

**WAYS & MEANS COMMITTEE MEETING MINUTES  
MONDAY, JANUARY 24, 2022  
1:30 P.M.**

PRESENT: D. Knapp, W. Wadsworth, D. Fanaro, E. Gott, D. LeFeber, D. Pangrazio, M. Falk, D. Wester, I. Coyle, A. Ellis, S. Hillier  
 ABSENT: D. Babbitt Henry

Ways & Means Chair Dwight Knapp asked Geneseo Supervisor Will Wadsworth to lead the Pledge of Allegiance.

**HIGHWAY – JASON WOLFANGER**

**Action Item(s) To Be Reported**

**1. AUTHORIZING THE PURCHASE OF ONE (1) 2021 GRADALL XL3100 FOR THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT-ALTA CONSTRUCTION EQUIPMENT NEW YORK LLC**

RESOLVED, that the Livingston County Highway Department is hereby authorized to purchase through Sourcewell Excavator Contract #040319-GRD from Alta Construction Equipment New York LLC of 5985 Court St. Rd., Syracuse, NY, 13206 of (1) 2021 Gradall Model XL3100 V Excavator with a cost not to exceed \$332,517.64

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
2022 Liv. Co. Hwy. Equipment Fund Appropriations	100%	Yes X No

Director's Comments: Purchase will be replacing existing unit #44, 2008 Gradall Model XL3100 with 6,668 hours, in fair condition. Purchased used in 2009 at a cost of \$212,552.00. Anticipated surplus value is \$35K-\$40K.

Mr. Wolfanger reviewed the Gradall excavator to be purchased and explained that this will be replacing a 2008 Gradall that is in poor condition and would be costly to repair. There was discussion on tracking equipment hours in order to have a better trade value and the auction value for this piece of equipment.

*Motion: Mr. Pangrazio moved and Mr. Fanaro seconded to approve the foregoing resolution Carried.*

**2. AUTHORIZING A SUPPLEMENTAL PROFESSIONAL SERVICES CONTRACT FOR THE ENGINEERING, DESIGN, RIGHT-OF-WAY, CONSTRUCTION SUPPORT AND CONSTRUCTION INSPECTION PHASES OF A BRIDGE-NY CULVERT REPLACEMENT PROJECT: LIVONIA CENTER ROAD (CR-39) OVER KINNEY CREEK, TOWN OF LIVONIA, PIN 4BNY.34 - LABELLA ASSOCIATES**

WHEREAS, Livingston County Resolution No. 2019-277 authorized a professional services contract with LaBella Associates, D.P.C. for the engineering, design, construction support and construction inspection phases of the above-named project in the amount of Two Hundred and Twelve Thousand, Seven Hundred Dollars (\$212,700.00), and

WHEREAS, said contract was set to expire December 31, 2021, and

WHEREAS, a portion of the construction of said project has been delayed due to supply-chain and seasonal restrictions requiring further inspection services, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following supplemental Professional Services Contract, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
<b>LaBella Associates, D.P.C</b> 300 State Street, Suite 201, Rochester, NY 14614	8/14/19-06/30/22	Not to exceed \$212,700.00

For Supplemental contract for construction inspection and construction support services for above-noted Bridge-NY Project, Livonia Center Road over Kinney Creek PIN 4BNY.34.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
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Federal Highway, NYSDOT Marchiselli, Liv. Co. Hwy.	25%	Yes X	No
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Director's Comments: Extension only, no additional value increase.

Mr. Wolfanger explained that the contract ran out and there is still work left to be done.

*Motion: Mr. LeFeber moved and Mr. Gott seconded to approve the foregoing resolution..... Carried.*

**COUNTY ATTORNEY – SHANNON HILLIER**

**Action Item(s) To Be Reported**

**1. AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS – ALLERGAN**

WHEREAS, there is pending the matter on behalf of Livingston County regarding the opioid addiction crisis in which Livingston County is the named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids, and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants Allergan Finance, LLC (f/k/a Actavis, Inc., which in turn was f/k/a Watson Pharmaceuticals, Inc.) and Allergan Limited (f/k/a Allergan plc, which in turn was f/k/a Actavis plc) (together referred to herein as “Allergan”), all of which relate to the creation of a public health crisis in Livingston County; and

WHEREAS, Allergan has offered to settle the claims of Livingston County against it by paying a one-time direct payment of approximately \$135,780.58 (assuming all incentives are met) and agreeing to implement injunctive relief under a controlled substance monitoring program; and

WHEREAS, it is in the best interest of Livingston County to resolve this matter with respect to Allergan without further litigation and enter into the proposed settlement agreement as it shall settle all allegations against Allergan and avoid protracted litigation; now, therefore be it

RESOLVED, that the Livingston County Board of Supervisors hereby approves the proposed settlement agreement and authorizes the Chairman of the Board or his designee to execute said agreement and such other documentation as may be necessary and appropriate to effectuate the settlement with Allergan.

