

WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, FEBRUARY 7, 2022
1:30 P.M.

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

Ways & Means Chair Dwight Knapp asked Caledonia Supervisor Dan Pangrazio to lead the Pledge of Allegiance.

PERSONNEL ISSUES

1. PLANNING – ANGELA ELLIS

AMENDING THE 2022 HOURLY EMPLOYEE SALARY SCHEDULE: PLANNING

RESOLVED, that the 2022 Hourly Salary Schedule is amended as follows:

Planning:

- Convert one part-time Community Development Specialist position to a full-time position at Wage Grade 14 CSEA Contract effective 2/13/22.

For: Combine two part time positions filled by the same person.

Director's Comments: We currently have one Part-Time Community Development Specialist position. I would like to consolidate this PT position and the PT Land Bank Program Specialist into one FT position. Both PT positions are currently filled by the same person.

Ms. Ellis reviewed the position to be converted and explained that due to the hours worked by this employee this will be the base rate.

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

PLANNING – ANGELA ELLIS

Action Item(s) To Be Reported

1. AUTHORIZATION TO SUBMIT A USDA RECONNECT APPLICATION FOR PURPOSES OF EXPANDING BROADBAND INFRASTRUCTURE THROUGHOUT LIVINGSTON COUNTY

WHEREAS, reliable, high-speed, affordable access to internet service is imperative for Livingston County residents, businesses, farms, schools, nonprofit organizations, and visitors; and

WHEREAS, investment in internet service will foster economic development, job growth, rural entrepreneurship, and innovative technologies; and

WHEREAS, Livingston County completed an engineering study and public input survey which concluded that internet service is either unavailable or of an inadequate quality for many residents, farms and businesses throughout the County; and

WHEREAS, Livingston County wants to prioritize the deployment of broadband infrastructure and wishes to pursue public-private partnerships and funding sources in an effort to effectively achieve greater access to reliable and affordable high-speed internet service throughout the County; and

WHEREAS, the United States Department of Agriculture (USDA) issued a solicitation of applications for the third round of the Rural e-Connectivity Pilot Program (ReConnect) to expand broadband service to rural areas that lack sufficient access to broadband; and

WHEREAS, Livingston County issued a Request for Proposals seeking a public-private partnership for purposes of applying to the USDA ReConnect program for eligible areas, and one proposal was received; and

WHEREAS, Empire Access was determined to be the most qualified to serve as the private partner; and

WHEREAS, should funding be awarded, Livingston County will provide the 25% cost share grant funding match required under the terms of the Program with the understanding that the County will fully recover said contribution pursuant to the terms of a negotiated financial agreement with Empire Access; now, therefore, be it

RESOLVED, that Livingston County wishes to partner with Empire Access in jointly preparing an application to the USDA ReConnect Program and hereby fully supports Empire Access as the lead applicant; and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign a letter to the USDA declaring the County's intent to partner with Empire Access and provide the required grant funding match for the cost of the project, should funding be awarded.

Director's Comments: This resolution authorizes partnership with Empire Access in applying for funding (ReConnect Round 3) to further expand broadband infrastructure in the County. This resolution is a follow-up to the presentation provided to the Board on January 26th. Empire Access is the lead applicant.

Ms. Ellis reviewed the Round 3 Application addresses and maps for the project. We are looking to have the same kind of agreement with Empire if awarded. The application is due 2/22.

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

2. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN A MEMORANDUM OF AGREEMENT WITH THE LIVINGSTON COUNTY WATER AND SEWER AUTHORITY FOR PROJECT MANAGEMENT AND OVERSIGHT SERVICES

WHEREAS, on December 23, 2014, an Order On Consent and Administrative Settlement was entered into by and among the State of New York, the County of Livingston, Akzo Nobel, Inc. and Akzo Nobel Salt Inc. (collectively "Akzo Nobel") for purposes of addressing the Retsof Salt Mine collapse that occurred on March 12, 1994. Said Order required Akzo Nobel to pay \$20,000,000.00 jointly to the State and the County with the understanding the proceeds would be used to address the impacts of the collapse; and

WHEREAS, the Livingston County Board of Supervisors authorized the County Administrator to form a committee, now known as the Akzo Settlement Committee, for purposes of developing policies and procedures and providing recommendations on projects to be funded through the use of the Akzo Nobel settlement funds; and

WHEREAS, Livingston County Board Res. No. 2021-185 formally approved the Akzo Settlement Committee's recommendation to fund a project for the planning and engineering work needed to improve the public drinking water infrastructure for the Towns of Leicester and York and authorized the County Administrator to submit the required documentation to the New York State Attorney General's Office and the New York State Department of Environmental Conservation for purposes of obtaining approval to utilize Akzo Nobel settlement funds for this project. Said approval was subsequently received from these state agencies on or about July 8, 2021; and

WHEREAS, the Akzo Settlement Committee believes project management and oversight assistance is needed for the project. Pursuant to discussions with the Livingston County Water and Sewer Authority's Executive Director, the Committee has become aware of the Authority's strong qualifications and staff capacity to provide the needed project management and oversight assistance. Furthermore, the project corresponds nicely with the Authority's mission to provide high quality, environmentally sound, efficient, reliable, and affordable water and sewer services to the people who live, work and visit Livingston County. As such, the Akzo Settlement Committee recommends the execution of a Memorandum of Agreement between Livingston County and the Authority relative to the Authority providing desired project management and oversight assistance; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby supports the recommendation of the Akzo Settlement Committee and the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign any and all necessary Memorandum of Agreement documents with the Livingston County Water and Sewer Authority, subject to review and approval by the New York State Attorney General's Office, the New York State Department of Environmental Conservation, the Livingston County Administrator, and the Livingston County Attorney.

