

**REGULAR BOARD MEETING  
WEDNESDAY, MAY 26, 2021  
1:30 P.M.**

**ROLL CALL**

The roll was called showing all members present except Mr. Carman (Groveland) and Mr. DiPasquale (Mt. Morris).

**PLEDGE OF ALLEGIANCE**

Springwater Supervisor Deborah Babbitt Henry led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Minutes of 5/12/21 Regular Meeting were approved as presented.

**PUBLIC HEARING**

**1. CONSIDER PUBLIC COMMENT ON THE COUNTY'S PROPOSAL TO SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL (SUPPORTING SMALL BUSINESSES TO PREVENT, PREPARE FOR, AND RESPOND TO COVID-19)**

Chairman LeFeber asked the Deputy Developer Maureen Wheeler to comment on the public hearing. Ms. Wheeler provided information to the public regarding the State Community Development Block Grant Program made available under the Coronavirus Aid Relief and Economic Security Act and to consider comments regarding the proposed application for such funds being requested for submittal by Livingston County. Ms. Wheeler reviewed the proposed application in the amount of \$1,000,000 that would provide grants to assist local businesses impacted by the Covid19 Pandemic.

Chairman LeFeber declared the Public Hearing open and asked if any Supervisor wished to comment.

Supervisor comments:

Caledonia Supervisor Dan Pangrazio questioned how many businesses will be supported and Ms. Wheeler explained that the estimate is thirty.

The Chairman asked if anyone present from the public or participating on the Zoom call would like to comment. No one wished to speak.

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

**COMMUNICATIONS**

1. The next Conversation with the County will be held on June 16, 2021--7:00 p.m. at the Lima Town Hall, 7329 East Main Street, Lima.
2. The Livingston County Historical Society Ribbon Cutting is today at 2:30 p.m.-30 Center St., Geneseo.
3. Teen Recognition is tonight at 7:30 p.m. at the Vintage Drive In-1520 W. Henrietta Rd., East Avon.

**ABSTRACT OF CLAIMS**

**RESOLUTION NO. 2021-176 APPROVING ABSTRACT OF CLAIMS #5B-MAY 26, 2021**

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

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.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**UNFINISHED BUSINESS**

**RESOLUTION NO. 2021-177 AMENDING A PORTION OF RESOLUTION 2020-329**

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

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE**

**RESOLUTION NO. 2021-178      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

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

**PREFERRED AGENDA VOTE**

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

Motion made by Mr. Pangrazio and seconded by Mr. Wadsworth to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE**

*County Administrator/Budget Officer*

**RESOLUTION NO. 2021-179      AMENDING 2021 LIVINGSTON COUNTY BUDGET-HIGHWAY (7) & OFFICE FOR THE AGING (2)**

Mr. Pangrazio 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, which have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**RESOLUTION NO. 2021-180      AUTHORIZING TRANSFER OF FUNDS-DEPARTMENT OF SOCIAL SERVICES**

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

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.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**RESOLUTION NO. 2021-181 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR FEDERAL FUNDING CONSULTANCY SERVICES: BONADIO & CO., LLP**

Mr. Pangrazio presented the following resolution and moved its adoption: 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>
<b>Bonadio &amp; Co., LLP</b>	5/26/21-12/31/25	Per Fee Schedule
171 Sully's Trail		
Pittsford, NY 14534		

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

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

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

*County Treasurer*

**RESOLUTION NO. 2021-182 AMENDING RESOLUTION NO. 2012-30 & RESOLUTION NO. 2020-125**

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

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.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

*Other*

**RESOLUTION NO. 2021-183 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**

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

WHEREAS, Helios Energy New York 15 LLC (the "Owner") has submitted a Notice of Intent to the County 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 County has not opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487 (9)(a), the County 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 County 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 the 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 County 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 following the Owner’s filing of the Real Property Tax Exemption form with the Town Assessor and shall end the fifteenth fiscal year following the fiscal year the exemption first became effective. 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 Agreement, according to the term(s) designated, subject to review by the County Attorney and County Administrator.

Dated at Geneseo, New York  
May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**RESOLUTION NO. 2021-184 AMENDING RESOLUTION NO. 2017-238 APPROVING LIVINGSTON COUNTY INFRASTRUCTURE CAPITAL GRANT – LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

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

WHEREAS, Resolution No. 2017-238 approved the Livingston County Industrial Development Agency’s (“LCIDA”) Infrastructure Capital Grant application in the amount of \$750,000.00 for providing water service connections in the Town of York; and

WHEREAS, at the time of award it was expected that the County would be reimbursed \$500,000 through other grant funding thereby resulting in a \$250,000 final contribution from the County Infrastructure Fund; and

WHEREAS, the proposed project at the time of award included waterline installation along Anderson Road and Telephone Road in the Town of York, which would serve 21 new users, and was based on Growmark F.S., an agribusiness that supports many of our area farms, requiring public water service to move ahead with a planned expansion project costing between \$8-\$10 million that could add between 12-16 jobs to the company's current staffing level of sixteen (16) employees; and

WHEREAS, since the LCIDA application was granted, the Town of York has completed work on the Anderson Road portion of the project via a USDA Rural Development grant leaving the remaining work to be completed on Telephone Road further westward to McPherson Road; and

WHEREAS, accordingly, the LCIDA's project has been downsized to providing water service connections from the corner of Route 36 westward approximately 6,250 linear feet on Telephone Road. The reduced scope of work entails \$362,000 in overall expense with a future reimbursement of \$250,000 from an award secured by Senator Gallivan; and

WHEREAS, due to the project's reduced scope of work and the additional funding secured by Senator Gallivan, the overall funding contribution from the County Infrastructure Capital Fund can now be decreased to \$112,000; and