Ms. Hillier reviewed the proposed settlement resolution. This settlement will be a one-time direct payment.

*Motion: Mr. Wadsworth moved and Mr. Gott seconded to approve the foregoing resolution ... Carried.*

**REAL PROPERTY TAX SERVICES – BILL FULLER**

**Action Item(s) To Be Reported**

**1. CORRECTING TAX ROLL-VARIOUS TOWNS**

WHEREAS, the Livingston County Real Property Tax Services Director has transmitted a written report of his investigation and recommendation with regard to five applications (5 parcels) for correction of the tax rolls, pursuant to the Real Property Tax Law, as prepared for the Towns of Groveland, Mount Morris, North Dansville, Ossian and York on the tax rolls for the years hereinafter set forth, and

WHEREAS, said parcels were incorrectly assessed and/or taxed for reasons set forth in the applications for correction requested from the Livingston County Real Property Tax Services Director, now, therefore, be it

RESOLVED, that the Livingston County Real Property Tax Services Director is authorized and directed to forward a copy of this resolution to the officer(s) having jurisdiction of the tax roll so that the roll(s) can be corrected; and a notice of approval to the applicant(s), and be it further

RESOLVED, that the Livingston County Treasurer and/or Town Tax Collector is hereby authorized to make the tax roll corrections and forward the corrected tax bill. The Livingston County Treasurer is authorized to issue refunds and/or make the appropriate chargebacks as hereinafter set forth for the parcel(s).

<b>Year, Municipality Owner(s) Tax Map Number</b>	<b>Taxing Jurisdiction</b>	<b>Original Tax Bill</b>	<b>Corrected Tax Bill</b>	<b>Refund to Owner</b>	<b>Chargebacks to Taxing Jurisdictions</b>
<b>1. 2022 Groveland</b>	Livingston County	\$1,327.36	\$579.61	\$0.00	\$747.75
Merkel, Justin	Groveland Town Tax	\$555.08	\$242.38	\$0.00	\$312.70
Tax Map Number	School Relevy	\$3,084.65	\$1,346.96	\$0.00	\$1,737.69
100.-1-43	Groveland Fire 1/Amb	\$72.26	\$31.55	\$0.00	\$40.71
	<b>Total</b>	<b>\$5,039.35</b>	<b>\$2,200.50</b>	<b>\$0.00</b>	<b>\$2,838.85</b>

<b>2. 2022 Mt. Morris</b>	Livingston County	\$529.95	\$0.00	\$0.00	\$529.95
Land Bank	Mount Morris Town Tax	\$198.63	\$0.00	\$0.00	\$198.63
Corporation	School Relevy	\$1,774.57	\$0.00	\$0.00	\$1,774.57
Tax Map Number	Village Relevy	\$1,300.00	\$0.00	\$0.00	\$1,300.00
106.14-2-27	Joint Fire District	\$58.32	\$0.00	\$0.00	\$58.32
	<b>Total</b>	<b>\$3,861.47</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,861.47</b>
<b>3. 2022 N. Dansville</b>	Livingston County	\$333.59	\$0.00	\$0.00	\$333.59
Land Bank	N. Dansville Town Tax	\$101.70	\$0.00	\$0.00	\$101.70
Corporation	School Relevy	\$982.46	\$0.00	\$0.00	\$982.46
Tax Map Number	Village Relevy	\$766.91	\$0.00	\$0.00	\$766.91
203.10-2-55	<b>Total</b>	<b>\$2,184.66</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,184.66</b>
<b>4. 2022 Ossian</b>	Livingston County	\$206.69	\$77.92	\$0.00	\$128.77
Bancroft, Charles	Ossian Town Tax	\$252.73	\$95.28	\$0.00	\$157.45
Tax Map Number	Ossian Fire 1	\$11.63	\$4.38	\$0.00	\$7.25
212.-1-6	<b>Total</b>	<b>\$471.05</b>	<b>\$177.58</b>	<b>\$0.00</b>	<b>\$293.47</b>
<b>5. 2022 York</b>	Livingston County	\$164.30	\$164.30	\$0.00	\$0.00
Hanley, Patrick	York Town Tax	\$81.80	\$81.80	\$0.00	\$0.00
Tax Map Number	York Fire 1	\$15.06	\$15.06	\$0.00	\$0.00
51.10-1-4.111	York Swr Dist #1	\$916.06	\$50.00	\$0.00	\$866.06
	Consolidated Wtr	\$619.17	\$67.87	\$0.00	\$551.30
	<b>Total</b>	<b>\$1,796.39</b>	<b>\$379.03</b>	<b>\$0.00</b>	<b>\$1,417.36</b>

