

**REGULAR BOARD MEETING  
WEDNESDAY, JANUARY 25, 2023  
1:30 P.M.**

**ROLL CALL**

The roll was called showing all members present except Mr. Fanaro (Leicester), Mr. Davis (Portage) and Mrs. Babbitt Henry (Springwater).

**PLEDGE OF ALLEGIANCE**

Nunda Supervisor Merilee Walker led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mr. LeFeber requested a moment of silence in honor of James Layland recent passing. Mr. Layland was a former Caledonia Town Supervisor.

**APPROVAL OF MINUTES**

Minutes of 1/11/23 Regular Meeting were approved as presented.

**PUBLIC HEARINGS**

**1. CONSIDER PUBLIC COMMENT ON THE COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE TOWN OF LIVONIA**

Chairman LeFeber asked Bill Bacon to comment on both public hearings.

Mr. Bacon's comments: *Today's public hearing is in regard to the County's Community Development Block Grant contract with the New York State Office of Community Renewal or "OCR" for the OSB Ciderworks expansion project in Livonia, NY. This is a follow-up hearing as required by policy of the OCR which states that upon award, a recipient of CDBG funds must hold a second public hearing to report project accomplishments. The county was awarded the \$100,000 grant on March 12, 2020. Grant proceeds of \$86,000 have been passed to OSB Ciderworks as a partial reimbursement for machinery and equipment purchased. By policy CDBG funds are limited in amount to no more than 40% of the overall investment. The project was significantly delayed due to business and construction shutdowns during the COVID-19 pandemic but is now nearing completion. The project consisted of a new 2400sf production space which doubles current production and once fully operational, will expand the tasting room into the existing production space in the original building. The project has so far resulted in the creation of two new office/clerical positions, and three new production positions. Additional distribution and taproom positions are anticipated this year. Prior to this project the company was producing ~19000 gallons of cider a year. Last year they produced ~30000 gallons and are on track to produce ~40000 gallons this year. Distribution has increased to 210 bars and is on track to hit 300 this year.*

**2. 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-TOWN OF LIVONIA**

Mr. Bacon's comments: *The purpose of today's hearing is to provide information to the public regarding the Community Development Block Grant ("CDBG") Small Business Program and to consider comment regarding the proposed application being requested for submittal by Livingston County. CDBG Small Business funds are available to municipalities to assist for-profit businesses to create or retain permanent employment, primarily for persons of low- and moderate-income. An application in the amount of \$100,000 is being proposed to the New York State Office of Community Renewal ("OCR") to provide funding for The Barn at Fire Creek Farms in the Town of Livonia. Fire Creek Farms is a small operation that currently grows produce, hay, soybeans and wheat, and raises pigs, cows, chickens, turkeys, and bees. Additionally, the owners operate a CSA and farm store. The planned project involves the renovation of an existing barn on the farm property to create a commercial kitchen that will provide entrepreneurial agri-business opportunities for specialty food processors, farmers, growers, and producers. Event space in the barn will be focused on offering agriculture related events such as demonstrations, cooking or canning classes, and pop-up farm to table dinners with an educational component. The project was a winner of the Economic Development office's*

*Dream-O-Vate business competition in 2021. Since that time, we have been working with the owners of Fire Creek Farms to refine their plan and budget. CDBG funding will not exceed 40% of the total project cost and will be used towards furniture, fixtures and equipment. A minimum of four full-time-equivalent jobs are anticipated. Pending a successful outcome of the grant application, it is proposed that the County would then enter into a sub-recipient agreement with the Livingston County Development Corporation ("LCDC") to administer the funding.*

Chairman LeFeber declared the Public Hearings open and stated anyone from the public interested in speaking to please come forward and sign in at the podium. No one wished to speak. The Chairman asked if any Supervisor wished to comment. The Chairman announced that the public hearings would remain open until the end of the meeting.

**ABSTRACT OF CLAIMS**

**RESOLUTION NO. 2023-32                      APPROVING ABSTRACT OF CLAIMS #1B-JANUARY 25, 2023**

Mr. Knapp presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #1B dated January 25, 2023 in the total amount of \$2,690,170.09.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

**PRIVILEGES OF THE FLOOR**

Peter Bruckel & Don Mills - Livwell Community, Wellness & Fitness Center

Drew Gartley - Axis Infrastructure Architectural

Norm Gill - Pinnacle Indoor Sports

- Livwell Community, Wellness, & Fitness Center Update

Mr. Mills gave a brief overview of the project status since last reporting in September. Mr. Mills reviewed the project priorities, some community response information and the project diagrams. Mr. Gill shared his firms' experience in similar private and public arenas. This type of facility can become an incubator to increase infrastructure for sports tourism in the area. Mr. Gill reviewed the layout of the various sporting areas and the financial impacts for both operational expenses and revenue generators. There was discussion on the number of employees needed for facility operation.

**PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE**

**RESOLUTION NO. 2023-33                      APPROVING THE 2023 NEW YORK STATE LEGISLATIVE AGENDA**

RESOLVED, that the Livingston County Board of Supervisors hereby approves the 2023 New York State Legislative Agenda as presented by the County Administrator.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

**RESOLUTION NO. 2023-34                      DECLARING SURPLUS PROPERTY: CENTRAL SERVICES**

WHEREAS, the County of Livingston owns surplus personal property that is no longer necessary for public use; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby declares the following item(s) as surplus property to be disposed of as determined by the County Administrator:

**Central Services**

Quantity	Year, Make & Model	Mileage/Hours	Serial #
1	Toyota Electric Forklift Truck 7BWS13 (Needs New Batteries)	N/A	7BWS13-40799

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

**PREFERRED AGENDA VOTE**

There being no further discussion on the foregoing resolutions, Chairman LeFeber asked for a motion to present the Preferred Agenda.

Motion made by Mr. Falk and seconded by Mr. DiSalvo to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

**RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE**

*County Administrator/Budget Officer*

**RESOLUTION NO. 2023-35 AMENDING 2023 LIVINGSTON COUNTY BUDGET: EMERGENCY MANAGEMENT, HIGHWAY, REAL PROPERTY TAX SERVICES & SHERIFF'S OFFICE**

Mr. Knapp presented the following resolution and moved its adoption:

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.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180;

Adopted.

**RESOLUTION NO. 2023-36 ESTABLISHING AN ACCOUNT: PLANNING & WORKFORCE DEVELOPMENT**

Mr. Knapp presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Treasurer is authorized and directed to establish a new account per the electronic entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

**RESOLUTION NO. 2023-37 AUTHORIZING BLANKET UNDERTAKING**

Mr. Knapp presented the following resolution and moved its adoption:

WHEREAS, Public Officers Law Section 11 authorizes the governing body of a municipality to procure a blanket undertaking to cover officers, clerks and employees of the municipality who would otherwise be required to post an individual undertaking; and

WHEREAS, such blanket undertaking must indemnify against losses through the failure of officers, clerks or employees to faithfully perform their duties or account for moneys or property received by virtue of their position or employment and through fraudulent or dishonest acts committed by officials, clerks or employees covered thereunder; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors consents and approves a blanket undertaking to cover all officers, clerks and employees required by law to post an undertaking which undertaking shall be provided by the following policies:

a) Public Officials Liability Policy, provided by New York Municipal Insurance Reciprocal, Policy No. MPOLIVI001; and

b) Government Crime Policy provided by Fidelity Deposit Company of Maryland, Policy No. CCP 1470666-03.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

**RESOLUTION NO. 2023-38 APPROVING FIVE YEAR CAPITAL IMPROVEMENT PLAN**

Mr. Knapp presented the following resolution and moved its adoption:

RESOLVED, that the Livingston County Board of Supervisors hereby approves the Five Year Capital Improvement Plan as presented by the County Administrator.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

*County Attorney*

**RESOLUTION NO. 2023-39 AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS: TEVA**

Mr. Knapp presented the following resolution and moved its adoption:

WHEREAS, on July 26, 2022, Teva, a generic drug manufacturer, as well as its subsidiary drug distributor, Anda, Inc., announced a \$4.35 billion global opioid settlement agreement. The proposal calls for Teva to pay up to \$3.7 billion over thirteen (13) years and provide what Teva estimates as \$1.2 billion worth of opioid overdose reversal drug naloxone; and

WHEREAS, since July, New York State and Suffolk and Nassau Counties have engaged in extensive negotiations with Teva as they were unwilling to agree to the terms of the national settlement. Having obtained a trial verdict against Teva, they felt they were entitled to a premium over and above what they would receive under the national settlement; and

WHEREAS, on November 3, 2022, it was announced that the parties had reached a proposed agreement. Due to their trial status, New York State, Nassau County, and Suffolk County are already signatories to the agreement. Most other political subdivisions in the State now have an opportunity to become a party to the agreement; and

WHEREAS, under the agreement, Teva will be required to pay as much as \$550 million, depending upon the level of participation statewide. Monies paid under the New York agreement will be distributed among the various participating political subdivisions. Some political subdivisions are entitled to direct payments and others will be applying to the Statewide Opioid Settlement Fund; and

WHEREAS, it is in the best interest of Livingston County to resolve this matter with respect to Teva by entering into the proposed settlement agreement as it will settle all allegations against Teva 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 Teva.

