

## **4/28/21 Board of Supervisors Meeting**

**Time: 1:30 PM**

Due to public health and safety concerns related to the COVID-19 Pandemic the Livingston County Board of Supervisors has chosen to meet in a hybrid manner in that some Supervisors will be in person and some will be remote via Zoom. Attendance is allowed with masks and social distancing.

Per State and Federal bans on large gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020, including all subsequent extensions, "suspending law allowing the attendance of meetings telephonically or other similar service," the Livingston

This meeting will follow Roberts Rules of Order, will be recorded and later transcribed.

Agendas are available per normal procedures on the County website

<https://www.livingstoncounty.us/AgendaCenter>

Zoom meeting link:

<https://zoom.us/j/99157460284?pwd=ZGN4bGprYXB1Q2NqdDFXSmJvNlppUT09>

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 991 5746 0284

Passcode: 536979

One tap mobile

+19292056099,,99157460284# US (New York)

+13017158592,,99157460284# US (Washington D.C)

Meeting ID: 991 5746 0284

**AGENDA DOCKET**  
**LIVINGSTON COUNTY BOARD OF SUPERVISORS REGULAR BOARD MEETING**  
**WEDNESDAY, APRIL 28, 2021**  
**1:30 P.M.**



**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

Ossian Supervisor Dwight Knapp

**APPROVAL OF MINUTES**

Minutes of 3/24/21 Regular Meeting

**COMMUNICATIONS**

1. The next Conversation with the County will be held on Tuesday, May 11, 2021--6:30 p.m. at the Portage Town Hall, 2 North Church, Hunt, NY 14846.

**INTRODUCTION OF LOCAL LAW NO. A-2021**

**1. A LOCAL LAW ADOPTING A YOUTH DEER HUNTING PILOT PROGRAM**

BE IT ENACTED by the Livingston Board of Supervisors as follows:

**Section 1. Legislative Intent**

The intent of this Local Law is to authorize the expansion of youth hunting by allowing twelve (12) and thirteen (13) year old licensed hunters to participate in the new and safe hunting opportunities provided by New York State Environmental Conservation Law §11-0935. Said statute authorizes a pilot program to allow young licensed hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm or crossbow through 2023 within the boundaries of counties permitting such action by local law. In passing this Local Law, Livingston County recognizes hunting is a valued tradition for many families, and this new opportunity allows experienced adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

**Section 2. Pilot Program Authorization**

Pursuant to Environmental Conservation Law §11-0935, Livingston County elects to participate in the deer hunting pilot program to allow young licensed hunters, ages twelve (12) and thirteen (13), to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm through 2023 when accompanied by a parent, legal guardian, or designated person.

**Section 3. State Requirements Once Authorized**

Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer subject to the following requirements:

- All twelve (12) and thirteen (13) year old licensed hunters hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm shall be accompanied by their parent or legal guardian, or by a person 21 years of age or older designated in writing by such parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation; and
- A parent, guardian, or designated person accompanying a twelve (12) or thirteen (13) year old licensed hunter shall have a valid hunting license and at least three (3) years of experience hunting deer; and
- A parent, guardian or designated person accompanying a twelve (12) or thirteen (13) year old licensed hunter shall maintain physical control over the youth at all times while hunting. For purposes of this paragraph "physical control" shall mean that the physical proximity of such youth to the parent, guardian, or designated person is such that the parent, guardian, or designated person is reasonably able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision of the youth; and

- All twelve (12) and thirteen (13) year old licensed hunters and their accompanying parent, guardian, or designated person shall each display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent florescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions; and
- All twelve (12) and thirteen (13) year old licensed hunters and their accompanying parent, guardian, or designated person shall be required to remain at ground level at all times while hunting.

**Section 4. Local Law Filing Requirements**

A copy of this Local Law shall be sent to the New York State Department of Environmental Conservation as well as the New York State Department of State.

**Section 5. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. Effective Date**

This Local Law shall take effect immediately upon filing and publication in accordance with Section 27 of the Municipal Home Rule.

**ABSTRACT OF CLAIMS**

**RESOLUTION NO. 2021-137      APPROVING ABSTRACT OF CLAIMS #4B-APRIL 28, 2021**

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #4A dated April 14, 2021 in the total amount of \$3,023,944.87.

