



MINUTES

Ways and Means Committee Meeting

1:30 PM - Monday, June 10, 2019
Board of Supervisors Assembly Room

The Ways and Means Committee of the Livingston County was called to order on Monday, June 10, 2019, at 1:30 PM, in the Board of Supervisors Assembly Room, with the following members present:

PRESENT: Supervisor Daniel Pangrazio, Supervisor Dwight Knapp, Supervisor David Fanaro, Supervisor Eric Gott, Chairman of the Board David LeFeber, Supervisor William Wadsworth, and Supervisor Dennis Mahus, Supervisor Brenda Donohue, Supervisor Michael Falk, County Administrator Ian Coyle, Deputy Co. Adm. Angela Ellis, Deputy Co. Adm. Bill Mann, County Attorney Shannon Hillier, and Grants & Public Information Coordinator Julie Barry

ABSENT:

PLEDGE OF ALLEGIANCE

Ways & Means Chair Dan Pangrazio asked Geneseo Supervisor Will Wadsworth to lead the Pledge of Allegiance.

1. PERSONNEL ISSUES - JENNIFER RODRIGUEZ & TISH LYNN

ACTION ITEM(S) TO BE REPORTED

1. AMENDING THE 2019 LIVINGSTON COUNTY SALARY SCHEDULE: DEPARTMENT OF HEALTH

RESOLVED, that the 2019 Livingston County Salary Schedule is amended as follows:

Department of Health

- Create one full-time Clinical Aide position at Wage Grade 4 per CSEA contract effective 6/13/2019.

Ms. Rodriguez explained that the position was formerly entitled medical typist and the duties were realigned to a clinical aide with a new hire rate of \$13.82.

David Fanaro made a motion and Dennis Mahus seconded to approve the foregoing resolution. Carried.

2. AMENDING THE 2019 LIVINGSTON COUNTY SALARY SCHEDULE: OFFICE FOR THE AGING, DEPARTMENT OF HEALTH, DEPARTMENT OF SOCIAL SERVICES, ECONOMIC DEVELOPMENT, COUNTY HISTORIAN, PUBLIC DEFENDER

RESOLVED, that the vacant positions shown on the attachment to this resolution are hereby removed from the 2019 Livingston County Salary Schedule.

Ms. Lynn explained that this is the annual clean up resolution deleting positions that have been vacant for some time.

Eric Gott made a motion and Dwight Knapp seconded to approve the foregoing resolution. Carried.

2. COUNTY ATTORNEY - SHANNON HILLIER

ACTION ITEM(S) TO BE REPORTED

1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: NAPOLI SHKOLNIK PLLC

WHEREAS, since 2014, the Department of Justice has been investigating generic pharmaceutical price fixing and market allocation agreements. The investigation has grown to now include at least sixteen (16) companies and over three hundred (300) drugs, including numerous generic pharmaceutical products, including doxycycline, an antibiotic, and glyburide, a treatment for diabetes; and

WHEREAS, in the wake of the federal investigation, the states attorneys' general of forty-eight (48) states brought a civil action alleging price fixing, market division, and other antitrust violations by twenty (20) defendant pharmaceutical companies related to fifteen (15) generic prescription drugs; and

WHEREAS, many, if not the majority of counties in New York State, including Livingston County, "self insure", meaning that they themselves pay the costs of workers compensation, health insurance and pharmaceuticals for their employees, dependents, and retirees; and

WHEREAS, because Livingston County directly purchases, indirectly reimburses for, or otherwise pays for the generic drugs at issue, Livingston County should join the legal action many counties are now contemplating; now, therefore, be it

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(s) designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>	<u>Local Share</u>	<u>Budgeted?</u>
Napoli Shkolnik, PLLC 400 Broadhollow Road, Suite 305 Melville, New York 11747	TBD	Contingency Fee	0%	No
For: Commencement of civil litigation on behalf of the County against pharmaceutical companies and other persons involved in price fixing, market division and other antitrust violations which has driven up the prices of generic pharmaceuticals.				
Funding Source: N/A				

Ms. Hillier reviewed the potential litigation that the County could bring on pharmaceutical manufacturers. These manufacturers are getting together to decide how they are going to share the market and share consumers so they can price fix by tripling and quadrupling the cost of generic drugs. This impacts us because we are self-insured. She is asking if the County wants to be a part of this action. This is the same firm that represents us in the opioid litigation.

