

REGULAR BOARD MEETING
WEDNESDAY, JUNE 24, 2020
1:30 P.M.

ROLL CALL

The roll was called showing all members present except Mr. Wadsworth (Geneseo)-entered after roll was called; Mr. DiPasquale (Mt. Morris), Mr. Mahus (N. Dansville) and Mr. Davis (Portage).

PLEDGE OF ALLEGIANCE

York Supervisor Gerald Deming led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes of 6/4/20 Special Meeting were approved as presented.
Minutes of 6/10/20 Regular Meeting were approved as presented.

COMMUNICATIONS

1. Receipt of SEQR Notice of Intent to act a lead agency from Town of Portage for proposed local law entitled "Regulating Solar Energy Systems".
2. Receipt of notice regarding Town of York Planning Board meeting and Public Hearing for proposed SolarPark Energy Community Solar Farm.
3. Receipt of Acknowledgement letter from the New York State Department of Taxation and Finance for Resolution No. 2020-122 extending the County's additional one percent rate of sales and compensating use taxes for 12/1/20-11/30/23.
4. Thank you note from Andrea Bailey.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2020-133 APPROVING ABSTRACT OF CLAIMS #6B-JUNE 24, 2020

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #6B dated June 24, 2020 in the total amount of \$1,579,872.42.

Dated at Geneseo, New York

June 24, 2020

Ways and Means Committee

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

Ways & Means Committee

RESOLUTION NO. 2020-134 DECLARING SURPLUS PROPERTY – EMERGENCY MEDICAL SERVICES

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:

Emergency Medical Services

Quantity	Year, Make & Model	Mileage/Hours	Serial #
1	2012 Chevrolet Tahoe	100,522	1GNSK2E04CR304754

Dated at Geneseo, New York

June 24, 2020

Ways and Means Committee

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350; Adopted.

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. Deming and seconded by Mr. Pangrazio to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2020-135 AMENDING 2020 LIVINGSTON COUNTY BUDGET-HIGHWAY (3) & OFFICE FOR THE AGING

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

June 24, 2020

Ways and Means Committee

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350; Adopted.

RESOLUTION NO. 2020-136 AUTHORIZING THE DEVELOPMENT AND IMPLEMENTATION OF AN EARLY RETIREMENT INCENTIVE

Mr. Pangrazio presented the following resolution and moved its adoption: WHEREAS, the County Administrator has recommended that the Board of Supervisors authorize an early retirement incentive program as a tool to reduce the 2021 County Budget; and

WHEREAS, the County Administrator has recommended that the early retirement incentive program be limited to the extent that there will be, in the aggregate, reduction of county appropriations from the County Budget associated with the early retirement(s) and any associated position savings; and

WHEREAS, the County Administrator has recommended that whenever possible, positions will not be refilled and/or positions will be eliminated; and

WHEREAS, participation in the early retirement program shall be restricted to those employees who are eligible to retire, as of the date of retirement, under the criteria established by the New York State and Local Retirement System; and

WHEREAS, participation in the early retirement program shall also be restricted to those employees who are 1) on the Department Head Salary Schedule OR 2) Members of a union that has consented via Memorandum of Agreement with the County to participate in this incentive, with union solicitation based on expected savings and at the discretion of the County Administrator; and

WHEREAS, an employee's participation in the early retirement incentive program shall be on a strictly voluntary basis, subject to approval by the County; and

WHEREAS, the Ways and Means Committee has recommended, and the County Administrator has concurred, that the incentive shall be a \$15,000.00 one-time payment to employees approved for participation in the incentive, with such payment being made on or about January 8, 2021, and this payment shall be subject to all applicable taxes; now, therefore, be it

RESOLVED, that the Board of Supervisors hereby authorizes:

1. The County Administrator to develop and implement an early retirement incentive program, as a tool to reduce the overall appropriations in the 2021 County Budget subject to the above noted parameters.
2. The commencement date of the retirement incentive election period shall begin on June 25, 2020.
3. An employee who wishes to participate in the early retirement incentive shall submit to the County Administrator a letter outlining his/her intention to retire no later than 12/31/2020. To be considered for the incentive, the letter must be received by the County Administrator no later than July 31, 2020.
4. Any employee who on or before June 23, 2020 has submitted a letter of intent to retire shall not be eligible for the early retirement incentive
5. To be potentially eligible for the above incentive, the employee must be a full-time employee.

