

**WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, FEBRUARY 21, 2023
1:30 P.M.**

PRESENT: W. Wadsworth, D. DiSalvo, D. Fanaro, E. Gott, D. LeFeber, D. Pangrazio, G. Deming, M. Falk, I. Coyle, A. Ellis, B. Mann, J. Lockhart
 ABSENT: D. Knapp,

Ways & Means Vice Chair Will Wadsworth asked Deputy County Attorney John Lockhart to lead the Pledge of Allegiance.

HIGHWAY – JASON WOLFANGER

Action Item(s) To Be Reported

1. AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE COSTS OF A CAPITAL PROJECT, WHICH MAY BE ELIGIBLE FOR STATE MULTI-MODAL PROGRAM-AID AND/OR STATE ADMINISTERED FEDERAL PROGRAM-AID, AND APPROPRIATING FUNDS THEREFOR: COUNTY ROAD 15 – CREEK ROAD CULVERT REPLACEMENT, TOWN OF MT. MORRIS, PIN 4MA254.30N

WHEREAS, a project for the culvert replacement including roadway repairs on County Road 15 – Creek Road, Town of Mt. Morris, P.I.N. 4MA254.30N, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, and New York State’s Multi-Modal Program administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, Livingston County desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; now, therefore, be it RESOLVED, that the Livingston County Board of Supervisors does hereby approve the Project; and it is further

RESOLVED, that the Board hereby authorizes the County to pay in the first instance 100% of the federal and non-federal share of the cost of the work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$50,000.00 is hereby appropriated from the Highway Budget and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Board of Supervisors shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Livingston County Highway Superintendent thereof; and it is further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors be is hereby authorized to execute all necessary agreements, certifications, or reimbursement requests for federal aid and/or Multi-Modal Program funding on behalf of Livingston County with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the County’s funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this Resolution be filed with the Commissioner of Transportation by attaching it to any required and/or appropriate agreements executed in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYS Department of Transportation	4/4/22-12/30/28	\$50,000.00

50 Wolf Road
 Albany, NY 12232

For: Multi-Modal Program funding Creek Road Culvert Replacement, Town of Mt Morris

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYSDOT Multi-Modal #4	0%	Yes

Director’s Comments:

For: Supplemental Agreement #3 with NYSDOT, covering all phases of this bridge replacement project, adding

NYS Marchiselli match to the Construction, Construction Support and Inspection phases. Current Local Share is 12.8% (\$140,318.75).

Mr. Wolfanger reviewed the project.

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

2. AUTHORIZING THE PURCHASE OF ONE (1) 2024 DUMP TRUCK THROUGH A CONTRACT AWARDED BY ONONDAGA COUNTY FOR THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT: TRACEY ROAD EQUIPMENT

RESOLVED, that the Livingston County Highway Department is hereby authorized to purchase one (1) 2024 Western Star 47x Axle Set back Truck with Beau-Roc Dump Body at a cost not to exceed \$196,609.13 through Onondaga County Bid Contract No. 8996 from Tracey Road Equipment of 300 Middle Road, Rochester, New York 14467.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Tracey Road Equipment	N/A	\$196,609.13
300 Middle Road		
Rochester, NY 14467		

For: Purchase of Dump Truck though Onondaga County Contract #8996

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Liv. Co. Highway Machinery Fund Appropriations	100%	Yes

This purchase is two years out.

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

COUNTY TREASURER – LINDA FOX

Action Item(s) To Be Reported

1. CALLING ON THE GOVERNOR OF NEW YORK STATE TO REMOVE FROM THE 2024 EXECUTIVE BUDGET PART M OF THE ARTICLE VII REVENUE BILLS

WHEREAS, on February 1, 2023, the Governor of New York State announced New York State’s Fiscal Year 2024 Executive Budget (the “Budget”); and

WHEREAS, said Budget includes Part M of the Article VII Revenue Bills which seeks to add a new Section 989 to the Real Property Tax Law titled “Distribution of surplus in tax enforcement proceedings” (“Proposed Budget Legislation”); and

