

WAYS & MEANS COMMITTEE MEETING MINUTES
MONDAY, MAY 24, 2021
1:30 P.M.

PRESENT: D. Pangrazio, W. Wadsworth, D. Fanaro, M. Schuster, D. LeFeber, D. Mahus, G. Deming, M. Falk, I. Coyle, A. Ellis, B. Mann, S. Hillier
ABSENT: D. Babbitt Henry

Ways & Means Chair Dan Pangrazio asked Lima Supervisor Mike Falk to lead the Pledge of Allegiance.

Per State and Federal bans on large gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020, including all subsequent extensions, "suspending law allowing the attendance of meetings telephonically or other similar service," the meeting today will be conducted in a hybrid manner both in person and remotely using Zoom teleconferencing. The public has been provided with the ability to hear today's Board of Supervisor meeting through Zoom and a transcript will be provided upon request. This meeting has been duly noticed by the Clerk of the Board and there is a quorum present. We have fulfilled our legal notice requirements by posting Notice on the County's home page of its website. Those in attendance today need to speak directly into their microphones so that they can be heard by the Zoom attendees. I ask that all attendees mute their phones until such time as they are asked to respond or present.

PERSONNEL – JENNIFER DAMON

Action Item(s) To Be Reported

1. BOARD RESOLUTION TO AMEND AND RESTATE THE PLAN DOCUMENT FOR THE COUNTY OF LIVINGSTON 457 PLAN

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), had promulgated the Plan Document of the Deferred Compensation Plan for Employees of the County of Livingston (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the County of Livingston, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Livingston;

WHEREAS, effective December 11, 2020, the Board amended the Model Plan to adopt provisions

Including provisions related to the Setting Every Community Up for Retirement Enhancement (SECURE) Act of 2019; which extends the required start date for Required Minimum Distributions (RMD) to begin at the age of 72, changes the RMD rules for beneficiaries, creates new categories of beneficiaries, includes ability for plan sponsors to reduce the in-service distribution age from 70 ½ to as low as 59 ½, allows for in-service withdrawals for the birth or adoption of a child up to \$5,000.

Including provisions related to the Coronavirus Aid, Relief, and Economic Security (CARES) act of 2020; which waived RMDs for the calendar year of 2020, allowed for in service distributions of up to \$100,000 to qualified individuals no later than December 31, 2020, allowed for loans up to \$100,000 to qualified individuals (up to 100% of the account value), and allowed for deferment of plan loan repayments for one year for qualified individuals.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the County of Livingston Deferred Compensation committee has recommended to the Board of Supervisors that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Livingston by adopting the amended Model Plan and Schedules A and B; now, therefore, be it

RESOLVED, that the County of Livingston Board of Supervisors hereby amends the Deferred Compensation Plan for the employees of the County of Livingston effective January 1, 2021, including the optional provisions selected in Schedules A and B; in the form attached hereto as Exhibit A.

Ms. Damon reviewed the changes to NYS model plan for deferred compensation and explained that those

changes need to be made to the County plan to remain in compliance. There was discussion on the withdrawal amount and whether that can be changed.

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

HIGHWAY DEPARTMENT – JASON WOLFANGER

Action Item(s) To Be Reported

1. DECLARING SURPLUS PROPERTY – HIGHWAY

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

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

Highway

Quantity	Year, Make & Model	Mileage/Hours	Serial #
1	2003 Chevrolet 2500 pick-up truck	91,770	1GCHC23U23F220312
1	2006 Ford F550	41,393	1FDAF57P46EC24432

Mr. Wolfanger reviewed the vehicles for surplus. These vehicles will both go through the Teitsworth auction.

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

ECONOMIC DEVELOPMENT – BILL BACON

Action Item(s) To Be Reported

1. AMENDING A PORTION OF RESOLUTION 2020-329

WHEREAS, Resolution No. 2020-329 authorized the Chairman of the Livingston County Board of Supervisors to sign a contract with the Livingston County Development Corporation to administer downtown revitalization programming, small business assistance, entrepreneurship training, technical assistance, public relations, marketing and consultant services for a term commencing January 1, 2021, and terminating December 31, 2021, in the amount of \$200,000; and

WHEREAS, additional funding has been made available from County Reserves for the Community Redevelopment Initiative (CRI) “*Invested In You*” increasing the total contract amount with the Livingston County Development Corporation to \$1,200,000.00; now, therefore, be it

RESOLVED, that Resolution No. 2020-329 is hereby amended.