WHEREAS, since the LCIDA application was granted, the Growmark F.S. project was also downsized to reflect an overall project cost of \$3,640,000. The completed project increased the facility's available fertilizer capacity from 800 tons to 5,000 tons. Instead of opting to expand the Batavia location, Growmark F.S. chose this investment to grow its facility in the Town of York providing great benefit to the County's local farming community; and

WHEREAS, due to the modifications in the Growmark F.S. project, the projected job component for the project was reduced. Specifically, the existing staffing level of twelve (12) full-time and six (6) part-time employees was increased by one (1) full-time and two (2) part-time employees; and

WHEREAS, the economic impact analysis of the Growmark F.S. project shows the company is a huge asset to the County providing an annual benefit to the State and Region of \$2,924,000; and

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

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

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**RESOLUTION NO. 2021-185 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**

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

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.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

**RESOLUTION NO. 2021-186 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE U.S. DEPARTMENT OF TREASURY CORONAVIRUS LOCAL RECOVERY FUND AWARD TERMS AND CONDITIONS**

Mr. Pangrazio announced that this resolution was not presented at a Ways and Means Committee meeting; however, all Committee members present have signed the resolution.

WHEREAS, the American Rescue Plan Act of 2021 provides \$350 billion in emergency funding for eligible state, local, territorial and tribal governments; and

WHEREAS, Livingston County is eligible to receive approximately \$12,297,147.00 in Coronavirus Local Fiscal Recovery Funds from the U.S. Department of the Treasury; and

WHEREAS, the County was required to apply for these funds and adhere to the terms and conditions of the U.S. Department of the Treasury's funding award; now, therefore, be it

RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions and any additional documents that may become necessary for the receipt of all awarded funds; and be it further

RESOLVED that the Livingston County Treasurer is hereby authorized to accept all awarded funds from the U.S. Department of the Treasury.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

*Personnel*

**RESOLUTION NO. 2021-187 BOARD RESOLUTION TO AMEND AND RESTATE THE PLAN DOCUMENT FOR THE COUNTY OF LIVINGSTON 457 PLAN**

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

WHEREAS, Pursuant to Section 5 of the New York State Finance Law and the regulations of the New York State Deferred Compensation Board, the New York State Deferred Compensation Board (the "NYSDC Board") previously promulgated a Model Deferred Compensation Plan for adoption by local employers (the "Model Plan"); and

WHEREAS, Livingston County adopted and currently administers the Model Plan, which is known as the Deferred Compensation Plan for Employees of the County of Livingston; and

WHEREAS, effective December 11, 2020, the NYSDC Board amended the Model Plan to adopt various provisions including:

- Provisions related to the Setting Every Community Up for Retirement Enhancement Act of 2019 (the SECURE Act), which extended the required start date for Required Minimum Distributions (RMD) to begin at the age of 72, changed the RMD rules for beneficiaries, created new categories of beneficiaries, allowed plan sponsors to reduce the in-service distribution age from 70 ½ to as low as 59 ½, and allowed for in-service withdrawals for the birth or adoption of a child up to \$5,000;
- Provisions related to the Coronavirus Aid, Relief, and Economic Security Act of 2020 (the CARES Act), which waived RMDs for the 2020 calendar year, 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 permitted deferment of plan loan repayments for qualified individuals for a period of one year; and

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

WHEREAS, upon due deliberation, the County of Livingston Deferred Compensation Committee recommends 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 NYSDC Board's amended Model Plan and Schedules A and B; now, therefore, be it

RESOLVED, that the Livingston County 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.

Dated at Geneseo, New York

May 26, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

### **CLOSE PUBLIC HEARING**

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

The Chairman declared the public hearing closed.

### **RESOLUTIONS CONT.**

#### **RESOLUTION NO. 2021-188 AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

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

WHEREAS, the New York State Office of Community Renewal (the "OCR") has announced availability of funding under the NYS Community Development Block Grant COVID-19 Response (CDBG-CV) program to provide grants to support small businesses to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the Livingston County Development Corporation (the "LCDC") has requested that the County apply for and provide the OCR funding to the LCDC as a grant for the purpose of making grants to small businesses; and

WHEREAS, the Project will result in substantial benefit to the County in the form of the retention and expansion of small businesses and the creation of jobs; and

WHEREAS, the County has held a public hearing on May 26, 2021 to obtain citizens' views regarding the CDBG program as administered by OCR; now, therefore, be it

RESOLVED, that the Chairman is hereby authorized to submit a grant application on behalf of the County in an amount not to exceed \$1,000,000 to the OCR to support a Small Business COVID-19 Response Program; and be it further

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

RESOLVED, that the Chairman is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Small Business COVID-19 Response Program.

Dated at Geneseo, New York

May 26, 2021

Public Services Committee

The roll was called as follows: Ayes-1,816; Noes-0; Absent-Carman, 498; DiPasquale, 144; Total 193; Adopted.

### **OTHER BUSINESS**

County Administrator Updates-The resolution passed today is essentially accepting the money and carrying forward any endeavors we have related to the ARP money. We have received the first 50% in the amount of \$6.1 Million, in hand and it is earning interest in the interim while we wait to see how we can access it. Michele will be sending a

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notice to the Supervisors asking for attendance at the Public Services Committee meeting next week for the strategic planning discussion on the agenda in lieu of a separate meeting. Mr. Coyle offered congratulations for the MLREMS EMS award recipients for Livingston County-Rob Sparks-MLREMS ALS Provider Tech of the Year and Livingston County EMS as a whole was named Agency of the Year.

### **ADJOURNMENT**

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, June 9, 2021 at 1:30 p.m. Carried.

The Board adjourned at 1:49 p.m.