

**REGULAR BOARD MEETING
WEDNESDAY, JULY 28, 2021
1:30 P.M.**

ROLL CALL

The roll was called showing all members present except Mr. Wadsworth (Geneseo), (Groveland), Mr. Fanaro (Leicester), Mr. DiPasquale (Mt. Morris), Mr. Davis (Portage) and Mrs. Babbitt Henry (Springwater).

PLEDGE OF ALLEGIANCE

The County Administrator introduced Joseph Gerard Eyer:

Joseph Gerard Eyer was born in Rochester, New York.

Joe enlisted in the United States Army on September 15, 1969 and completed his basic military training at Fort Benning, Georgia. He was stationed at General Support Group, United States Army Combat Development Command Experimentation Command in Fort Ord, California, General Support Group, Hunter Liggett Military Reservation in Jolon (Ho-Loan), California, and was forward deployed to Heidelberg, Germany.

Joe was initially military trained as a light vehicle, duty, and truck driver. While in Germany and serving a routine shift on KP (Kitchen Patrol) duty, Joe found a niche and excelled in the kitchen which led to his transfer working as a full time cook while overseas and through the remainder of his military service.

As a Vietnam Wartime Era veteran, Joseph Eyer was honorably discharged from Fort Dix, New Jersey as an E-4 Specialist on August 11, 1971 and remained on inactive Reserves until September 1975. For his military service, Specialist Eyer was awarded the National Defense Service Medal, Marksman Badge for M-14 on October 30, 1969 and also received the Sharpshooter Badge for M-16.

Upon completion of his military service, Joe worked for the City of Rochester and retired with over 30 years of service as a Caretaker within the city cemeteries. Having a green thumb, Joe likes to spend his time in retirement doing yard work at his residence in Piffard. Mr. Eyer has five children and two grandchildren. He had one son pass away this past December, and another son and his wife both serving as Majors in the United States Army. His son is currently on orders at the White House and retiring later this year.

Joseph Gerard Eyer, led the Pledge of Allegiance.

The County Administrator and Chairman LeFeber, on behalf of the Livingston County Board of Supervisors, presented a Certificate of Appreciation to Joseph Gerard Eyer. The audience presented a standing ovation.

APPROVAL OF MINUTES

Minutes of 7/14/21 Regular Meeting were approved as presented.

COMMUNICATIONS

1. The next Conversation with the County will be held on Tuesday, August 17, 2021--6:00 p.m. at Al Lorenz Park, Pavilion #3, Murray Hill Campus, Mt. Morris.

ABSTRACT OF CLAIMS

RESOLUTION NO. 2021-242 APPROVING ABSTRACT OF CLAIMS #7B-JULY 28, 2021

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

RESOLVED, that the Livingston County Board of Supervisors approves the Abstract of Claims #7B dated July 28, 2021 in the total amount of \$1,889,369.17.

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

UNFINISHED BUSINESS

RESOLUTION NO. 2021-243 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR LABOR AND EMPLOYMENT LEGAL SERVICES: HANCOCK ESTABROOK LLP

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 contract, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Hancock Estabrook, LLP	7/1/21-6/30/23	\$225.00/hour Partner
1800 AXA Tower I	w/1yr Renewal at	\$195.00/hour Associate
100 Madison Street	County's Option	\$115.00/hour Paralegal

Syracuse, New York 13202
For: Labor and Employment Legal Services

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

Dated at Geneseo, New York
July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,086; Noes-Gott, 242; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

PREFERRED AGENDA REQUIRING ONE ROLL CALL VOTE

RESOLUTION NO. 2021-244 PROVIDING FOR A PUBLIC HEARING TO 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 (SUPPORTIVE/ EMERGENCY HOUSING DEVELOPMENT FRAMEWORK PLAN AND IMPLEMENTATION)

Mr. Knapp announced that the following resolution was not presented at a Public Services Committee meeting; however, those Committee members present have signed the resolution.