Dated at Geneseo, New York

January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

*Real Property Tax Services*

**RESOLUTION NO. 2023-40 CORRECTING TAX ROLL: VARIOUS TOWNS**

Mr. Knapp presented the following resolution and moved its adoption: WHEREAS, the Livingston County Real Property Tax Services Director has transmitted a written report of his investigation and recommendation with regard to six applications (6 parcels) for correction of the tax rolls, pursuant to the Real Property Tax Law, as prepared for the Towns of Caledonia, Conesus and Groveland 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 hereby authorized and directed to forward a copy of this resolution to the officer(s) having jurisdiction of the tax roll(s) so that the roll(s) can be corrected and a notice of approval forwarded 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

**REPORT OF THE SUPERVISORS' PROCEEDINGS 24**

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. 2023 Caledonia</b>	Livingston County	\$526.68	\$526.68	\$0.00	\$0.00
White, Linda and William G.	Caledonia Town Tax	\$100.48	\$100.48	\$0.00	\$0.00
Tax Map Number 7.8-1-27	School Relevy	\$1,358.38	\$0.00	\$0.00	\$1,358.38
	Caledonia Fire 1	\$73.15	\$73.15	\$0.00	\$0.00
	<b>Total</b>	<b>\$2,058.69</b>	<b>\$700.31</b>	<b>\$0.00</b>	<b>\$1,358.38</b>
<b>2. 2023 Caledonia</b>	Livingston County	\$420.27	\$420.27	\$0.00	\$0.00
Robinson, Gary and Katherine	Caledonia Town Tax	\$219.42	\$219.42	\$0.00	\$0.00
Tax Map Number 6.-1-1.12	School Relevy	\$681.90	\$0.00	\$681.90	\$681.90
	Caledonia Fire 1	\$60.96	\$60.96	\$0.00	\$0.00
	<b>Total</b>	<b>\$1,382.55</b>	<b>\$700.65</b>	<b>\$681.90</b>	<b>\$681.90</b>
<b>3. 2023 Caledonia</b>	Livingston County	\$1,301.56	\$1,301.56	\$0.00	\$0.00
Newton, Robert A. and Cynthia D.	Caledonia Town Tax	\$679.53	\$679.53	\$0.00	\$0.00
Tax Map Number 13.-1-57	School Relevy	\$2,884.06	\$0.00	\$0.00	\$2,884.06
	Caledonia Fire 1	\$208.48	\$208.48	\$0.00	\$0.00
	<b>Total</b>	<b>\$5,073.63</b>	<b>\$2,189.57</b>	<b>\$0.00</b>	<b>\$2,884.06</b>
<b>4. 2023 Conesus</b>	Livingston County	\$413.36	\$413.36	\$0.00	\$0.00
White Holdings, LLC	Conesus Town Tax	\$419.84	\$419.84	\$0.00	\$0.00
Tax Map Number 119.-1-20.230	Conesus Fire 1	\$41.35	\$41.35	\$0.00	\$0.00
	CLCSD Ext9 Improved	\$157.00	\$157.00	\$0.00	\$0.00
	Unpd LCWSA Wtr W02-1	\$521.95	\$0.00	\$0.00	\$521.95
	Cty Wtr#1 Zone 2 Imp	\$273.00	\$273.00	\$0.00	\$0.00
	<b>Total</b>	<b>\$1,826.50</b>	<b>\$1,304.55</b>	<b>\$0.00</b>	<b>\$521.95</b>
<b>5. 2023 Groveland</b>	Livingston County	\$1,973.40	\$1,973.40	\$0.00	\$0.00
Calzone, Cynthia	Groveland Town Tax	\$955.34	\$955.34	\$0.00	\$0.00
Tax Map Number 110.61-1-4.1	Groveland Fire 1/Amb	\$130.81	\$130.81	\$0.00	\$0.00
	W Lake Wtr Occupied	\$369.52	\$184.76	\$0.00	\$184.76
	<b>Total</b>	<b>\$3,429.07</b>	<b>\$3,244.31</b>	<b>\$0.00</b>	<b>\$184.76</b>
<b>6. 2023 Groveland</b>	Livingston County	\$1,959.61	\$1,959.61	\$0.00	\$0.00
Fleming, Sherry A.	Groveland Town Tax	\$948.66	\$948.66	\$0.00	\$0.00
Tax Map Number 110.61-1-4.2	Groveland Fire 1/Amb	\$129.89	\$129.89	\$0.00	\$0.00
	W Lake Wtr Occupied	\$369.52	\$184.76	\$0.00	\$184.76
	<b>Total</b>	<b>\$3,407.68</b>	<b>\$3,222.92</b>	<b>\$0.00</b>	<b>\$184.76</b>

Dated at Geneseo, New York  
January 25, 2023

Ways and Means Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

**CLOSE PUBLIC HEARINGS**

Chairman LeFeber asked if anyone from the public wished to comment regarding the public hearings. No one wished to speak. The Chairman asked if any Supervisor wished to comment. No one wished to speak.

