

**REGULAR BOARD MEETING
WEDNESDAY, MARCH 8, 2023
1:30 P.M.**

ROLL CALL

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

PLEDGE OF ALLEGIANCE

The County Administrator introduced Timothy Scott Cornell, US Navy:

Seaman Timothy Scott Cornell enrolled in the United States Navy on November 11, 1974 and served honorably until his discharge November 10, 1977. He also served as an Army National Guard member out of Batavia from November 1980 to August 1981. Tim completed basic training and defensive driving school at Great Lakes, Illinois. Upon completing basic training he continued specialized training in the nuclear field at Naval Air Station Cecil Field in Jacksonville, Florida where he became certified as a nuclear weapons loader and transport specialist.

Timothy Cornell served his military time with VF-83, Attack Squadron 83 known as the "Rampagers" and did a Mediterranean Cruise Deployment in 1975 onboard the USS Forrestal (CVA 59) as part of Carrier Air Wing 17. For his military service Tim received an Aviation Safety Award, two Letters of Appreciation, and a Fighter Squadron Safety Record Award. Upon completion of his military service Tim returned home to Geneseo where he resides today and services his community with great pride in various capacities. Over the years he has volunteered with Hemlock Methodist Church, St Mary Catholic Church in Geneseo, Geneseo Assembly of God Church and is a local Salvation Army bell ringer during their annual Red Kettle Campaigns and enjoys vacationing annually at the Notre Dame Retreat House in Canandaigua.

Timothy Cornell serves as part of the Personal Recovery Oriented Services Program in Rochester and serves as a member of the Livingston County Community Initiative Council where he has served since 2008. Tim also volunteers as a good neighbor committee member with the Geneseo Rotary Club, a lifetime member of the Livingston County Museum in Geneseo, and was awarded the 2017 Wadsworth Library Volunteer of the Year Award. As a sports enthusiast his hobbies include following the SUNY Geneseo Knights athletic teams especially the SUNY Geneseo Ice Knights at the Ira S. Wilson Ice Arena where you often see him cheering at the home games.

Timothy Scott Cornell, led the Pledge of Allegiance.

The County Administrator and Chairman LeFeber, on behalf of the Livingston County Board of Supervisors, presented a Certificate of Appreciation to Timothy Scott Cornell. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 2/22/23 Regular Meeting were approved as presented.

PUBLIC HEARING

1. LOCAL LAW NO. A-2023 ADOPTING THE LIVINGSTON COUNTY GUEST ROOM OCCUPANCY TAX

Chairman LeFeber asked the County Attorney to comment on the local law.

County Attorney Shannon Hillier explained that this local law imposes a 3% tax upon the per diem rent received from the occupant of any short term rental in Livingston County when said occupancy is under fourteen days. New York State Tax Law Section 1202-m permits the County to pass the local law every three years at the 3% tax rate.

Chairman LeFeber declared the Public Hearing open and stated anyone from the public interested in speaking to please come forward and sign in at the podium.

Public Comments:

Pat Heffernan-Opposed to local law adoption. As a small business owner on Conesus Lake, asking Supervisors to consider not to imposing another tax. Residents renting out their homes have already paid state and federal taxes. Ms. Heffernan questioned what this money is being used for and begged this body to reconsider.

The Chairman asked if any Supervisor wished to comment.

Supervisor comments:

Sue Erdle, West Sparta-Opposed to local law adoption. There are a few farm families asking for an exemption from this tax for the farm stay bed and breakfast programs to improve agricultural tourism.

Don Wester, Conesus-Supports local law adoption. He has been approached by some residents in favor of this local law.

The Chairman announced that the public hearing would remain open until the end of the meeting.

COMMUNICATIONS

1. Acknowledgment letter received from NYSAC Executive Director Steve Acquario for Res. No. 2023-43.
2. Resignation letter from Election Commissioner Rebecca Schroeder was filed with the Livingston County Clerk on March 2, 2023.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2023-86 APPROVING ABSTRACT OF CLAIMS #3A-MARCH 8, 2023

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #1A dated March 8, 2023 in the total amount of \$992,337.81.

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

PRIVILEGES OF THE FLOOR

1. Ian Coyle, County Administrator & Kate Hill, HR Director
 - National Employee Appreciation Day

Kate Hill shared the many activities happening in honor of National Employee Appreciation Day in Livingston County. Ms. Hill brought forth department heads and employee representatives from every department to be thanked and shared a special thank you to those departments that helped make these events and activities possible.

Chairman LeFeber thanked Kate and the HR staff

2. Sue Carlock, Director, Office for the Aging
 - March for Meals

Sue Carlock is presenting today in honor of nutrition month and in celebration of March for Meals through Meals on Wheels America. Ms. Carlock gave an overview on the meals on wheels program, sharing how it operates and the many services provided that are more than just a meal. "More than a meal" could mean access to supports such as legal services for POA, nutritional counseling, transportation services, home modifications such as grab bars, and more. It could be assistance applying for benefit programs such as HEAP or SNAP. Isolated older adults can be connected with social supports. Help is called for any recipients found in distress and safety checks can be done as needed. Ms. Carlock introduced Cyndi Johnson, Dansville Meal Site Manager. Mrs. Carlock shared testimonials from program participants. Under the Older American Act there is no cost required for the meals, but donations are accepted. Ms. Carlock expressed her thanks for the County support. Many of her colleagues in other counties are not able to provide meals to all that qualify. Ms. Carlock recognized Melissa Gaby, Case Manager, for her work processing the assessments. Ms. Carlock introduced Nancy Henry, courier and explained how the drivers are also a regular contact to make sure people are doing okay or if there is some kind of concern that needs to be addressed. Ms. Carlock shared a letter received from a client. Ms. Carlock thanked the Supervisors and extended an invitation to participate during Community Champions Week at the site or on a meal route.

3. Mike Fries and Judy Levan, National Weather Service & Andrew Brodell and Will Gall, OEM
 - Presentation Of National Weather Service Storm Ready Certification

Judy Levan shared that there have been twenty federally declared disasters in Livingston County over the past 50 years. With the exception of 9-11, a statewide power outage in 2003, the West Nile Disease and COVID, all of those federally

declared disasters were due to extreme weather. The Storm Ready Program gives counties the skills and the education needed to survive severe weather before and during the event. There are 3000 storm ready communities across the country. Ms. Levan reviewed what criteria needed to become storm ready certified. As a representative of the National Weather Service, Ms. Levan is here to present a certificate of recognition to Livingston County for its' efforts in completing the program to retain the distinction of being a Storm-Ready County. In particular, Ms. Levan extended her sincere appreciation to Andrew Brodell, Director and William Gall, Deputy Director of the Livingston County Office of Emergency Management to accomplish the goals set forth in this program. The Office of Emergency Management maintains an excellent working relationship with the Buffalo National Weather Service office. Ms. Levan recognized the diligent efforts to maintain community readiness in anticipation of natural disasters of any type. Those efforts have proved their worth over the past several years whether dealing with freezing rain, winter storms or thunder storms and hail. We do not look forward to another natural disaster, however, if and when another one of the disasters does occur, you can be confident that the officials in the counties have improved their communications and safety skills needed to save lives and property. Ms. Levan presented the National Weather Service Storm Ready Certification to Andrew Brodell and William Gall.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2023-87 PROCLAIMING THE MONTH OF MARCH 2023 AS COLORECTAL CANCER AWARENESS MONTH

WHEREAS, the County of Livingston joins to support observances that raise awareness of health issues affecting people across our state, nation, and the world, including various types of cancer like colorectal cancer (the colon and rectal as the primary location); and

WHEREAS, colorectal cancer is the second leading cause of cancer-related deaths and the fourth most likely cancer diagnosis among men and women of all ethnicities and races in the United States. It is estimated that one in twenty-four men and women will develop colorectal cancer during their lifetime; and