Mr. Bacon reviewed the resolution for approval today. The state has given us enough ARP guidance so they are now ready to go forward with the increase action.

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

2. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING PILOT AGREEMENT FOR LIVINGSTON COUNTY: HELIOS ENERGY NEW YORK 15 LLC

WHEREAS, Helios Energy New York 15 LLC (the “Owner”) has submitted a Notice of Intent to the Taxing Jurisdiction that it plans to build and operate a “Solar Energy System” as defined in New York Real Property Tax Law (“RPTL”) Section 487 (1)(b) (herein the “Project”) with an expected nameplate capacity (“Capacity”) of approximately five (5) Megawatts AC on a parcel of land located within the Town of Geneseo and identified as Tax Map Number 73.-1-29; and

WHEREAS, the Taxing Jurisdiction has not opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the Taxing Jurisdiction has indicated its intent to require a Payment in Lieu of Taxes (“PILOT”) Agreement with the Owner, under which the Owner (or any successor owner of the Project) will be required to make annual payments to the Taxing Jurisdiction for each year during the term of this Agreement; and

WHEREAS, the Owner has submitted or will submit to the assessor of the Town of Geneseo an RP-487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating its eligibility for a real property tax exemption pursuant to RPTL Section 487; and

WHEREAS, the Parties intend that, during the term of this Agreement, the Project will be subject to standard land taxes and applicable special district taxes. The improved property will placed on exempt portion of the assessment roll and the Owner will not be assessed for any statutory real property taxes for which it might

otherwise be subjected under New York law with respect to the Project.

WHEREAS, Owner agrees to make annual payments to the Taxing Jurisdiction in lieu of real property taxes for the Project for a period of fifteen (15) consecutive fiscal tax years; annual payments may not exceed the amounts that would otherwise be payable but for the RPTL 487 exemption. Such 15-year term shall commence on the first taxable status date selected by Owner following commencement of the construction of the Project (the “Commencement Date”), and shall end the fifteenth fiscal year following the Commercial Operations Date. The first annual payment shall be in the amount of \$1,000.00 per Megawatt AC of Capacity (the “Annual Payment”) with an escalation of 2% per annum, the sum of which would equate to \$86,467.00 over the fifteen (15) year term. Based on the Capacity of five (5) Megawatts AC, as identified by Exhibit A below:

EXHIBIT A

Year	Payment Amount
1	\$5,000
2	\$5,100
3	\$5,202
4	\$5,306
5	\$5,412
6	\$5,520
7	\$5,631
8	\$5,743
9	\$ 5,858
10	\$5,975
11	\$6,095
12	\$6,217
13	\$6,341
14	\$6,468
15	\$6,597

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following PILOT agreement for Livingston County, and any future amendments to said contract, according to the term(s) designated, subject to review by the County Attorney and County Administrator. Mr. Bacon reviewed the previously tabled request. He was able to negotiate up to an acceptable level at our current levels. Helios presented to the Town of Geneseo last week.

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

3. AMENDING RESOLUTION NO. 2017-238 APPROVING LIVINGSTON COUNTY INFRASTRUCTURE CAPITAL GRANT – LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, the Ways & Means Committee of the Livingston County Board of Supervisors had reviewed and recommended the Livingston County Industrial Development Agency’s application to the Livingston County Infrastructure Capital Fund; and

WHEREAS, the initial request was made for \$750,000, with an expected \$500,000 to be reimbursed through grant funding, leaving a \$250,000 contribution from the County Infrastructure Fund and included waterline installation along Anderson and Telephone Roads in the Town of York, serving 21 new users; and

WHEREAS, work has been completed in the interim on the Anderson Road portion of the project through a USDA Rural Development grant leaving the remaining work to be completed on Telephone Road further westward to McPherson Road; and

WHEREAS, the original request was based on Growmark F.S., an agribusiness that supports many of our area farms, requiring public water service to move ahead with an planned expansion project between \$8-\$10 million in costs that could add between 12-16 jobs to the current staffing level of sixteen (16) employees; and

WHEREAS, the modified request would provide water service from the corner of Route 36 following westward for approximately 6250 linear feet on Telephone Road and entail a \$362,000 overall expense with a reimbursement of \$250,000 from an award secured by Senator Gallivan leaving a \$112,000 contribution from

the County Infrastructure Fund, thereby reducing the amount needed from the County ; and