William Wadsworth made a motion and Eric Gott seconded to approve the foregoing resolution. Carried.

2. **AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT(S) FOR LIVINGSTON COUNTY: NAPOLI SHKOLNIK, PLLC**

WHEREAS, pursuant to New York State law, telecommunications companies are required to collect a 911 surcharge from their customers and remit such funds collected to the appropriate county; and

WHEREAS, it has been reported that some counties may not have received the amount due from the telecommunications companies either due to their failure to collect the surcharge and/or their failure to remit such 911 surcharges to the counties; and

WHEREAS, Napoli Shkolnik, PLLC represents several municipalities across New York State and other states regarding collection and remittance of 911 surcharges by various telecommunications companies; and now, therefore, be it

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(s) designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>	<u>Local Share</u>	<u>Budgeted?</u>
Napoli Shkolnik, PLLC 400 Broadhollow Road, Suite 305 Melville, New York 11747	TBD	Contingency Fee	0%	No
For: Commencement of civil litigation on behalf of the County against telecommunications companies for failure to properly bill, collect and/or remit 911 charges as required by law.				
Funding Source: N/A				

Mrs. Hillier explained that the same firm is going to be commencing litigation to sue certain telecommunication providers for either not collecting the E911 surcharge or collecting it and not properly dispersing it to the counties.

David Fanaro made a motion and Eric Gott seconded to approve the foregoing resolution. Carried.

3. **COUNTY TREASURER - AMY DAVIES**

PRE-APPROVED INFORMATIONAL ITEM(S) TO BE REPORTED

1. **BONADIO AUDIT REPORT - RANDY SHEPARD**

Mrs. Davies introduced Randy Shepard, who is a partner and is in charge of our audit. Mr. Bonadio reviewed the 2018 Audit for the County. One new addition to the required communications letter is other post employment benefits-GASB75, which hits this year. GASB75 impact to Livingston County was a \$70M additional liability and the piece to the CNR was a \$20M additional liability.

2. Foreclosure Update

Mrs. Davies reported that we are down to 93 parcels. This is still significantly higher than years past. Her staff has started making phone calls. The Auction is July 25 at 6 p.m. at the Highway garage.

ACTION ITEM(S) TO BE REPORTED

1. RESOLUTION OPPOSING A PORTION OF PROPOSED LEGISLATIVE BILLS S4676A/A4863 CHANGING THE ORDER IN WHICH MULTIPLE TAX LIENS ARE TO BE REDEEMED

WHEREAS, since the adoption of the Uniform Delinquent Tax Act in 1995, the County of Livingston, New York (the "County") enforces real property taxes pursuant to Article 11 of the New York State Real Property Tax Law ("Article 11"); and

WHEREAS, under Article 11, the County is responsible for enforcing school, village, town and county taxes on all parcels within its boundaries; and

WHEREAS, the County is responsible for guaranteeing town, school and village taxes; and

WHEREAS, for the year 2019, the County enforces taxes on approximately 29,266 parcels having a total taxable assessed value of approximately \$3,702,100,524 and a total tax amount of approximately \$57,151,875; and

WHEREAS, enforcement of taxes under the current Article 11 has resulted in the vast majority of the parcels in the County being paid by the redemption date; and

WHEREAS, legislative bills S4676A/A4863 (the "Bill") have been introduced proposing to amend Article 11; and

WHEREAS, the Bill proposes to amend Article 11, Section 1112(1), by changing the order in which a tax lien must be redeemed when the County holds more than one tax lien; and