WHEREAS, colorectal cancer diagnosis rates have been declining since the mid-1980s, mostly due to screening and lifestyle changes such as quitting smoking and reducing obesity; however, rates of cancer diagnosis for those younger than 50 years of age have been on the rise; and

WHEREAS, one in five colorectal cancer patients are diagnosed between the ages of 20 and 54 with the recent younger onset being unknown due to early colorectal cancer frequently having no symptoms. The following factors increase a person's risk of developing this disease: family history and hereditary conditions, obesity, physical inactivity, diet, smoking, and excessive alcohol use; and

WHEREAS, those with a personal or family history of colon polyps, colorectal cancer, or a personal history of inflammatory bowel disease, including either ulcerative colitis or Crohn's disease, are at higher risk for developing colorectal cancer and should talk to their doctors about when to begin screening and how often to be screened; and

WHEREAS, men and women of any age with blood in their stool, general and frequent lower stomach or lower back pain, discomfort, cramping, unexplained weight loss, change in bowel habits (especially narrowing of stools), and chronic fatigue should talk to their doctor; and

WHEREAS, colorectal cancer often can be prevented through regular screenings that can detect small growths called polyps which can be removed before they develop into cancer; and

WHEREAS, regular screening, beginning at age 45, is the key to preventing colorectal cancer and finding it early. The U.S. Preventive Services Task Force recommends that adults age 45 to 75 be screened for colorectal cancer and adults age 76 to 85 talk to their doctor about screening; and

WHEREAS, screening for colorectal cancer is a covered benefit through Medicaid as well as health plans participating in the New York State of Health. In addition, the New York State Cancer Services Program offers colorectal cancer screenings to eligible uninsured individuals in every county and New York City borough; now, therefore, be it

RESOLVED, in celebration of Livingston County achieving the national goal of screening 80% of adults ages 50 and older for colorectal cancer in 2019, with a new goal to achieve 80% screening rates and higher in every community per the National Colorectal Cancer Roundtable, the Livingston County Board of Supervisors does hereby proclaim the month of March 2023 as Colorectal Cancer Awareness Month in Livingston County. New Yorkers and people everywhere are called upon to raise their awareness of colorectal cancer and take preventive steps to safeguard their health and the health of loved ones from this disease.

Dated at Geneseo, New York

March 8, 2023

Human Services Committee

RESOLUTION NO. 2023-88 PROCLAIMING THE MONTH OF APRIL 2023 AS CHILD ABUSE PREVENTION MONTH

WHEREAS, Livingston County believes all children need safe, stable, nurturing homes and communities to foster their healthy growth and development. Child abuse and neglect result in physical and psychological trauma that survivors carry with them for the rest of their lives; and

WHEREAS, prevention through practical measures and programs mitigate the factors contributing to child abuse and neglect and strategies succeed because of partnerships created among citizens, social service agencies, schools, faith-based organizations, health care providers, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, communities that make every effort to promote preventive programs that benefit children and their families and provide parents with the social support, knowledge of parenting and child development, and concrete resources to help them cope with stress make a strong commitment to reducing child abuse and ensuring all children grow to their full potential; and

WHEREAS, everyone in the community needs to be more aware of child abuse prevention and consider helping parents raise their children in a safe, nurturing environment. April is recognized as the month to bring awareness to the role that communities play in helping reduce child abuse and neglect. By working together as a community, we can all play a part in strengthening families and promoting children's well-being; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors does hereby proclaim April 2023 as Child Abuse Prevention Month, and during this month and throughout the year, Livingston County is dedicated to supporting families through prevention efforts thereby reducing the risk of child abuse and neglect in the communities in which we live.

Dated at Geneseo, New York

March 8, 2023

Human Services Committee

RESOLUTION NO. 2023-89 PROCLAIMING THE MONTH OF APRIL 2023 AS FAIR HOUSING MONTH

WHEREAS, the County of Livingston recognizes April 2023 as the fifty-fifth anniversary of the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968; and

WHEREAS, every American has the right to fair housing, to live where they choose, to raise a family, and to own a home in dignity without fear of discrimination. The Fair Housing Act specifically protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities; and

WHEREAS, the County of Livingston hereby provides assurance and proclaims its dedication to the goal of equal housing opportunities for all members of the community. Discriminatory practices based upon race, color, national origin, religion, sexuality, disabilities, age, family status, or gender identity and expression will not be tolerated. Every person should be treated with dignity and respect and have equal access to housing programs and facilities; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors does hereby proclaim April 2023 as Fair Housing Month, and during this month and throughout the year, Livingston County is dedicated to raising awareness and supporting the Fair Housing Act.

Dated at Geneseo, New York

March 8, 2023

Human Services Committee

RESOLUTION NO. 2023-90 PROCLAIMING THE MONTH OF MAY 2023 AS FOSTER CARE MONTH

WHEREAS, May is National Foster Care Month, a time to recognize and appreciate those who support youth and families by being a resource to children in need; and

WHEREAS, the people of this County have a longstanding tradition of opening their hearts and their homes to support children and their birth families so they may safely reunite whenever possible. Said foster parents strive to improve the quality of life for children in their care and to make a lasting impact in these children's lives; and

WHEREAS, Livingston County wants to encourage families who are willing to become supportive resources for youth in our community to become a foster parent, respite resource, or volunteer or mentor. Livingston County residents interested in any of these fulfilling opportunities are urged to contact the Livingston County Department of Social Services for more information; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby proclaims May 2023 as Foster Care Month in Livingston County and all residents are encouraged to recognize and celebrate the valued contributions of foster parents.

Dated at Geneseo, New York
March 8, 2023

Human Services Committee

RESOLUTION NO. 2023-91 PROCLAIMING MARCH 24, 2023 AS WOMEN IN AGRICULTURE DAY IN LIVINGSTON COUNTY

WHEREAS, the agricultural industry is part of the foundation upon which our distinct American heritage is built; and

WHEREAS, hardworking American women farmers provide New York State, the Nation, and much of the world with a safe, healthy, affordable, and abundant food supply. There are currently more than 1,200,000 females engaged in agricultural production within the United States thereby making up more than a third of the Nation's agricultural producers; and

WHEREAS, in 2017, farms operated by women in the United States sold roughly \$148,000,000,000 in agricultural products, accounting for 38 percent of the total agriculture sales in the United States for that year; and

WHEREAS, in addition to leading farming operations, women working in agriculture make a difference across the United States in various commodity and industry fields, such as research and development, manufacturing, sales and distribution, agricultural education, agribusiness and advocacy, which extends benefits to individuals across the globe through the international trade with the United States; and

WHEREAS, women farmers are vital in fostering the next generation of the agricultural workforce by promoting STEM and agricultural education and entrepreneurial and community initiatives and by serving as mentors for 4-H, FFA, the Cooperative Extension System, and numerous postsecondary agricultural science educator programs; and

WHEREAS, the celebration of Women's Agriculture Day specifically recognizes women farmers from all racial, ethnic, and socio-economic backgrounds and walks of life, who feed us and our families every day, and acknowledges the importance of agriculture as a vital industry and economic driver in New York State; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby proclaims March 24, 2023, as Women in Agriculture Day in Livingston County in conjunction with National Women in Agriculture Day and National Women's History Month, honoring and recognizing the important contributions of women to all branches of farming. All citizens are encouraged to recognize women in agriculture and praise the significant impacts these women have had on our food resources; and be it further

RESOLVED, that the Clerk of the Board shall forward copies of this Resolution to Governor Kathy Hochul, Senator Pam Helming, Assemblywoman Marjorie Byrnes, USDA Farm Services Agency, and NY FarmNet.