WHEREAS, the scope of the Growmark F.S. project has changed to reflect a \$3,640,000 project cost to increase the available capacity of fertilizer from 800 tons to 5000 tons provided to the farming community from this facility instead of opting to expand the Batavia location for this investment; and

WHEREAS, the projected job component for this project was reduced to meet the reduction in scope by adding one (1) full-time and two (2) part-time employees to the current staffing level of twelve (12) full-time and six (6) part-time employees; and

WHEREAS, the economic impact analysis shows Growmark F.S. provides an annual benefit to the State and Region of \$2,924,000; and

WHEREAS, four (4) new commercial and fifteen (15) new residential users would benefit from the water installation by adding services and a looped connection, further providing design and operational advantages while being less prone to breaks and stagnant water issues; and therefore, be it

RESOLVED, that the Livingston County Board of Supervisors approves said project as amended.

Directors Comments: The effort to retain and expand Growmark F.S. in Livingston County was competitive with other surrounding counties and was heavily weighted on our ability to deliver public water service to their operation. The reduced scope of the project reflects work that was completed and funded on Anderson Road, while the work on Telephone Road remained. The modified project requires total funding of \$362,000 from the Infrastructure Fund. However, after reimbursements, the contribution from the fund will have been reduced from the initial approved amount of \$250,000 to the amended amount of \$112,000.

Applicant: Livingston County Industrial Development Agency

Project Description: Water service connection in the Town of York

Project Financing Requested: \$362,000.00

Other Funds Committed: State Aid to Municipalities (Project #15519) \$250,000.00 (reimbursement)

Mr. Bacon reviewed the 2018 IDA request for Infrastructure Funds and explained how this was a specific effort to retain and expand this operation. Mr. Bacon reviewed the recent changes within the company and how the County has been in a competitive situation with Genesee County to retain and expand this operation here. Mr. Bacon explained that this request will bring water service to 19 users. The Town has already completed a portion of the initial project, thus reducing the overall costs. This portion of the remaining project will create a system loop, thereby improving the overall quality of water. The company did not take a PILOT, they took a sales tax exemption.

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

PLANNING DEPARTMENT – ANGELA ELLIS

Action Item(s) To Be Reported

1. AUTHORIZING THE COUNTY ADMINISTRATOR TO SUBMIT REQUIRED DOCUMENTATION TO THE NEW YORK STATE ATTORNEY GENERAL AND NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR USE OF AKZO NOBEL SETTLEMENT FUNDS

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

WHEREAS, for coordination of the recovered settlement funds, the Office of the New York State Attorney General ("AG's Office"), the New York State Department of Environmental Conservation ("DEC"), and the County of Livingston entered into a Memorandum of Understanding ("MOU"); and

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

WHEREAS, the Akzo Settlement Committee, after much discussion and consideration, recommends that a portion of the settlement funds be used to fund two particular projects aimed at assessing and addressing the impacts from the mine collapse, specifically the Conesus Lake Safe Yield Analysis Project and a project for planning and engineering work needed to improve the public drinking water infrastructure for the Towns of

Leicester and York; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors does hereby support the recommendation of the Akzo Settlement Committee and the County Administrator is hereby authorized to submit the required documentation to the AG's Office and the DEC for purposes of obtaining their approval to utilize Akzo Nobel settlement funds for the above-mentioned projects as required by the MOU.

Ms. Ellis reviewed the budget to use the Akzo settlement funds for submittal. A 2020 Board resolution authorized the County Administrator to form a committee to consider how to spend these funds. The Committee has met three times now and decided to look at recommendations 7&8 in the Water Supply Study for a Conesus Lake Safe Yield Analysis and supporting, planning and engineering work for Public Drinking Water Infrastructure Improvements for York and Leicester. Ms. Ellis reviewed the recent Safe Yield Analysis contract with Schnabel-Lachel for \$68,500 the application submitted to the Northern Border Regional Commission in the amount of \$350,000 that has a match of \$350,000 for a total cost of \$700,000. Ms. Ellis explained that this will pay for the preliminary work. The lead will be LC Planning for the Towns of York and Leicester. WASA was identified within the application as the probable owner for some of the infrastructure. *Motion: Mr. Wadsworth moved and Mr. Mahus seconded to approve the foregoing resolution..... Carried.*

COUNTY ADMINISTRATOR – IAN COYLE

Action Item(s) To Be Reported

1. APPROVING ABSTRACT OF CLAIMS #5A-MAY 26, 2021

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #5B dated May 26, 2021 in the total amount of \$1,822,220.04.