WHEREAS, this Proposed Budget Legislation requires municipalities governed by Real Property Tax Law (“RPTL”) Article 11 to give excess money to a prior owner of real property sold by the municipality after taking title pursuant to Article 11; and

WHEREAS, the Proposed Budget Legislation should be removed from the 2024 Budget because: (1) it is unconstitutional since Article VIII, Section 1 of the New York Constitution restricts a county from giving any money to or in aid of any individual, private corporation, association, or private undertaking; (2) it is unfair to lienholders since all liens are cut off by RPTL Section 1131 at the time an interested party fails to redeem or answer and this happens prior to the County taking title and selling the parcel; (3) it is unclear whether litigation costs incurred in enforcing taxes pursuant to Article 11 will be included; (4) the number of unpaid parcels are likely to increase with owners knowing they do not have to pay lienholders, including the mortgage lien on their home, real estate agents, and other costs that would be required absent this Proposed Budget Legislation; (5) the Proposed Budget Legislation does not address the circumstances where there is no “prior owner” or the prior owner has died or the method and attempts required to ensure that the “prior owner” accepts payment; and (6) it is unfair to the gross majority of parcel owners in the County who timely pay their taxes or properly sell their home if they no longer desire to own it; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby calls on the Governor of New York State to remove Part M of the Revenue Bills from the 2024 Executive Budget; and be it further

RESOLVED, that the Clerk of the Board shall forward copies of this resolution to Governor Kathy Hochul, Senator Pam Helming and Assemblywoman Marjorie Byrnes.

Ms. Fox reviewed the resolution opposing proposed actions regarding tax enforcement proceedings. As a county that deals with delinquent tax payers and foreclosure issues, we know that no one takes pleasure in the process. Ms. Fox explained that this change will create a great effort at the local level. In essence, attempting

to turn the tax enforcement proceedings into a mortgage foreclosing proceeding; turning our county government into a collection agency at the tax payer's expense.

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

PURCHASING – ASHLEY SCUTT

Action Item(s) To Be Reported

1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: DS SERVICES OF AMERICA, INC., DBA PRIMO WATER NORTH AMERICA

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>
DS Services of America, Inc., dba Primo Water North America	4/1/2023-3/31/2026	Fee schedule

1150 Assembly Drive, Suite 800
Tampa, FL 33607
For: Bottled Water Delivery

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
County Budget	100%	Yes x No

Director's Comments:

A request for quotes was issued on 1/10/23 and two proposals were received. Primo Water was the lowest quote Ms. Scutt reviewed the contract for approval.

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

2. AUTHORIZING THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO ADOPT THE LIVINGSTON COUNTY PURCHASING CARD POLICY

RESOLVED, that the Livingston County Board of Supervisors adopts the Livingston County Purchasing Card Policy filed with the Clerk of the Board on February 22, 2023, to be effective immediately upon adoption of this resolution.

Ms. Scutt reviewed the purchasing card policy. Only nine departments have Pcards at this time. Mr. Coyle reviewed the purchasing cards in relation to the purchasing policy.

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

RECORDS MANAGEMENT – MEGAN SOKOLOW

Action Item(s) To Be Reported

1. AUTHORIZATION TO SUBMIT A SHARED SERVICES GRANT APPLICATION TO THE NEW YORK STATE ARCHIVES

WHEREAS, on behalf of the Livingston County Records Management Department, Keogh Records Management Consulting ("Keogh") recently completed a survey and analysis in an attempt to uncover the state of the County relative to records. Upon completion of the project, Keogh issued a comprehensive report containing various findings and recommendations; and

WHEREAS, the report identified 3,853 cubic feet of records being housed across various Department facilities. In addition, the records center within the Records Management Department is at 97.5% capacity for records storage, suggesting a significant need to expand the center's shelving capacity for county records and/or invest in digitization; and

WHEREAS, separate and apart from the survey and analysis completed by Keogh, the 2022 Livingston County Records Management Preservation Needs Assessment identifies a need to convert vital County records held on Microfilm rolls into digital images; and