Dated at Geneseo, New York
March 8, 2023

Public Services Committee

RESOLUTION NO. 2023-92 APPOINTING MEMBERS TO THE LIVINGSTON COUNTY PLANNING BOARD: MARY THERESA GLEASON-BLACK & KEITH STEIN

RESOLVED, that the following member is hereby appointed to the Livingston County Planning Board for the term designated:

Livingston County Planning Board			
Name	Address	Title/Representing	Term
Mary Theresa Gleason-Black	1725 Parkside Place, Lima, NY 14485	Village of Lima	1/1/23-12/31/25
Keith Stein	3434 Iroquois Road, Caledonia, NY 14423	Town of Caledonia	1/1/23-12/31/24 (Joan Crunden term)

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

RESOLUTION NO. 2023-93 PROCLAIMING APRIL 2023 AS DONATE LIFE MONTH

WHEREAS, in New York State there are approximately 8,100 people waiting for an organ transplant which represents the third highest need in the nation, and an estimated 400 New Yorkers die every year while waiting for an organ transplant; and

WHEREAS, a single individual's donation of a heart, lung, liver, kidney, pancreas, and small intestine can save up to eight lives, and donation of tissue can save and heal the lives of up to 75 others. Organ, eye, and tissue donation are life-giving and healing acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, county governments across New York State play a key role in raising awareness of the need for organ, eye, and tissue donation. County officials affiliated with local DMV offices, boards of elections, departments of health, and veteran offices have significant interaction with the public which provides a great opportunity to educate individuals on how they can help fellow New Yorkers by signing up as organ and tissue donors; and

WHEREAS, the Livingston County Clerk's Office, through its Department of Motor Vehicles, wishes to promote the month of April 2023 as "Donate Life Month" in Livingston County; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby proclaims the month of April 2023 as "Donate Life Month" in Livingston County. Livingston County Departments having significant interaction with the public are encouraged to engage in activities throughout the month to promote awareness of the need for organ and tissue donations in Livingston County in an effort to increase the number of desperately needed donors.

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

RESOLUTION NO. 2023-94 RESOLUTION OPPOSING PROPOSED CHANGES TO THE NEW YORK STATE SOIL AND WATER CONSERVATION DISTRICT LAW

WHEREAS, in the 1930s soil and water conservation districts were established in local communities throughout the United States in direct response to the environmental disaster of the Dust Bowl. In 1940, the New York State Soil and Water Conservation Districts Law ("Districts Law") was enacted creating the State Soil Conservation Committee ("State Committee") and authorizing counties to create local soil and water conservation districts ("Local Districts") led by local leadership; and

WHEREAS, Local Districts currently provide all counties in New York State with environmental services, including but not limited to climate resiliency, watershed monitoring, soil health protection, sediment and erosion control, nutrient reduction, stormwater management, forestry management, water quality improvement, education and technical training, invasive species mitigation, green infrastructure, best management implementation, and technical assistance for private citizens, municipalities, and the State; and

WHEREAS, the New York Association of Conservation Districts recently alerted counties of an initiative attempting to drastically amend Article 2 of the Districts Law which specifically governs the State Committee and the creation of Local Districts; and

WHEREAS, the proposed legislative amendment significantly modifies the make-up, board size, and scope of work being performed by the State Committee and Local District boards; and

WHEREAS, the proposal changes the State Committee's membership by increasing the number of members from five (5) to seven (7) and completely eliminates the authority of the New York State Grange ("the Grange") to nominate a member for appointment. This power is instead granted to the Northeast Organic Farming Association of New York. In addition, one of the other members of the State Committee would have to be appointed from a combined nomination list submitted by other newly identified organizations, including but not limited to the state college of agriculture and life sciences at Cornell University and the college of environmental science and forestry of the state university of New York; and

WHEREAS, the legislative amendment also seeks to modify the make-up of Local District boards. While these boards would continue to consist of five (5) members, the three (3) members who are not representatives of the county board would be appointed from a combined list of nominees submitted by newly identified organizations, including but not limited to the New York State Soil Conservation Districts Association, Inc., the local office of Cornell Cooperative Extension, and the local chapter of the National Young Farmers Coalition. The proposed change specifically

eliminates the ability of the county grange and the county farm bureau to independently nominate two (2) of the three (3) board members who are not representatives of the county board. Lastly, the proposal allows Local Districts to move from two (2) appointed county legislative representatives to an open election for these positions; and

WHEREAS, the legislative bill creates sweeping changes to the Districts Law that only benefits the organizations involved in drafting it. The proposal would marginalize Local Districts and empower various environmental groups. Projects already being developed or in a state of being completed may be jeopardized; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby strongly opposes the proposed legislative changes to the Soil and Water Conservation Districts Law due to the negative long term economic and environmental impacts to small communities; and be it further

RESOLVED, that the Clerk of the Board shall forward copies of this Resolution to Governor Kathy Hochul, Senator Pam Helming, Assemblywoman Marjorie Byrnes, the New York State Association of Counties and all others deemed necessary and proper.

Dated at Geneseo, New York
March 8, 2023

Public Services Committee

RESOLUTION NO. 2023-95 APPOINTING MEMBER TO THE LIVINGSTON COUNTY TRAFFIC SAFETY BOARD: JOHN SOKOLOFSKY

RESOLVED, that the following member is hereby appointed to the Livingston County Traffic Safety Board for the term designated:

Livingston County Traffic Safety Board			
Name	Address	Rep./Title	Term
John Sokolofsky	7329 East Main Street, Lima, NY 14485	Member-Town of Lima	1/1/23-12/31/24 (M. Petroski term)

Dated at Geneseo, New York
March 8, 2023
Public Services 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. Wester and seconded by Mr. Davis to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

Center for Nursing and Rehabilitation

RESOLUTION NO. 2023-96 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION: FINGER LAKES PERFORMING PROVIDER SYSTEM ("FLPPS") & ZIMMET HEALTHCARE SERVICES GROUP, LLC

Mrs. Walker presented the following resolution and moved its adoption:

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Finger Lakes Performing Provider System ("FLPPS")	Upon execution until grant funding ends	Fee Schedule
1 South Washington Street Rochester, NY 14614		

For: To participate in the "FLPPS" program patient referral system

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
-----------------------	--------------------	------------------

REPORT OF THE SUPERVISORS' PROCEEDINGS 59

Operating Budget	N/A	X Yes	No
Zimmet Healthcare Services Group, LLC		Upon execution 1-year contract	
200 US Route 9 North, Suite 500 Manalapan, NJ 07726		Fee Schedule	
For: Case mix enhancement consulting for LC CNR Medicaid rate			

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>	
Operating Budget	N/A	X Yes	No

Dated at Geneseo, New York
March 8, 2023
Human Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-97 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION: CROSS COUNTRY STAFFING, INC. DBA CROSS COUNTRY HEALTHCARE SERVICES & CLINICAL STAFFING RESOURCES, INC.

Mrs. Walker presented the following resolution and moved its adoption:

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Cross Country Staffing, Inc. dba	5/1/2023-4/30/2024	Fee Schedule

Cross Country Healthcare Services
6551 Park of Commerce Boulevard
Boca Raton, FL 33487

For: Supplemental Staffing Contract – RN, LPN and CNA

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>	
Operating Budget	N/A	X Yes	No

Clinical Staffing Resources, Inc.	5/1/2023-4/30/2024	Fee Schedule
--	--------------------	--------------

420 Broadway
Brooklyn, NY 11211

For: Supplemental Staffing Contract – RN, LPN and CNA

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>	
Operating Budget	N/A	X Yes	No

Dated at Geneseo, New York
March 8, 2023
Human Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Department of Health

RESOLUTION NO. 2023-98 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY DEPARTMENT OF HEALTH: FLYING BABY PICTURES & LORI'S ELITE HAIR DESIGN, LLC

Mrs. Walker presented the following resolution and moved its adoption:

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Flying Baby Pictures	2/1/23-6/30/23	\$10,000.00

17 Olde Orchard Lane
Fairport, NY 14450

For: Create two (2) Medical Reserve Corp Videos

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>	
-----------------------	--------------------	------------------	--

REPORT OF THE SUPERVISORS' PROCEEDINGS 60

MRC Rise Grant	0%	Yes X No
Lori's Elite Hair Design, LLC 3 Chestnut Avenue Dansville, NY 14437 For: Center for Sexual Health and Wellness, Dansville Clinic Site Rent	4/1/23-3/31/25	\$900.00/month \$21,600.00 /2 years

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Family Planning Grant	0%	Yes X No

Dated at Geneseo, New York
March 8, 2023
Human Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Department of Social Services

RESOLUTION NO. 2023-99 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY DEPARTMENT OF SOCIAL SERVICES: TELETASK, INC.