WHEREAS, Article 11, Section 1112(1), currently provides that multiple tax liens must be paid in reverse chronological order. In other words, the most recent lien must be redeemed first; and

WHEREAS, the Bill proposes to amend Article 11 so that tax liens must be paid in chronological order. In other words, the oldest tax lien must be paid first; and

WHEREAS, the Bill as proposed will have detrimental effects on both tax payers and the municipality collecting taxes; and

WHEREAS, the purpose for requiring that tax liens be paid in reverse chronological order is that pursuant to Article 11, Section 1123, the County cannot file its lis pendens to enforce the taxes until twenty-one months after the lien date; and

WHEREAS, this requirement of a two-year cycle combined with the Bill's change allowing the oldest tax lien to be paid first may result in taxpayers always being a year in delinquency; and

WHEREAS, the Bill would result in the County's inability to enforce the most recent tax lien; and

WHEREAS, the Bill would further result in the County expending additional resources to manage the increased number of delinquent parcels; and

WHEREAS, permitting taxpayers to be a year in arrears would be unfair to the taxpayers

who timely pay their taxes; and

WHEREAS, the Ways and Means Committee recommend adoption of this resolution; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors opposes the Bill to the extent that it changes the order in which multiple tax liens are to be redeemed; and further resolved

RESOLVED, that the Clerk of the Board of Supervisors shall forward certified copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senator Patrick Gallivan, Speaker of the New York State Assembly Carl Heastie, Assemblywoman Marjorie Byrnes, Inter County Association of Western New York and New York State Association of Counties, County School Superintendents, County Village Mayors and the New York State Association of Counties.

Mrs. Davies is asking that the Board do a resolution against this change to the tax foreclosure process. This is the opposite of what we have been doing for the last several years.

Dwight Knapp made a motion and Eric Gott seconded to approve the foregoing resolution. Carried.

4. REAL PROPERTY TAX SERVICES - BILL FULLER

ACTION ITEM(S) TO BE REPORTED

1. CORRECTING TAX ROLL - SUPREME COURT SETTLEMENT FOR THE TOWN OF NORTH DANSVILLE

WHEREAS, the Director of the Real Property Tax Services has transmitted a written report of his recommendation with regard to one (1 parcel/2 years) for correction of the tax rolls, pursuant to the Real Property Tax Law, for the Town of North Dansville on the tax roll for the years hereinafter set forth, and

WHEREAS, said parcel was incorrectly assessed and/or taxed for reasons set forth in the Supreme Court decision a correction is requested from the Director of Real Property Tax Services attached hereto, now therefore, be it

RESOLVED, that the Director of Real Property Tax Services is authorized and directed to forward a copy of this resolution to the officer having jurisdiction of the tax rolls so that the rolls can be corrected; and be it further

RESOLVED, that the County Treasurer and/or Town Tax Collector is hereby authorized to make the tax roll corrections. The County Treasurer is authorized to issue refunds and/or make the appropriate chargebacks as hereinafter set forth by the Supreme Court decision.

Mr. Fuller explained that this is pursuant to a court order. This is a \$7,455.50 county impact.

Eric Gott made a motion and William Wadsworth seconded to approve the foregoing resolution. Carried.

2. CORRECTING TAX ROLL - TOWN OF LIVONIA

WHEREAS, the Director of Real Property Tax Services has transmitted a written report of his investigation and recommendation with regard to one (1 parcel) application for correction of the tax roll, pursuant to the Real Property Tax Law, as prepared for the Town of Livonia on the tax roll for the years hereinafter set forth, and

WHEREAS, said parcel was incorrectly assessed and/or taxed for reasons set forth in the application for correction requested from the Director of Real Property Tax Services attached hereto, now, therefore, be it

RESOLVED, that the Director of Real Property Tax Services is authorized and directed to forward a copy of this resolution to the officer(s) having jurisdiction of the tax roll so that the roll(s) can be corrected; and be it further

RESOLVED, that the County Treasurer and/or Town Tax Collector is hereby authorized to make tax roll corrections and forward the corrected tax bill. The County Treasurer is authorized to issue refunds and/or make the appropriate chargebacks as hereinafter set forth for the application.