Dated at Geneseo, New York

April 14, 2021

Ways and Means Committee

**PRIVILEGES OF THE FLOOR**

ANGELA ELLIS, DEPUTY CO. ADMINISTRATOR

- RECOGNITION OF DAVID SWANSON FOR 39 YEARS OF SERVICE TO THE EMC
- EMC ANNUAL EARTH DAY AWARD PRESENTATION

**PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE**

Ways & Means Committee

**1. PROVIDING FOR A PUBLIC HEARING TO CONSIDER PUBLIC COMMENT ON THE COUNTY'S PROPOSAL TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL (SUPPORTING SMALL BUSINESSES TO PREVENT, PREPARE FOR, AND RESPOND TO COVID-19)**

RESOLVED, that the Livingston County Board of Supervisors hereby schedules a public hearing to be held on May 26, 2021 at 1:35 PM in the Board of Supervisors Assembly Room, Livingston County Government Center, Third Floor, Geneseo, New York, with the purpose being to provide information to the public regarding the Community Development Block Grant COVID-19 Response (CDBG-CV) program and to consider citizen comments regarding the County's proposal to submit a CDBG application to the NYS Office of Community Renewal to provide grants to support small businesses to prevent, prepare for, and respond to COVID-19, and at least seven (7) days' notice shall be given by posting thereof on the County's website and by publishing such notice at least one (1) time in the official newspaper of the County as provided by law.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**2. PROVIDING FOR PUBLIC HEARING ON PROPOSED LOCAL LAW NO. A-2021 – A LOCAL LAW ADOPTING A YOUTH DEER HUNTING PILOT PROGRAM**

WHEREAS, there has been duly presented and introduced at a meeting of this Board, held on April 28, 2021, a proposed Local Law entitled Local Law No. A-2021 – A Local Law Adopting a Youth Deer Hunting Pilot Program; now, therefore, be it

RESOLVED, that a public hearing shall be held on said proposed Local Law by this Board on the 12<sup>th</sup> day of May, 2021 at 1:35 p.m. in the Board of Supervisors Assembly Room in the Livingston County Government Center in the Village of Geneseo, New York and at least six (6) days' notice shall be given by posting thereof on the bulletin board of the Government Center in this County and by publishing such notice at least one (1) time in the official newspapers of the County as provided by law.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**DISCUSSION OF THE RESOLUTIONS ON PREFERRED AGENDA**

**MOTION TO MOVE THE RESOLUTIONS ON THE PREFERRED AGENDA AND DIRECT THE CLERK OF THE BOARD TO CALL THE ROLL CALL VOTE**

**RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE**

WAYS & MEANS COMMITTEE

*County Administrator/Budget Officer*

**3. AMENDING 2021 LIVINGSTON COUNTY BUDGET-HIGHWAY**

RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested Budget Amendments per the Budget Amendment entries, which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**4. AUTHORIZING TRANSFER OF FUNDS-DEPARTMENT OF HEALTH**

RESOLVED, that the Livingston County Treasurer is authorized and directed to make the requested transfers per the Budget Amendment entries, which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**5. ESTABLISHING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-DOH FACILITY**

RESOLVED, that the County Treasurer is authorized to establish Capital Project Account **H4010.2900** in the amount of \$150,000.00 to be funded from Interfund Transfers **H4010.5031** in the amount of \$150,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the DOH Facility Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$150,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**6. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-AMBULANCE EQUIPMENT**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1629.2900** in the amount of \$200,000.00 to be funded from Interfund Transfers **H1629.5031** in the amount of \$200,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Ambulance Equipment Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$200,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**7. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-CAMPUS UPGRADES**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H6121.2900** in the amount of \$100,000.00 to be funded from Interfund Transfers **H6121.5031** in the amount of \$100,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Campus Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$100,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**8. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-COURTHOUSE UPGRADES**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1625.2900** in the amount of \$100,000.00 to be funded from Interfund Transfers **H1625.5031** in the amount of \$100,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Courthouse Upgrades Capital Project from Transfer to Capital Account **A9950.9000** in the amount of \$100,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**9. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-GOVERNMENT CENTER UPGRADES**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1628.2900** in the amount of \$750,000.00 to be funded from Interfund Transfers **H1628.5031** in the amount of \$750,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Government Center Upgrades Capital Project from Unassigned General Fund Balance in the amount of \$750,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**10. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-HIGHWAY UPGRADES**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H5113. 2900** in the amount of \$30,000.00 to be funded from Interfund Transfers **H5113.5031** in the amount of \$30,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer funds to the Highway Capital Project from Unassigned General Fund Balance in the amount of \$30,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**11. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-ITS UPGRADES**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1680.2900** in the amount of \$400,000.00 to be funded from Interfund Transfers **H1680.5031** in the amount of \$400,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer funds to the ITS Upgrades Capital Project from Unassigned General Fund Balance in the amount of \$400,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**12. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-LCSO FACILITY**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H3152. 2900** in the amount of \$170,000.00 to be funded from Interfund Transfers **H3152.5031** in the amount of \$170,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer funds to the LCSO Facility Capital Project from Unassigned General Fund Balance in the amount of \$170,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**13. INCREASING CAPITAL PROJECT ACCOUNT FOR THE YEAR 2021-PARK IMPROVEMENTS**