Mrs. Walker presented the following resolution and moved its adoption:

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract for the Livingston County Department of Social 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>
Teletask, Inc.	5/1/23-4/30/24	Per rate sheet

8066 Sunset Avenue, Suite 101
Fair Oaks, CA 95628

For: Web-based messaging services

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Admin	15-43%	Yes X No

Dated at Geneseo, New York
March 8, 2023
Human Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Workforce Development/Youth Bureau

RESOLUTION NO. 2023-100 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY OFFICE OF WORKFORCE DEVELOPMENT/YOUTH BUREAU: CATHOLIC CHARITIES STEUBEN/LIVINGSTON, CORNELL COOPERATIVE EXTENSION OF LIVINGSTON COUNTY, HILLSIDE CHILDREN'S CENTER INC., LEGAL AID SOCIETY OF ROCHESTER, NY, INC. & NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Mrs. Walker presented the following resolution and moved its adoption:

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contracts for the Livingston County Office of Workforce Development/Youth Bureau, and any future amendments to said contracts, according to the terms designated, subject to review by the County Attorney and County Administrator:

Catholic Charities Steuben/Livingston	1/1/23-9/30/23	Up to \$7,125.00
--	----------------	------------------

23 Liberty Street
Bath, NY 14810

For: The provision of parenting education services

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Office of Children and Family Services	\$0	Yes

Cornell Cooperative Extension of Livingston County	1/1/23-9/30/23	Up to \$6,000.00
---	----------------	------------------

3 Murray Hill Drive
Mt. Morris, NY 14510

REPORT OF THE SUPERVISORS' PROCEEDINGS 61

For: School based Family Strengthening Program

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Office of Children and Family Services	\$0	Yes

Hillside Children’s Center, Inc. 1/1/23-9/30/23 Up to \$7,500.00
 1183 Monroe Avenue
 Rochester, NY 14614

For: Operation of the Livingston County Youth Court Program

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Office of Children and Family Services	\$0	Yes

Legal Aid Society of Rochester, NY, Inc. 1/1/23-9/30/23 Up to \$22,691.00
 One West Main Street, Suite 800
 Rochester, NY 14614

For: The provision of youth advocacy services for Livingston County

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
TANF, NYS Office of Children and Family Services	\$0	Yes

NYS Office of Children and Family Services 1/1/23-9/30/23 Up to \$65,500.00
 52 Washington Street
 Rensselaer, New York 12144-2834

For: Accessing State Youth Development funds

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
NYS Office of Children and Family Services	\$0	Yes

Dated at Geneseo, New York
 March 8, 2023

Human Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Central Services

RESOLUTION NO. 2023-101 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY CENTRAL SERVICES DEPARTMENT: CPL

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

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract for the Livingston County Central Services Department, 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>
CPL	2/1/2023-1/31/2025	Not to exceed \$100,000.00

255 Woodcliff Drive, Suite 200
 Fairport, NY 14450

For: Professional Services for the Programming, Schematic Design, Design Development, Construction

Documentation and Construction Administration related to the Livingston County Sheriff’s Office Training Facility Classroom.

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
ARPA	0%	Yes X No

Dated at Geneseo, New York
 March 8, 2023

Public Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Highway

RESOLUTION NO. 2023-102 AWARDING BIDS AND AUTHORIZING PURCHASE FOR THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT: VARIOUS AGGREGATE MATERIALS THROUGH MARCH 31, 2024

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

WHEREAS, after the proper legal advertisement seeking bids for Various Aggregate Materials from April 1,

REPORT OF THE SUPERVISORS' PROCEEDINGS 62

2023 through March 31, 2024, bids were received and opened on January 24, 2023; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contracts, which are hereby accepted as the lowest responsible bids, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Various Contractors	4/1/23-3/31/24	As Required

For: Annual Bids for Various Aggregate Materials

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
County Highway Department Budget Appropriations	100%	Yes X No

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-103 AWARDING BIDS AND AUTHORIZING PURCHASE FOR THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT: VARIOUS CONSTRUCTION MATERIALS & SERVICES THROUGH APRIL 1, 2024

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

WHEREAS, after the proper legal advertisement seeking bids for Various Construction Materials & Services from April 2, 2023 through April 1, 2024, bids were received and opened on January 24, 2023; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contracts, which are hereby accepted as the lowest responsible bids, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Various Contractors & Suppliers	4/2/23-4/1/24	As Required

For: Annual Bids for Various Construction Materials and Services

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
County Highway Department Budget Appropriations	100%	Yes X No

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-104 AWARDING BIDS AND AUTHORIZING PURCHASE FOR THE LIVINGSTON COUNTY HIGHWAY DEPARTMENT: RENTAL OF VARIOUS PIECES OF CONSTRUCTION EQUIPMENT THROUGH APRIL 1, 2024

Mr. Deming presented the following resolution and moved its adoption: WHEREAS, after the proper legal advertisement seeking bids for Rental of Various Pieces of Construction Equipment from April 2, 2023 through April 1, 2024, bids were received and opened on January 24, 2023; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contracts, which are hereby accepted as the lowest responsible bids, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Various Contractors	4/2/23-4/1/24	As Required

For: Annual Bids for Rental of Various Pieces of Construction Equipment

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
County Highway Department Budget Appropriations	100%	Yes X No

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-105 APPROVING HOURLY RATE TO BE PAID FOR TOWN 10-WHEEL DUMP TRUCKS WHILE ENGAGED IN LIVINGSTON COUNTY HIGHWAY MAINTENANCE & CONSTRUCTION WORK THROUGH THE END OF 2024

REPORT OF THE SUPERVISORS' PROCEEDINGS 63

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

WHEREAS, the hourly reimbursement rate for the year 2022 for Town 10-Wheel Dump Trucks (including operator) was increased to \$104.00 (regular time) and \$116.00 (overtime); and

WHEREAS, the lowest bid on the 2023 Annual Equipment Rental bid prices for contractor 10-wheel dump trucks was \$110.00; now, therefore, be it

RESOLVED, that the hourly rate be increased to \$110.00 (regular time) and \$123.00 (overtime) for the 2023-2024 season for reimbursement to towns for use of all 10-Wheel Dump Trucks, including operator, while engaged in local County Highway maintenance and construction work; and be it further

RESOLVED, that said hourly rate shall not apply to long-range hauling of materials to project sites from gravel, stone, or asphalt sources, in which case a "per-ton" or "per-cubic-yard" price will be negotiated with the Town, based upon current annual County bid prices; and be it further

RESOLVED, that said hourly rates of \$110.00 (regular time) and \$123.00 (overtime) shall remain in effect through March 31, 2024.