WHEREAS, similar to the County, local towns and villages have archival and vital records that are not secured via digitization and are often stored in spaces with intrinsic risks for loss. The Livingston County Records Management Department endeavors to support local government electronic records management growth; and

WHEREAS, in recognizing similar needs and interests relative to records, the Livingston County Records Management Department has partnered with the Town of Lima and the Village of Lima to begin developing a comprehensive supported storage and digitization system; and

WHEREAS, as part of this collaboration, the Livingston County Records Management Department is seeking funding to finance improvements to the capacity for physical records storage in the County and in the Town and Village Lima; 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 to New York State Archives, a unit of the New York State Education Department, for a sum not to exceed \$150,000.00 to assist with the storage and digitization of records for the County and the Town and Village of Lima; and be it further

RESOLVED, should the funding be awarded, that the Chairman is hereby further authorized to execute a grant agreement between the County and the New York State Archives and any and all related documentation associated with the grant, all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, that the Livingston County Records Inventory Supervisor will be appointed the Project Director and fiscal agent for administration of the grant.

Ms. Sokolow reviewed the grant application and the projects for funding. Ms. Sokolow also shared information on requests planned for future grant cycles. Ms. Sokolow reviewed the Town of Lima Records space.

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

2. AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE ARCHIVES

WHEREAS, the Livingston County Records Management Department is seeking to fund a revision to the 2012 Livingston County Disaster Management Plan for Records as said Plan currently fails to adequately describe a management plan for electronic records disasters; and

WHEREAS, Keogh Records Management Consulting recently completed a survey analysis for the Department and this undertaking is specifically related some of the recommendations identified in its final report; and

WHEREAS, the Livingston County Records Management Department supports strong records management practices for the entire life-cycle of all records, including those records maintained electronically; 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 to the New York State Archives, a unit of the New York State Education Department, for a sum not to exceed \$10,000.00 to finance revisions to the 2012 Disaster Management Plan for Records; and be it further

RESOLVED, that should the funding be awarded, the Chairman is hereby further authorized to execute a grant agreement between the County and the New York State Archives and any and all other documentation associated with the grant, all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, that the Livingston County Records Inventory Supervisor will be appointed the Project Director and fiscal agent for administration of the grant.

Ms. Sokolow reviewed the application for approval.

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

Informational Item(s) Written Only

1. 2022 Survey and Analysis Report

CLERK OF THE BOARD – MICHELE REES

Action Item(s) To Be Reported

1. **ADOPTING 2023 OFFICIAL LIST OF COUNTY OFFICIALS REQUIRED TO FILE AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE UNDER LOCAL LAW NO. 2018-4 SECTION IV**

WHEREAS, the Livingston County Ethics Board has recommended to the Chairman of the Board of

Supervisors the 2023 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 2023 Official List of County Officials Required to File an Annual Statement of Financial Disclosure pursuant to the provisions of the Local Law No. 2018-4.

Michele Rees explained that this is an annual action approving the official list for approval.

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

COUNTY ADMINISTRATOR – IAN COYLE

Action Item(s) To Be Reported

1. APPROVING ABSTRACT OF CLAIMS #2B-FEBRUARY 22, 2023

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #2B dated February 22, 2023 in the total amount of \$2,017,341.31.

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

2. AMENDING 2023 LIVINGSTON COUNTY BUDGET: COUNTY HISTORIAN & SHERIFF’S OFFICE

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 amendments for approval.

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

3. 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 that have been approved by the Livingston County Administrator.

Mr. Coyle reviewed the transfers for approval.

Motion: Mr. LeFeber moved and Mr. DiSalvo 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: 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>
University of Rochester	1/1/2023-12/31/2023	\$99,190.00
(UR Medicine Center for Employee Wellness)	Auto Renew – 1 yr. periods	
601 Elmwood Avenue		
Box SON		
Rochester, NY 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 X No

This is the wellness program budgeted in our insurance fund and will be an annual auto renewal contract.