RESOLVED, that the County Treasurer is authorized to increase Capital Project Account **H1626.2900** in the amount of \$100,000.00 to be funded from Interfund Transfers **H1626.5031** in the amount of \$100,000.00, and it is further

RESOLVED, that the County Treasurer is hereby directed to transfer budgeted funds to the Park Improvements Project from Unassigned General Fund Balance in the amount of \$100,000.00.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**14. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: UNIVERSITY OF ROCHESTER**

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract for Livingston County, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

| <u>Contractor</u>   | <u>Term</u>         | <u>Amount</u> |
|---|---------------------|---------------|
| <b>University of Rochester<br/>(UR Medicine Center for Employee Wellness)</b> | 1/1/2021-12/31/2021 | Fee Schedule  |

601 Elmwood Avenue

Box SON

Rochester, New York 14642

For: Providing Employee Wellness Program services to eligible County employees and their spouses.

| <i>Funding Source</i> | <i>Local Share</i> | <i>Budgeted?</i> |
|-----------------------|--------------------|------------------|
| N/A                   | 100%               | Yes              |

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**15. RATIFYING TENTATIVE COLLECTIVE BARGAINING AGREEMENT WITH THE CSEA FULL-TIME EMPLOYEES UNIT AND AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT**

WHEREAS, the collective bargaining agreement between the CSEA Full-time employees unit and Livingston County expired on December 31, 2020; and

WHEREAS, the negotiating teams for the parties have reached a tentative agreement for a new collective bargaining agreement; and

WHEREAS, the CSEA Full-time employees unit has ratified this tentative agreement April 22, 2021; and

WHEREAS, the Ways & Means Committee recommends the ratification of this agreement by the County; now, therefore, be it

RESOLVED, that the tentative agreement commencing January 1, 2021 and expiring December 31, 2022, a copy of which is attached hereto, is hereby ratified; and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors and the County Administrator are hereby authorized to execute a collective bargaining agreement consistent with the terms of the tentative agreement.

Dated at Geneseo, New York

April 28, 2021  
Ways and Means Committee  
*County Attorney*

**16. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE ORDER ON CONSENT AND ADMINISTRATIVE SETTLEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

WHEREAS, in August of 2010, the County acquired title to 1920 Buell Avenue, Lima, New York 14485, more specifically known as Tax Map No. 37.14-1-21.2, through the property tax foreclosure process; and

WHEREAS, said premises is currently listed as a Class 2 in the Registry of Inactive Hazardous Waste Disposal Sites in New York State. Pursuant to State and Federal law, due to having acquired title through In Rem foreclosure, the County asserts and maintains it has no liability for any existing hazardous waste located on the property; and

WHEREAS, the County would be entering into this Consent Order for the sole purpose of facilitating the remediation of the site by the NYS DEC pursuant to the selected remedy in the Record of Decision dated June 2020, with the goal being future sale and residential redevelopment of the property; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the Order on Consent and Administrative Settlement with the NYS DEC, subject to review by the County Attorney and County Administrator.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

*Other*

**17. AUTHORIZING THE DONATION OF ADIRONDACK CHAIR SWINGS TO THE LETCHWORTH STATE PARK AUTISM NATURE TRAIL**

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has established a first-of-its kind nature trail at Letchworth State Park designed for people with autism spectrum disorder (ASD) and other developmental disabilities. Activities created along the Autism Nature Trail support and encourage sensory perception, while also providing enjoyable activities for visitors of all abilities and ages; and

WHEREAS, the Autism Nature Trail at Letchworth State Park is the result of a public-private partnership aimed at providing a recreational trail within the Park designed to allow visitors with autism and other developmental disabilities to push boundaries, explore new activities, and develop skills; and

WHEREAS, the Central Services Department, using the skills of its members, has constructed several Adirondack chair swings for placement in and around Murray Hill and the Al Lorenz Park; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the donation of Adirondack chair swings built by the Livingston County Central Services Department to the Letchworth State Park Autism Nature Trail as said swings would be such a beautiful and beneficial addition to the Trail for all visitors to enjoy.

Dated at Geneseo, New York

April 28, 2021

Ways and Means Committee

**OTHER BUSINESS**

1. RETIREMENT RECOGNITION OF EMERGENCY MANAGEMENT DIRECTOR KEVIN NIEDERMAIER

**ADJOURNMENT**