RESOLVED, that the Livingston County Board of Supervisors hereby schedules a public hearing to be held on August 25, 2021 at 1:35 p.m. in the Board of Supervisors Assembly Room, Livingston County Government Center, 6 Court Street, Third Floor, Geneseo, New York, with the purpose of hearing public comments on the Livingston County's possible application submission to the NYS Community Development Block Grant funding for COVID-19 Response (CDBG-CV) in order to develop a framework plan and implementation steps for emergency/supportive housing to prevent, prepare for, and respond to COVID-19, and at least seven (7) days' notice shall be given by posting thereof on the County's website and by publishing such notice at least one (1) time in the official newspaper of the County as provided by law.

RESOLUTION NO. 2021-245 CALLING ON GOVERNOR CUOMO TO COMPLETE AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE RECONCILIATIONS THAT ARE YEARS OVERDUE AND IMMEDIATELY RELEASE THE FEDERAL FUNDS OWED TO COUNTIES AND NEW YORK CITY

WHEREAS, funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the state requires the counties and New York City to contribute \$7.6 billion annually to pay for the federal and state defined and controlled program; and

WHEREAS, the locally required share of Medicaid funding paid in New York is the highest of any state in the country; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, enhanced Medicaid matching share (eFMAP) under the federal Affordable Care Act has saved New York State billions of dollars; and

WHEREAS, under federal law, the state is required to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match; and

WHEREAS, the state has utilized a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue; and

WHEREAS, the balance of savings owed to counties is to be reconciled annually to ensure compliance with federal law and withheld savings are to be transferred to county budgets and local taxpayers; and

WHEREAS, the last completed reconciliation was for state fiscal year 2015-16; and

WHEREAS, reconciliations are now four years behind schedule, with more than \$800 million in federal funds being withheld from counties and New York City per New York State Association of Counties (NYSAC) estimates; and

WHEREAS, New York State's failure to provide these federal funds forces counties and New York City to reserve funds at the local level to make up for the loss, keeping local taxes higher over multiple years, or scale back or eliminate local services; and

WHEREAS, in the years leading up to the last completed eFMAP reconciliation, counties were provided an estimate of their coming year Medicaid costs by September, in time to incorporate these savings into their budgets, which ceased when regular reconciliations ended; now, therefore, be it

RESOLVED, that the Livingston County Board of Supervisors hereby urges Governor Cuomo to complete these unfinished reconciliations as soon as possible and to provide counties and New York City a full accounting of the federal funds owed, and to take immediate steps to release the funds to localities; and be it further

RESOLVED, that Governor Cuomo also review the New York State practice of providing timely notice to counties of coming year Medicaid costs so counties can budget those savings appropriately for local taxpayers and preserve highly desired quality of life services provided locally; and be it further

RESOLVED, that copies of this resolution be sent to all New York State counties encouraging member counties to enact similar resolutions; and be it further

RESOLVED, that the Clerk of the Livingston County Board of Supervisors shall forward copies of this resolution to Governor Andrew M. Cuomo, the New York State Legislature, the New York State Congressional Delegation, New York State Association of Counties and all others deemed necessary and proper.

Dated at Geneseo, New York

July 28, 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. Deming and seconded by Mr. Schuster to move the Preferred Agenda. Carried.

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

RESOLUTIONS REQUIRING A SEPARATE ROLL CALL VOTE

County Administrator/Budget Officer

RESOLUTION NO. 2021-246 AMENDING 2021 LIVINGSTON COUNTY BUDGET-BOARD OF ELECTIONS & SHERIFF'S OFFICE (3)

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 that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

RESOLUTION NO. 2021-247 AUTHORIZING TRANSFER OF FUNDS-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 transfers per the Budget Amendment entries that have been approved by the Livingston County Administrator.