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Various Livingston County Towns	4/1/23-3/31/24	As Required
For: Rental Rates for Town 10-Wheel Dump Trucks during 2023-2024 season		

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Livingston County Highway Budget Appropriations	100%	Yes

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Planning

RESOLUTION NO. 2023-106 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY PLANNING DEPARTMENT: SUNY RESEARCH FOUNDATION OF THE STATE OF NEW YORK & GENESEE FINGER LAKES REGIONAL PLANNING COUNCIL

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

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

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
SUNY Research Foundation of the State of New York	3/1/2023-1/26/2024	Not to exceed \$22,873.00

P.O. Box 9

Albany, NY 12201

For: 2023 Conesus Lake water quality monitoring

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Finger Lakes/Lake Ontario Watershed Protection Alliance (CLAWS 32)	0%	Yes

Genesee Finger Lakes Regional Planning Council 3/1/2023-12/31/2024 Not to exceed \$10,000.00

50 West Main Street

Rochester, NY 14614

For: Technical assistance with solar/BESS regulation development and review

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
New York State Energy & Research Development Authority (NYSERDA)	0%	Yes

Dated at Geneseo, New York

March 8, 2023

Public Services Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

County Administrator/Budget Officer

RESOLUTION NO. 2023-107 AMENDING 2023 LIVINGSTON COUNTY BUDGET: CENTRAL SERVICES (10)

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

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

County Treasurer

RESOLUTION NO. 2023-108 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR TAX COLLECTION AND PAYMENT SOFTWARE: SYSTEMS EAST, INC.

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

WHEREAS, the County of Livingston solicited a Request for Proposal for Tax Collection And Payment Software, and six (6) proposals were received; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract, and any amendment to said contract, which is determined to be the most qualified to provide said services, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Systems East, Inc.	5 Years upon execution	Software \$139,725.00
50 Clinton Avenue		Maintenance & Support Year
Cortland, NY 13045		1-5 \$82,605.00

For: Back Tax Software System

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
N/A	0%	Yes X No

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Human Resources

RESOLUTION NO. 2023-109 AMENDING THE 2023 LIVINGSTON COUNTY SALARY SCHEDULE: CENTRAL SERVICES, DEPARTMENT OF HEALTH & INFORMATION & TECHNOLOGY SERVICES

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

RESOLVED, that the 2023 Livingston County Salary Schedule is amended as follows:

Central Services:

- Create one (1) full-time Carpenter position at Wage Grade 13 CSEA Contract effective March 8, 2023.
- Create three (3) full-time Senior Building Maintenance Mechanic positions at Wage Grade 12 CSEA Contract effective March 8, 2023.

For: Organizational improvements, career laddering, supervisory oversight, and succession planning while addressing the complexities of the projects being completed.

Department of Health:

- Create one (1) full-time Public Health Sanitarian position at Wage Grade 14, CSEA Contract effective March 19, 2023.

For: This is an essential part of the Environmental Health staff in the performance of health inspections to assure public safety.

- Delete two (2) full-time Senior Typist positions at a Wage Grade 7, effective immediately.
- Delete one (1) full-time Senior Account Clerk Typist position at a Wage Grade 9, effective immediately.

Information and Technology Services

- Convert one (1) full-time Computer Training Coordinator Operator position to a part-time position at a wage rate of \$41.21 per hour effective May 1, 2023.

For: Transition employee to part time after retirement.

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-110 RATIFYING TENTATIVE COLLECTIVE BARGAINING AGREEMENT WITH THE LIVINGSTON COUNTY DEPUTY SHERIFFS COALITION UNIT AND AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT

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

WHEREAS, the collective bargaining agreement between the Livingston County Deputy Sheriffs Coalition Unit and Livingston County expired on December 31, 2022; and

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

WHEREAS, the Livingston County Deputy Sheriffs Coalition notified Livingston County that its membership has ratified this tentative agreement; 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, 2023 and expiring December 31, 2025, a copy of which has been filed with the Clerk of the Board, 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

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

Other

RESOLUTION NO. 2023-111 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION: PROMETRIC, LLC

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

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 terms designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Prometric, LLC	Upon execution-annual auto	Fee Schedule
1501 South Clinton Street	renewal	

Baltimore, MD 21224

For: CNA testing NYS NA Program

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Operating Budget	N/A	Yes X No

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-112 AMENDING A PORTION OF RESOLUTION 2021-337 (MRB GROUP)

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

WHEREAS, Resolution No. 2021-337 authorized the Chairman of the Livingston County Board of Supervisors to sign a contract with MRB Group for professional consultant services related to solar/battery energy storage system regulation development and review. Said contract was for a provision of term commencing October 14, 2021, and terminating April 1, 2023, for an amount not to exceed \$20,000.00; and

WHEREAS, because more time is needed to complete the scope of work covered under the contract the termination date of said contract needs to be amended to December 31, 2024; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign a contract amendment with MRB Group to modify the contract terminations date; and be it further

RESOLVED, that Resolution No. 2021-337 is hereby amended.

REPORT OF THE SUPERVISORS' PROCEEDINGS 66

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-113 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY SHERIFF'S OFFICE: N.O.M.A.D. ENTERPRISES, INC. DBA WARSAW DRY CLEANERS, LIFE SAFETY INTEGRATED SYSTEMS, INC. & PROFESSIONAL CARE MEDICAL PRACTICE, PC C/O PRIMECARE MEDICAL OF NEW YORK, INC.

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

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contracts for the Livingston County Sheriff's Office, and any future amendments to said contracts, according to the terms designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
N.O.M.A.D. Enterprises, Inc. dba Warsaw Dry Cleaners 102 South Academy Street Wyoming, NY 14591 For: Cleaning of uniforms	2/1/2023-1/31/2026 with two additional 1-year renewals	Cost Sheet

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3150	100%	Yes X No

Life Safety Integrated Systems, Inc. 6455 Lake Avenue, Suite A Orchard Park, NY 14127 For: Maintenance/service plan of jail camera system	4/1/2023-3/31/2024 with one 1-year renewal option	\$21,650.00 annually
---	--	----------------------

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3150	100%	Yes No X

Professional Care Medical Practice, PC c/o PrimeCare Medical of New York, Inc. 3940 Locust Lane Harrisburg, PA 17109 For: Jail medical services	4/1/2023-3/31/2024	\$744,066.24
---	--------------------	--------------

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A3150	100%	Yes X No

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-114 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR THE LIVINGSTON COUNTY SHERIFF'S OFFICE: DANSVILLE CENTRAL SCHOOL DISTRICT, GENESEE VALLEY EDUCATIONAL PARTNERSHIP, KESHEQUA CENTRAL SCHOOL DISTRICT, LIVONIA CENTRAL SCHOOL DISTRICT, MT. MORRIS CENTRAL SCHOOL DISTRICT & YORK CENTRAL SCHOOL DISTRICT

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

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contracts for the Livingston County Sheriff's Office, and any future amendments to said contracts, according to the terms designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Dansville Central School District 284 Main Street Dansville, NY 14437	9/1/2023-6/30/2024	\$96,679.40

REPORT OF THE SUPERVISORS' PROCEEDINGS 67

For: 2023-2024 school resource deputy

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3111	~25%	Yes X No

Genesee Valley Educational Partnership 9/1/2023-6/30/2024 \$84,798.24
 27 Lackawanna Avenue
 Mt. Morris, NY 14510

For: 2023-2024 school resource deputy

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3111	~25%	Yes X No

Keshequa Central School District 9/1/2023-6/30/2024 \$84,798.24
 13 Mill Street
 Nunda, NY 14517

For: 2023-2024 school resource deputy

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3111	~25%	Yes X No

Livonia Central School District 9/1/2023-6/30/2024 \$84,798.24
 40 Spring Street
 Livonia, NY 14487

For: 2023-2024 school resource deputy

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3111	~25%	Yes X No

Mt. Morris Central School District 9/1/2023-6/30/2024 \$84,798.24
 30 Bonadonna Avenue
 Mt. Morris, NY 14510

