSONAL PROPERTY AND OF CERTAIN SERVICES,
AND ON OCCUPANCY OF HOTEL ROOMS AND
AMUSEMENTS CHARGES, PURSUANT TO ARTICLE 29
OF THE TAX LAW OF THE STATE OF NEW YORK –
APPROVAL OF**

Legislator Torrey offered the following resolution:

BE IT RESOLVED by the Genesee County Legislature:

That Resolution No. 297 of the Genesee County Legislature adopted November 26, 1980, as amended by Resolution No. 16 of 1981, adopted January 14, 1981, as amended by Resolution No. 184, adopted June 22, 1994 as amended by Resolution No. 227, adopted July 31, 1995, as amended by Resolution No. 218 adopted July 28, 1997, as amended by Resolution No. 327 adopted August 11, 1999, as amended by Resolution 333 adopted September 12, 2001, as amended by Resolution 211 adopted June 25, 2003 as amended by Resolution 298 adopted September 10, 2003, and as amended by Resolution No. 226 adopted July 12, 2005 and as amended by Resolution No. 309 adopted August 8, 2007, as amended by Resolution No. 270 adopted August 12, 2009, as amended by Resolution No. 311 adopted September 28, 2011, as amended by Resolution No. 337 adopted September 11, 2013, as amended by Resolution No. 353 adopted October 14, 2015, as amended by Resolution No. 313 adopted August 9, 2017, as amended by Resolution No. 217 adopted May 27, 2020 as amended by Resolution No. 312 adopted on August 16, 2023, be hereby further amended in its several parts as follows:

Section 1: The first sentence of section two of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 2: Imposition of sales tax.

On and after March 1, 1981, there is hereby imposed and there shall be paid a tax of three percent (3%) upon, and for the period commencing September 1, 1994, and ending **November 30, 2027**, there is hereby imposed and there shall be paid an additional tax of one percent (1%) upon:

Section 2: Subdivision (f) of section three of Resolution No. 297 of the year 1980, enacted November 26, 1980, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent (1%) imposed for the period commencing September 1, 1994 and ending **November 30, 2027**, the provisions of subdivision (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivision (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior

to September 1, 1994 any transaction which may not be subject to the additional tax imposed effective on that date.

Section 3: Section four of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is hereby amended to read as follows:

Section 4: Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994 except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontract or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2027**, the tax shall be at the rate of four percent (4%) and on and after **December 1, 2027**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent (4%), and on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed as taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2027**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2027**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for tangible personal property manufactured, processed, or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvements to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2027**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2027**, the tax shall be at the rate of three percent (3%), of the

consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending **November 30, 2027**, the tax shall be at the rate of four percent (4%), and on and after **December 1, 2027**, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (f) by its author or other creator shall not be deemed a taxable use by such person.

Section 4: Subdivision (k) of section six of Resolution No. 297 of the year 1980, enacted in November 26, 1980, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes ; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending **November 30, 2027**.

Section 5: Paragraph (B) of subdivision one of section eleven of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending **November 30, 2027**, in respect to the use of property used by the purchaser in this county prior to September 1, 1994.

Section 6: Subdivision (h) of section fourteen of Resolution No. 297 of the year 1980, as enacted November 26, 1980, as amended, is amended to read as follows:

(h) Notwithstanding any other provision of law to the contrary, net collections attributable to the additional one percent rate of sales and compensating use taxes imposed by sections two and four of this resolution for the period December 1, 2005, through **November 30, 2027**, shall be divided in the same manner and proportion as the net collections attributable to the County's existing three percent rate of such taxes during such period are divided.

Section 7: This resolution shall take effect **December 1, 2025**.

Legislator Hawley seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 359

**AUTHORIZATION TO SUBMIT A GRANT
APPLICATION TO THE NEW YORK STATE
OFFICE OF COMMUNITY RENEWAL FOR
COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDING – APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, Freezecake Snacks Inc. (the " Company") plans to establish a production facility at 8245 Roxbury Lane in the Town of Bergen (hereinafter the "Project"), and

WHEREAS, the Genesee Gateway Local Development Corporation (the "GGLDC") is assisting in the facilitation of the Project and has requested that the County apply to the New York State Office of Community Renewal (the "OCR") for a grant to support the Project and provide the OCR funding to the GGLDC as a grant for the purpose of making a loan and deferred loan to the Company, and