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

RESOLUTION NO. 2021-248 AUTHORIZING THE CHAIRMAN OF THE LIVINGSTON COUNTY BOARD OF SUPERVISORS TO SIGN THE FOLLOWING CONTRACT FOR LIVINGSTON COUNTY: PIONEER LIBRARY SYSTEM

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 contract for Livingston County, and any future amendments to said contract, according to the term designated, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Pioneer Library System 2557 State Route 21 Canandaigua, NY 14424 For: Library Services	1/1/2021-12/31/2021	\$97,000.00

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

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

County Attorney

RESOLUTION NO. 2021-149 AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES: PHILLIPS LYTLE LLP

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 contract, subject to review by the County Attorney and County Administrator:

<u>Contractor</u>	<u>Term</u>	<u>Amount</u>
Phillips Lytle LLP One Canalside 125 Main Street Buffalo, New York 14203 For: Defending Child Victims Act cases recently commenced against Livingston County.	Upon signing retainer through disposition of the cases.	\$325.00-\$340.00 /hour Partner \$225.00/hour Associate \$190.00/hour Paralegal

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

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

Personnel

RESOLUTION NO. 2021-250 RATIFYING TENTATIVE COLLECTIVE BARGAINING AGREEMENT WITH THE CSEA PART-TIME/SEASONAL EMPLOYEES UNIT AND AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT

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

WHEREAS, the collective bargaining agreement between the CSEA Part-time/Seasonal Employees unit and Livingston County expired on December 31, 2020; and

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

WHEREAS, the CSEA Part-time/Seasonal Employees unit has ratified this tentative agreement; and

WHEREAS, the Ways & Means Committee recommends the ratification of this agreement by the County; now,

therefore, be it

RESOLVED, that the tentative agreement for a new collective bargaining agreement having a term of January 1, 2021 through December 31, 2022, a copy of which is attached hereto, is hereby ratified; and be it further

RESOLVED, that the Chairman of the Livingston County Board of Supervisors and the County Administrator are hereby authorized to execute a collective bargaining agreement consistent with the terms of the tentative agreement.

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

RESOLUTION NO. 2021-251 RATIFYING TENTATIVE COLLECTIVE BARGAINING AGREEMENT WITH THE NEW YORK STATE NURSES ASSOCIATION UNIT AND AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT

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

WHEREAS, the collective bargaining agreement between the New York State Nurses Association unit ("NYSNA") and Livingston County expired on June 30, 2019; and

WHEREAS, negotiations had to come to an end due to COVID-19. As a stop gap measure, a Memorandum of Agreement was executed on June 9, 2020, extending the existing collective bargaining agreement through December 31, 2020; and

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

WHEREAS, the NYSNA unit has ratified this tentative agreement July 14, 2021; and

WHEREAS, the Ways and Means Committee recommends the ratification of this agreement by the County; now, therefore, be it

RESOLVED, that the tentative agreement, commencing January 1, 2021 and expiring December 31, 2022, a copy of which is attached hereto, is hereby ratified; and, be it further

RESOLVED, that the Chairman of the Board of Supervisors and the County Administrator are hereby authorized to execute a collective bargaining agreement consistent with the terms of the tentative agreement.

Dated at Geneseo, New York

July 28, 2021

Ways and Means Committee

The roll was called as follows: Ayes-1,328; Noes-0; Absent-Wadsworth, 308; Groveland, 49; Fanaro, 72; DiPasquale, 144; Davis, 29; Babbitt Henry, 79; Total 681; Adopted.

OTHER BUSINESS

County Administrator Updates: Mr. Coyle reviewed the opioid settlement for New York State and explained that funding will eventually flow to counties. There are also two other claims that are currently in bankruptcy court. Mr. Coyle reviewed the CDC updated guidance on mask wearing. We did a press release today that Livingston County will not be mandating masks at this time. This morning Governor Cuomo announced that state workers will have to wear a mask. The 2022 budget has officially kicked off. We should have the first AARP forms from the Treasury this week. Ms. Erdle asked for any updates on uses for the ARPA funds at the town level and Mr. Coyle explained that revenue loss will be one option for towns.

ADJOURNMENT

Motion made by Mr. Pangrazio and seconded by Mr. Mahus to adjourn until Wednesday, August 11, 2021 at 1:30 p.m. Carried.

The Board adjourned at 1:49 p.m.