The Chairman declared the public hearings closed.

**RESOLUTIONS CONT.**

*Economic Development*

**RESOLUTION NO. 2023-41      AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE  
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

Mr. Deming presented the following resolution and moved its adoption:

WHEREAS, The Barn at Fire Creek Farm plans to renovate an existing barn to host farm-to-table educational and agri-tourism events and add a commercial kitchen for the creation of value added products in the Town of Livonia (the "Project"); and

WHEREAS, The Barn at Fire Creek Farm has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal ("OCR") to finance a portion of the cost of machinery and equipment for the Project; and

WHEREAS, the Livingston County Development Corporation (the "LCDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the LCDC as a grant for the purpose of making a grant or deferred loan to the company; and

WHEREAS, the Project will result in substantial benefit to the County in the form of new permanent full-time employment positions within two years of its opening; and

WHEREAS, the County has held a public hearing on January 25, 2023 to obtain citizens' views regarding the CDBG program as administered by OCR and the Project; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to submit a grant application on behalf of the County in the approximate amount of \$100,000.00 to OCR to support the Project; and be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the LCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Dated at Geneseo, New York

January 25, 2023

Public Services Committee

The roll was called as follows: Ayes-1,829; Noes-0; Absent-Fanaro, 72, Davis, 29; Babbitt Henry, 79; Total 180; Adopted.

**OTHER BUSINESS**

**1. CHAIRMAN APPOINTMENTS**

**Genesee Finger Lakes Regional Planning Council**

Name	Address	Title/Represents	Term Expires
Michael Falk	P.O. Box 6A, Lima, NY 14485	Chairman Designee	12/31/23
Gregory Horr	48 Seward Street, Dansville, NY 14437	Member	12/31/23
Bonnie Taylor-Davis	410 North Avenue, Avon, NY 14414	Member	12/31/23
Angela Ellis	6 Court Street, Geneseo, NY 14454	Ex-officio Member	12/31/23
William Bacon	6 Court Street, Geneseo, NY 14454	Ex-officio Member	12/31/23

**Genesee Transportation Council**

Name	Address	Title/Represents	Term Expires
David LeFeber	6 Court Street, Geneseo, NY 14454	Chairman	12/31/23
Angela Ellis	6 Court Street, Geneseo, NY 14454	Alternate	12/31/23

**Genesee Transportation Council – Planning Committee**

Name	Address	Title/Represents	Term Expires
Zachary Cracknell	4389 Gypsy Lane, Mt. Morris, NY 14510	Alternate	12/31/23
Angela Ellis	6 Court Street, Geneseo, NY 14454	Representative	12/31/23
Jason Wolfanger	4389 Gypsy Lane, Mt. Morris, NY 14510	Alternate	12/31/23

**GLOW Solid Waste Committee**

Name	Address	Title/Represents	Term Expires
Daniel L. Pangrazio	531 Feeley Road, Caledonia, NY 14423	Chairman Designee	12/31/23
Michael J. Falk	P.O. Box 6A, Lima, NY 14485	Member	12/31/23
Donald Wester	5891 Clark Road, Conesus, NY 14435	Member	12/31/23

Catherine VanHorne	1707 Parkside Place, Lima, NY 14481	Alternate	12/31/23
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2. County Administrator Updates: Mr. Coyle shared the recent positive press on the push for a Medicaid rate increase which relates to one of our legislative agenda items. Ms. Hutchison explained that they have been working very closely with their association, Leading Age, on advocating on behalf of all the not for profit nursing homes in New York State. They are looking to get a ground swell of input from families, residents and staff. There is a message being distributed to the families and staff asking them to contact their representatives and the Governor to support this increase. They are looking for an increase of 0%-20%. There has only been one 1% increase over the last twenty some years. Inflation has gone up 45% over the last years and that, in no way allows us to be competitive in recruitment of staff in order to give good consistent care. Links are available on the County website and social media sites. Mr. Coyle reported that we have a group of Democratic and Republican Assembly representatives who have taken the Governor's State of the State comments and, as their own move, produced a 20% increase proposal. This would bring in significant dollars, in the millions of dollars for a place like Livingston County and potentially at full occupancy, much more. We have to push on this.

**ADJOURNMENT**

Motion made by Mr. Pangrazio and seconded by Mr. DiSalvo to adjourn until Wednesday, February 8, 2023 at 1:30 p.m. Carried.

The Board adjourned at 2:04 p.m.