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

5. APPOINTING COMMISSIONER OF ELECTIONS: GARY NAGELDINGER

WHEREAS, the Republican County Committee of the County of Livingston, has filed with the Board of Supervisors a certificate recommending the appointment of Gary Nageldinger, a resident and qualified voter of the Town of Nunda, as a Commissioner of Elections of the County of Livingston, now, therefore, be it

RESOLVED, that pursuant to the provisions of Section 3-204 of the Election Law of the State of New York, Gary Nageldinger, Republican, 9740 Shaw Road, Dalton, NY 14836, is hereby appointed as

Commissioner of Elections for a term commencing March 31, 2023 and terminating December 31, 2024.

Mr. Coyle reviewed the timing for this action based upon the expected resignation date from Becky Schroeder. Mr. Coyle shared his thoughts on bringing Mr. Nageldinger on for succession training before Becky Schroeder retires. Mr. Schuster believes the best course of action is to hold off on this appointment until such time as the official resignation is received. Mr. Schuster also believes the creation of a part time position for training would be beneficial. The Republican Committee does support this appointment and the appointment form has been turned in to the Clerk of the Board. Mr. Coyle explained that Becky Schroeder indicated that her last day will be March 30, 2023. Mr. Gott suggested that this action take place today, sharing his concern for the candidacy now that word is on the streets that he has applied and accepted this job. Chances are that he will not be employed tomorrow. The effective date cannot coincide with Becky, regardless of what is decided today. There was discussion on Becky Schroeder's official resignation and the 30-day requirement. The Clerk explained that the retirement system requires that the last day worked be the day before the last day of the month. Mr. Coyle shared ideas for the creation of a temporary position for succession planning purposes that could be created under Administration or the Board of Supervisors allowing Mr. Nageldinger time to train with Becky Schroeder.

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

Pre-approved Informational Item(s) To Be Reported

1. ARPA Town Distributions Framework discussion-Mr. Coyle reviewed the previously approved ARPA funding to towns of \$20,000 each that meet the standard of parks, trails, tourism or recreational projects. Mr. Coyle reviewed the document created that includes elements that are related to current parks and recreation guidelines from the state. Mr. Coyle explained that the big question has been, "what can I use these funds for," and it's whatever the Board decides to be an allowable expense. Mr. Coyle reviewed his idea on the framework for a municipal capital re-grant reimbursement instead of the funds upfront. A one page form was discussed to keep submittals simple to govern town submissions. There was discussion on Village park options. The Committee consensus was to proceed with the submitted framework.
2. Administration and Financial Report/Legislative Updates-Mr. Coyle shared news on the current year takeover of the eFMAP by the state. This is at least \$1M+ to the detriment for the County budget this year and next. There is also talk about the past reconciliation going back 3-5 years. NYSAC had a meeting with the Executive Office last week and the Governor and here team have not waived on the state takeaway decision. This is a big issue for the counties that we are fighting at present. Senator Schumer highlights the county by county benefit whenever he makes he makes a press release on these benefits. We are looking to have our legislative update on March 17 after the Legislative breakfast that the Chamber is running that morning. We have a pre-meeting coming up on our Vital Access Provider grant for the CNR. It is a delicate situation when you're addressing the state for the negative Medicaid moves they are making and at the same time applauding them for the Medicaid rate increase to nursing homes in addition to a \$10M grant application submission that is a discretionary approval. We are walking a very fine line with messaging and advocacy.
3. Indigent Burials-Mr. Coyle reported that we were approached by a representative the funeral home directors group in the County with a tactful ask to revisit the fee structure we have out of Social Services for indigent burials. Mr. Coyle reviewed the current process and explained that he has requested the financial data to date. There was discussion on those earlier committee discussions and how the cost cap was set. The savings over that last couple of years is ~\$40,000-\$60,000 per year. Chairman LeFeber explained that this change came about when the Supervisors requested that departments review their budgets for potential savings. Mr. Coyle reviewed the options on family contribution amount limitations. There was discussion on finding out what the funeral home directors are proposing and what the cost to the County would be.

ADJOURNMENT

Mr. Pangrazio moved and Mr. DiSalvo seconded to adjourn the meeting at 2.16 p.m.

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