Mr. Fuller reviewed the corrections for approval.

*Motion: Mr. Wadsworth moved and Mr. Fanaro seconded to approve the foregoing resolution Carried.*

### **Informational Item(s) Written Only**

1. Tentative Village Assessment Rolls have been printed. The Assessors will deliver them to the Villages.

### **DRESHLER & MALECKI AUDIT UPDATE – MATT MONTALBO**

Mr. Coyle introduced internal audit team for the county, Matt Montalbo and Tina Hogenkamp. Mr. Montalbo reviewed the process and challenges in taking on the continuous audit process from an internal employee with thirty years of institutional experience. Mr. Montalbo explained the multi-layer control for review of claims, a separate CPA audit review and a partner review. Ms. Hogenkamp reviewed the types of communications she has with County staff in the audit/accounts payable program. Going forward they are seeking any suggestions, especially in the reports being provided if there is more information that the Supervisors want in the abstracts. Mr. Montalbo reviewed some of the programs they would like to use to add more value and bring their experience with other counties, for example, the Pcard program. Mr. Coyle reviewed the areas that we may be missing out on with the Pcard and he has asked D&M to check with their client base on other areas that we can utilize Pcards, particularly on the expense load. Mr. Montalbo explained that they will be researching the program to gather more information in order to bring some best practices to the County. There was discussion on a timeline for this information to get back to the Committee. Mr. Montalbo will plan to report back to the Committee in 1-2 months.

### **COUNTY ADMINISTRATOR – IAN COYLE**

#### **Action Item(s) To Be Reported**

#### **1. RESOLUTION SUPPORTING THE ENACTMENT OF THE NEW YORK STATE BUY AMERICAN SALT ACT**

WHEREAS, New York State has at least two salt mines within the state that provide rock salt for road deicing purposes and one of those mines is located right here in Livingston County, specifically in the Town of Groveland; and

WHEREAS, despite these two large Upstate New York mines offering good paying union jobs, competition with foreign salt operations recently harmed these mines. Alarminglly, in 2019 hundreds of workers employed by these mines were laid off when non-US companies were awarded over \$18.8 million in state contracts; and

WHEREAS, in addition to providing jobs, salt mined or harvested in New York State adds an estimated \$3.00 in tax revenue for every ton of salt produced providing a financial boon to the state and various counties. There is a clear fiscal and economic benefit to purchasing salt produced in the state; and

WHEREAS, New York State has previously prioritized the purchase of goods by focusing on a buy American strategy, most recently in 2017 when the Governor and Legislature agreed to prioritize American made steel in state contracts; and

WHEREAS, while purchasing American products does not necessarily mean New York products will be purchased, it does present a legal framework that still gives New York State mines an advantage over foreign competition; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby supports the passage of Senate Bill S3908A and Assembly Bill A07919 known as the Buy American Salt Act; and be it further

RESOLVED, that the Clerk of this Board of Supervisors shall forward this resolution to Senator George Borrello, Senator Patrick Gallivan, Assemblywoman Marjorie Byrnes, and all others deemed necessary and appropriate.

Mr. Coyle reviewed the supporting legislation resolution for approval at the Board meeting.

*Motion: Mr. Pangrazio moved and Mr. Fanaro seconded to approve the foregoing resolution Carried.*

**2. APPROVING ABSTRACT OF CLAIMS #1B-JANUARY 26, 2022**

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #1B dated January 26, 2022 in the total amount of \$3,038,292.46.

*Motion: Mr. Wadsworth moved and Mr. Gott seconded to approve the foregoing resolution ... Carried.*

**3. AMENDING 2022 LIVINGSTON COUNTY BUDGET-OFFICE FOR THE AGING**

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

Mr. Coyle reviewed the amendment for approval.