For: 2023-2024 school resource deputy

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3111	~25%	Yes X No

York Central School District 9/1/2023-6/30/2024 \$84,798.24
 2578 Genesee Street
 Retsof, NY 14539

For: 2023-2024 school resource deputy

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
A.074.3111	~25%	Yes X No

Dated at Geneseo, New York
 March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

RESOLUTION NO. 2023-115 REQUESTING THE NEW YORK STATE SENATE AND THE NEW YORK STATE ASSEMBLY TO AMEND THE PUBLIC AUTHORITIES LAW TO INCREASE THE LIVINGSTON COUNTY WATER AND SEWER AUTHORITY'S MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF BONDS, NOTES AND OBLIGATIONS

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

WHEREAS, a bill has been introduced in the New York State Senate (S.4037) and the New York State Assembly (A.4092) to amend Public Authorities Law Section 1199-gggg(1) to increase the Livingston County Water and Sewer Authority's aggregate principal amount of bonds, notes or other obligations from an amount not to exceed \$42,000,000.00, to an amount not to exceed \$70,000,000.00; and

WHEREAS, the Livingston County Board of Supervisors must make a Home Rule Request requesting the New York State Senate and the New York State Assembly to amend this special law; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby requests that the New York State Legislature adopt Senate Bill (S.4037) and Assembly Bill (A.4092), amending Public Authorities Law Section 1199-gggg(1) to increase the Livingston County Water and Sewer Authority's aggregate principal amount of bonds, notes or other obligations to an amount not to exceed \$70,000,000.00; and be it further

REPORT OF THE SUPERVISORS' PROCEEDINGS 68

RESOLVED, that the Chairman of the Livingston County Board of Supervisors and the Clerk of the Board is hereby authorized to file the appropriate Home Rule Request with the New York State Senate and the New York State Assembly.

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

2/3 Majority Vote

The roll was called as follows: Ayes-3,608; Noes-0; Absent-Fanaro, 132, Babbitt Henry, 144; Total 276; Adopted.

RESOLUTION NO. 2023-116 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING PROFESSIONAL SERVICES CONTRACT FOR LIVINGSTON COUNTY: PERMA, INC.

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

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>
Perma, Inc.	7/1/2023-6/30/2025	Per Fee Sheet
9 Cornell Road	w/two (2) additional 1- year	
Latham, NY 12110	renewal options to expire on	
	6/30/2027	

For: Third Party Administration of Workers Compensation

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

Dated at Geneseo, New York

March 8, 2023

Ways and Means Committee

The roll was called as follows: Ayes-4,679; Noes-0; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

CLOSE PUBLIC HEARING

Chairman LeFeber asked if anyone from the public wished to comment regarding the public hearing. No one wished to speak.

Public comments:

James Kemnitz-Supports local law adoption. All hotels pay this tax. Short term rentals detract from the sense of community by permanently taking the property off the market.

The Chairman asked if any Supervisor wished to comment.

Supervisor comments:

Sue Erdle, West Sparta-Opposed to local law adoption. Shared concern that the local law with hinder efforts to increase tourism.

Dan Pangrazio, Caledonia-Supports local law adoption and clarified that this is not a new tax and is simply renewing an existing tax. Some property owners are not complying with the tax.

Eric Gott, Livonia-Supports local law adoption. Rentals have become a big business around Conesus Lake and 3% is not a very big amount.

Mike Falk, Lima- Supports local law adoption. We do use the bed tax to fund our tourism so the tax is being used to draw people to Livingston County.

The Chairman declared the public hearing closed.

MOTION TO MOVE LOCAL LAW NO. A – 2023 ADOPTION OF LOCAL LAW NO. A-2023 ADOPTING THE LIVINGSTON COUNTY GUEST ROOM OCCUPANCY TAX

Mr. Schuster moved and Mr. Gott seconded to move the proposed local law to the table for a vote. Carried.

LOCAL LAW NO. 5 OF THE YEAR 2023 ADOPTING THE LIVINGSTON COUNTY GUEST ROOM OCCUPANCY TAX

BE IT ENACTED BY THE LIVINGSTON COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

TITLE 100 - GENERAL PROVISIONS:

101. Short Title: This Local Law shall be known as the Livingston County Guest Room Occupancy Tax.
102. Intent: This Local Law is adopted to implement the provisions of Chapter 290 of the Laws of 1993, effective July 21, 1993, enacting Section 1202-m of the Tax Law of the State of New York.
103. Definitions: Unless the context requires a different meaning, when used in this Local Law, the following terms shall mean:
 - a. "County" shall mean the County of Livingston.
 - b. "Person" shall mean an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
 - c. "Operator" shall mean any person operating a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental in the County of Livingston, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel, motel, tourist home, cottage, condominium, bed and breakfast, and short term or vacation rental.
 - d. "Hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental" or such terms singly shall mean any facility or portion thereof providing lodging on an overnight basis. Such terms include an apartment, hotel, motor court or inn, boarding house, cabin, cottage or club, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served and shall include those facilities commonly known as "bed and breakfast" and "tourist" facilities. "Short term or vacation rental" includes those units rented or leased to occupants, including furnished apartments or rooms in or consisting of a dwelling place ordinarily occupied for residential purposes, directly by the owner or through the owner's agent or hosting platform.
 - e. "Occupancy" shall mean the use or possession, or the right to use or have possession of, any room in a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental.
 - f. "Occupant" shall mean a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
 - g. "Permanent Resident" shall mean any occupant of any room or rooms in a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental for a period in excess of fourteen (14) consecutive days.
 - h. "Rent" shall mean the total consideration received by an operator for occupancy, including all charges by whatever term designated, valued in money, whether received in money or otherwise.
 - i. "Room" shall mean any room of any kind in any part or portion of a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental, which is available for or let out for any purpose other than a place of assembly.
 - j. "Return" shall mean any return filed or required to be filed as herein provided.
 - k. "Tax" shall mean the tax imposed pursuant to this Local Law and any increase, reduction or modification hereafter authorized.
 - l. "Treasurer" shall mean the Treasurer of Livingston County or the Treasurer's designee.
104. Territorial Limitations: A tax imposed by this Local Law shall apply only within the territorial limits of the County of Livingston.
105. Reference to Tax: Wherever reference is made in placards, advertisements or other publications to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of guest rooms", except that in any bill, receipt, statement or other agreement or memorandum of occupancy

or rent charge issued or employed by an operator, the words "occupancy tax" shall suffice.

TITLE 200 - ADMINISTRATION OF TAX LAW

201. Administration: The tax imposed by this Local Law shall be administered and collected by the Treasurer or other fiscal officers of the County as he/she may designate by such means and in such manner as are other taxes which are now collected and administered by such officers or as otherwise provided by this Local Law.
202. General Powers of the Treasurer: In addition to the powers granted to the Treasurer in this Local Law, the Treasurer is hereby authorized and empowered to:
- a. Make, adopt and amend rules and regulations appropriate to the carrying out of this Local Law and the purposes thereof, provided, however, that no rule or regulation shall become effective until thirty (30) days after such rule or regulation shall have been filed with the Clerk of the Board of Supervisors;
 - b. Extend for cause shown, the time of filing any return for a period not exceeding three (3) months, provided not less than ninety (90) percent of the estimated tax for the period for which the return is required to be filed shall be paid together with the request for such extension on or before the due date; and for cause shown to remit penalties but not interest computed at the rate and in the manner provided in Section 924-a of the Real Property Tax Law on taxes not paid; and to compromise disputed claims in connection with the tax imposed by this Local Law;
 - c. Request information from the New York State Department of Taxation and Finance or the United States Treasury Department relative to any person; and to afford information to such Taxation Department or Treasury Department relative to any person, any other provision of this Local Law to the contrary notwithstanding;
 - d. Delegate his/her functions hereunder to a deputy treasurer or any employee or employees of the Treasurer;
 - e. Prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
 - f. Require any operator within the County to keep detailed records of the nature and type of hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental maintained; nature and type of service rendered; rooms available and rooms occupied daily; leases or occupancy contracts or arrangements; rents received, charged and accrued; the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax and to furnish such information upon request to the Treasurer;
 - g. Assess, determine, revise and readjust the taxes imposed under this Local Law, and require the filing of estimated tax returns and payment of estimated tax where necessary;
 - h. Direct the County Attorney to take such action as may be required to enforce this Local Law, including but not limited to providing representation in any administrative proceeding conducted by the Treasurer for enforcement of this Local Law brought in the name of the County in any court of appropriate jurisdiction without any further authorization of the Board of Supervisors.
203. Administration of Oaths and Compelling Testimony:
- a. The Treasurer or his/her employees or agents duly designated and authorized by him/her shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Treasurer shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his/her duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him/her or excused from attendance.
 - b. A justice of the supreme court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Treasurer under this Local Law.
 - c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Treasurer under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.
 - d. The officers who serve the summons or subpoena of the Treasurer and witnesses attending in response

thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the County Sheriff and his/her duly appointed deputies or any officers or employees of the Treasurer, designated to serve such process.

TITLE 300 - TAX RATE, PERSONS LIABLE, TAXABLE RENT, EXEMPTIONS

301. Imposition of Tax: On and after the 1st day of April, 2023, there is hereby imposed and there shall be paid a tax of three percent (3%) upon the rent for every occupancy of a room or rooms in a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental in this County except that the tax shall not be imposed upon:
- a. Permanent residents for the period of occupancy in excess of fourteen (14) days, or
 - b. Exempt organizations as hereinafter set forth.
302. Statement of Tax to be Collected; Person Liable for Payment of Tax:
- a. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the County, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession and enforcement of any innkeeper's lien that he/she may have in the event of non-payment of rent by the occupant; provided, however, that the Treasurer or other fiscal officer or officers, employees or agents duly designated by him/her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.
 - b. Where the occupant has failed to pay and the operator has failed to collect a tax as imposed by this Local Law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the occupant directly to the Treasurer, and it shall be the duty of the occupant to file a return thereof with the Treasurer and to pay the tax imposed thereon to the County Treasurer within fifteen (15) days after such tax was due.
 - c. The Treasurer may, whenever he/she deems it necessary for the proper enforcement of this Local Law, provide by regulation that the occupant shall file returns and pay directly to the Treasurer the tax herein imposed, at such times as returns are required to be filed and payment made over by the operator.
 - d. The tax imposed by this Local Law shall be paid upon any occupancy on and after April 1, 2023, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after April 1, 2023. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Treasurer may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in section 406 of this Local Law.
 - e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of providing that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, where by regulation pursuant to Section 302(d) an occupant is required to file returns and pay directly to the Treasurer the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of Section 304, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his/her occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the

occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he/she may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the Treasurer certifying that the corporation or association therein named is exempt from the tax under Section 304.

303. Determination of Taxable Rent:

- a. The tax shall be imposed upon the total consideration received for occupancy of a room or rooms in a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental, including all charges by whatever term designated, valued in money, whether received in money or otherwise.
- b. When the occupant becomes a permanent resident, the operator shall discontinue collection of the tax.

304. Exempt Organizations:

- a. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this Local Law:
 - I. The State of New York or any public corporation (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement district or political subdivision of the state;
 - ii. The United States of America, insofar as it is immune for taxation;
 - iii. Any corporation or association, or trust, or community chest, fund or foundation organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this section shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this section.
- b. Where any organization described in Section 304(a)(iii) carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

TITLE 400 - REGISTRATION, RECORDS, RETURNS, PAYMENT, REFUNDS

401. Registration: Within ten (10) days after the effective date of this Local Law, or in the case of operators commencing business after such effective date of this Local Law, within three (3) days after such commencement or opening, every operator shall file with the Treasurer an application for a certificate of authority empowering such operator to collect the tax from the occupant. Upon receipt of such application, the Treasurer shall issue a certificate of authority to such operator which when authenticated shall constitute the authority for the purposes of this Local Law. Each application for a certificate of authority shall state the hotel or motel to which it is applicable; the name of the operator of such hotel, motel, tourist home, cottage, cabin, condominium, bed and breakfast, and short term or vacation rental, the address of such operator, the taxpayer identification number assigned to such operator, the state of incorporation and the date upon which such corporation obtained authority to do business in this state, if not organized in this state, the names of each partner, if a partnership, and such other information as the Treasurer may by rule require. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Treasurer upon the cessation of business at the hotel or motel named or upon its sale or transfer.

402. Records To Be Maintained: Every operator shall keep records of every occupancy and of all rent paid, charged, or due thereon and of the tax payable thereon, in such form as the Treasurer by regulation requires. Such records shall be available for inspection and examination at any time upon demand by the Treasurer or his/her duly authorized agent or employee and shall be preserved for a period of three (3) years, except that the Treasurer may consent to their destruction within that period or may require that they be kept longer.

403. Returns:

- a. Every operator shall file with the Treasurer a return of occupancy and of rents, and of the taxes payable thereon for the quarterly periods ending March 31, June 30, September 30 and December 31 of each year, on and after the first day of April, 2023. Such returns shall be filed within thirty (30) days from the expiration of the period covered thereby. The Treasurer may permit or require returns to be made by other periods and upon such dates as he/she may specify. If the Treasurer deems it necessary in order to ensure the payment of the tax imposed by this Local Law, he/she may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he/she may specify.
- b. The forms of returns shall be prescribed by the Treasurer and shall contain such information as he/she may deem for the proper administration of this Local Law. The Treasurer may require amended returns to be filed within twenty (20) days after notice and to contain the information specified in the notice.
- c. If a return required by this Local Law is not filed, or a return filed is incorrect or insufficient on its face, the Treasurer shall take the necessary steps to enforce the filing of such a return or of a corrected return.

404. Payment of Tax: At the time of filing a return of occupancy and of rents each operator shall pay to the Treasurer the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator acting or purporting to act under the provisions of this Local Law. Where the Treasurer, in his/her discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Treasurer may require an operator to file with him/her a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Treasurer may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the Treasurer determines that an operator is to file such bond he/she shall give notice to such operator to that effect specifying the amount of the bond required. The operator shall file such bond within five (5) days after the giving of such notice unless within such five (5) days the operator shall request in writing a hearing before the Treasurer at which the necessity, propriety and amount of the bond shall be determined by the Treasurer. Such determination shall be final and shall be complied with within fifteen (15) days after the giving of such notice thereof. In lieu of such bond, securities approved by the Treasurer or cash in such amount as he may prescribe, may be deposited which shall be kept in the custody of the Treasurer who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him/her at public or private sale without notice to the depositor thereof.

405. Determination of Tax: If a return required by this Local Law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Treasurer from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after giving of notice of such determination, shall apply to the Treasurer for a hearing, or unless the Treasurer of his/her own motion shall re-determine the same. After such hearing, the treasurer shall give notice of his/her determination to the person against whom the tax is assessed. The determination of the Treasurer shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the supreme court within thirty (30) days after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless:

- a. The amount of any tax sought to be reviewed, with penalties and interest thereof, if any, shall be first deposited with the Treasurer and there shall be filed with the Treasurer an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding, or
- b. At the option of the applicant such undertaking filed with the Treasurer may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not

be required to deposit such taxes, penalties and interest as a condition precedent to the application.