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

2. AMENDING 2021 LIVINGSTON COUNTY BUDGET-HIGHWAY (7) & OFFICE FOR THE AGING (2)

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

Mr. Coyle reviewed the amendments for approval.

Motion: Mr. Mahus moved and Mr. Schuster seconded to approve the foregoing resolution Carried.

3. AUTHORIZING TRANSFER OF FUNDS-DEPARTMENT OF SOCIAL SERVICES

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

Mr. Coyle reviewed the transfer for approval.

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

4. AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR FEDERAL FUNDING CONSULTANCY SERVICES: BONADIO & CO., LLP

WHEREAS, the County of Livingston solicited a Request for Proposal for federal funding consultancy services, and two (2) 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, which is determined to be the most qualified to provide said services, and any future amendments to said contract, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Bonadio & Co., LLP 171 Sully's Trail Pittsford, NY 14534	5/26/21 – 12/31/25	Per Fee Schedule

For: Federal funding consultancy services related to the American Rescue Plan Act

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
American Rescue Plan Act (ARPA)	0%	Yes X No

Mr. Coyle reviewed the contract for approval. Now that we have received the first half of ARPA funds this is

to help us navigate some of those practices and protocols. Mr. Coyle reviewed both proposals. This is money well spent as a protection effort. Many towns and counties are also choosing to contract for similar services. The term follows the ARPA term, whatever that ends up being. We are of the belief that this service is eligible for inclusion of reimbursement for the ARPA dollars. It was made very clear to Bonadio that we are hiring them for this particular service.

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

Pre-approved Informational Item(s) To Be Reported

1. SALES TAX UPDATE-The sales tax receipts YTD were up ~\$1.3Million, which is about a 14% increase over last year. There are still some takeaways here but we are in good position. Gasoline is a big driver for us as the price goes up.

2. FEDERAL FUNDING UPDATES & GRANTS NEWS-Now that we have retained Bonadio for the federal funding, we believe that we have both revenue and expense recaptures that are in the seven figure range. There is an overwhelming amount of federal funding flow these days. We do not have an answer on the broadband grant yet. We have engaged some past partners to stay on top of the grant opportunities. If we get the reconnect grant, the question will be what addresses are left to be covered. Mr. Coyle reviewed the housing needs included in the housing needs assessment. Towns need to reach out while these grant funds are available.

COUNTY TREASURER – AMY DAVIES

Action Item(s) To Be Reported

1. AMENDING RESOLUTION NO. 2012-30 & RESOLUTION NO. 2020-125

WHEREAS, Resolution No. 2012-30 established the date for the annual auction of properties acquired by the County pursuant to Real Property Tax Law Article 11 as the fourth Thursday of July at 6:00 p.m.; and

WHEREAS, Resolution No. 2020-125 amended said Resolution by establishing July 22, 2021 as the new auction date relative to properties acquired by the County for unpaid 2018 Town and County taxes thereby eliminating a 2020 tax auction; and

WHEREAS, in December, 2020, Governor Cuomo signed into law the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020. Shortly thereafter, in March 2021, the COVID-19 Emergency Protect Our Small Businesses Act of 2021 became law. Together, these laws extend various protections to homeowners and business owners who have incurred economic hardship as a result of the COVID-19 pandemic; and

WHEREAS, the County's tax foreclosure process has been significantly impacted by these new laws; now, therefore, be it

RESOLVED, that the auction date for properties acquired by the County via the tax foreclosure process for unpaid 2018 and 2019 Town and County taxes shall now be August 19, 2021 at 6:00 p.m. The annual auction date for all subsequent tax years shall remain the fourth Thursday of July at 6:00 p.m.; and be it further

RESOLVED, that Resolution No. 2012-30 and Resolution No. 2020-125 are hereby amended accordingly.

Ms. Davies explained that we will be moving the auction date this year only.

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

Ms. Davies reported that she did send an updated foreclosure list today.

ADJOURNMENT

Mr. Mahus moved and Mr. Wadsworth seconded to adjourn the meeting at 2:03 p.m.

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