Dated at Geneseo, New York

June 24, 2020

Ways and Means Committee

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350; Adopted.

RESOLUTION NO. 2020-137 AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF LIVINGSTON, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

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

WHEREAS, the County of Livingston, New York (hereinafter, the "County") heretofore issued \$5,775,000 Public Improvement (Serial) Bonds, 2007, pursuant to various bond resolutions to pay the cost of capital purposes, as further described in the bond determinations certificate of the County Treasurer dated May 15, 2007 (hereinafter referred to as the "2007 Bond Determinations Certificate"), such Public Improvement (Serial) Bonds, 2007, being dated May 15, 2007 with remaining maturities on May 15 in the years 2016 through 2027, both inclusive, as more fully described in the 2007 Bond Determinations Certificate (the "2007 Refunded Bonds"); and

WHEREAS, the County also heretofore issued \$22,000,000 Public Improvement (Serial) Bonds, 2009, pursuant to a bond resolution dated August 13, 2008 to pay the cost of the construction of a County jail, as further described in the bond determinations certificate of the County Treasurer dated July 15, 2009 (hereinafter referred to as the "2009 Bond Determinations Certificate"), such Public Improvement (Serial) Bonds, 2009, being dated July 15, 2009 with remaining maturities on July 15 in the years 2016 through 2024, both inclusive, as more fully described in the 2009 Bond Determinations Certificate (the "2009 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding callable principal balance of the 2007 Refunded Bonds and the 2009 Refunded Bonds (collectively, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Supervisors of the County of Livingston, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding callable principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$14,200,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$12,140,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R 16 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner

authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Treasurer. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book Entry Only system of DTC. In the event that either DTC shall discontinue the Book Entry Only system or the County shall terminate its participation in such Book Entry Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book Entry Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Treasurer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non certificated form.

The County Treasurer is hereby further delegated all powers of this Board of Supervisors with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds

shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the 2007 and 2009 Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Board of Supervisors recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The County Treasurer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the Board of Supervisors not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Livingston, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and

payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the County Treasurer shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the terms and conditions of such private sale the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Treasurer, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection thereof are hereby delegated to the County Treasurer.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official

newspaper of said County, together with a notice of the Clerk of the Board of Supervisors in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated at Geneseo, New York

March 23, 2016

Ways and Means Committee

The County Administrator explained that we are refinancing existing debt. There is an opportunity for a series of debts that we already have on the books to refinance to secure certain additional savings. There was a question at Ways and Means Committee on rates. The rate is unknown now, other than it is going to be better than we have but we won't know until we go to market. The latest estimate of dollars savings from our bond consultant and financial advisor was \$175,000-\$200,000.

2/3 Vote

The roll was called as follows: Ayes-1,694; Noes-0; Absent-DiPasquale, 142; Mahus, 176; Davis, 28; Total 346;

Adopted.

Other

RESOLUTION NO. 2020-138 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT EXTENSION FOR THE LIVINGSTON COUNTY CENTER FOR NURSING AND REHABILITATION: NYSID (BATES-TROY)

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

WHEREAS, Resolution No. 2015-138 authorized the original contract for linen services for the Livingston County Center for Nursing and Rehabilitation; and

WHEREAS, both parties are agreeable to a six month extension of the contract; now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign the following contract extension letter for the Livingston County Center for Nursing and Rehabilitation, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
NYSID (Bates-Troy)	7/1/20-12/31/20	Fee Schedule
11 Columbia Circle Drive	6 Month Extension of	
Albany, NY 12203	current agreement	

For: Commercial Linen Services

Dated at Geneseo, New York

June 24, 2020

Ways and Means Committee

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350;

Adopted.