WHEREAS, the GGLDC has the capacity to administer the OCR grant in the best interests of the County, and

WHEREAS, the Project will result in substantial benefit to the County in the form of an estimated 18 new employment positions and an estimated private investment of over \$500,000, and

WHEREAS, the County has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and regarding the Project. Now, therefore, be it

RESOLVED, that the Genesee County Legislature is hereby authorizing the submission of a grant application in an amount to be determined by the OCR and not to exceed the sum of \$270,000, such amount to be provided as a grant to the GGLDC to be used to provide funding to the Company to finance a portion of the costs of machinery and equipment and furnishings and fixtures and working capital expenses associated with the Project, and be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant, and be it further

RESOLVED, that the Chair of the Genesee County Legislature is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including a grant agreement with GGLDC, subject to review and approval by the County Attorney.

Budget Impact: None, County will pass funding to GGLDC.

Legislator Deleo seconded the resolution, which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 360 **COUNTY AUDIT—AUGUST 20, 2025-APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, Legislator Dibble, did review the following claims:

2025 General Fund	1,907,498.58
2025 Highway	440,149.09
2025 Self Insurance	1,326.50
2025 Water Fund	616,327.01
DSS Abstracts	591,559.13

Capital Projects

Jail Construction	1,295.00
Airport – Equipment Storage Building	39,000.00
Airport – Mercy Flight Hangar Insulation	9,025.00
Airport – Replace Runway Lighting & Signage (Construction)	2,799.78
County Park – Area D Shelter Improvements	3,097.23
County Park – DeWitt Improvement Phase IV	5,138.06
Facilities Management – HLOM Restoration & Life Safety Improvements (design)	9,000.00
Facilities Management – Engine House Renovations	182,989.93
Facilities Management – Facility Utilization & Capital Planning Study	28,190.40
Highway – County Road #2 – E Bethany-Leroy Road	627,120.23
Highway – Attica Road – Bridge 11M	26,996.01
Highway – Recycling	2,800.00
Highway – Dry Bridge Road over Drainage Ditch	695.48
Highway - Richley Road over Murder Creek	55,211.50
Highway – Silver Road over Little Tonawanda Creek	11,855.10
Highway – Surface Treatment	885,673.85
Highway – Large Span Culverts	19,309.19

Highway – Overlay	119,844.53
OFA Property Improvements	4,130.00
Payroll – General	
July 25, 2025	2,274,593.68
August 8, 2025	1,699,979.58
Medicaid	
July 29, 2025	190,005.00
August 5, 2025	190,005.00
August 12, 2025	190,005.00
August 19, 2025	<u>190,005.00</u>
Total Audit	\$ 10,325,624.86

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 174 (Stein absent-26) votes.

RESOLUTION NO. 361 **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY d/b/a GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER COMMERCIAL PROJECT FOR SMARTDESIGN ARCHITECTURE PLLC– APPROVAL OF**

Legislator Clattenburg offered the following resolution:

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 565 of the 1970 Laws of New York (collectively, the "Act"), the Legislature of Genesee County (the "County Legislature") has heretofore appointed the members of Genesee County Industrial Development Agency d/b/a Genesee County Economic Development Center (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York, and **WHEREAS**, pursuant to the Act, the Agency is authorized and empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration, and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act), or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase, and

WHEREAS, smartDESIGN Architecture PLLC, submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting the Agency to undertake a certain project (the "Project"), consisting of the provision of a sales and use tax exemption benefit, a partial mortgage recording tax exemption benefit, and a real property tax abatement benefit (collectively, the "Financial Assistance") for (i) the acquisition by the Agency of a leasehold or other interest in approximately 1.71 acres of real property located at 4 Mix Place in the City of Batavia, Genesee County, New York and all other lands in the City of Batavia where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project

(the "Land", being more particularly described as a portion of tax parcel No. 84.006-4-28) together with the existing improvements located thereon consisting of an approximately 5,500 square foot vacant building (the "Existing Improvements"); (ii) the planning, design, reconstruction, renovation and operation of the Existing Improvements to accommodate office related space (collectively, the "Improvements"); and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land, the Existing Improvements and the Improvements, the "Facility"), and

WHEREAS, pursuant to Section 862(2)(a) of the Act, no Financial Assistance of the Agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total project cost, unless certain exceptions apply, one of which is where the predominant purpose of the project would be to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the City of Batavia because of a lack of reasonably accessible retail trade facilities offering such goods or services, and