Mr. Fuller explained that this parcel coded with an unpaid sewer relevy surcharge on the town and county tax bill. Payment was accepted after the relevy was sent to the County.

David LeFeber made a motion and Eric Gott seconded to approve the foregoing resolution. Carried.

5. OTHER - DAN PANGRAZIO

PRE-APPROVED INFORMATIONAL ITEM(S) TO BE REPORTED

1. DISCUSSION ON ADOPTING A RESOLUTION IN OPPOSITION TO MAKE NEW YORK STATE A SANCTUARY STATE

WHEREAS, the County of Livingston values the social, cultural and economic contributions that have been made by immigrants for the benefit of the County; and

WHEREAS, the County of Livingston strives to ensure equal protection of human rights for all residents, workers and visitors; and

WHEREAS, the Livingston County Board of Supervisors supports legislation that is intended to keep all citizens safe; and

WHEREAS, making New York State a sanctuary state would promote crime and jeopardize our citizens and law enforcement; and

WHEREAS, making New York State a sanctuary state will impose costs on citizens and legal immigrants that they should not have to bear; and

WHEREAS, the tax dollars that ought properly to benefit the people who paid them, go instead to underwrite hospital, police, prison, and education services for those who are here illegally; and

WHEREAS, making New York State a sanctuary state will only facilitate and encourage illegal immigration, creating an unfair immigration process for legal immigrants who follow the law; and

WHEREAS, the County of Livingston opposes any legislation that prevents or hinders the enforcement of federal immigration law; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby opposes the Sanctuary

State bill, and be it further

RESOLVED, that the County of Livingston shall forward copies of this Resolution to the Governor of the State of New York Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senator Patrick Gallivan, Speaker of the New York State Assembly Carl Heastie, Assemblywoman Marjorie Byrnes, Inter County Association of Western New York and New York State Association of Counties.

Mr. Pangrazio explained that he received emails from some supervisors to adopt opposing that we are a sanctuary state. Ms. Hillier explained that federal funding may be shut off if we oppose becoming a sanctuary state. This would impact some of our departments that get federal funding, for example, the IGT funds received by the nursing home. Mr. Pangrazio questioned bringing this up at a future Ways and Means meeting and directed Ms. Hillier to research local action by the towns and villages. The County receives more federal funds than towns and villages. There was discussion on the difference between slavery and illegal aliens.

6. COUNTY AUDITOR - TERRY DONEGAN

ACTION ITEM(S) TO BE REPORTED

1. AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: SELF FUNDING, INC.

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(s), according to the term(s) designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>	<u>Local Share</u>	<u>Budgeted?</u>
Self Funding, Inc. 217 West Main Street Rochester, New York 14614	6/12/19- 6/11/22	\$24,000.00	100%	Yes
For: Workers Compensation Consulting Services				
Funding Source: Workers Compensation Fund				

Mr. Donegan explained that this is a renewal of the contract. This is an extra set of eyes on our workers comp program that came up with the assessment formula and history factor that determine what each town pays for workers comp. Mr. Donegan reviewed some new services that have been added to the contract. Mr. Coyle explained that Self Funding is a great group to work with and he recommends the renewal.

David Fanaro made a motion and Eric Gott seconded to approve the foregoing resolution. Carried.

7. COUNTY ADMINISTRATOR - IAN COYLE

ACTION ITEM(S) TO BE REPORTED

1. APPROVING ABSTRACT OF CLAIMS #5B-MAY 29, 2019

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #5B dated May 29, 2019 in the total amount of \$4,657,020.51.

Mr. Donegan explained that this was the last Abstract sent out on the old system. The next resolution is the first abstract in the new ERP system.