406. Refunds:

- a. In the manner provided in this section the Treasurer shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Treasurer for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the Treasurer, he/she shall state his/her reason therefor in writing. Such application may be made by the occupant, operator or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the Treasurer provided the application is made within one (1) year of the payment by the occupant to the operator, but no actual refund of money shall be to such operator until he/she shall first establish to the satisfaction of the Treasurer, under such regulations as the Treasurer may prescribe, that he/she has repaid to the occupant the amount for which the application for refund is made. The Treasurer may in lieu of any refund required to be made, allow credit therefor on payments due from the applicant.
- b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Treasurer may receive evidence with respect thereto. After making his/her determination the Treasurer shall give notice thereof to the applicant, who shall be entitled to review said determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided the proceeding is instituted within thirty (30) days after the giving of the notice of determination and provided a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Treasurer in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
- c. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section 405 of this Local Law where he/she has had a hearing or an opportunity for a hearing, as provided in said section or has failed to avail himself/herself of the remedies therein provided. No refund or credit shall be made of the tax, interest or penalty paid after a determination by the Treasurer made pursuant to section 405 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional or otherwise improper by the Treasurer after a hearing on the petition of a person liable for payment of the tax brought within thirty (30) days after the filing of a determination of the Treasurer after a hearing pursuant to section 405 of this Local Law, or upon his/her own motion, or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section. In that event a refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

407. Reserves: In cases where the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to him/her on his/her application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.

408. Remedies Exclusive: The remedies provided by section 405 and 406 of this Local Law shall be exclusive remedies available to any person for the review of tax liability imposed by this Local Law, and no determination or proposed determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by an action or proceeding in a nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he/she institutes suit within thirty (30) days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Treasurer prior to the institution of such suit and posts a bond for costs as provided in section 405 of this Local Law.

TITLE 500 - ENFORCEMENT OF COLLECTION OF TAX, PENALTIES AND INTEREST

501. Proceedings to Recover Tax:

- a. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this Local Law as therein provided, the County Attorney shall, upon the request of the Treasurer, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Livingston in any court

of the State of New York or of any other state of the United States. If, however, the Treasurer in his/her discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he/she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

- b. As an additional or alternate remedy, the Treasurer may issue a warrant, directed to the Sheriff commanding him/her to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest and the cost of executing the warrant, and to return such warrant to the Treasurer and to pay to him/her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall, within five (5) days after the receipt of the warrant, file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property judgments of a court of record and for services in executing the warrant he/she shall be entitled to the same fees, which he/she may collect in the same manner. In the discretion of the Treasurer, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Treasurer and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be paid in the performance of such duty. If a warrant is returned not satisfied in full, the Treasurer may from time-to-time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.
- c. Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his/her hotel or motel or his/her lease, license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the Treasurer by registered or certified mail, return receipt requested, of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.
- d. Whenever the purchaser, transferee or assignee shall fail to give notice to the Treasurer as required by the preceding paragraph or whenever the Treasurer informs the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or chooses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or chooses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this Local Law.

502. Penalties and Interest:

- a. Any person failing to file a return or to pay over any tax to the Treasurer within the time required by this

Local Law shall be subject to a penalty of five percent (5%) of the amount of tax due for each month or portion thereof during which such tax due shall remain unpaid but in no event shall such penalty exceed twenty-five percent (25%) of the tax due; plus interest computed at the rate and in the manner provided in Section 924-a of the Real Property Tax Law, but in no event shall such interest be less than one percent (1%) of such tax for each month of delay; but the Treasurer, if satisfied that the delay was excusable, may remit all or part of the penalty, but not interest computed at the rate of six percent (6%) per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues of such tax. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

- b. Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this Local Law, or filing or causing to be filed, or making or causing to be made or giving a causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false, and any operator and any officer of a corporate operator willfully failing to file a bond required to be filed pursuant to section 405 of this Local Law, or failing to file a registration certificate and such date in connection therewith as the Treasurer may by regulation or otherwise require or to display or surrender the certificate of authority as required by this Local Law or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence or occupancy and on any bill or statement or receipt or rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this Local Law, and any operator failing to keep the records required by section 402 of this Local Law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than one (1) year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this Local Law, and subject to the penalties herein above imposed.

503. Returns to be Secret:

- a. Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Treasurer or any officer or employee of the Treasurer to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required to be filed pursuant to this Local Law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding under the provisions of this Local Law, or on behalf of any party to the action or proceeding under the provisions of this Local Law when the proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the fact shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his/her duly authorized representative a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three (3) years and thereafter until the Treasurer permits them to be destroyed.
- b. Any violation of section 503(a) shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year or both, in the discretion of the court, and if the offender be an officer or employee of the County he/she shall be dismissed from office and be incapable of holding any public office for a period of five (5) years thereafter.

504. Notices and Limitations of Time:

- a. Any notice authorized or required under the provisions of this Local Law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the

- address given in the last return filed by him/her pursuant to the provisions of this Local Law, or in any application made by him/her, or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this Local Law by giving the notice shall commence to run from the date of mailing of such notice.
- b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Local Law. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.
 - c. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

TITLE 600 - DISPOSITION OF REVENUES

601. Disposition of Revenues: All revenues resulting from the imposition of the tax under this Local Law shall be paid into the treasury of Livingston County and shall be credited to and deposited in the general fund of such County and shall be available thereafter for the promotion of tourism and tourist attractions in Livingston County, as well as the promotion of tourism and tourist attractions of the larger region of which Livingston County is a part provided that funding for regional promotion shall not exceed fifty percent (50%) of the revenue received hereunder in any year and that not more than five percent (5%) of such revenue shall be used for the cost of administering such tax. Such promotion may be carried out by an appropriate organization or organizations as designated by the Livingston County Board of Supervisors.

TITLE 700 - SEPARABILITY AND EFFECTIVE DATE

701. Separability: If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.
702. Effective Date: This Local Law shall take effect on April 1, 2023, and expire on March 31, 2026 except that the provisions of this Local Law relating to registration and the authority of the Treasurer to adopt regulations and take all necessary action to prepare for the implementation and enforcement of this Local Law shall take effect immediately.

Dated at Geneseo, New York
February 8, 2023 (Introduced)
March 8, 2023 (Adopted)
Michele R. Rees, IIMC-CMC
Clerk of the Board

VOTE ON LOCAL LAW

RESOLUTION NO. 2023-117 ADOPTION OF LOCAL LAW NO. A-2023 ADOPTING THE LIVINGSTON COUNTY GUEST ROOM OCCUPANCY TAX

WHEREAS, proposed Local Law No. A-2023, entitled Adopting The Livingston County Guest Room Occupancy Tax, was heretofore introduced on February 8, 2023; and

WHEREAS, in accordance with the law, a public hearing upon proposed Local Law No. A-2023 was duly held before this Board of Supervisors on March 8, 2023; and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this Board of Supervisors since February 8, 2023, constituting a period of over six (6) days; now, therefore, be it

RESOLVED, that the aforesaid proposed Local Law No. A-2023, entitled Adopting The Livingston County

REPORT OF THE SUPERVISORS' PROCEEDINGS 78

Guest Room Occupancy Tax, introduced on February 8, 2023, is hereby approved and adopted.

Dated at Geneseo, New York

March 8, 2023

The roll was called as follows: Ayes-4,578; Noes-Erdle, 101; Absent-Fanaro, 179; Babbitt Henry, 196, Total 375; Adopted.

OTHER BUSINESS

County Administrator Updates: Thank you for LCDSC contract approval today. There are two major units with new collective bargaining agreements. Shout out to Kate Hill and her team for all of the employee appreciation efforts. Still waiting on two major grants, Light up Livingston and there is a meeting this week for the VAP for \$10M. There is still no resolution on the eFMAP state takeaway.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Wester to adjourn until Wednesday, March 22, 2023 at 1:30 p.m. Carried.

The Board adjourned at 2:49 p.m.