WHEREAS, in addition, pursuant to Section 862(2)(c) of the Act, the Agency may not provide Financial Assistance to the Project unless the Agency shall, after satisfaction of the public hearing requirements of Section 859 of the Act, make a finding that undertaking the Project will serve the public purposes of the Act by preserving permanent, private sector jobs in the State or increasing the overall number of permanent, private sector jobs in the State, and

WHEREAS, pursuant to Section 859 of the Act, the Agency conducted the Public Hearing on August 5, 2025 at 3:30 p.m., local time at the Batavia City Hall (Community Room), One Batavia City Centre, Batavia, New York 14020; and

WHEREAS, by resolution, to be considered, by the members of the Agency on September 4, 2025, the Agency, amongst other items, that: (i) the Project will include facilities or property that are primarily used in making retail sales, as defined within Section 862 of the Act, to customers who personally visit the Facility, (ii) the predominant purpose of the Project is to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the City of Batavia because of a lack of reasonably accessible retail trade facilities offering such goods or services in accordance with Section 862(2)(b)(i) of the Act, (iii) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and/or increasing the overall number of permanent, private sector jobs in the City of Batavia, Genesee County, and the State of New York, and (iv) determined that the Agency would proceed with the Project and the granting of the Financial Assistance; provided however, that no Financial Assistance would be provided to the Project by the Agency unless and until the Chief Executive Officer of Genesee County, New York, pursuant to Section 862(2)(c) of the Act, confirmed the proposed action of the Agency with respect to the Project, and

WHEREAS, for the sole purpose of allowing the Agency to proceed with the Project, this Legislature desires to empower the Chairperson, as the chief executive officer of Genesee County, to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act, and

WHEREAS, the Agency presented this Project to the Ways and Means Committee as the Committee agreed to move this forward for approval. Now, therefore be it

RESOLVED, that, for the sole purpose of allowing the Agency to proceed with the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the County Legislature hereby authorizes the Chairman of this County Legislature, as the Chief Executive Officer of Genesee, New York, to either confirm or refuse to confirm the proposed action of the Agency with respect to the Project, pursuant to Section 862(2)(c) of the Act. Be it further

RESOLVED, that this resolution shall take effect immediately.

Legislator Hawley seconded the resolution which was adopted by 174 (Stein absent-26) votes.

RESOLUTION NO. 362

**AUTHORIZING SUBMISSION OF AN
APPLICATION TO THE NEW YORK STATE
HOMES AND COMMUNITY RENEWAL (HCR)
VACANT RENTAL PROGRAM—APPROVAL OF**

Legislator Torrey offered the following resolution:

WHEREAS, the New York State Homes and Community Renewal (HCR) Vacant Rental Program provides financial assistance to counties and municipalities to rehabilitate vacant residential rental units for occupancy, thereby addressing housing shortages and promoting neighborhood revitalization; and

WHEREAS, Genesee County recognizes the need to increase the availability of safe, quality, and affordable rental housing throughout the County and seeks to address housing needs and revitalize neighborhoods by rehabilitating vacant residential rental units; and

WHEREAS, Genesee County intends to apply to HCR for funding under the Vacant Rental Program in the amount of \$2,500,000 to support the rehabilitation of vacant residential rental units within the County; and

WHEREAS, the Genesee County Legislature is committed to the successful implementation of the program, including compliance with all applicable federal, state, and local regulations; and

WHEREAS, the County will ensure that the program funds are properly administered and that program goals are achieved in accordance with the requirements of HCR, and

WHEREAS, the County intends to submit an application to the New York State Homes and Community Renewal (HCR) Vacant Rental Program for \$2,500,000 to support the rehabilitation of such units. Now, therefore, be it

RESOLVED, that the Genesee County Legislature hereby authorizes the submission of an application to the New York State Homes and Community Renewal Vacant Rental Program and commits to the proper oversight and administration of funds, if awarded; in the amount of \$2,500,000. Be it Further,

RESOLVED, that the Chair of the Genesee County Legislature, or their designated representative, is hereby authorized to execute all necessary documents, agreements, and certifications required for the submission of said application and for the administration of the program, if awarded.

Legislator Maha seconded the resolution which was adopted by 174 (Stein absent-26) votes.

Unfinished Business: None.

Adjournment: Vice Chair Clattenburg adjourned the meeting at 5:51 p.m.