*Motion: Mr. Fanaro moved and Mr. Pangrazio seconded to approve the foregoing resolution Carried.*

**4. ADOPTING 2022 OFFICIAL LIST OF COUNTY OFFICIALS REQUIRED TO FILE AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE UNDER SECTION 2F OF LOCAL LAW NO. 4 OF THE YEAR 1990**

WHEREAS, the Ethics Board of Livingston County has recommended to the Chairman of the Board of Supervisors the 2022 Official List of County Officials required to file an annual statement of financial disclosure; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby adopts the list on file with the Clerk of the Board, which constitutes the 2022 Official List of County Officials required to file an annual statement of financial disclosure pursuant to the provisions of the Local Law No. 4 of the year 1990.

Mr. Coyle explained that this is the annual resolution to adopt the list.

*Motion: Mr. Wadsworth moved and Mr. Gott seconded to approve the foregoing resolution ... Carried.*

**Pre-approved Informational Item(s) To Be Reported**

- 2021 Sales Tax Report - Preliminary Year End Figures-Mr. Coyle reviewed the highlights from a year-to-year standpoint. We had a 15% increase representing ~\$5.5Million. Some of the prior period adjustments have been received.
- ARPA - Approval of Budget Transfer for Invest In You-Mr. Coyle reviewed that the rule change did not affect the County because we have already de-federalized the money. Mr. Coyle reviewed the allocations/transfers done to date. The one item to be approved today would be the Invest in You transfer for \$1Million. Mr. Coyle reviewed some general ideas for ARPA fund use and the support requests from Noyes and the Village of Lima for discussion. There was discussion on supporting the Noyes request or seeking repayment from Noyes for these funds. Mr. Coyle reviewed the mental health services provided countywide. The County Attorney explained that there is a portion of the opioid settlement funds for mental health services that may be a better fit. Noyes has the ability to borrow

money for this project and these funds should be used to support county programs. The Committee consensus is not to fund the request from Noyes.

- ARPA - Discussion/Consideration of the Lima (Village) Broadband Project-Mr. Coyle reviewed the program request to cover the Village match. The County's match for our grant has created a repayment from Empire. There was discussion on any future costs that the County may incur to get broadband to every address. Mr. Coyle reviewed how we will have to do different things for different areas and efforts toward completing the Light Up Livingston project. Mr. Falk explained that the Village will begin construction this year if they receive this funding. There was discussion regarding the Village commitment discussions being held tomorrow. There was discussion on whether the Village of Lima was eligible/included in the Reconnect map. Ms. Ellis explained that the Village of Lima shows up as being served in our survey with a mix of coverage providers. There was further discussion about served/unserved area coverage. There will be a broadband report at the Board meeting this week. There was discussion on having the ARPA funds allocated by 12/31/24 and expended by 12/31/26 and holding off on this decision until a later meeting.
- Scheduling of other ARPA Considerations for Presentations (Tourism, Land Bank, CSBG program, etc.)
- 2022/2023 NYS Executive Budget - First Thoughts and Impressions-Mr. Coyle reviewed the impacts to the County.
- Seneca Nation/NYS Compact Update-Mr. Coyle reviewed the arrears payments and the annual payments that we will be able to actually budget for.
- Employment Agreement Update

#### **5. AUTHORIZING TRANSFER OF FUNDS-ECONOMIC DEVELOPMENT**

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

*Motion: Mr. Gott moved and Mr. Wadsworth seconded to approve the foregoing resolution ... Carried.*

#### **EXECUTIVE SESSION**

Motion made by Mr. Fanaro and seconded by Mr. Gott that the Committee adjourn and reconvene for the purpose of discussing employment history of a particular person and all Supervisors and County Administrator Ian M. Coyle remain present. Carried.

Mr. Fanaro moved and Mr. Pangrazio seconded that the Committee reconvened in regular session. The following report was presented.

The Ways and Means Committee having met in Executive Session, hereby reports as follows:  
No action taken.

#### **6. AMENDING COUNTY ADMINISTRATOR CONTRACT**

RESOLVED, that the Livingston County Board of Supervisors hereby authorizes the Chairman of the Board to sign a contract amendment with County Administrator Ian M. Coyle.

*Motion: Mr. Fanaro moved and Mr. Gott seconded to approve the foregoing resolution ..... Carried.*

#### **ADJOURNMENT**

Mr. Fanaro moved and Mr. Pangrazio seconded to adjourn the meeting at 2:39 p.m.

Respectfully submitted,  
Michele R. Rees, IIMC-CMC  
Clerk of the Board