RESOLUTION NO. 2020-139 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACTS FOR LIVINGSTON COUNTY EMERGENCY MEDICAL SERVICES: TOWN OF AVON, TOWN OF GROVELAND, TOWN OF LEICESTER, TOWN OF SPRINGWATER, TOWN OF YORK, VILLAGE OF AVON, VILLAGE OF LEICESTER

Mr. Pangrazio 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 Livingston County Emergency Medical Services, according to the terms designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Town of Avon	8/1/2020 - with an initial	\$0
23 Genesee Street	term of one (1) year.	
Avon, New York 14414	Automatic renewal annually	
	for additional one (1) year	
	terms unless terminated.	
Town of Groveland	8/1/2020 - with an initial	\$0
4955 Aten Road	term of one (1) year.	
Groveland, New York 14462	Automatic renewal annually	

Town of Leicester
 P.O. Box 197
 132 Main Street
 Leicester, New York 14481

for additional one (1) year terms unless terminated.
 8/1/2020 - with an initial term of one (1) year. \$0

Town of Springwater
 8022 S. Main Street
 Springwater, New York 14560

Automatic renewal annually for additional one (1) year terms unless terminated.
 8/1/2020 - with an initial term of one (1) year. \$0

Town of York
 2668 Main Street
 York, New York 14592

Automatic renewal annually for additional one (1) year terms unless terminated.
 8/1/2020 - with an initial term of one (1) year. \$0

Village of Avon
 74 Genesee Street
 Avon, New York 14414

Automatic renewal annually for additional one (1) year terms unless terminated.
 8/1/2020 - with an initial term of one (1) year. \$0

Village of Leicester
 P.O. Box 197
 Leicester, New York 14462

Automatic renewal annually for additional one (1) year terms unless terminated.
 8/1/2020 - with an initial term of one (1) year. \$0

Automatic renewal annually for additional one (1) year terms unless terminated.
 8/1/2020 - with an initial term of one (1) year. \$0

For: Emergency Medical Services
 Dated at Geneseo, New York
 June 24, 2020
 Ways and Means Committee

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350; Adopted.

RESOLUTION NO. 2020-140 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: ARC OF LIVINGSTON/WYOMING & NEW YORK STATE DEPARTMENT OF STATE

Mr. Pangrazio 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:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Arc of Livingston/Wyoming 18 Main Street Mt Morris, NY 14510	6/1/20-8/30/20	Up to \$9,600.00

For: Summer youth employment program for youth with disabilities

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
Temporary Assistance for Needy Families	\$0	Yes

New York State Department of State One Commerce Plaza 99 Washington Avenue	4/1/20-9/30/22	\$322,330.00
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Albany, NY 12231

For: CARES Act Funding

<i>Funding Source</i>	<i>Local Share</i>	<i>Budgeted?</i>
CARES Act	\$0	Yes

Dated at Geneseo, New York

June 24, 2020

Ways and Means Committee

The roll was called as follows: Ayes-1,659; Noes-0; Absent-DiPasquale, 144; Mahus, 177; Davis, 29; Total 350; Adopted.

OTHER BUSINESS

1. County Administrator Updates:

- Covid Cases-There are still 1-2 active cases with one new last week. There were a couple of staff at the nursing home which was concerning and caused us to do a whole batch of resident testing over the last 7-10 days and not one of those has come back positive.
- Phase 4-Looking like it will start this Friday. The elements are not what people thought they would be, which is generating a lot of calls and emails.
- Early Retirement Incentive-With approval today, Mr. Coyle will be reaching out to departments for any individuals interested. This will have a lot of budget, personnel and staffing elements that will then segue into the 2021 budget process which will begin before the Board meets again.
- Furlough employees are still in mix for another 3 weeks or so with stretches of time spanning 30-75 day windows. K&K Stripping property in Lima-There was a conference call today with DEC on the remedial plan. There is a cleanup plan, the State has some money and there is a leftover piece of the demo property with a chance that the Land Bank may get involved on the demo/remodel part. Then property will be returned to residential use when complete.
- Health insurance rates for the county should be in by July 4 for the next cycle beginning 10/1/20.