Director's Comments: The County submitted an application (\$700,000 total; 50/50 match of which \$350,000 was Akzo Settlement Funds) to the Northern Border Regional Commission to fund planning, environmental, design and engineering work and partial implementation of water infrastructure improvements for the towns of Leicester and York. The County's application was not awarded funding. After much discussion, the Akzo Settlement Committee would like to recommend that the County still use \$350,000 of the Akzo Settlement Funds for the planning, environmental, design and engineering work for the water infrastructure improvements as originally intended. The Executive Director of the Livingston County Water and Sewer Authority has

offered to provide project management and oversight services at no cost to the County. A Project Management Committee would be formed comprising representatives from the Akzo Settlement Committee and the Water and Sewer Authority.

Ms. Ellis reviewed the MOA for approval, the project funding status and the decisions by the Akzo Settlement Committee in order to move forward.

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

CENTER FOR NURSING & REHABILITATION – STEPHEN WOODRUFF

Action Item(s) To Be Reported

1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION: HEALTH SYSTEM SERVICES

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract for the Livingston County Center for Nursing and Rehabilitation 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>
Health System Services	2/3/22-3/4/22	\$14,880.00
6867 Williams Road		
Wheatfield, NY 14304		

For: PM Inspection / Load Testing of patient handling ceiling track

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Operating Budget	100%	Yes X No

Director’s Comments:

The purpose of this agreement is to ensure that annual preventative maintenance testing of the Center's patient handling equipment is being completed in accordance with manufacturer recommendations.

Mr. Woodruff explained that this is the annual load testing requirement. The highest quote was over \$86,000.

Mr. Woodruff explained the current contract is with Health System Services.

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

COUNTY ADMINISTRATOR – IAN COYLE

Action Item(s) To Be Reported

1. APPROVING ABSTRACT OF CLAIMS #2A-FEBRUARY 9, 2022

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #2A dated February 9, 2022 in the total amount of \$2,298,588.40.

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

2. AUTHORIZING TRANSFER OF FUNDS-COUNTY ADMINISTRATOR & MENTAL HEALTH

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.

Mr. Coyle reviewed the transfers for approval.

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

3. DECLARING SURPLUS PROPERTY – DISTRICT ATTORNEY

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:

District Attorney

Quantity	Year, Make & Model	Mileage/Hours	Serial #
1	2011 Chevrolet Impala	65,000	2G1WF5EK4B1308305

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

4. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: VENESKY & COMPANY

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>
Venesky & Company	1/1/22-12/31/24	\$39,000.00
6114 Route 31		
Cicero, NY 13039		
For: Indirect Cost Recovery Project		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
County Budget	Varies	Yes X No

Mr. Coyle reviewed the contract for approval.

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

5. AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR DEFERRED COMPENSATION ADVISORY SERVICES-STIFEL, NICOLAUS & COMPANY, INC.

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract, which is determined to be the most qualified to provide said services, 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>
Stifel, Nicolaus & Company, Inc.	1/1/22-12/31/24	\$10,000.00
375 Woodcliff Drive		
Fairport, NY 14450		
For: 3(21) Fiduciary Services for Deferred Compensation Plan		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Deferred Compensation Fund	100%	Yes X No

Mr. Coyle reviewed the deferred compensation program and services provided under the contract for County employees.

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

6. RESOLUTION SUPPORTING LIVINGSTON COUNTY SUPERINTENDENTS' REQUEST FOR RESTORED LOCAL CONTROL REGARDING COVID-19 MITIGATION MEASURES IN THEIR SCHOOLS

WHEREAS, when the COVID-19 pandemic seized the country back in 2020, New York State school districts exhibited strong resilience and adaptability. Focused on the continued education of students in a safe environment, with guidance from local health departments, they successfully created effective and innovative plans specific to the needs of their localities. Said plans provided some level of in-person learning supplemented by remote learning along with policies related to mitigation measures such as social distancing, masking, and sanitizing; and

WHEREAS, despite school districts' proven ability to independently handle the hurdles created by the pandemic, local control over COVID-19 protocols was stripped from school districts for the 2021-2022 school year when the New York State Department of Health implemented one-size-fits all statewide mandates, including universal masking; and

WHEREAS, as the pandemic now transitions to becoming an endemic, each school district has its own unique needs based upon level of community spread, vaccination percentages, etc. and it's time districts make data-driven decisions with input and guidance from local health departments; and