William Wadsworth made a motion and David LeFeber seconded to approve the foregoing resolution. Carried.

2. APPROVING ABSTRACT OF CLAIMS #6A-JUNE 12, 2019

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #6A dated June 12, 2019 in the total amount of \$822,881.65.

Dwight Knapp made a motion and Dennis Mahus seconded to approve the foregoing resolution. Carried.

3. AUTHORIZING TRANSFER OF FUNDS - OFFICE FOR THE AGING

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

This transfer will be pushed off to the next meeting so that the back up can be included.

4. AMENDING 2019 LIVINGSTON COUNTY BUDGET - DEPARTMENT OF HEALTH & SHERIFF'S OFFICE

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.

Dwight Knapp made a motion and Dennis Mahus seconded to approve the foregoing resolution. Carried.

5. DIRECTING THE COUNTY ATTORNEY'S OFFICE TO DRAFT LEGISLATION TO ALLOW LIVINGSTON COUNTY TO IMPOSE AN ADDITIONAL MORTGAGE RECORDING TAX IN LIVINGSTON COUNTY

WHEREAS, the imposition of an additional mortgage recording tax shall be in addition to the taxes imposed by Section 253 of the Tax Law; and

WHEREAS, the additional funds received will assist the County in covering New York State mandated costs; and

WHEREAS, Livingston County seeks legislation that would allow the County to impose an additional mortgage recording tax of twenty-five cents (\$0.25) per hundred; and

WHEREAS, the Livingston County Board of Supervisors recognize that our State Senate and Assembly representatives will write the legislation necessary to allow Livingston

County to impose an additional mortgage recording tax in Livingston County; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors directs the County Attorney's office to work with our State Senate and Assembly representatives to draft legislation to impose an additional mortgage recording tax in Livingston County; and be it further

RESOLVED, that in so far as the State is willing and able to do so, the proposed legislation should incorporate the following: Impose an additional mortgage recording tax of up to twenty-five cents (\$0.25) per hundred.

Mr. Coyle reviewed the history and background since 2009 on the County's attempt to get an increase to the mortgage recording tax and the types of taxes that required a allowance to proceed. We now have both the Assembly and the Senate with the same bill introduced to finally do this measure for additional revenue. It would still need to pass both houses and be signed by the Governor. This means approximately \$300K-\$400K in additional revenue to the County. Today's action is our request to allow us to proceed. Historically, a lot of things get pushed through in the last seven days of legislation.

Dennis Mahus made a motion and Eric Gott seconded to approve the foregoing resolution. Carried.

PRE-APPROVED INFORMATIONAL ITEM(S) TO BE REPORTED

1. ADMINISTRATION & FINANCIAL UPDATES:

1. The Director of Real Property Tax Services-Bill Fuller is one of the positions that has a state term and his term is up in September. Mr. Coyle will be supporting reappointment at an upcoming meeting.
 2. Land Bank Update-The Land Bank has a meeting next week and are actively pursuing a property in Springwater that may have a catch on some inspection stuff.
 3. Introduction of Julie Barry, Grants and Public Information Coordinator. This is Julie's first day. Julie comes from Erie County and has ties to the Finger Lakes area.
 4. Sales Tax Update-The draw is up 7% over last year same time.
 5. ERP Update-Last week was the go live event for the new software. We are working through the challenges.
 6. CFAs are due in July.
 7. Excellus is the best RFP respondent so far for TPA for the County Health Insurance.
2. Mt. Morris PILOT Request - Mr. Coyle explained that Mr. DiPasquale has requested that the Committee consider payment in lieu of taxes for the Mt. Morris parcel that the County purchased last week for the Sheriff Training Complex area. The County does not pay a PILOT for any County buildings. There is a public benefit to the establishment of these training grounds.

8. ADJOURNMENT

Dennis Mahus made a motion and Eric Gott seconded to adjourn the meeting at 2:19 p.m. Carried.