2. There was discussion regarding details from the region control room Phase 4 conference call held yesterday and specifically as it relates to Empire Dragway in Leicester, who cannot let spectators on the property. There are quite a few industries, i.e., malls, gyms, theaters, large gathering venues, that were not addressed under Phase 4. Mr. Coyle explained that he has been in contact with the Dragway, SUNY Geneseo, several wedding venues and schools for graduations. The specificity is not there on what is available and/or allowable. There was discussion on the lack of guidance and changing the rules last minute for these businesses. Chairman LeFeber explained that some of these questions were asked on the conference call yesterday with the state response being that they are looking at other states that opened earlier and had potential outbreaks and what New York could do differently to avoid hot spots or certain businesses or venues that facilitated the resurgence of the virus. There was discussion on the differences between upstate NY and downstate NY. The Control Room continues to comparing the drag strip to the US Open when there is no comparison. A comprehensive list of exactly what can't yet open was requested and what the dollar amount is for what we are losing in sales tax by delaying the reopening. Mr. Coyle explained that it is difficult to quantify that amount businesses a lot of our drivers are open but with restrictions. Livingston County is losing businesses. Mr. Coyle reviewed the business codes to help guide businesses on what they can start doing now and how that changes depending on the code used. Area schools are doing different things for graduations. Mr. Coyle reviewed the complaints that have come in about the Avon Flea Market. There was discussion on how the flea market is allowed to operate and the drag way strip is not. There was discussion on making a statement that Livingston County is open in Phase 4 starting Monday. The questions was raised, from a legal standpoint, if we are defined New York State, then NYMIR will have an excuse not to defend us if something happens.

The County Attorney Shannon Hillier that is accurate and restated that the Board of Supervisors does not have legal authority to override executive orders of the Governor. As legal counsel, she can't say the taking this kind of action is appropriate. If you have the Board act in a way that is not legal and then you have the public respond to that and have consequence to that, that is a big liability to County government. Another piece that is important to understand is that the state of emergency that the Governor has put in place can only legally be in place for a six months period and while

we are in that state of emergency, he is given emergency powers to issue the executive order. Once the state of emergency is gone, the executive orders are vacated. During all of this process back on March 3, emergency legislation was passed that made the emergency powers even larger. Prior to March all the Governor could do was take existing law and modify it, vacate it, suspend it and manipulate in ways that would help with the state of emergency. As of March 3 the State Legislature expanded that much larger so now the Governor is able to issue his own directives essentially creating his own law without having a balanced power with the legislature; becoming almost a dictatorship. Ms. Hillier believes the legislature is trying to undue that now. She saw a letter that the Assembly put together and issued to the Senate to have them all convene to issue a resolution to eliminate the power that the Governor has under these executive orders. If they are successful in doing that, all of this is going to be vacated and we will no longer be speaking about phases. The timeframe for this is uncertain. It is hoped that it will be sooner than later because the legislature begin to see that the Governor is usurping all of this power that was never intended and from the get go his power was meant to be temporary just to get us through the state of emergency. In looking at the metrics, particularly in update New York, the state of emergency has subsided and the power is inappropriate at this moment.

There was discussion on the towns taking action themselves to open up on their own instead of the County and see what happens.

The County Attorney explained that, while towns can do what they wish, they do not have the authority to make that decision and she discourages any kind of formal action. There was discussion on the enforcement and how the understanding was that the State Police were handling enforcement, but that has not been the case. Mr. Coyle explained that the State Police were receiving calls but said they were getting backed up. The Sheriff's Office is taking a soft, educate type approach in handling complaints.

Public Health Director Jennifer Rodriguez clarified that any DOH regulated facility is currently open, including Partyman Catering. Their permit has not changed; the Department simply authorized food permits and not covid response as far as anything that wouldn't have happened pre-covid, meaning if they are not wearing gloves or appropriate PPE and are a restaurant worker the DOH would address it regardless. The Department of Health does not regulate any of the Phase 4 businesses that are in question, including wedding venues, event centers and recreation facilities. As a local Health Department, they do not have authority. A restaurant establishment within the Avon Flea Market was addressed because, regardless or covid, they were out of compliance. Caterers can cater and do anything they wish to do, it's the guidance regarding mass gatherings of more than fifty people. The Department did submit letters to the schools stating their ceremony plans adhere to public health guidelines, including social distancing and the schools did utilize that letter to help get permission from the State Department of Education to hold their graduation ceremonies.

There was discussion on the County sending another letter requesting that the rest of the plan be completed so that everyone can see it for clarity. The businesses that have been and/or will be opening on their own regardless of the phases was discussed. There was also discussion on getting NYSAC involvement for a group from the region lobbying in Albany or having the Control Room delegates come to a meeting here that includes the other county representatives. The Board directed the County Administrator to contact Vinnie Esposito and Bob Duffy to attend a meeting in Livingston County.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Deming to adjourn until Wednesday, July 8, 2020 at 1:30 p.m. Carried.

The Board adjourned at 2:29 p.m.