WHEREAS, on February 2, 2022, Livingston County Superintendents representing the nine (9) school

districts in Livingston County issued correspondence to the New York State Health Commissioner advocating for the reinstatement of local control over all mitigation measures in their districts; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby supports the return of governing power to Livingston County school districts relative to COVID-19 safety protocols thereby enabling them to make responsive and pragmatic decisions based upon the unique needs of their communities; and be it further

RESOLVED, that the Clerk of this Board of Supervisors shall forward this resolution to Governor Kathy Hochul, New York State Health Commissioner Mary Bassett, Senator George Borrello, Senator Patrick Gallivan, Assemblywoman Marjorie Byrnes, and all others deemed necessary and appropriate.

Mr. Coyle reviewed the recent news last week with school superintendents asking for local control relative to some of the school regulations.

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

Pre-approved Informational Item(s) To Be Reported

1. Administration and Finance Updates-Mr. Coyle asked Tom Wamp to discuss the piece of regulation in Albany regarding the Western Region OTB board make up changes and how that is not to the benefit of the rural counties. Mr. Wamp reviewed the present make up of 15 counties and 2 cities. Each member group has one vote. Mr. Wamp reviewed board history since he came on in 2002 when the board was broke and there were no funds. Mr. Wamp the many initiatives over the years and stated that the revenue this year to Livingston County is ~\$133,000. Erie County is largest entity and Senator Tim Kennedy from South Buffalo wants to change up the board make up so that they have four votes. As a board, we need to address this so that it doesn't go through legislation. Mr. Wamp looks to act in the best interest of the County. Erie County and Buffalo get in excess of \$1M per year. Mr. Wamp is requesting that Livingston County pass a resolution be forwarded to the Assembly, Senate and Western Region OTB representatives. A resolution edited for Livingston County will be prepared.

Motion: Mr. Gott moved and Mr. Wadsworth seconded to approve a resolution opposing the OTB legislation Carried.

Mr. Coyle reviewed the NYSAC keep local taxes local campaign relative to the AIM and Distressed Hospital funding. The strategic planning work session is this Friday. Mr. Coyle reviewed the draft County guidance for masks document he prepared for review. There have been some tri-state masking discussions.

2. HR Updates-Mr. Coyle reported that the Purchasing Director position is on the streets. The DSS Commissioner appointment resolution will be at the second February Board meeting.

3. NYS Budget Developments-Mr. Coyle reviewed some of the items we will continue to advocate for.

4. There was discussion on the earlier request from Noyes for funding for their mental health services and earlier discussions by the Committee that the County was not going to pursue funding them at that time. There was discussion regarding the synergies that may be available and any in-kind options that Noyes could provide. The County has mental health issues of their own to spend funds. There have been collaborations with Noyes have not succeeded in the past. Increasing our services by collaborating with Noyes should be to be discussed. It is worth having a meeting with Noyes to discuss what the County would get back in return. County services need to interface with Noyes programs. There was discussion on trainings and referrals going to Noyes and/or their network participants. Mr. LeFeber reviewed Noyes' willingness to put a committee together to discuss this further. Mr. Coyle summarized the request from Noyes letter that was discussed and denied at the last Ways and Means meeting. There was discussion on the Village of Lima request for ARP funds and Mr. Coyle believes that the Village is seeking clarification that they can use their own funding toward their broadband match. Mr. Falk reviewed the Village's broadband grant and that their request is now ~\$89K. Mr. Knapp asked the Committee's direction on the Noyes request and Mr. Coyle will set up a meeting for further discussion. Ms. Ellis explained that the Village of Lima is mapped as covered by a variety of service providers and not eligible for a grant. Mr. Coyle reviewed the tiers as it relates to the Village of Lima. The County's ambitious goal is to get fiber to every home and we would have gotten to Lima, but their request came in now. There was discussion on the Board being consistent in the future to help other towns and communities. Mr. Coyle explained the different approaches for the tiers. Ms. Ellis reviewed that the town levels maps are the next steps that the Planning Department will be preparing for further discussion with each town. There was

discussion on the County matching these types of requests in the future for all of the individual pockets to bring fiber to every address in the county. Mr. Coyle reviewed the challenges to bring broadband to every address and how this was discussed when the County started the project. The Committee discussed the need to be consistent for every town request going forward to complete the broadband project if the Village of Lima request is approved. Ms. Ellis reviewed the payback arrangement that the County has with Empire. Towns can reach out to Planning if a service provider contacts them.

ADJOURNMENT

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

REAL PROPERTY TAX SERVICES – BILL FULLER

Informational Item(s) Written Only

- Working with the State Office of Real Property Tax Services printing update documents for assessors.
- Form *Notice Concerning the Examination of Assessment Inventory and Valuation Data* were emailed to the Town Assessors for publishing in their official paper by March 1st or shortly thereafter.
- Reappointment notifications for Town BAR Members are coming in to the Office.
- Working on Department Annual Report

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